

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	31 The Crescent, Homebush LOT A DP 391764 DA2018.67.4
Proposal:	Section 4.55(1A) modification application to increase the height of the lift over-run by 600mm and revise material finishes including exposed slab to brick façade.
Applicant:	Urbanlink P/L
Owner:	Richard Nader
Date of lodgement:	27 April 2022
Notification period:	10 May 2022 – 24 May 2022
Submissions received:	Nil
Assessment officer:	W van Wyk
Estimated cost of works:	\$5,624,491.00
Zoning:	B4-Mixed Use - SLEP 2012
Heritage:	Local Heritage Item 'I44' adjoins the site
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locality plan (subject site in outlined in yellow). Source: NearMaps

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the modification of development consent DA 2018/67/1 for the Section 4.55(1A) modification application to increase the height of the lift over-run by 600mm and revise external finishes including exposed slab elements to the brick façade.

Site and Locality

The site is identified as 31 The Crescent, Homebush and has a legal description of Lot: A in DP: 391764. The site is a rectangular shaped parcel of land and is located on the southern side of The Crescent. The site has a width of 15.24m, a depth of 45.74m and an overall site area of approximately 697m².

The locality surrounding the subject site contains a mixture of commercial and residential properties, as well as the rail corridor immediately to the north.

State Environmental Planning Policy (SEPP) (Housing) 2021 (Housing SEPP)

The use is subject to the provisions of the Housing SEPP with consideration of the repealed State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2004 (ARH SEPP). The proposal satisfied the relevant provisions which relate to solar access and the character of the area.

Strathfield Local Environmental Plan 2012 (SLEP)

The site is zoned B4-Mixed Use under the provisions of SLEP and the proposal is a permissible form of development with Council's consent. The proposal as amended satisfies all relevant objectives contained within the SLEP.

Strathfield Consolidated Development Control Plan 2005 (SCDCP)

The proposed development as amended generally satisfies the provisions of SCDCP. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan 2020 (CPP) from 10 May 2022 to 24 May 2022, where no submissions were received.

Issues

- Lift over-run height; and
- Heritage and urban design implications of elevational material changes.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979 (EPA Act), DA 2018/67/4 is recommended for approval subject to suitable modified conditions of consent.

REPORT IN FULL

Proposal

Council has received an application to modify development consent DA 2018/67/1 for the approved demolition of the existing structures and construction of a boarding house containing 49 rooms and 1 manager's room above 3 levels of basement parking. The Section 4.55(1A) modification application to increase the height of the lift over-run by 600mm and revise material finishes including exposed slab to brick façade. No internal changes are proposed. Changes to the roof and the elevations are as follows:

Roof level:

- Lift overrun extended by 600mm to a total of 900mm above the roof height.

External works:

- Facades amended to incorporate exposed slab horizontal element on each level. The approved facades were only facebrick (refer to **Figures 4-11**);
- Shopfront window and door amended to reflect the business/shop uses anticipated by Condition 7; and
- Eastern elevation to provide three rather than four highlight windows servicing the communal corridors.

I have been advised by the applicant that the remaining changes to shopfront façade (unclouded) were at Construction Certificate stage and do not form part of this approval. As per the previously approved Condition 7, a separate Development Application will be required for the use and fit-out of the ground floor shop/premises.

In order to accommodate these changes, the following conditions will need to be modified or deleted:

- **Condition 24** – Approved Plans and Reference Documentation (Amended)
- **Condition 26** – Building Height – Maximum RL to be Complied With (Deleted)

This will be discussed further throughout this report.

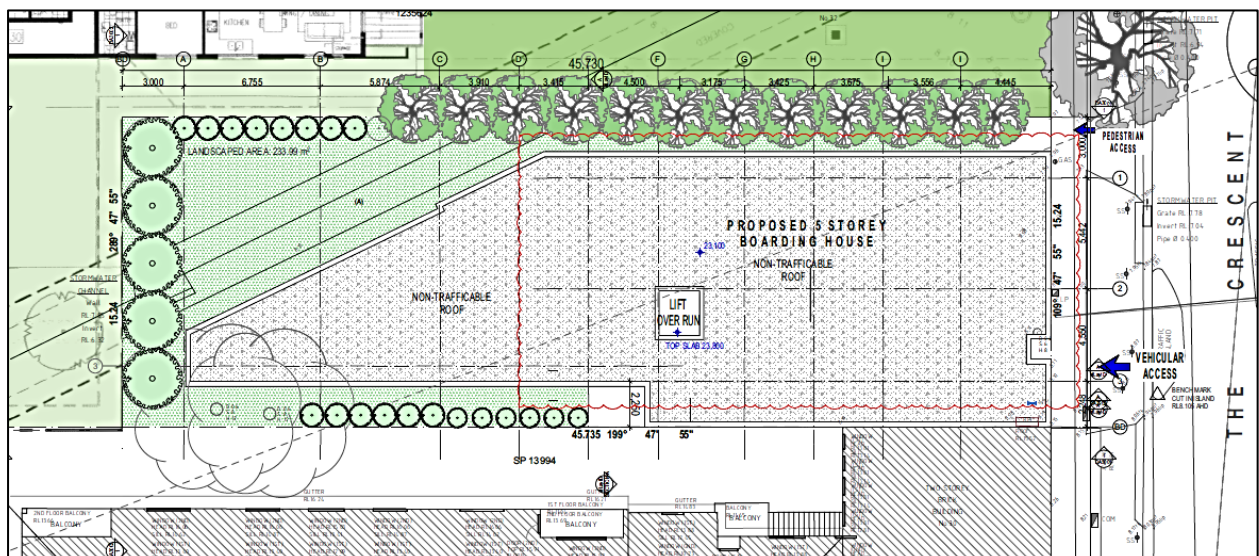


Figure 2: Approved Roof Plan – DA 2018/67/1 (dated 1 March 2019)

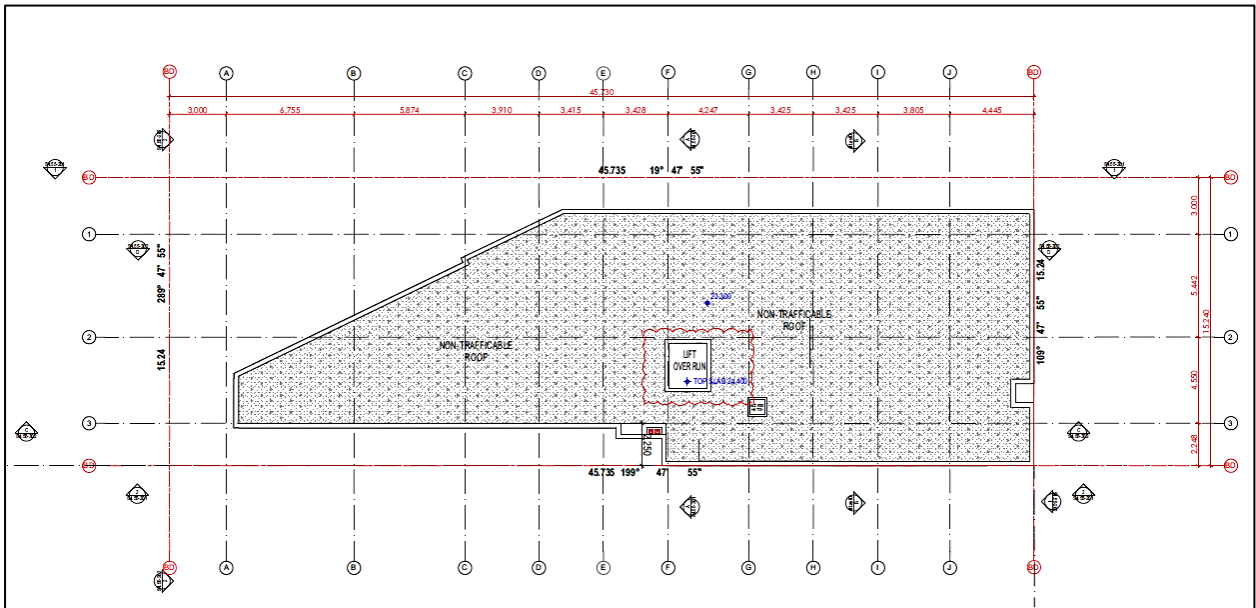


Figure 3: Proposed Modified Roof Plan – DA 2018/67/4

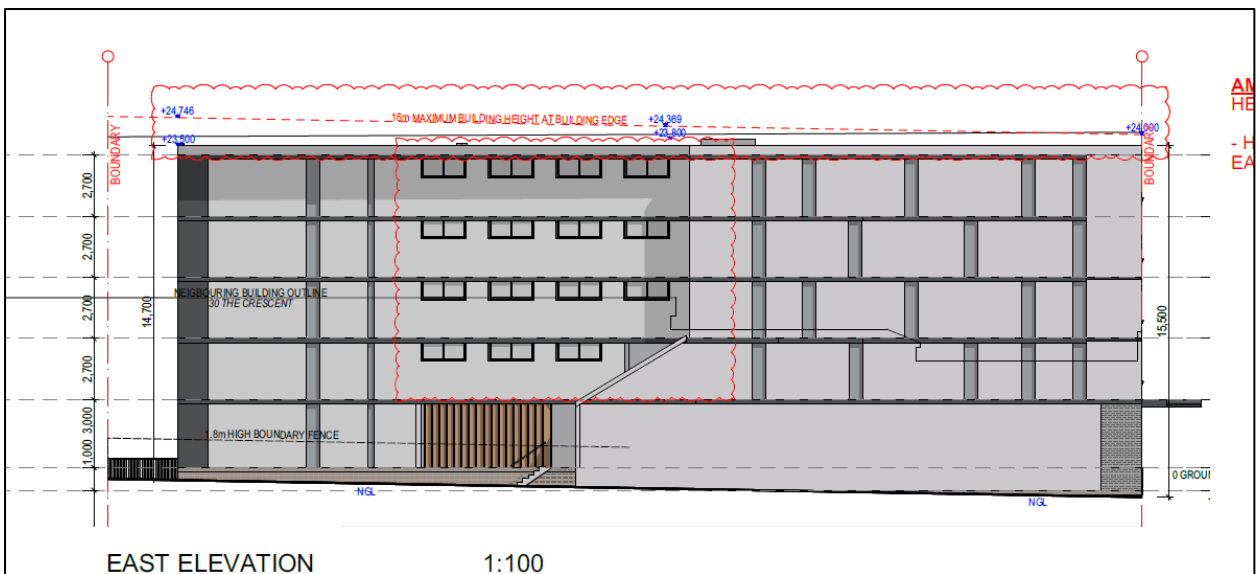


Figure 4: Approved East Elevation – DA 2018/67/1 (dated 1 March 2019)

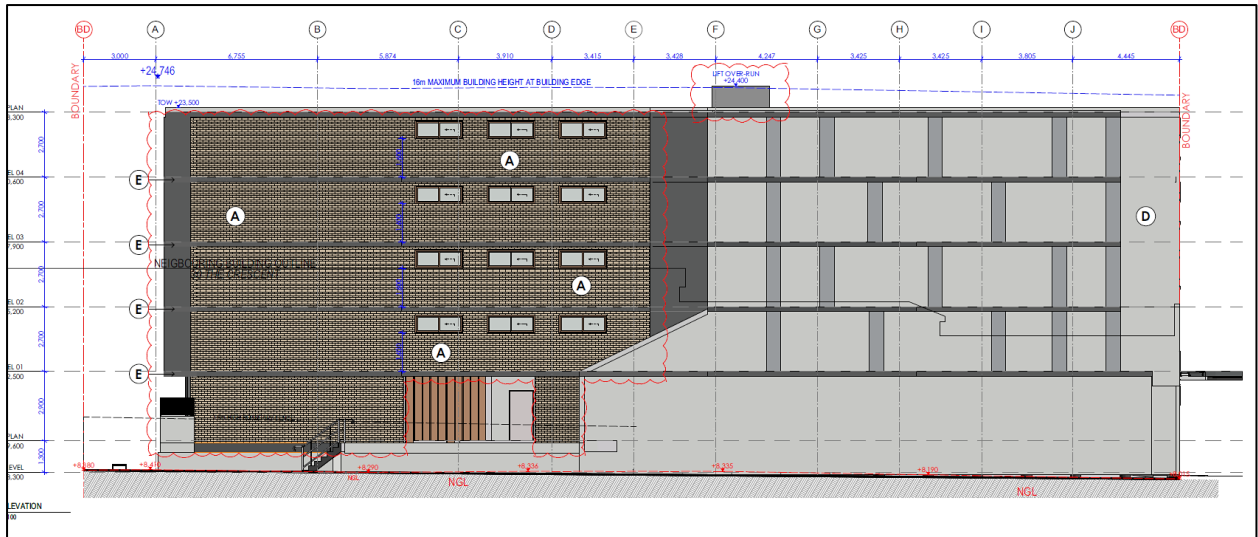


Figure 5: Proposed East Elevation – DA 2018/67/4

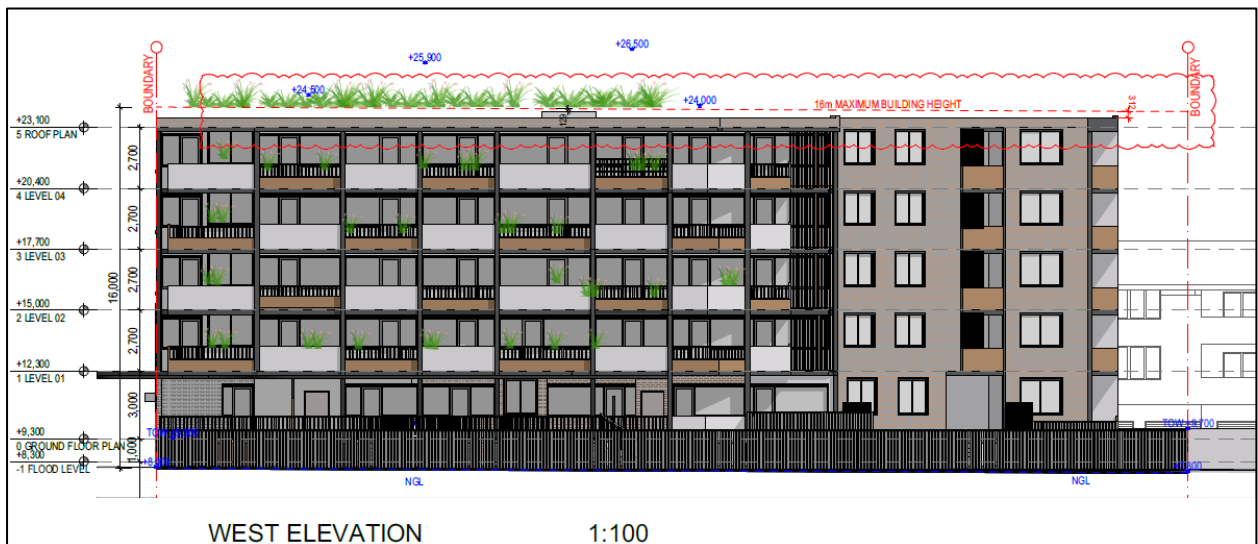


Figure 6: Approved West Elevation – DA 2018/67/1 (dated 1 March 2019)

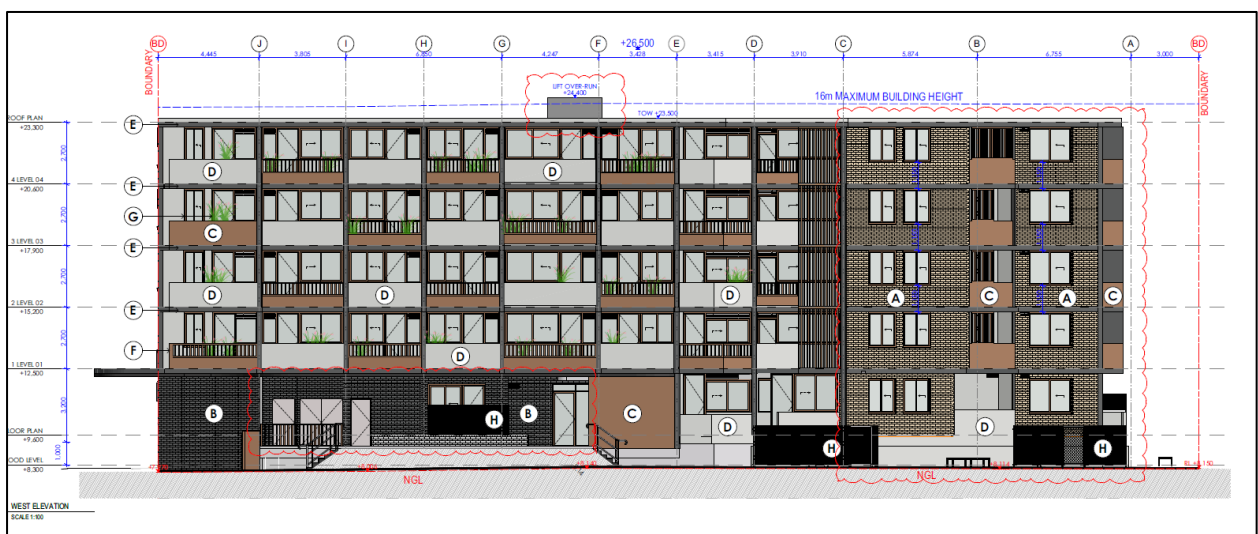


Figure 7: Proposed West Elevation – DA 2018/67/4

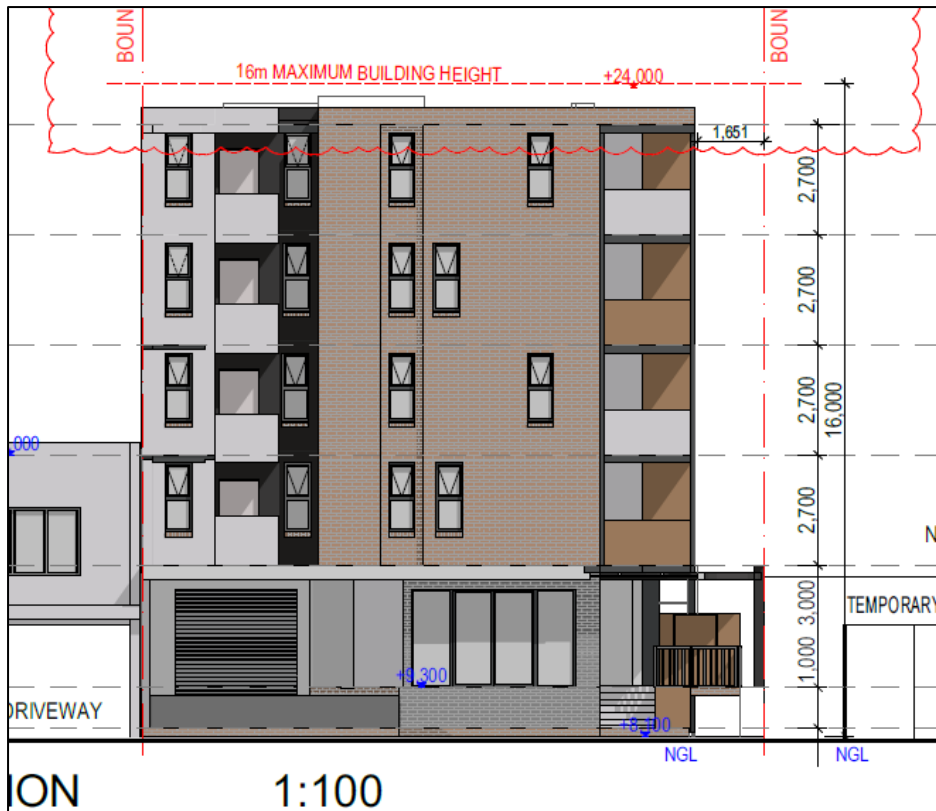


Figure 8: Approved North Elevation – DA 2018/67/1 (dated 1 March 2019)

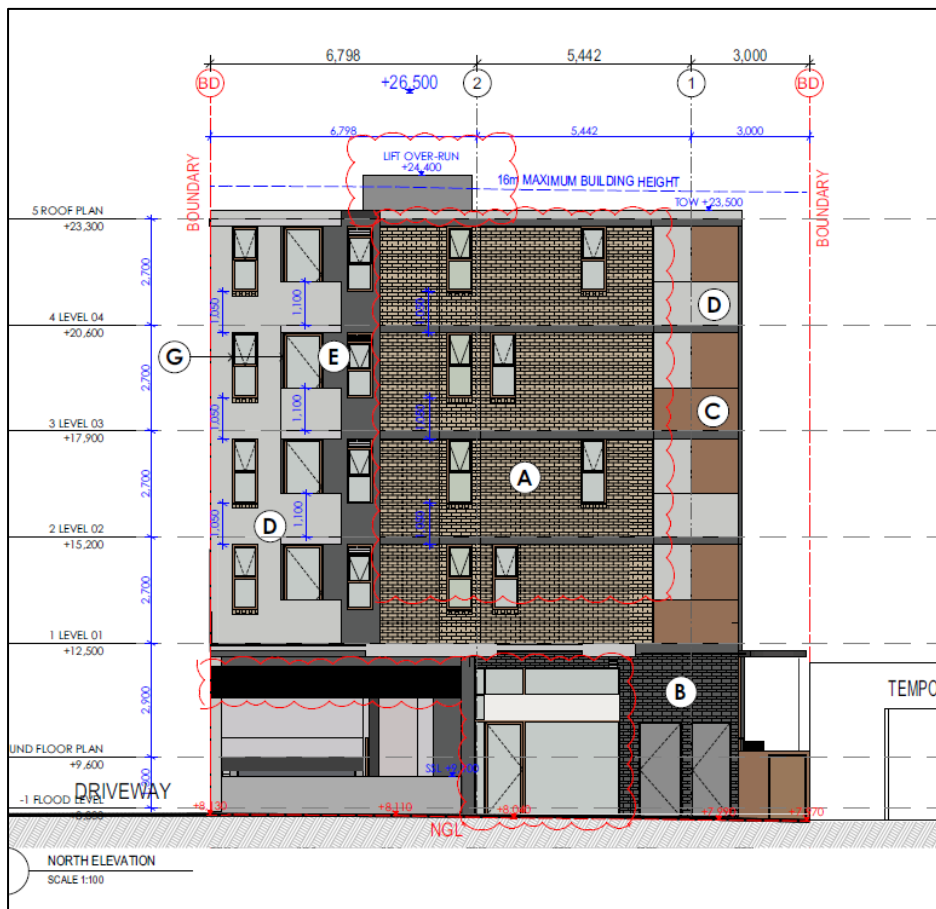


Figure 9: Proposed North Elevation – DA 2018/67/4



The Site and Locality

The subject site is legally described as Lot A in DP 391764 and is commonly known as 31 The Crescent, Homebush. The site is within the B4 – Mixed Use zone, pursuant to the provisions of SLEP 2012. It is a rectangular allotment, located on the southern side of The Crescent. The property has a width of 15.24m, a depth of 45.74m and an area of approximately 697m². The land is mostly flat. A site visit conducted on 10 May 2022 indicated that the site is currently under construction and works for the approved boarding house development (DA 2018/67) have commenced (refer to **Figure 12**).

The site is bounded to the east by shop-top commercial properties which form part of the Homebush Town Centre, and to the west and south by dwelling houses and residential flat buildings. A residential flat building is currently under construction at the adjoining property to the west at 29-35 The Crescent. This site also includes a locally listed heritage item (I44 – Former Homebush RSL Memorial Park). Further to the west is the “Village of Homebush” Retail Conservation Area. Immediately to the north and on the opposite side of The Crescent is a railway corridor. The site is within walking distance of Homebush Train Station, being approximately 150m to the north-east.



Figure 12: View of the subject site from The Crescent, with the heritage listed memorial park on the right

Background

6 December 2018 DA 2018/67/1 was refused by the Strathfield Local Planning Panel (SLPP). The reasons for refusal were as follows:

1. *The proposal is in breach of the height standard in Clause 4.3 of the Strathfield Local Environmental Plan 2012 and the Clause 4.6 variation is not well founded (Section 4. 15(1)(a)(i) Environmental Planning and Assessment Act 1979).*
2. *The information submitted is inadequate in terms of demonstrating the vehicular access arrangements of the development from The Crescent are satisfactory.*
3. *Concurrence has not been granted by Sydney Trains in accordance with the requirements of Clause 86(1) of the State Environmental Planning Policy (Infrastructure) 2007.*
4. *The dislocation of the communal lounge from the remainder of the building, and the communal open space, is unacceptable.*
5. *The pedestrian access into the building is poorly configured, potentially unsafe and creates privacy impacts to the adjacent rooms.*
6. *The open circulation corridors located on the eastern side of the building will create adverse privacy and acoustic impacts to the adjacent 3 storey residential flat building.*
7. *The provision of a single lift servicing the building is unsatisfactory and will result in poor amenity for future occupants.*
8. *The site is not suitable for the proposed development in accordance with Section 4. 15(1)(c) of the Environmental Planning and Assessment Act 1979.*
9. *The proposal is not in the public interest (Section 4. 15(1)(e) of the Environmental Planning and Assessment Act 1979).*

4 March 2019 A Section 8.2A review application was lodged with a revised design. Importantly, the building height was reduced to comply with the 16m development standard.

6 June 2019 The SLPP granted development consent (DA 2018/67/1) for *“The demolition of the existing structures and construction of a boarding house containing 49 rooms and 1 manager’s room above 3 levels of basement parking under the State Environmental Planning Policy (Affordable Rental Housing) 2009.”* The number of lodger rooms was in fact only 47 and this error in the description was rectified as part of the subsequent Section 4.55(2) modification application. The reasons for the decision were as follows:

The Panel agrees with the Planning Officer’s report that the reasons contained in the previous determination are satisfied by the amended plans the subject of this review together with the recommended conditions as amended above.

2 August 2019 A Section 4.55(2) modification application was approved by Council to delete Condition 5 and amend Condition 7 (DA 2018/67/2). Condition 5 required an additional lift to be provided to service the habitable levels within the boarding house. This was removed after evidence was provided that the single lift would adequately meet the likely demand.

Condition 7 required the conversion of lodger room G.06 into a neighbourhood shop. This condition was amended to provide for a neighbourhood shop or a business premises. It is noted that the condition states that, inter alia:

The use and fit-out of this shop/ premises is to be the subject of a separate development application for Council's approval.

- 6 May 2020** A Construction Certificate (c9A138A3) and associated documentation was lodged to Council for the approved boarding house development. Changes to the ground level façade to accompany the change of use approved in DA 2018/67/2 were incorporated in the Construction Certificate stage.
- 20 January 2021** A Development Application DA 2020/253 was lodged for:
- Construction of an additional two (2) levels to an approved boarding house to contain 71 rooms including a manager's room above three levels of basement parking.*
- 28 July 2021** DA 2020/253 was withdrawn.
- 27 April 2022** The subject Section 4.55(1A) modification application (DA 2018/67/4) was lodged with Council.
- 9 May 2022** The applicant was requested to submit additional information to clearly depict all the requested changes.
- 10 May 2022** The subject Section 4.55(1A) modification application was placed on public notification in accordance with Council's CCP until **24 May 2022**. Council received no submissions.
- 10 May 2022** A site visit was undertaken by Council's assessment officer.
- 6 May 2022** The applicant provided part of the additional information requested. This is included the architectural set (Rev F, dated 6 May 2022). The remainder of the additional information was provided on 9 June and 21 June 2022.

Referrals – Internal and External

No internal or external referrals were required for this Section 4.55(1A) modification application.

Section 4.55 of the Environmental Planning and Assessment Act 1979 (EPA Act)

The application has been lodged under the provisions of Section 4.55(1A) of the EPA Act which relates to applications with a 'minimal environmental impact'. In *King, Markwick, Taylor & Ors v Bathurst Regional Council* [2006] NSWLEC 505, Judge Jagot found at [84] that:

"Minimal", in the context of s96 [now 4.55] construed as a whole, must take its ordinary meaning of "very small" or "negligible".

The proposed modifications retain the approved building envelope, other than the extension of the centrally located lift over-run and is therefore considered to only have a minimal environmental impact. As will be assessed under the Section 4.15 of the EPA Act later in this report, the approved solar access and perceived bulk are likely to be retained.

Notwithstanding the above, the EPA Act still requires the consent authority (Council) to be satisfied that the Section 4.55(1A) application is substantially the same development as the development for which the consent was originally granted (DA 2018/67/1). Justice Pepper developed a set of applicable legal principles governing the exercise of the power contained in Section 96 (now 4.55) in *Agricultural Equity Investments Pty Ltd v Westlime Pty Ltd (No 3)* [2015] NSWLEC 75 at [173]. An assessment against these principles is provided as follows:

1. *first, the power contained in the provision is to “modify the consent”. Originally the power was restricted to modifying the details of the consent but the power was enlarged in 1985 (North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 43 NSWLR 468 at 475 and Scrap Realty Pty Ltd v Botany Bay City Council [2008] NSWLEC 333; (2008) 166 LGERA 342 at [13]). Parliament has therefore “chosen to facilitate the modification of consents, conscious that such modifications may involve beneficial cost savings and/or improvements to amenity” (Michael Standley at 440);*
[Note: The Chief Justice has since limited the power to modify to prospective work which must modify the development itself (*Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177)].

The Council as the consent authority has the power to modify the consent. The works are prospective and relate to the development itself.

2. *the modification power is beneficial and facultative (Michael Standley at 440);*

The incorporation of exposed slab on the elevations will create a horizontal element which is considered to improve the appearance. The extended lift over-run will also improve the operation of the lift service and provide a beneficial cost saving for the applicant.

3. *the condition precedent to the exercise of the power to modify consents is directed to “the development”, making the comparison between the development as modified and the development as originally consented to (Scrap Reality at [16]);*

This assessment of substantially the same relates to the development itself and compares to the consent as originally granted rather than the subsequent modification approval. An assessment of environmental impacts is provided under the Section 4.15 assessment later in this report.

4. *the applicant for the modification bears the onus of showing that the modified development is substantially the same as the original development (Vacik Pty Ltd v Penrith City Council [1992] NSWLEC 8);*

The Statement of Environmental Effects (SEE) submitted with the DA has provided extensive written justification demonstrating that the application is substantially the same. This is sufficient to reach such a conclusion.

5. *the term “substantially” means “essentially or materially having the same essence” (Vacik endorsed in Michael Standley at 440 and Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298 at [30]);*

Given the use and building envelope (other than the lift over-run extension) are not proposed to change, the proposal is considered to remain ‘essentially or materially’ substantially the same.

While portions of exposed slab are proposed on the elevations, facebrick will remain the predominant material and therefore this element is considered to remain substantially the same.

6. *the formation of the requisite mental state by the consent authority will involve questions of fact and degree which will reasonably admit of different conclusions (Scrap Realty at [19]);*

Noted. This written assessment demonstrates how the conclusions were reached.

7. *the term “modify” means “to alter without radical transformation” (Sydney City Council v Ilenace Pty Ltd [1984] 3 NSWLR 414 at 42, Michael Standley at 474, Scrap Realty at [13] and Moto Projects at [27]);*

On this point the Applicant’s SEE stated the following:

As detailed, the physical form of the building will be generally unchanged and is not substantially different from the form approved. Importantly, the proposed modifications simply provide for the construction of the lift as per the required dimensions and overrun, the provision of a shop front for the required neighbourhood shop or business premises (required under condition of consent No.7), and minor amendments to materials and finishes. This will achieve a similar outcome (as originally approved) when viewed from the public domain. Modifications will maintain a high level of residential amenity for future occupants without significantly impacting the amenity of adjoining properties. Of relevance, there will be no change to the boarding house rooms or mix, no increase in GFA and no alteration to the building envelope other than a minor change to the lift overrun. Accordingly, there will be no change to intensity or density and the proposed modifications will still have the same essence as the original approval, and the proposed modifications will ‘alter without radical transformation’...

This demonstrates the modification application will not ‘radically transform’ the approval, with no change to the use, operation or building envelope (other than the lift over-run extension).

8. *in approaching the comparison exercise “one should not fall into the trap” of stating that because the development was for a certain use and that as amended it will be for precisely the same use, it is substantially the same development. But the use of land will be relevant to the assessment made under s 96(2)(a) [now 4.55] (Vacik);*

While the proposal remains for the same boarding house use as approved, it is not on this fact alone that the modification application is considered substantially the same. The conclusion is also on the basis of the application being substantially the same ‘essentially or materially’ (as demonstrated above) and ‘quantitatively and qualitatively’ (as demonstrated below).

9. *the comparative task involves more than a comparison of the physical features or components of the development as currently approved and modified. The comparison should involve a qualitative and quantitative appreciation of the developments in their “proper contexts (including the circumstances in which the development consent was granted)” (Moto Projects at [56]); and*
10. *a numeric or quantitative evaluation of the modification when compared to the original consent absent any qualitative assessment will be “legally flawed” (Moto Projects at [52]).*

The proposed modifications will not change the approved development quantitatively, other than the maximum overall height which will increase to RL 24.40 AHD due to the 600mm lift over-run extension. The number of lodger rooms, FSR, ridge height and car spaces will all not change.

Similarly, the only qualitative change is the façade materiality which is considered minor as the predominant facebrick presentation will be retained. The introduction of a shopfront window and door simply reflects the approved use.

When these changes are considered cumulatively with the changes provided by the previously approved Section 4.55, which pertained to a removal of a residential lift and the option of using the ground floor neighbourhood shop as a retail premises, the development is still considered substantially the same as originally approved.

Notwithstanding this, the circumstances in which the original consent was granted is also a consideration (as per *Moto Projects* at [56]). This involves assessing whether the proposed modifications relate to an essential element of the original consent in accordance with the assessment requirements under Section 4.55(3). It is noted that, as per *Feldkirchen Pty Ltd v Development Implementation Pty Ltd and Anor* [2021] NSWLEC 116, the obligation to consider the reasons for the original consent does not extend to the background circumstances of the decision. In this case, both the materiality and the building height were considerations in the original refusal and subsequent approval under Section 8.2A.

As stated in the background section above, the building height formed a reason for the original refusal however this pertained not only to the lift over-run but the ridge height as well. Given the proposed modifications retain the approved ridge height and relate only to the lift over-run, this essential element is considered to remain substantially the same.

In addition, the particular specifications of the lift were an essential element of the subsequent Section 4.55 approval to remove a condition requiring a second lift. The applicant has confirmed the lift will remain a Schindler and submitted a revised demand analysis which demonstrates the wait time will remain well under 60 seconds. Accordingly, this element will remain substantially the same.

Accordingly, the application is considered to be of minimal environmental impact, is substantially the same development for which consent was originally granted (DA 2018/67/1), has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of Section 4.55(3), the reasons for the granting of the consent that is sought to be modified have been taken into consideration.

Section 4.15 Assessment – EPA Act

The following is an assessment of the application with regard to Section 4.15(1) of the EPA Act.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

Note: References below are to State Environmental Planning Policies as consolidated, effective 1 March 2022, pursuant to NSW *Planning Circular PS21-007 – Consolidation of State Environmental Planning Policies*.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 (SEPP Housing)

The original Development Application was assessed under the now repealed State Environmental Planning Policy (Affordable Rental Housing) 2004 (ARH SEPP). This was replaced by the SEPP Housing on 26 November 2021. Under the new SEPP, boarding houses have different standards including a requirement to be affordable or managed by a social housing provider. Savings provisions are contained in Schedule 7A and pertain to development consents obtained prior to the commencement of the Housing SEPP. However, a modification application can be considered a new development application for the purposes of the definition under the EPA Act. Accordingly, this assessment is based on the new Housing SEPP, however consideration will be given to the repealed ARH SEPP. This is consistent with the approach of Commissioner Horton in *Emag Apartments Pty Limited v Inner West Council* [2022] NSWLEC 1042. The approval under the repealed ARH SEPP remains valid and no change to the operation of the building is required.

As the proposal is for a lift over-run and changes to the external materiality only, not all the standards for boarding houses are relevant in this instance. There will be no change to the FSR or distance to services. An assessment against the relevant provisions is as follows:

Section 24 – Non-Discretionary Development Standards

Applicable Housing SEPP Section	Development Standards	Development Proposal	Compliance/ Comment
24(e)	Min 3 hours direct solar access provided 9am-3pm at mid-winter to min 1 communal living area	While revised shadow diagrams have not been provided, any additional overshadowing from lift over-run is likely to fall over the roof form of the subject site	YES

Section 24 – Standards for Boarding Houses

Subclause (2) states, inter alia:

- (a) *the design of the boarding house will be compatible with—*
 - (i) *the desirable elements of the character of the local area, or*
 - (ii) *for precincts undergoing transition—the desired future character of the precinct, and*

As per the Planning principle in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191 at [22]:

There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve. (emphasis in original)

In *Revelop Projects Pty Ltd v Parramatta City Council* [2013] NSW LEC 1029, Commissioner Morris concluded the 'local area' includes both sides of the street. As the subject site is in an area undergoing transition including a large residential redevelopment immediately behind at 29-35 Burlington Road, the desired future character becomes a key consideration.

As per Preston CJ in *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115 [63], the desired future character is informed by the provisions of the LEP and recent approvals in the vicinity. The desired future character reflects the location of the subject site within a transition zone from B4-Mixed Use to R3-Medium Density Residential.

The approved development is set within a prominent commercial location, adjacent to a busy intersection and a heritage item. Unlike the residential flat building adjoining the rear of the site at 29-35 Burlington Road, the subject site addresses The Crescent and needs to be appropriately designed in a manner that responds to the unique interface between the commercial premises (primarily comprised of low-rise shop-top housing) of Homebush Town Centre and the low-rise, exposed brick, three storey residential flat buildings situated to the west.

The use and bulk are retained as approved and considered to be compatible with the desired future character. The roof over-run will not be readily visible from the public domain.

Accordingly, the key change in terms of the desired future character is the addition of exposed slab to the approved brick facades. As assessed elsewhere in this report, the material changes are considered acceptable in terms of heritage.

In summary, the proposed modifications will not readily change the relationship of the development with the desired future character and can be considered consistent in this regard. Accordingly, the proposal is consistent with the standards for boarding houses in SEPP Housing.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 (Resilience and Hazards SEPP)

Chapter 4 of the Resilience and Hazards SEPP relates to remediation of land and is a relevant consideration pursuant to Section 4.15 of the EPA Act.

Conditions were included in the development consent which required compliance with the recommendations contained within the submitted Stage 1 Environmental Investigation Report. The proposed modifications do not change the assessment of the proposal against the remediation requirements of the Resilience and Hazards SEPP. As such, the objectives are still considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 (Transport and Infrastructure SEPP)

Chapter 2 - Infrastructure

Sydney Trains granted concurrence to the consented scheme in accordance with Clause 86(1) of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). This was required as the subject site is within 25m of a railway corridor and the development includes excavation for three levels of basement. While the Infrastructure SEPP has since been repealed replaced by the Transport and Infrastructure SEPP, the relevant clauses have been transferred almost verbatim.

The proposed Section 4.55(1A) modification retains the conditions set out in the terms of approval of the concurrence and as such, it was not considered necessary to refer this application to Sydney Trains (in accordance with Section 109(1) of the Environmental Planning and Assessment Regulations 2021). The consent retains relevant conditions including Condition 65 – Railway Noise Report.

Accordingly, the relevant provisions of the Transport and Infrastructure SEPP are considered to be have satisfied.

Strathfield Local Environmental Plan 2012 (SLEP)

The proposed development on the site is subject to the Strathfield Local Environmental Plan 2012 (SLEP).

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned B4-Mixed Use and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Approved Development (DA 2018/64/2)	Proposed Development (DA 2018/67/4)	Compliance/ Comment
4.3 Height of Buildings	16m	15.87m	16.05m	No however acceptable. See discussion below.

The FSR development standard under the SLEP is overruled by the Housing SEPP. In any event, no change to the approved FSR is proposed.

Variations to Principal Development Standards

The original development application was refused because, inter alia, the height limit was breached and the Clause 4.6 variation was not well founded. The design was subsequently amended to reduce the height to comply with the 16m development standard. This included removing the rooftop terrace, lowering the floor to ceiling heights and lowering the lift over-run. It is now proposed to extend the lift over-run again which will breach the height limit by 16.05m (0.3%) as measured to the Ground Level (Existing) immediately below (refer to **Figure 13**).

The provisions of Clause 4.6 do not apply to an application for the modification of development consent which seeks to modify a development standard. However, as per *North Sydney Council v Michael Standley & Associates Pty Ltd* (1998) 43 NSWLR 468, 97 LGERA 433 and *Gann v Sutherland Shire Council* [2008] NSWLEC 157, any variation still needs to be assessed against the objectives of the development standard which are, in this case, as follows:

- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,
- (b) to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area,
- (c) to achieve a diversity of small and large development options.

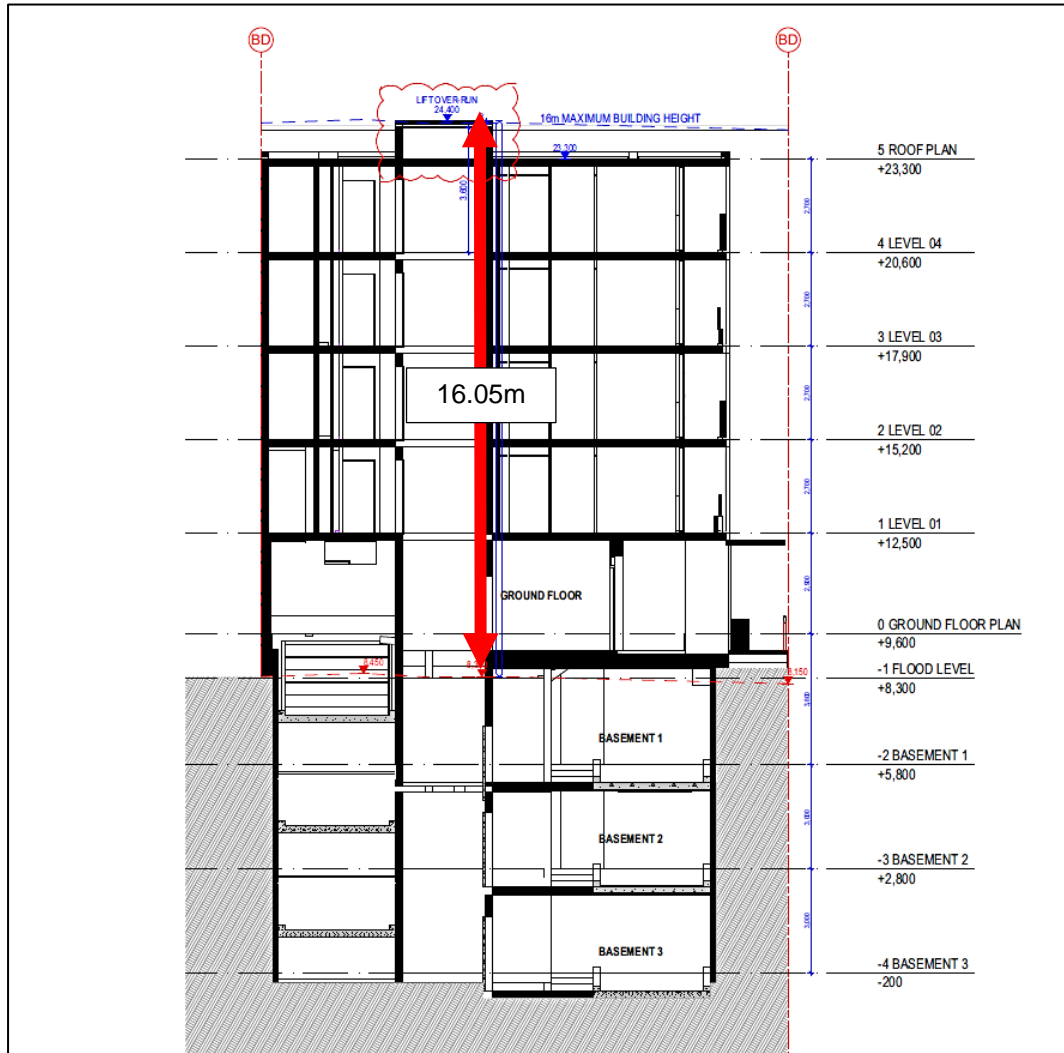


Figure 13: Section showing height of lift over-run

The applicant has addressed these objectives as follows:

- (a) to ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area,

The height variation is negligible, being a 0.05m or 0.31 % variation to the development standard. The negligible nature of this variation means that this will not be perceptible as a variation when viewed by the casual observer. Further, the scale of the variation and the setback of the lift overrun from the perimeter of the built form will limit potential visibility of the lift overrun itself from surrounding areas. Accordingly, the perceptible height will be readily compatible with the existing area as it will present as appropriately responding to the current planning controls.

- (b) *to encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area,*

This objective is not applicable as the variation to the development standard has no implications for the consolidation pattern. Further, the extent of the variation is negligible and will not be perceptible as forming a variation when viewed by the casual observer (further noting that the scale of the variation and the setback of the lift overrun from the perimeter of the built form will limit potential visibility of the lift overrun itself from surrounding areas).

- (c) *to achieve a diversity of small and large development options.*

This objective is not applicable, with the exception of the height variation allowing equitable access to each level of the approved development as required. This in turn ensures the building can be satisfactorily completed and will contribute to the diversity of development.

The proposed height increase is for the lift over-run only which will not be readily visible from the public domain. The scale of the approved development is maintained. The revised lift will continue to adequately service the density and capacity of the development. This has been demonstrated in a lift analysis submitted with the application. Accordingly, the height variation is considered consistent with the objectives of the standard and is acceptable.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item nor located within a heritage conservation area. However, the subject site adjoins a local heritage item (I44) and is in close proximity to the “Village of Homebush” Retail Conservation Area. Accordingly, the provisions of this clause are applicable.

As identified above, the heritage item is known as the ‘Former Homebush RSL Memorial Park’ and is located at 32 The Crescent, immediately to the west of the subject site. Feedback from Council’s Heritage Advisor obtained for the original Development Application identified the item as a landscape item and emphasised the importance of solar access. It is considered that the proposed works, as modified, satisfactorily address the provisions of this Clause by retaining the approved envelope and interface with the heritage item. From an assessment based on the approved shadow diagrams, there does not appear to be any additional overshadowing on the item from the lift over-run extension.

The proposed material changes to allow for additional exposed slab on the brick elevations also remains consistent with previous heritage assessments for the subject site. The assessment of the approved Section 8.2A Review stated, inter alia:

The building proposes a simplistic colour palette and traditional external finishes (exposed facebrick and rendered masonry) that is in keeping with the predominant materials of the Homebush Retail Conservation Area and entrance of the RSL War Memorial Garden.

As a similar colour palette is retained and the exposed slab is sympathetic to the traditional finishes, the material changes to the elevations are considered to remain acceptable from a heritage perspective.

In summary, the proposed modifications are considered consistent with the heritage conservation provisions under Clause 5.10 of the SLEP. A further assessment of heritage will be undertaken below in accordance with the provisions of the SCDCP.

Flood Planning

While the site is affected by overland flooding in the 1 in 100 year flood event in accordance with Powell's Creek flood studies, the proposed modifications will not involve additional excavation or impact flood management. Condition 61 remains in force which requires the application to comply with the recommendations of the Flood Impact Report submitted with the original DA.

Part 6 – Additional Local Provisions

This modification involves no changes to the assessment of the original application against the relevant provisions contained within Part 6 of the SLEP.

In summary, it is considered that the proposed modifications satisfy the relevant aims and objectives of the SLEP.

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*

There are no draft planning instruments that are directly applicable to the assessment of this modification application on this particular site.

(iii) *any development control plan,*

The proposed development, as modified, is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005 (SCDCP). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the SCDP, where applicable to the proposed changes. As the proposal relates only to modifications of an approved development, not all the provisions are relevant in this instance. An assessment against the relevant provisions are provided as follows.

PART H – Waste Management

A Waste Management Plan was submitted with the original application and has been addressed in Condition 73 of the consent. This adequately accommodates the modified development.

PART P – Heritage

Section 3 applies to development in the vicinity of heritage listed items. As the subject site adjoins the locally listed memorial park (I44), these provisions are relevant. As there are no changes to the building envelope (other than the lift over-run which will not be readily visible), the only relevant provisions are those in Section 3.5 – Materials and Colours. The sole objective and control of this section is stated as follows:

Objective

- A. *To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item.*

Control

- (i) *Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced.*

The proposed modified elevations will retain a similar colour range and appearance to what has been approved. While the exposed slabs add visual interest, this will not create a stark contrast with the heritage item. Accordingly, the proposed modified elevations will not detract from the significance of the heritage item and are consistent with Part P of the SCDCP.

Part Q – Urban Design

The controls relating to materiality are as follows:

- *Section 2.2.2(5) – New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene.*
- *Section 2.2.2(9) – Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape.*
- *Section 2.7.2(3) – Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture.*
- *Section 2.7.2(15) – Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.*

A significant portion of each façade is retained as facebrick which is in keeping with the dominant building material of the locality. The addition of exposed slab elements provide a stronger horizontal element which assists in breaking up the built form and providing visual interest (refer to **Figures 14 and 15**; note some changes to the ground floor were approved through a CC). Accordingly, the proposed material changes will improve the overall quality of the streetscape.

It is considered that the proposed modifications satisfy the objectives and provisions, where relevant, of the SCDCP.

(e) *the public interest.*

The proposed development, as modified, is of a scale and character that does not conflict with the public interest. Boarding housing was incentivised under the repealed ARH SEPP as an affordable housing measure which contributed to the public interest. The proposed modifications improve an approved boarding house and are therefore in the public interest.

Local Infrastructure Contributions

Section 7.13 of the EPA Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under Section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

The proposed modifications do not result in an increase or change to the Section 7.11 contributions imposed on the original consent (DA 2018/67/1). Accordingly, the approved Condition 67 relating to development contributions can be retained.

Conclusion/Recommendation

The application for modification has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the EPA Act, the provisions of the SLEP 2012 and SCDCP 2005.

Pursuant to Section 4.55(1A) of the EPA Act and following detailed assessment of the proposed modifications to Development Consent 2018/67/1 for an increase in the height of the lift over-run by 600mm and revised material finishes including exposed slab to brick façade, it is recommended that the application be **APPROVED** subject to:

1. The original conditions of consent of DA 2018/67/1 as approved by SLPP on 6 June 2019 for *The demolition of the existing structures and construction of a boarding house containing 47 rooms and 1 manager's room above 3 levels of basement parking under the State Environmental Planning Policy (Affordable Rental Housing) 2009.*
2. The original conditions of consent of the development consent as previously amended by a Section 4.55(2) modification (DA 2018/67/2). In particular, Condition 5 – Additional Residential Lift was deleted and Condition 7 was amended.
3. The modification of Condition 24 and deletion of Condition 26 as part of this Section 4.55(1A) application. In particular:
 - Condition 24 is to be amended to reference the following revised plans (Rev F, dated 6 June 2022).

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA2006	LEVEL 4 & ROOF PLAN	Urban Link	Revision D	01 March 2019
DA2902	BUILDING HEIGHT PLAN DIAGRAM	Urban Link	Revision D	01 March 2019

DA3001	ELEVATIONS	Urban Link	Revision D	01 March 2019
DA3002	ELEVATIONS AND SECTION	Urban Link	Revision D	01 March 2019
S4.55-108	ROOF PLAN	Urban Link	Revision F	6 June 2022
S4.55-201	EAST AND WEST ELEVATIONS	Urban Link	Revision F	6 June 2022
S4.55-202	NORTH AND SOUTH ELEVATIONS	Urban Link	Revision F	6 June 2022
DA6301	PHOTOMONTAGE	Urban Link	Revision D	01 March 2019
DA6302	FINISHES SCHEDULE	Urban Link	Revision D	01 March 2019

The Finishes Schedule has been incorporated into the elevational plans. The previously approved Level 4 plan remains approved, however the Roof Plan on the same page has been replaced by the revised Roof Plan.

- Condition 26 is to be deleted as the proposal will no longer comply with the height limit and the building height remains regulated by the RLs depicted on the approved drawings:

~~26. BUILDING HEIGHT – MAXIMUM RL TO BE COMPLIED WITH (GC)~~

~~The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 23.8 AHD to the top of the lift of the building.~~

~~(Reason: To ensure the approved building height is complied with.)~~

Accordingly, Development Consent 2018/67/4 is recommended for approval as per the following:

Signed: 
 W van Wyk
 Planning Officer

Date: 4 July 2022

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this modified development application and I also certify that Section 7.11 Contributions are applicable to this development and have been levied accordingly in the original consent;

Report and recommendations have been peer reviewed and concurred with.

JA

Signed:

**Joseph Gillies
Senior Planner**

Date: 4 July 2022

SPECIAL CONDITIONS (SC)

1. TRAFFIC ISLANDS

The two (2) existing traffic islands located in front of the site on The Crescent (and shown on Drawing No. 2003, Rev D and dated 1 March 2019) are to be removed and replaced with line markings prior to the commencement of any demolition and construction works.

The traffic island located between the two lanes of traffic on The Crescent is to be reinstated as per the original build on completion of the construction works and prior to the issue of any Occupation Certificate.

Prior to any works commencing on the site, details of the removal, interim traffic island and reinstatement of traffic islands in accordance with this condition are to be submitted to, and approved in writing by the Council. Details are to include the location, positioning, size, colour of line markings etc.

All modifications to the traffic islands, including removal of platforms, new line-markings and reinstatement of the traffic islands are to be completely at the developers' expense and at no cost to the Council.

(Reason: To assist with road safety and access to the site during the construction period.)

2. DRIVEWAY SIGNAGE

The vehicle entry is to be fitted with signage and warning lights to alert traffic, cyclists and pedestrians of vehicle movements as follows:

- R2-210 AS- Left turn watch for pedestrians/ cyclists – erected on the western side of the vehicle egress at the site frontage;
- R2-6 AS – No right turn - erected on the western side of the vehicle egress at the site frontage; and
- Traffic signals and associated R6-6 AS 'Stop here on red signal' sign erected on the eastern side of the vehicle ingress, and at the base of the ramp (between ground floor level and Basement 1) on the Basement Level 1.

Amended plans demonstrating compliance with this condition is to be submitted to and approved by the Principal Certifying Authority.

An Occupation Certificate is not to be issued until the approved signals and signs have been installed.

The approved signage and signals are to be retained for the lifetime of the development.

(Reason: To assist with road and pedestrian safety.)

3. **WASTE STORE AND DELETE ROOM G.05**

Lodger room G.05 is to be deleted and the waste store room is to be enlarged by incorporating the floor area of deleted lodger room G.05.

(Reason: To ensure that a suitable capacity of waste can be accommodated on the site, and to reduce the frequency of servicing movements to the site).

4. **WASTE COLLECTIONS**

The property is to be serviced by a private waste contractor.

Waste collections are to occur on-site at ground floor level. The waste vehicle standing area is to be a minimum 3.6m in width, 3.6m in height and 14m in length and these dimensions are to be achieved for the entirety of the path of travel of the waste collection vehicle.

During collections no obstructions are to occur to the adjoining footpath and road.

Waste collection vehicles are to exit the site in a forward direction.

The warning light depicted on the Ground Floor Plan shall be moved so that whilst the waste collection vehicle is on site, vision of the warning light is not obstructed. Amended plans demonstrating compliance with the condition is to be submitted to, and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.)

(Reason: To provide adequate amount of storage of waste on the site, to minimize obstruction to the road and to improve pedestrian safety.)

5. ~~**ADDITIONAL RESIDENTIAL LIFT**~~

~~An additional lift is to be provided to service the habitable levels of the building.~~

~~Amended plans demonstrating compliance with this condition are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.~~

~~(Reason: To improve the accessibility across the site and to improve the quality of the accommodation.)~~

6. ENTRANCE DOORS

An entry door setback 1.5m from the street frontage is to be provided to both of the pedestrian entries from The Crescent. The entry doors are to be secure and the entrance is to be covered, legible and well-lit.

The stairs and accessibility lift are to be repositioned behind the secure entry doors.

The security door located forward of the western facing garbage room entry and between the building and the western side boundary is to be deleted.

Amended plans demonstrating compliance with this condition are to be submitted to, and approved by the Principal Certifying Authority the Council prior to the issue of a Construction Certificate.

Reason: To provide a secure, welcoming and legible entrance to the building.

7. CONVERSION OF LODGER ROOM G.06 TO NEIGHBOURHOOD SHOP OR BUSINESS PREMISES

Lodger room G.06 is to be replaced with a neighbourhood shop or business premises. Direct pedestrian access from The Crescent to within the shop/ premises is to be provided. The western facing doorway between the shop/ premises and the communal circulation space of the boarding house is to be deleted.

The use and fit-out of this shop/ premises is to be the subject of a separate development application for Council's approval.

(Reason: To activate the street frontage and to remove the provision of poor quality residential accommodation).

8. LANDSCAPING – AMENDED LANDSCAPE PLAN (SC)

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Principal Certifying Authority with the Construction Certificate application.

The plan must include the following information:

- i) details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;
- ii) location of all existing and proposed landscape features including materials to be used;
- iii) all trees to be retained, removed or transplanted;
- iv) existing and proposed finished ground levels;
- v) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality.)

9. **GEOTECHNICAL REPORT (SC)**

The recommendations of the following reports shall be complied with at all stages of development (including demolition and construction).

- Stage 1 Environmental Investigation prepared by Dirt Doctors Pty Ltd dated 10 May 2018, received by Council on 18 May 2018; and
- Geotechnical and Groundwater Report prepared by Morrow Geotechnics Pty Ltd, dated 10 May 2018, received by Council on 14 August 2018.

A written statement prepared by a suitably qualified geotechnical engineer confirming that all recommendations of the above reports have been complied with shall be submitted and approved by the Principal Certifying Authority.

(Reason: To ensure the site is suitable for the purpose of a boarding house and is appropriately constructed.)

10. **FENCING (SC)**

A minimum 1.8m high timber fencing is to be provided around the outdoor amenity spaces of the manager's room and rooms G.02 and G.04.

(Reason: To ensure privacy of this outdoor amenity space.)

SYDNEY TRAINS CONDITIONS

11. **ENGINEERING (SC)**

Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- Geotechnical and Groundwater Report (Ref: P1461_01), prepared by Morrow Geotechnical Pty Ltd, dated 10 May 2018.
- Structural Report (Ref: A8210), Revision C, prepared by Alpha Engineering & Development P/L, dated 14 August 2018
- Structural Drawings A8210-S0, S0.1, S1.0, S1.1-S1.8 all revision B dated 7 February 2019 prepared by Alpha Engineering & Development P/L.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

12. SUPERVISION (SC)

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

13. SURVEY (SC)

Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

14. NOISE AND VIBRATION (SC)

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

15. ELECTROLYSIS (SC)

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

16. DESIGN (SC)

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

17. CONSTRUCTION (SC)

- No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
 - Machinery to be used during excavation/construction.
 - Demolition, excavation and construction methodology and staging
 - Details as to how Sydney Trains power lines will be protected during demolition & excavation works
 - Construction Management Plan

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, a monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

- Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

18. CONSULTATION (SC)

- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is [central/illawarra/west/north] and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

19. DOCUMENTATION (SC)

- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

20. INSPECTIONS (SC)

- If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- If required by Sydney Trains, prior to the issue of the Occupation Certificate a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any new damage and enable rectification works to be undertaken observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

21. MAINTENANCE (SC)

Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the Sydney Trains powerlines. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

22. POWER LINES (SC)

- All works within 6 metres of the nearest transmission line conductor must comply with:
 - ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
 - Australian Standard AS7000.
- Prior to the installation of scaffolding, the Applicant is to confirm that a minimum 1.9m clearance is to be achieved from the Sydney trains powerlines. Prior to the installation of the scaffolding the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- The erection/removal of the scaffolding up to 4mtrs from the conductors (including blowout and sag) may be carried out with the feeder in service, ensuring all personnel, plant and equipment do not encroach the Safe Approach distances (SAD). Above this height work shall be undertaken under the conditions of an electrical permit until the scaffolding is in compliance to the conditions per the report.
- The scaffolding barriers are to extend up to 3.5m below and above the electrical equipment. Should the scaffolding extend above this then the scaffold shall have a perimeter barrier that is suitable to contain all equipment within the worksite per the Australian Standard scaffolding standard.
- The scaffold must not be constructed to create an accessible area to the electrical equipment.
- The scaffolding shall be earthed.
- Prior to the issuing of a Construction Certificate the Applicant must submit confirmation that the building elements (final completed state) comply with the requirements in AS7000. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- Mitigation measures (to be determined by the builder) are required to be in place as identified in the Overhead Power Mains Assessment, prepared by AA Power Engineering, dated 19 October 2018 prior to the commencement of works.

23. OTHER (SC)

- Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

- Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

GENERAL CONDITIONS (GC)

24. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/067/01 **or 2018/067/04:**

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA1001	SITE ANALYSIS	Urban Link	Revision D	01 March 2019
DA1002	SITE ANALYSIS	Urban Link	Revision D	01 March 2019
DA2001	BASEMENT 3 & 2	Urban Link	Revision D	01 March 2019
DA2002	BASEMENT 1	Urban Link	Revision D	01 March 2019
DA2003	GROUND FL PLAN	Urban Link	Revision D	01 March 2019
DA2004	LEVEL 1 PLAN	Urban Link	Revision D	01 March 2019
DA2005	LEVEL 2-3	Urban Link	Revision D	01 March 2019
DA2006	LEVEL 4 & ROOF PLAN	Urban Link	Revision D	01 March 2019
DA2902	BUILDING HEIGHT PLAN DIAGRAM	Urban Link	Revision D	01 March 2019
DA3001	ELEVATIONS	Urban Link	Revision D	01 March 2019
DA3002	ELEVATIONS AND SECTION	Urban Link	Revision D	01 March 2019
S4.55-108	ROOF PLAN	Urban Link	Revision F	6 June 2022
S4.55-201	EAST AND WEST ELEVATIONS	Urban Link	Revision F	6 June 2022

S4.55-202	NORTH AND SOUTH ELEVATIONS	Urban Link	Revision F	6 June 2022
DA6301	PHOTOMONTAGE	Urban Link	Revision D	01 March 2019
DA6302	FINISHES SCHEDULE	Urban Link	Revision D	01 March 2019
L/01	PROPOSED LANDSCAPE PLAN	Discount Landscape Plans	10/05/18	14 August 2018
A8210-COVER	SEDIMENT AND EROSION CONTROL PLAN	Alpha Engineering & Development	Revision D	14 August 2018
A8210-SW01	SEDIMENT AND EROSION CONTROL PLAN	Urban Link	Revision D	14 August 2018
A8210 – SW02	BASEMENT 3 DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 – SW03	BASEMENT 2 & 1 DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 – SW04	GROUND FLOOR DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 – SW05	STORMWATER SECTIONS AND DETAILS	Urban Link	Revision D	14 August 2018
S.01, S1.0, S1.1-S1.8	STRUCTURAL DRAWINGS	Alpha Engineering & Development P/L	Revision B – 7 February 2019	18 April 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/067/01:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Pragma Planning	22 August 2018	24 August 2018
Stage 1 Environmental Legislation	Dirt Doctors Pty Ltd	10 May 2018	18 May 2018
Geotechnical and Groundwater Report	Morrow Geotechnics Pty Ltd	10 May 2018	14 August 2018
Traffic Assessment	TDG	12 August 2018	14 August 2018
Accessibility Report	Access Link Consulting	18 May 2018	18 May 2018

Acoustic Report	Acoustic, Vibration and Noise Pty Ltd	17 May 2018	18 May 2018
Flood Study	SGC Engineering Value	18 May 2018	18 May 2018
Structural Report	Alpha Engineering & Development P/L	14 August 2018	18 April 2019

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

This Condition was amended by Development Consent No. 2018/067/04. Only those modifications clouded are approved.

25. BOARDING HOUSE - APPROVED USE (GC)

- The boarding house must be operated in accordance with the Boarding Houses Act 2012.
- The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and ongoing inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

- The boarding house is to comply with the approved Plan of Management required by this consent.
- The use of the premises as a boarding house must comply always with the following:
 - a) A copy of the Plan of Management and House Rules must be annexed to every tenancy/occupation agreement for a room;
 - b) A copy of the approved Plan of Management and House Rules must be clearly displayed within the common room in the building at all times;
 - c) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
 - d) The premises must be used exclusively as a boarding house containing a maximum total of **96** residents including **94 lodgers** and **2 residents** in the on-site manager's room, with **2** lodger(s) permitted per room;
 - e) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
 - f) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
 - g) Each self-contained room be fitted out with washing up facilities, a cooktop, microwave oven, fridge and storage space with such utilities being maintained in working order at all times;
 - h) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for these services; and
 - i) The communal room shall be provided with an oven and cooktop.

- The Plan of Management must be updated to reflect the requirements outlined within this condition.
- Any proposed amendments to the Management Plan are to be submitted to Council for consideration and approval prior to any amendments being made.
- If the operator of the boarding house alters from the operator nominated in the Plan of Management, a new Plan of Management is to be submitted to Council within 28 days of the change in operator unless it is confirmed in writing that the new operator will comply with the Plan of Management approved as part of this consent.

(Reason: To ensure the development is the permanent place of residence for occupants and ensure occupants abide by the rules and regulations identified in the Plan of Management.)

~~26. BUILDING HEIGHT – MAXIMUM RL TO BE COMPLIED WITH (GC)~~

~~The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 23.8 AHD to the top of the lift of the building.~~

~~(Reason: To ensure the approved building height is complied with.)~~

Condition 26 was removed by Development Consent No. 2018/67/04.

27. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

28. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

29. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

30. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

31. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

32. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

33. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.

- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

34. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

35. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)

The following listed trees are permitted to be removed to accommodate the proposed development:

Tree Species	Height x width	Location
5 x <i>Chamaecyparis obtusa</i>	4-6m spread x 8m height	Front setback

All trees permitted to be removed by this consent shall be replaced (2 trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure appropriate planting back onto the site.)

36. PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries, except where the building incorporates a nil setback to the side or rear boundary, in order to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To maintain privacy amenity to neighbouring residences.)

37. LIGHTING (GC)

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on The premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

38. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

39. SYDNEY WATER - TAP IN TM (GC)

The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

40. UTILITIES AND SERVICES - PROTECTION OF (GC)

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

WATER NSW CONDITIONS

41. WATER NSW GENERAL TERMS OF APPROVAL

The following conditions are to be complied with:

- i) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- ii) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- iii) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.

- iv) WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- v) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)

42. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

43. ACCESS - DISABLED TOILETS (CC)

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

44. BICYCLE STORAGE PROVISION (CC)

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDCP 2005 and to encourage sustainable transport options.)

45. BOARDING HOUSE - CONSTRUCTION OF (CC)

The construction of the boarding house shall comply with all applicable legislation/regulation and standards, including:

- i) Boarding Houses Act 2012;
- ii) Boarding Houses Regulation 2013;
- iii) Local Government Act 1993; and
- iv) Local Government Regulation 2005.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To ensure compliance with relevant legislation.)

46. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

47. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

48. CAR PARKING - DISABLED CAR PARKING SPACES (CC)

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure adequate parking for persons with a disability.)

49. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

50. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

51. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and ASNZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.)

52. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

53. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
 - No heavy vehicles construction movements are to arrive or depart the site during the signposted school zone periods.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - procedures to prevent run-off of solid material and waste from the site.

- v) Waste management, including:
 - details of the types and estimated volumes of waste materials that will be generated;
 - procedures for maximising reuse and recycling of construction materials; and
 - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - measures to minimise the area of soils exposed at any one time and conserve top soil;
 - identification and protection of proposed stockpile locations;
 - preservation of existing vegetation and revegetation;
 - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - details of sediment and erosion control measures in place before work commences;
 - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
 - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - The Work Health and Safety Act 2011;
 - The Work Health and Safety Regulation 2011;
 - How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
 - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
 - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum: the date and time when asbestos

removal works will commence; the name, address and business hours contact telephone number of the demolisher, contractor and/or developer; the full name and license number of the asbestos removalist/s; and the telephone number of WorkCover's Hotline 13 10 50 warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: Safety, amenity and protection of public infrastructure and the environment.)

54. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

55. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all adjoining properties, which in the opinion of a suitably qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out prior to the issue of a Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

The Report shall cover structural and geotechnical factors likely to arise from the development. A copy of this Report shall be submitted to Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To ensure no damage to adjoining properties occurs.)

56. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

57. EXCAVATION - AFFECTING ADJOINING LAND (CC)

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- i) protect and support the adjoining premises from possible damage from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (i) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Structural safety.)

58. EXCAVATION – DEWATERING (CC)

Any de-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- i) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Council for compliance with ANZECC Water Quality Guidelines.

- ii) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- iii) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- iv) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

(Reason: To ensure compliance with legislation and to protect the surrounding natural environment.)

59. EXCAVATION – SHORING (CC)

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)

60. FIRE SAFETY SCHEDULE (CC)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979.)

61. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by S & G Consultants Pty Limited. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

(Reason: To mitigate flood risk and associated damage.)

62. LANDSCAPING - MAINTENANCE STRATEGY (CC)

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

63. LANDSCAPING ON SLAB (CC)

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

64. NOISE – CONSTRUCTION CC)

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

65. RAILWAY NOISE REPORT (CC)

Due to the close proximity of the Railway Corridor to the proposed development the subject building(s) are to be acoustically treated in order to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline" or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- in any bedroom in the building: 35 DB(A) at any time 10pm – 7am;
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40 DB(A) at anytime.

A report shall be provided to Council or the nominated Accredited Certifier by a suitably qualified acoustic consultant confirming that the recommended standards can be achieved. Such report is to be submitted prior to the release of the Construction Certificate.

(Reason: Noise attenuation.)

66. PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

67. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$75,620.59
Provision of Major Open Space	\$344,051.06
Provision of Local Open Space	\$145,535.68
Provision Roads and Traffic Management	\$23,908.79
Administration	\$6,520.58
TOTAL	\$595,636.71

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

68. SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) of **\$27,000** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

69. STORMWATER DRAINAGE (CC)

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

70. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network. The routes are to show the route of modest transportation vehicles with turning paths (in/out of the building site and along the planned route). **Access to the site must be gained via the eastern side of The Crescent;**
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) measures to maintain public safety and convenience;
- xi) any proposed road and/or footpath closures;
- xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) locations of work zones (noting that Council will not grant a Work Zone at the front of the site) accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period;
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways; and
- xxi) details of traffic control provided at all times of the demolition/ construction works.
- xxii) Appropriate permits must be obtained via Council and shown to rangers during operations (after hours/ night works if needed).

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

71. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

72. BIN ALLOCATION (CC)

(a) The bin store must be capable of accommodating the following:

- Domestic Waste – 13 x 240L mobile bins.
- Domestic Recycling – 4 x 240L mobile bins.
- A minimum area of 11.5m² for the storage of the bins.
- A minimum area of 20m² for the storage of bulky goods waste.

Applicants requesting 660L bins must provide onsite collection and have a large hardstand for bin presentation.

(Reason: To ensure sufficient space and waste collection containers provided.)

73. WASTE AND RECYCLING STORAGE ROOMS AND WASTE MANAGEMENT PLAN (CC)

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- i) The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins
 - 240L bin must have 1.1m² of space per bin
 - 660L bin must have 2.03m² of space per bin
- ii) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- iii) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- iv) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- v) The door being close fitting to prevent the access of rats and mice.
- vi) A cold water hose cock being provided for the cleaning of containers and the room itself.
- vii) Ventilation being provided by means of direct connection to the outside air to the satisfaction of Council.
- viii) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Councils standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.

- ix) Contain a sign, minimum size 600mm x 600mm, directing residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- x) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- xi) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- xii) Detailed plans of waste and recycling storage rooms must be submitted along with an updated Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate. A copy of these documents and plans are also to be provided to the Council.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

74. ONSITE WASTE COLLECTION

Onsite waste and recycling collection is to be provided, all onsite collection areas must meet the following conditions:

At-grade collection

- A waste collection point is to be provided:
 - behind the front building line,
 - alongside the driveway into the site.
 - Collection vehicles may access the at grade collection point in a forward or backwards direction and exit in a forward direction only (waste vehicles must not reverse along a main road).
- i) Collection vehicles must not impede access to, within or from the site for other users.
- ii) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area) should be clearly identified.
- iii) The waste collection point shall be no more than 15m from the property boundary at the street.
- iv) There should be convenient and step free access between the waste storage room/area and the collection point.
- v) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.
- vi) The collection area must be designed so that there is sufficient room for the standing and manoeuvring of all waste receptacles as well as standing room for the collection vehicle.
- vii) Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.

(Reason: To ensure an efficient and effective collection system.)

75. WATER SUSTAINABILITY – GENERALLY (CC)

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- i) toilet flushing;
- ii) clothes washing;
- iii) garden irrigation;
- iv) car washing and similar outdoor uses;
- v) filling swimming pools, spa pools and ornamental ponds; and
- vi) fire fighting.

(Reason: To promote sustainable water management practice.)

76. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

77. WORKS WITHIN THE ROAD RESERVE (CC)

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.

Pruning of the branches and roots of Council trees is prohibited unless approved by Council in writing.

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.

All civil engineering works adjacent/near/outside 31 The Crescent, Homebush are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.)

78. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

79. DUST CONTROL (CC)

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Council should it fail to adequately control any dust nuisance.

(Reason: Environmental amenity.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)

80. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

81. NOTICE OF COMMENCEMENT (CW)

No work shall commence until the following details are submitted to Council:

- i) a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- ii) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- iii) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)

82. CONTAMINATED LAND UNEXPECTED FINDS (DW)

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

83. FILL MATERIAL (DW)

The only waste derived material which may be received at the development site is:

- i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

84. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

85. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

86. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

(Reason: To ensure compliance with the approved plans.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)

87. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

88. ENGINEERING WORKS (CERTIFICATION OF)

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- i) the stormwater drainage system; and/or
- ii) the car parking arrangement and area; and/or
- iii) any related footpath crossing works; and/or
- iv) the proposed basement pump and well system; and/or
- v) the proposed driveway and layback; and/or
- vi) any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

89. FIRE SAFETY CERTIFICATION (OC)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

A fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- i) has been assessed by a properly qualified person; and
- ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the Environmental Planning & Assessment Regulation 2000.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the Environmental Planning & Assessment Regulation 2000.

A copy of the fire safety certificate and fire safety schedule shall be:

- i) submitted to Strathfield Council;
- ii) submitted to the Commissioner of the New South Wales Fire Brigade; and
- iii) prominently displayed in the building.

(Reason: Fire safety and statutory requirement.)

90. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

91. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

92. STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

93. STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility on-site detention and water sensitive urban design components.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)

94. BOARDING HOUSES - OPERATIONAL PLAN OF MANAGEMENT (OU)

An Operational Plan of Management is to be formulated and submitted to Council for approval, prior to the issue of any Occupation Certificate.

The Plan of Management must include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991, Boarding Houses Act 2012 and Boarding Houses Regulation 2013.

The plan shall be dated and the name and signature of the author of the document shall be included. The Plan of Management shall be displayed in prominent locations within the premises and a copy of the Plan shall be provided to all residents of the boarding house. The on-site Caretaker shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

This Operational Plan of Management must incorporate the following:

- i) All the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, drug and alcohol policy (including smoking), and use of communal areas etc.
- ii) All the responsibilities of the Caretaker/Manager.
- iii) An Incident Register to be maintained by the Caretaker. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately.
- iv) Prior to commencement of the boarding house use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc can be addressed promptly. Evidence of this letter being forwarded as required in this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate and commencement of the use.

(Reason: To minimise the impact of the use on surrounding residences.)

95. BOARDING HOUSE - ONGOING USE OF (OU)

Ongoing operation of the approved use for the purpose of a boarding house shall comply with the following:

- i) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
 - is wholly or partly let in lodgings, and
 - provides lodgers with a principal place of residence for 3 months or more, and
 - may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers but does not include backpackers" accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- ii) Subdivision of the approved boarding house under strata or community title is prohibited.
- iii) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
 - Boarding Houses Act 2012;
 - Boarding Houses Regulation 2013;
 - Local Government Act 1993; and
 - Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.

- iv) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the Public Health Act 1991 for each person.
- v) No speakers or music is permitted outdoors or in the communal areas.
- vi) The Boarding house is required to be registered on a register administered by NSW Fair Trading.

(Reason: To minimise the impact of the boarding house on surrounding residences.)

96. FIRE SAFETY ANNUAL STATEMENT (OU)

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall provide to Council an Annual Fire Safety Statement from an appropriately qualified person certifying the essential fire safety measures in the building. The Annual Fire Safety Statement shall be submitted within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- ii) Prominently displayed in the building.

(Reason: Fire safety.)

97. WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL) (OU)

- i) The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii) The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- iii) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements.)

98. MAINTENANCE AND PROTECTION OF LANDSCAPING AND SOFT LANDSCAPED AREAS (OU)

The applicant and property owner/s are to maintain and enhance the completed landscape

works in all private and strata areas, in accordance with the approved landscape design and conditions of development (inclusive of the maintenance and protection of all retained and planted trees).

In this regard the applicant is to provide an annual statement to Council, on or by the 1 July of each calendar year, for the first 5 years after the issue of the occupation certificate, from an AQF Level 5 Landscape Designer or Landscape Architect certifying that;

- All plants (including planted and retained trees) are in a healthy safe condition.
- The turf areas are well maintained.
- The landscaped area is free of all notifiable weeds, pests and diseases as detailed in the NSW Biosecurity Act 2015.

- The landscaped area is free of hazards.
- The mulched areas are well maintained.
- The irrigation systems, sub soil drainage and lighting systems are in a good condition and operating according to both design and manufacturers specifications.
- That all missing plants have been replaced and are establishing well.

This annual statement shall also include reports and information from relevant expert consultants, in support of the statements made and as evidence of proof, in the annual statement.

(Reason: To protect landscape amenity and community environmental values).

You are reminded that the other conditions and terms of the original consent still apply and must be complied with.

An amended Construction Certificate may also be required, if the modification relates to changes to the building.

Yours faithfully



GEOFF BAKER
PUBLIC OFFICER