

IDAP REPORT

Property:	2-4 Homebush Road STRATHFIELD Lot: 17 DP: 128830 DA2021.319
Proposal:	Alterations and additions to an existing ground floor space within a residential flat building for the fit out and use as a medical centre, associated landscaping and carparking.
Applicant:	M Pisarkiewicz
Owner:	M Farag & A Zaki
Date of lodgement:	7 December 2021
Notification period:	14 December – 25 January
Submissions received:	1 submission with 6 signatories
Assessment officer:	J Gillies
Estimated cost of works:	\$115,000.00
Zoning:	R3-Medium Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	Approval



Figure1 – Locality Plan

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Alterations and additions to an existing ground floor space within a residential flat building for the fit out and use as a medical centre, associated landscaping and car parking.

Site and Locality

The site is identified as 2-4 Homebush Road STRATHFIELD and has a legal description of Lot: 17 DP: 128830. The site is an irregular shaped corner lot located on the eastern side of Homebush Road at the intersection with The Crescent.

The site has a frontage width of 23.43m to Homebush Road, 43.605m to The Crescent, rear boundary of 13.41m, side boundary of 45.725m and an overall area of 923.1m². The site is currently occupied by a 3 storey walk-up residential flat building. The immediate locality surrounding the subject site contains a mixture of 3 and 4 storey residential flat buildings and some boarding houses of similar scale. The T1 rail line is located on the northern side of The Crescent and an educational establishment adjoins the site to the east.

Strathfield Local Environmental Plan

The site is zoned R3-Medium Density Residential under the provisions of Strathfield LEP 2012. The proposal is defined as a medical centre which is a type of commercial premises and is prohibited in the R3 zone. However State Environmental Planning Policy (Transport and Infrastructure) 2021 identifies the R3 zone as a prescribed zone for the purposes of carrying out a health services facility (including a medical centre).

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. 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 from 14 December – 25 January, where 1 petition was received with 6 signatories. The petition raises two concerns as follows:

- The unsuitable location with regard to local traffic, the roundabout and proposed location of the new driveway and associated safety concerns.
- The unsuitable location due to the presence of surrounding existing medical centres in close proximity of the site.

Issues

- Street trees, stormwater infrastructure, waste management, loss of landscaped area.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/319 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the alterations and additions to an existing ground floor space within a residential flat building for the fit out and use as a medical centre, associated landscaping and car parking. More specifically, the proposal includes;

Alterations and Additions

- Internal alterations and additions to part of the ground floor area at the south western corner of the existing building at the site. The resulting layout will incorporate 1 consulting room, a waiting room and reception, storage, accessible toilet, regular toilet and an admin room/treatment room.
- External alterations to the building comprising a new entry door and side security gate.
- External works comprising a new footpath leading to Homebush Road (near to an existing footpath), 4 new parking spaces and manoeuvring areas, shared zone near the entry, landscaping works (within the front, side and rear setbacks), and stormwater infrastructure works.

Operation

- Use of part of the site for the purposes of a medical centre.
- Hours of operation - Monday to Friday: 8.00am to 7.00pm, Saturdays, Sundays and public holidays: 9.00am to 5.00pm
- Staff numbers – 1 general practitioner and 1 receptionist.

No signage is proposed, however the Plan of Management refers to small on-site instructional signage.

Figures 2 and 3 below illustrate the alterations and additions and proposed landscaping works.

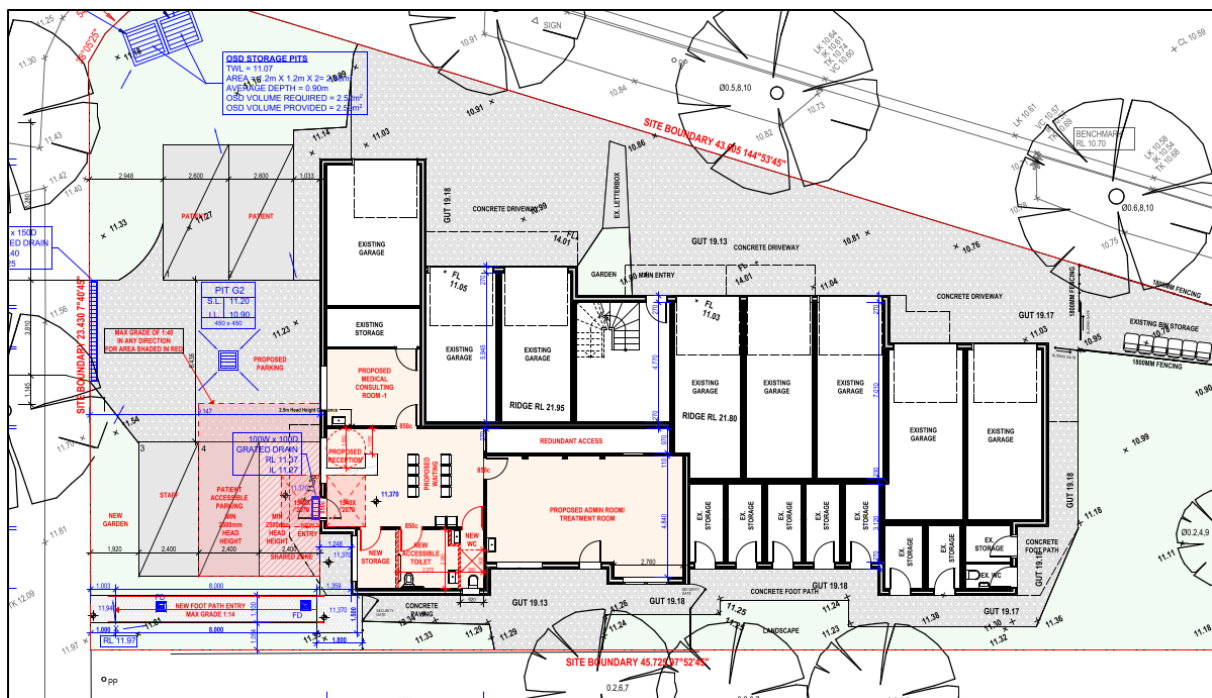


Figure 2 – Proposed Alterations and Additions



Figure 3 – Landscaping Works (across entire site)

The Site and Locality

The subject site is legally described as Lot: 17 DP: 128830 and commonly known as 2-4 Homebush Road STRATHFIELD. It is located on the eastern side of Homebush Road at the intersection with The Crescent.

The site has a frontage width of 23.43m to Homebush Road, 43.605m to The Crescent, rear boundary of 13.41m, side boundary of 45.725m and an overall area of 923.1m².

The site slopes from west to east and has a cross-fall of 1m from the south-western corner to the north-eastern corner.

The site is currently occupied by a 3 storey walk-up residential flat building and the building is not subject to a Strata Title arrangement and remains in one title. The building comprises 8 apartment units over the first and second floors. The ground floor comprises lock up garages fronting The Crescent and facing the rear boundary are a number of storage rooms. Fronting Homebush Road are the various rooms and corridors subject of the proposed medical centre. The Applicant (refer SEE) has outlined that the purpose of those rooms is not known and it is assumed that in the absence of a kitchen, was not used for residential purposes.

Vehicular access is provided to The Crescent where a paved area leads to the at-grade lock up garages. Pedestrian access to the site is provided from Homebush Road.

The current streetscape is characterised by a mixture of 3 and 4 storey residential flat buildings and some boarding houses of similar scale. A number of mature established trees line the footpath.

The T1 rail line is located on the northern side of The Crescent and a 5 storey educational establishment adjoins the site to the east.

Moving south along Homebush Road, the mid-rise RFBs transition to low rise dwellings, with a number of conservation areas and heritage items from the intersection with Abbotsford Road and southwards.

Moving west along The Crescent 2-4 storey residential flat buildings transition to older commercial terraces opposite Homebush Station with Homebush Public School and Homebush Village located approximately 300m from the site.



Figure 4 – The subject site as viewed from Homebush Road



Figure 5 – The subject site as viewed from The Crescent



**Figure 6 – Close up of the front setback at the site
(to Homebush Road)**



**Figure 7 – Existing pedestrian entry to the ground floor area fronting
Homebush Road**



Figure 8 – Front setback to Homebush Road as viewed from the northern Boundary



Figure 9 – Exiting pedestrian path and street trees along the Homebush Road frontage



Figure 10 – Looking back at the site along The Crescent from the educational establishment carpark



Figure 11 – Room at the front facing Homebush Road



Figure 12 – One of the internal rooms subject of the Application



Figure 13 – Existing toilet inside the area subject of the Application



Figure 14 - Opposite the site at 6-8 The Crescent and 1 Homebush Road



Figure 14 – The educational establishment located at the rear (east) of the site



Figure 15 – Development to the south of the site along Homebush Road (No's 3-6, 7-8 and 10 Homebush Road)

Background

16 March 2020	A Pre-Application meeting was held regarding a proposed medical centre at the site and minutes were issued on 23 March 2020.
7 December 2021	The subject Application was lodged.
14 December 2021	The Application was neighbour notified for a period of 14 days.
22 December 2021	Council's Planner inspected the site, however only from the outside.
23 December 2021	A Request for Further Information (RFI) was issued to the Applicant outlining the need for an Arboricultural Impact Assessment, Plan of Management and clarification on waste collection.
24 February 2022	The Applicant submitted additional information.
25 February 2022	The site was inspected for a second time, including inside the ground floor of the building.

Referrals – Internal and External

Tree Management

The Application was referred to Council's Tree Management Officer, who outlined that following inspection of the site on 19 April 2022 and review of the submitted Arboricultural Impact Assessment (which outlines that car parking spaces and driveways within the TPZ of Tree 1 (the street tree) are to be permeable paving), the subject Application is supportable, subject to conditions of consent.

Waste Management

The Application was referred to Council's Environmental Health Officer who provided the following comments in relation to waste management:

I have major concerns about waste management at the property, but I believe they can be conditioned and resolved prior to the endorsement of a construction certificate (draft conditions provided below).

- *Waste Management Plan (WMP) was submitted considering demolition and construction waste, as well as waste generated from ongoing operation. However, WMP and Management Plan indicate Council will be collecting general waste and recycling, which does not comply with Council's standard conditions. Since the DA proposal regards a medical centre (commercial venue, therefore waste not serviced by Council), within a residential flat building, WMP and Management Plan must be amended to indicate:*
 - *how licensed private contractors will collect ongoing waste and recycling; and*
 - *which measures will take place to avoid general waste and recycling from medical clinic to be disposed on Council's bins from residential flat building.*

- *Architectural Plan must indicate waste storage area is large enough to accommodate the proposed number of bins. The layout of the waste and recycling storage room must allow easy unobstructed access to all bins and allow the bins to be easily removed for servicing purposes. Clinical waste bins must be handled in line with NSW health legislation and policies. Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. 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.*
- *Waste Management Plan must be amended to indicate onsite collection of waste and recycling. Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate clearance turning circles to allow collection vehicles to enter and exit the site in a forward direction. Clinical waste bins must be handled and transported in line with NSW health legislation and policies.*
- *Waste storage and collection arrangements should be designed to minimise the risk of contamination between waste streams from different tenancies and occupations. An example of this is the residential component having a separate waste storage area from the commercial component in a mixed-use development and that cross access to these areas is prevented. This should be indicated in amended Architectural Plans. WMP should also provide written evidence of valid contracts for the regular commercial collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and medical waste), and that the size and location of the storage room is suitable for the frequency of the waste collections.*
- *Management Plan (MP) indicates that "Waste collection is to be carried out outside of the operating hours and no earlier than 7am and no later than 7pm". MP needs to be amended to indicate if that would be on week days and if any collections will take place on weekends and public holidays, and if so at what time, to avoid noise disruption to the surrounding area. This information must also be on the WMP.*

The Applicant's PoM outlines that waste generated from the medical centre is to be collected by a commercial contractor using a vehicle no larger than a small rigid vehicle. However, the PoM also provides a breakdown of waste collection, outlining that general waste and recyclables are to be collected by Council, and clinical waste is to be collected by a commercial clinical waste contractor. This contradiction will be addressed via conditions of consent, which will require all waste generated from the medical centre to be collected via private contractor and for the WMP and PoM to be amended to include this requirement prior to issue of a construction certificate.

Traffic Management

The Application was referred to Council's Traffic Engineer for comments, which are provided below.

On-site parking provision

The Strathfield Council DCP specifies the following parking requirement for a professional consulting room:

- *3 spaces per surgery; plus*
- *1 space per 2 employees*

Application of the DCP would indicate the following:

- *1 x consulting room 3 spaces*
- *Staff (x 2) 1 space*

It is proposed to provide 4 parking spaces, including 1 accessible space, to comply with the Council's DCP criteria.

Comment - the proposed parking provision is compliant with the DCP criteria, and appropriate for this type of development.

Traffic generation

GTTGD, the RMS Guide to Traffic Generation Developments for Medical Centres use has been updated by the data provided in the Land Use Traffic Generation Report – Analysis 20 Study by TEF Consulting. The traffic report refers to the surveyed sites 4 and 5 are comparable to the proposed development (in terms of scale) as follows:

- 4 – Riverstone Family Medical Practice
- 5 – Dural Medical Centre

The above traffic generation rates indicate the following AM and PM peak averages:

- AM 3.0 vtpd per doctor
- PM 3.5 vtpd per doctor

The proposal will only involve 1 consulting room (i.e. a maximum of 1 doctor), and it follows that the proposal will generate some 3 vtpd in the morning and 4 vtpd in the afternoon peak periods.

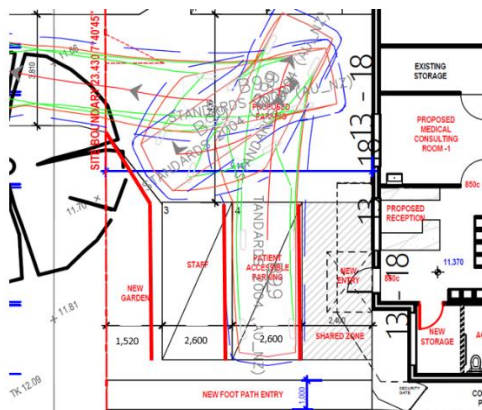
Comment - the traffic generation of the proposed development will not result in any adverse traffic implications.

On-site parking layout

All aspects of on-site parking was assessed against AS2890 series and considered satisfactory.

The geometric layout of the proposed off street parking basement parking shows a very tight maneuvering swept path into the Patient Accessible Parking space.

Comment - The new garden to be reduced in width by 400mm and increase the width of both the Staff and the Patient Accessible parking spaces to 2600mm. see below.



The drainage pit and lintel may need to be modified to accommodate the proposed new vehicular access drives driveway. The Development Engineer will need to be consulted in relation to this.

Council's Traffic Engineer consulted with Council's Construction Engineer regarding the modification of the drainage pit and lintel and provided the following update during the assessment process:

We recommend modifying the drainage lintel i.e. removing the 2.4 m long lintel and replacing it with a 1.8m long lintel. This will help to accommodate the proposed vehicular crossing which needs to be a min of 1.6m away from the trunk of the tree. (see attached sketch plan).

All cost for these modifications to be borne by the applicant/developer.

Works on the public domain area will need to be inspected by a Council Engineer at the time of construction.

In addition to the above design changes, Council's Traffic Engineer provided recommended conditions of consent.

Stormwater Management

Council's Stormwater Engineer did not raise any concerns regarding the proposal, including the proposed drainage pit and lintel modifications discussed above.

Building Surveyor

The Application was referred to Council's Building Surveyor, who raised no concerns and provided recommended conditions of consent.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(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,***

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of street trees adjacent to the site.

The aims and objectives outlined within the SEPP are considered to be satisfied.

Chapter 10 – Sydney harbour Catchment

All stormwater from the proposed development as modified can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

Based on the nature of the development type, there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

Chapter 4 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within Chapter 4 of the SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 – Infrastructure

Part 2.3, Division 10 relates to development for the purposes of a health services facility and outlines that a medical centre is permitted with consent in the R3 Medium Density Residential Zone. The proposed development is a type of health services facility (medical centre) and is therefore permitted with consent.

Division 10 also outlines that:

Nothing in this section—

(a) prevents a consent authority from—

- (i) granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or*
- (ii) refusing to grant consent for development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or*

Noting the above, Council has undertaken an assessment against the applicable controls which has informed the recommendation.

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R3-Medium Density Residential. A medical centre is identified as a business premises which is a type of commercial premises, and is prohibited in the zone.

However, the provisions of the Transport and Infrastructure SEPP override Council's LEP and therefore, the proposed medical centre is permitted.

Part 4 – Principal Development Standards

The proposal does not incorporate any change to the footprint or height of the existing RFB at the site. Accordingly, the development standards under Part 4 are not applicable to the proposal.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for levelling of the site for the proposed parking area is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

- (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 applicable to this site.

- (iii) any development control plan,**

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. Council's Environmental Health Officer has identified a number of issues with the submitted WMP and has recommended special conditions of consent to address the need for commercial waste collection requirements, and separation of commercial waste from residential waste at the site.

PART I – Off-Street Parking (SCDCP 2005)

Council's Traffic Engineer has reviewed the Application and confirmed that the proposed number of parking spaces complies with off-street parking requirements under Council's DCP.

- (iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,**

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

The proposed development incorporates use of the ground floor space of an existing aged RFB for the purposes of a medical centre. The demand for the use is not subject to any development controls or standards, however application of the Transport and Infrastructure SEPP is suggestive of a need for flexible delivery of this use.

The proposal allows for continued use of the remainder of site for residential purposes in the following ways:

- Separate entry to residential units and associated parking spaces will be maintained via The Crescent. This is achieved due to the site's corner location.
- The use of the front setback for parking and access for the medical centre does not consume an area typical of private open space as the area is within the front setback.
- The existing street trees and small garden beds within the front setback will mitigate the visual and heat impacts of the new parking area. A number of other developments in the immediate locality also feature parking within the front setback, bordered by landscaped areas.
- New landscaping within the side and rear setbacks will improve the outcome for the residential component of the site and the site's presentation in general.
- Waste Management conditions of consent will require the separation of commercial waste storage and pickup from residential waste.
- The hours of operation limit the potential for noise impacts and conditions of consent will require preparation of an acoustic report that demonstrates the proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.

Accordingly, the proposed development is considered to have a minimal impact on the environment and has the potential to have positive social and economic impacts.

(c) the suitability of the site for the development,

The site is in close proximity of large educational establishments (Pre-Uni New College and Homebush Public School), Homebush Train Station and Village Centre, which may create the demand for the proposed use. Notwithstanding, the R3 zone is mandated under the Transport and Infrastructure SEPP and as outlined above, the sites corner location and ability to separate residential from commercial uses, are conducive to the proposed development.

(d) any submissions made in accordance with this Act or the regulations,

In accordance with the provisions of Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One (1) submission was received which included six (6) signatories and raised the following concerns:

1. The location is unsuitable for the proposed medical use due to safety concerns.

Comment: Council's Traffic Engineer has reviewed the Application and supports the new access and parking arrangement subject to suitable conditions of consent.

2. A medical centre is not needed in this location as there are an adequate number of high quality doctors and medical centres in the local area.

Comment: As outlined above, the demand for the medical centre is not a consideration in the assessment of the development. The use is mandated in the R3 zone under the Transport and Infrastructure SEPP, which is suggestive of a state wide demand in diverse locations for the use.

(e) *the public interest.*

The proposed development is of a scale and character that does not conflict with the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 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).

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision Roads and traffic Management	\$15,559.28
Provision of Local Open Space	\$7,779.64
Provision of Major Open Space	\$22,549.68
Provision of Community Facilities	\$0.00
Administration	\$450.99
TOTAL	\$46,339.59

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2021/319 should be approved, subject to suitable conditions of consent.

Signed:

Date: 6 September 2022

**J Gillies
Senior Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed by;

Signed:
L Gibson

Date: 6 September 2022

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

(1) Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Location	DA1001	15/7/2021	B01	Platform 5 Design
Demolition Plan	DA2002	15/7/2021	B01	Platform 5 Design
Ground Floor Plan	DA2002_A	15/7/2021	B01	Platform 5 Design
Elevations	DA3001	15/7/2021	B01	Platform 5 Design
Sections	DA4001	15/7/2021	B01	Platform 5 Design
Plan of Management	-	September 2022	-	Cohesive Planning
Arboricultural Impact Assessment	-	22/02/22	-	Sydney Landscape Consultants

Tree Location and Protection Plan	-	22/02/22	-	Sydney Landscape Consultants
Stormwater Plans – General Notes	COVER	14/7/2021	A	ALPHA Engineering and Development
Stormwater Plans – Sediment and Erosion Control Plan	SW01	14/7/2021	A	ALPHA Engineering and Development
Stormwater Plans – Ground Floor Drainage Plan	SW02	14/7/2021	A	ALPHA Engineering and Development
Stormwater Plans – OSD and Stormwater Sections and Details	SW03	14/7/2021	A	ALPHA Engineering and Development
Landscape Concept Plan	20217_DA1	20/7/2021	A	Vision Dynamics
Waste Management Plan	-	July 2021	-	-

(2) **Signage**

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(3) **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

(4) **Vehicular Crossing - Minor Development**

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

(5) Road Opening Permit

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

(6) Sydney Water – Tap in TM

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(7) Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$402.50
Or, provide evidence of Payment direct to the Long Service Corporation.	
See https://portal.longservice.nsw.gov.au/bci/levy/	

Security Damage Deposit	\$5,250.00
Tree Bond	\$60,300.00
Administration Fee for Damage Deposit	\$130.00
Administration Fee for Tree Bond	\$130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$15,559.28
Strathfield Section 94 Development Contributions – Local Open Space	\$7,779.64
Strathfield Section 94 Development Contributions – Major Open Space	\$22,549.68
Strathfield Section 94 Development Contributions – Community Facilities	\$0.00
Strathfield Section 94 Development Contributions - Administration	\$450.99
Total Section 94 Contributions:	\$46,339.59

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

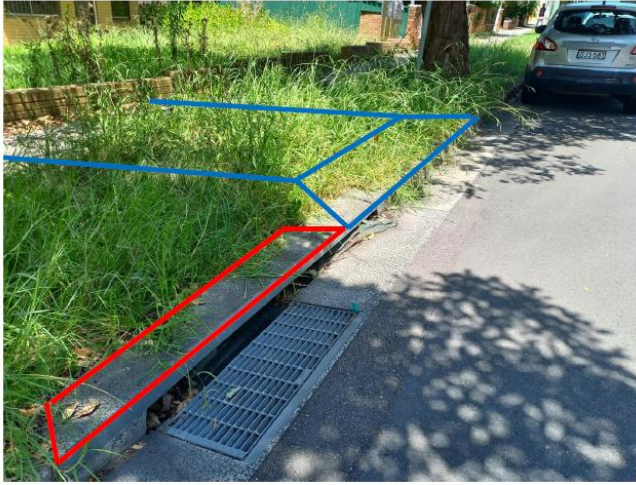
The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

<p>Accessible parking area width</p>	<p>The garden bed area width is to be reduced by 400mm and the accessible staff and visitor parking spaces are to be increased in width (200mm each). The diagram below provides an indicative mark up for clarity.</p> <p>The diagram is a detailed site plan showing various proposed modifications. Key features include:</p> <ul style="list-style-type: none"> Parking Areas: Indicated by red outlines and labels such as "STAFF ACCESSIBLE PARKING", "NEW GARDEN", and "NEW FOOT PATH ENTRY". Dimensions like 1,520, 2,600, and 2,400 are shown for these zones. Garden Beds: A "NEW GARDEN" area is outlined in green, with dimensions like 11.76m and 11.81m. Building Footprint: Shows existing structures like "EXISTING STORAGE" and "PROPOSED MEDICAL CONSULTING ROOM -1", along with new additions like "NEW STORAGE" and "NEW RECEPTION". Access Points: Labels for "NEW ENTRY" and "SECURITY GATE" are present. Other Features: Includes a "SHARED ZONE" and various dimension lines indicating specific measurements across the site.
<p>Existing Drainage Lintel</p>	<p>The 2.4m drainage lintel located along Homebush Road is to be replaced by a 1.8m long lintel to accommodate the new driveway and tree protection requirements. All works are to be funded by the Applicant. The image below provides an indication of the required outcome.</p>

	 <p>Proposed new driveway crossing to be located min of 1.6m away from the street tree</p> <p>Remove 2.4m lintel and replace with 1.8m lintel</p> <p>Remove 2.4m lintel and replace with 1.8m lintel cost to be borne by the applicant/developer</p>
Shared zone	The shared zone is to incorporate signage prohibiting parking in this area.
Rear Private Open Space Tree	A Water Gum or similar is to be planted centrally within the rear private open space.
Permeable Paving	The Landscape Plans are to clearly show permeable paving in the locations identified as requiring in the approved Arboricultural Impact Assessment prepared by Sydney Landscape Consultants.

(9) Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$5,250.00.
- Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

(10) Tree Bond

A tree bond of \$60,300.00 (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 existing trees to be retained on Council's road reserve, 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.

A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

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.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

(11) **Site Management Plan**

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

(12) **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) 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)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

(13) Stormwater System

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

(14) Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

(15) Driveway Construction Plan Details

Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

(16) Council Property Shoring

Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

(17) Fire Safety Measures

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a Principal Certifier. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or Principal Certifier will then issue a Fire Safety Schedule for the building.

(18) Engineer's Certificate

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(19) Access for Persons with a Disability

Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

(20) Commonwealth Disability (Access to Premises) Standard

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

(21) Alternative Means of Compliance with the BCA– Clause 62 and 64 EP& A Regulation 2021

Pursuant to Clause 62 AND/OR 64 of the [Environmental Planning and Assessment Regulation 2021](#), the existing buildings must be brought into **total** conformity with the Building Code of Australia. In this regard, construction plans that demonstrate compliance with the Building Code of Australia must be submitted to the Certifying Authority with the Construction Certificate application for approval.

Alternatively, if it is found that full compliance cannot be achieved due to the age and/or construction of the existing building, and to achieve full compliance will involve major and costly structural alterations having to be carried out to the existing building, a fire assessment report, to determine an alternative and/or partial compliance with the BCA, must be prepared by an appropriately qualified and accredited fire safety engineer, justifying the non-compliances and detailing an alternative method of compliance with the Building Code of Australia. The report must also detail the measures contained in the building to protect persons using the building, to facilitate their egress in the event of fire as well as protection of fire brigade personnel during firefighting operations, and measures to restrict the spread of fire from the building to other buildings nearby.

(22) Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

(23) Acoustic Requirements

Acoustic Report - General Operation of Premises

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as a LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Industrial Noise Policy](#).

(24) Waste Management Plan

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

The Waste Management Plan must indicate the following:

- (1) how licensed private contractors will collect ongoing waste and recycling; and
- (2) which measures will take place to avoid general waste and recycling from medical clinic to be disposed on Council's bins from residential flat building.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

(25) Waste, Recycling and Bulky Storage Rooms

The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building.

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.

Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.

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.

Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

Details of any specialised waste disposal equipment to be used in the development such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Bulk collection area must be provided at a rate of 4m² per 10 units and should be located adjacent to waste and recycling storage rooms.

(26) Onsite Waste Collection

Development for the purposes of multi-unit housing, residential flat buildings, serviced apartments, boarding houses, mixed use and commercial developments must provide onsite underground or at-grade collection of waste, which must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005).

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings, which should indicate adequate turning circles to allow collection vehicles to enter and exit the site in a forward direction.

(27) Separate Waste Areas for Mixed-Use Development

Waste storage and collection arrangements should be designed to minimise the risk of contamination between waste streams from different tenancies and occupations. An example of this is the residential component having a separate waste storage area from the commercial component in a mixed-use development and that cross access to these areas is prevented.

WMP should also provide written evidence of valid contracts for the regular commercial collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

(28) Commercial and Industrial Waste

Appropriate waste and recycling containers and facilities will need to be provided according to Waste Management Plan for all specific end use businesses in accordance with the waste generation rates provided at Part H of Strathfield Council DCP 2005 – Appendix B.

WMP should also provide written evidence of valid contracts for the regular collection and disposal of waste and recyclables generated on the site. The private waste contractor must confirm the frequency of the waste collections (general waste, recycling and bulky goods), and that the size and location of the storage room is suitable for the frequency of the waste collections.

The collection of commercial and industrial 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. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

Note: Refer to the EPA's [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#)

(29) Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

(30) Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled **Arboricultural Impact Assessment** and the **Tree Location and Protection Plan** prepared by **Sydney Landscape Consultants** dated **22 February 2022** must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be

in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The tree/s to be protected are listed in the table below.

Tree No	Tree Species	Location of Tree	Tree Protection Zone (TPZ)
1	Lophostemon confertus	Street tree located in Homebush Road	7.2 metres
2	Lophostemon confertus	Street tree located in Homebush Road	7.8 metres
3	Lophostemon confertus	Street tree located in The Crescent	7.8 metres

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- (d) The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

Specific Street Tree Protection Measures

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

Excavation works near tree to be retained

Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.

- (h) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (i) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

(31) Landscape Plans

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

(32) Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

(33) Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

(34) Dial Before You Dig

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Council’s Engineers for their records.

(35) Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

DURING CONSTRUCTION

(36) Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

(37) Cost of Work to be Borne by the Applicant

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

(38) Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

(39) Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

(40) Allocation of Parking Spaces

Parking associated with the development is to be allocated as follows:

- (a) 2 Patient parking spaces
- (b) 1 accessible patient parking space
- (c) 1 staff parking space

At no time are patients, staff or any visitors associated with operation of the medical centre permitted to park in the concrete area adjacent to The Crescent or in the garages located off The Crescent.

(41) Minor Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

(42) Stormwater Certification of the Constructed Drainage Works (Minor)

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.

(43) Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

(44) Vehicular Crossing - Minor Development

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

(45) Stormwater Drainage Works – Works As Executed

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

(46) Fire Safety Certificate before Occupation or Use

In accordance with Clause 41 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 83 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 86 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

(47) Slip Resistance

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

(48) Acoustic Certification

Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant shall certify that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the acoustic criteria established by the Acoustic Report required by a condition of this consent. The development shall at all times comply with these noise levels post occupation.

(49) Waste Storage Containers – Medical Centres

All clinical and hazardous wastes are to be disposed of in accordance with the requirements of the NSW Department of Health, specifically in terms of the nature of the use of the premises.

OPERATIONAL CONDITIONS (ON-GOING)

(50) Hours of Operation

The approved hours of operation shall be restricted to the following:

Monday to Friday: 8.00am to 7:00pm,

Saturdays, Sundays and public holidays: 9.00am to 5.00pm

(51) Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

(52) Noise Control

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

(53) Outdoor Lighting

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

(54) Activities and Storage of Goods Outside Buildings

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

(55) Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

(56) Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued.

(57) Appointment of a Principal Certifier

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the Principal Certifier of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

(58) Notification of Critical Stage Inspections

No later than two days before the building work commences, the Principal Certifier must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

(59) Notice of Commencement

The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection or demolition of a building.

(60) Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

PRESCRIBED CONDITIONS

(61) Clause 69 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

(62) Clause 70 – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

ADVISORY NOTES

1. Review of Determination

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

2. Appeal Rights

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

3. Lapsing of Consent

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

4. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

5. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

6. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/319) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

7. Acoustical Engineer Contacts & Reference Material

Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au)
- (b) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au)
- (c) NSW Industrial Noise Policy – Office of Environment & Heritage (www.environment.nsw.gov.au)