

IDAP REPORT – SECTION 4.55(1A) MODICATION

Property:	177 Parramatta Road HOMEBUSH WEST Lot: 12 DP: 210783 DA2016.47.5
Proposal:	S4.55(1A) modification application for the installation of sliding gate.
Applicant:	R Laviano
Owner:	R. A. Property Services P/L
Date of lodgement:	5 August 2022
Notification period:	No Notification
Submissions received:	Nil
Assessment officer:	J W Brown
Estimated cost of works (Original):	\$954,871.00
Zoning:	B6-Enterprise Corridor - SLEP 2012
Heritage:	No
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	Approval



Figure 1: Aerial image of the site

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the modification of development consent DA2016/47 for the S4.55(1A) modification application for installation of sliding gate.

Site and Locality

The site is identified as 177 Parramatta Road HOMEBUSH WEST and has a legal description of Lot: 12 DP: 210783, Lot: 5 DP: 596728. The site is a regular shaped parcel of land and is located northern side Parramatta Road.

The site has a width of 37m, a depth of 77m and an overall site area of 2,736.2m².

The locality surrounding the subject site contains a mixture of warehouses, distribution centres and bulky goods.

Strathfield Local Environmental Plan

The site is zoned B6-Enterprise Corridor under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal as amended satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development as amended 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 not notified in accordance with Council's Community Participation Plan as it was considered unlikely to result in additional environmental impacts.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2016/47/5 is recommended for approval subject to suitable conditions of consent

Report in Full

Proposal

Council has received an application to modify development consent for the installation of an automatic sliding gate that fronts Parramatta Road.

The Site and Locality

The subject site is located at the north-eastern corner of the intersection of Parramatta Road and Bedford Road (Figure 2). The site is rectangular in shape, comprising a 37m frontage to Parramatta Road, 77m frontage to Bedford Road and a total site area of 2,736.2m². A Sydney Water stormwater channel adjoins the site along the rear property line (eastern boundary). Surrounding development primarily includes warehouses, distribution centres and bulky goods. Sydney Markets is located opposite the site at 250-318 Parramatta Road.



Figure 2: Closer aerial image of the site



Figure 2: Location of automatic sliding gate

Background

14 September 2016	Council approved DA2016/047 for the demolition of existing structures, construction of a warehouse, hardstand area, storage bunkers and use of the site for the sale of hardware, building and landscaping supplies.
19 July 2017	Section 96(1A) modification (DA2016/047/01) to delete Condition No. 4 requiring the construction of a skillion roof structure over the bunkers was approved by Council's IDAP.
21 March 2019	Section 4.55(1A) modification (DA2016/047/02) to re-locate the storage bunkers and roller doors, install solar panels and modify the rear setback. Was approved by Council's IDAP.
6 November 2020	Section 4.55(1A) modification application (DA2016/47/4) incorporating external façade changes, deletion of Condition 43A and modification to hours of operation was approved by Council's IDAP.
5 August 2022	The subject modification application S4.55 (1A) (DA2016/47/5) was lodged to Council
17 August 2022	Council's Planner carried out a site visit

Referrals – Internal and External

Traffic Manager Comments:

The application was referred to Council's Traffic Manager who offered no objection to modify the entrance gate to an automatic sliding gate subject to the existing conditions of consent.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55(1A) of the EPA Act. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has not been notified in accordance with the provisions of Council's CPP. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

Section 4.15 Assessment

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,***

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 B6-Enterprise Corridor and the proposal modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

The nature of the proposed modification does not trigger an assessment against the provisions of the principal development standards of the SLEP.

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. Flood planning provision was assessed under the parent application (DA2016/47). The proposed modification is unlikely to affect compliance with this provision and all relevant conditions of consent will be retained within the modified Notice of Determination.

Part 6 – Additional Local Provisions

The proposed modification will not alter the assessment of Part 6 of the SLEP 2012 as originally approved

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.122 of the SEPP (Transport and Infrastructure) 2021 requires consideration be made for traffic generating development within a commercial premise with 2,500m² site area that provides direct access to a classified road. As the site is approximately 2,700m² and provides direct access to Parramatta Road, the proposal was originally referred to Transport for NSW for comment whom raised no objection to the proposal and subsequent modifications. The subject modification is of negligible impact being an automatic sliding gate. Thus, the objectives and controls of the SEPP are maintained.

- (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 as modified 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.

Streetscape Impacts

The installation of an automatic sliding gate will have negligible impacts to the streetscape. The gate will provide security and safety for operational purposes for the approved use as a builders hardware and landscaping supply centre.

The proposal will not result in any change to the approved front, rear and side setbacks resulting in an overall bulk and scale of the development to not change. Accordingly, the development remains suitable and compatible with that of existing industrial and commercial development surrounding the site.

Vehicular access, Parking and Circulation

The modification has been reviewed by Council' Traffic Engineer, who supports the automatic sliding gate on Parramatta Road frontage as it is a suitable alternative to an inward swinging gate. The modification is unlikely to affect the approved parking, circulation and vehicular access and satisfies the guidelines within Part I of the SCDCP 2005.

The proposed modified development satisfies the relevant objectives and controls of the SCDCP 2005.

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

Not applicable.

(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 modified development is of a scale and character that is in keeping with other commercial and industrial buildings being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

It is considered that the proposed development as modified is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of Councils Community Participation Plan, the application was not placed on neighbour notification as it was considered unlikely to result in additional environmental impacts.

(e) *the public interest.*

The proposed development as modified 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).

Section 7.11 contributions are not applicable to the proposed modification as they were levied previously under the parent application.

Conclusion

The application for modification 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 SCDP 2005.

Pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 and following detailed assessment of the proposed modification to Development Consent No.DA2016/47/5 for the installation of sliding gate be approved.

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.
2. The original conditions of consent of Development Consent No. DA2016/47 as approved for demolition of existing structures, construction of a warehouse, hardstand area and storage bunkers, and use of the site for the sale of hardware, building and landscaping supplies, except where amended as below.
3. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted;
 - Modified Condition 1 – Plans
 - Modified Condition 12 – Parking/Traffic Matters

Accordingly, Development Consent DA2016/47/5 is approved as per the following;

Signed:
J W Brown
Planner

Date: 2/09/2022

- ☒ I confirm that I have determined the abovementioned modified 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 7.11/7.12 Contributions are not applicable to this modification;

Report and recommendations have been peer reviewed by;

Signed:

Date: 6/09/2022

**J Gillies
Senior Planner**

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

Demolition Plan Job No.1153-11 Issue I Drawing No.A100 prepared by Katris Architects, received by Council 4 April 2016.

Site Plans/Calcs and Landscape Plan Drawing No.1440 prepared by Site Design + Studios, received by Council 15 June 2016.

~~Ground Floor Plan Job No.1153-11 Issue M Drawing No.M101 prepared by Katris Architects, received by Council 14 September 2020.~~

Ground Floor Plan Job No.1153-11 Issue P Drawing No.N002 prepared by Katris Architects, received by Council 18 July 2022.

Mezzanine Plan Job No.1153-11 Issue M Drawing No.M103 prepared by Katris Architects, received by Council 14 September 2020.

Roof Plan Job No.1153-11 Issue M Drawing No.M105 prepared by Katris Architects, received by Council 14 September 2020.

~~South West and North East Elevation Job No.1153-11 Issue M Drawing No.M106 prepared by Katris Architects, received by Council 14 September 2020.~~

South West and North East Elevation Job No.1153-11 Issue P Drawing No.N007 prepared by Katris Architects, received by Council 18 July 2022.

North West and South East Elevation Job No.1153-11 Issue M Drawing No.M107 prepared by Katris Architects, received by Council 14 September 2020.

Section A-A and Section B-B Plan Job No.1153-11 Issue M Drawing No.M108 prepared by Katris Architects, received by Council 14 September 2020.

Materials and Finishes Job No.1153-11 Issue I Drawing No.A110 prepared by Katris Architects, received by Council 15 June 2016.

Stormwater Layout Plan Ground Level Project No.180836, Drawing No.101, Issue D, prepared by Australian Consulting Engineers, received by Council 14 September 2020.

OSD & WSUD Details & Calculation Project No.180836, Drawing No.102, Issue C, prepared by Australian Consulting Engineers, received by Council 14 September 2020

Stormwater drainage Sections and Details Project No.180836, Drawing No.103, Issue C, prepared by Australian Consulting Engineers, received by Council 14 September 2020

Sediment and Erosion Control Plan Project No.180836, Drawing No.104, Issue B, prepared by Australian Consulting Engineers, received by Council 14 September 2020

Miscellaneous Details Sheet Project No.180836, Drawing No.105, Issue C, prepared by Australian Consulting Engineers, received by Council 14 September 2020

Catchment Plan and WSUD MUSIC results Project No.180836, Drawing No.106, Issue B, prepared by Australian Consulting Engineers, received by Council 14 September 2020

Stormwater Layout Plan and Roof Plan Project No.180836, Drawing No.107, Issue B, prepared by Australian Consulting Engineers, received by Council 14 September 2020

Dust Management Plan Ref 16043 Ltr 040216 NH prepared by Wilkinson Murray, received by Council 4 April 2016.

Waste Management Plan Ref 7722 prepared by Katris Architects, received by Council 4 April 2016.

Noise Impact Assessment Ref R150468R1 Revision 0 prepared by Rodney Stevens, received by Council 3 November 2015.

Traffic and Parking Assessment Report prepared by Terraffic Pty Ltd, received by Council 4 April 2016.

Energy Efficiency Evaluation Section J of BCA 2016 revision 2 prepared by Partners Energy Revision, received by Council 14 September 2020

MODIFIED: 6 November 2020 (DA2016/047/4)

MODIFIED: 9 September 2022 (DA2016/047/5)

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

General

4. **DELETED 19 July 2017 (DA2016/047/01)**

5. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
6. A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior to the commencement of any works on public/Council-controlled areas including the erection of site fencing and demolition or excavation. The permit must be retained on site at all times.
7. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.

Financial Matters

8. In accordance with the provisions of Section 94(1)(b) 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 Major Open Space	\$25,993.63
Provision of Local Open Space	\$10,397.45
Provision Roads and traffic Management	\$2,599.36
Administration	\$866.45
TOTAL	\$39,856.90

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.

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

9. A security payment of **\$4,127.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$127.00
TOTAL	\$4,127.00

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) Road and stormwater drainage works in roadways and public areas;
- (b) Construction of the On-Site Stormwater Detention system;
- (c) Installation and maintenance of sediment control measures for the duration of construction activities;
- (d) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition; and
- (e) Submission of drainage works-as executed plans and will be released upon satisfactory completion of these items.

10. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections**.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit**. If the additional fee is not paid it will be deducted from the damage deposit.

Parking/Traffic Matters

11. Plant and machinery stored upon the subject site shall be limited to the following:

Plant	No.
6m tipper	3
7m tipper	1
7m flat top truck	1
9m flat top truck	1
11m flat top truck	1

All plant is to be parked within the designated parking spaces as shown upon Site Plans/Cals and landscape Plan Drawing No. 1440 prepared by Site Design + Studios, received by Council 15 June 2016.

12. **Prior to the issue of any Occupation Certificate**, an ~~inward opening~~ **automatic sliding gate** shall be provided to the driveway to Parramatta Road. This gate shall remain closed when not in use and a sign shall be erected clearly visible from Parramatta Road stating "no entry".

MODIFIED: 9 September 2022 (DA2016/047/5)

13. Vehicles exiting the site to Parramatta Road shall be restricted to **left out only**. A sign shall be erected in a suitable location adjacent to the exist gate.

14. A total of eighteen (18) off-street parking spaces and seven (7) loading bays, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans.
15. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
16. Vehicles accessing the site shall be limited to a maximum length of 11m. A suitable sign shall be erected in a suitable location adjacent to all entries to the site.
17. A sign shall be erected in a suitable location on the site advising that parking is available for visitors/customers.
18. The entry and exit driveways shall be suitably signposted and directional arrows shall be painted on the internal roadway.
19. All vehicles entering and leaving the site shall be driven in a forward direction only.
20. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
21. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
22. Reconstruct the footpath, kerb and gutter to Council's specifications for the full frontage of the development site at the completion of all building works.

Drainage/Stormwater

23. DELETED 21 March 2019 (DA2016/047/02)

24. The top of the retaining walls along the boundaries and all openings and entries to the site on the upstream and downstream side shall comply with the RL indicated upon the Stormwater Plans project No. 180836 prepared by the Australian Consulting Engineers, received by Council 14 September 2020 and the levels indicated in Council's Powell's Creek Flood Study.

MODIFIED: 6 November 2020 (DA2016/047/4)

25. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to an existing stormwater channel that services the proposed development. The onsite stormwater detention basin will connect directly into this existing stormwater channel as per the requirements outlined by Sydney Water/Strathfield Council. The internal drainage system has been designed generally satisfactory and is depicted on the concept drainage plans prepared by the **Australian Consulting Engineers Dwg 000, 101 to 107, Project No. 180836.**

MODIFIED: 6 November 2020 (DA2016/047/4)

26. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND the requirements of Council's Stormwater Management Code.

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate. Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

27. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND/OR** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

28. **Prior to the issue of an Occupation Certificate/use of the building,** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

29. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

30. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-

- (a) After the excavation of pipeline trenches.
- (b) After the laying of all pipes prior to backfilling.
- (c) After the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

31. All pits shall be constructed in accordance with Australian Standard AS3500.3.
32. All subsoil drainage must be designed to meet the requirements of AS3500;
33. All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
34. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.

- 34A. Amended plans demonstrating compliance with the following measures shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an amended Construction Certificate:
- (a) The storage bunkers along the rear property boundary are to be suspended with a minimum clearance of the 1 in 100 year storm event flood levels;
 - (b) The finished floor levels of the cement shed and warehouse storage building, warehouse and bulky goods retail with associated office building are to be no less than the 1 in 100 year storm event flood levels.
- 34B. The Applicant is to submit, for approval by the Principal certifying Authority, a Flood Impact Assessment Report prepared by a suitably qualified professional hydraulics/civil engineer. A copy of the Flood Impact Assessment Report is to be submitted to Council for its records prior to the issue of a Construction Certificate.
35. 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.
36. 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.
37. A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
- (a) On-site stormwater detention system AND
 - (b) All Water Sensitive Urban Design components

The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. A registered copy of the document shall be submitted to the consent authority **prior to the issue of an Occupation Certificate/use of the building.**

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

38. A detailed design 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** and shall include, but not be limited to:

Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).

The design shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, conditions of consent, Strathfield Council's Development Control Plan Part N - Water Sensitive Urban Design 2005, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent updated versions.

39. All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, "Strathfield Council WSUD Reference Guideline" and the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.
40. A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases(if any):
- (i) Installation of the overflow pit and bulking out/trimming profiling;
 - (ii) Installation of under drainage;
 - (iii) Installation of cleanout points;
 - (iv) Installation of drainage layer;
 - (v) Installation of transition layer;
 - (vi) Installation of filtration media;
 - (vii) Laying of geofabric protection for build-out phase;
 - (viii) Laying of turf temporary protection layer, and
 - (ix) Final planting.
41. An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision Certificate** outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.

Landscaping/Tree Matters

42. All common and private landscape areas including all planters 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 all relevant Australian Standards.
43. **Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan prepared generally in accordance with the landscape plan prepared by SiteDesign Studios (Drawing No. 1440) dated 01.06.16 and the Landscape provisions contained within Section 2.10 of art D of the Strathfield Council Development Control Plan.
- 43A. Amended plans demonstrating compliance with the following measures shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (a) The location of vehicle car space No. 14 is to remain as per the original consent;
 - (b) A deep soil landscaping strip is to be provided in the southern corner of the site adjacent to the storage bunkers and Parramatta Road entry. The landscape area is to be a minimum of 3m in width and 13m in length and planted with **three (3) Leptospermum polygalifolium (Jelly Bush)** ~~two (2) canopy trees with a minimum mature height of 15m;~~ **native shrubs, ground covers and grasses. The location of the Leptospermum polygalifolium (Jelly Bush) shall adhere to the indicative dimensional requirements under Diagram 5 of Sydney Water's Technical Guidelines – Building Over and Adjacent to Pipe Assets.**

- (c) The driveway from Parramatta is to be a minimum width of 4m at the property boundary line.
- (d) **The deep soil landscaping strip along Parramatta Road is to be planted with three (3) *Tristaniopsis laurina* 'luscious' (Water Gum), native shrubs, ground covers and grasses.**

Alternative tree species to those prescribed in condition (b) and (d) must be approved by Council.

Trees are to conform to the NATSPEC Guide and Guide for Assessing the Quality of and Purchasing of Landscape Trees by Ross Clarke, 2003. All plants are to be true to type, healthy and vigorous at time of delivery and plating, shall be pest and disease free, free from injury and self-supporting. 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 the height of the main stem, others as necessary to stabilise the plant.

At the completion of all works, photographic evidence that the conditions have been complied with shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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 other operations required to maintain healthy trees, plants and turfed areas

MODIFIED: 6 November 2020 (DA2016/047/4)

Site Operation

- 44. **The hours of operation shall be restricted to 5:30am to 5pm Monday to Friday and 5:30am to 3pm Saturday. No operations are permitted on Sundays or public holidays.**

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- 45. No more than (12) staff members are to be present upon the site at any time.
- 46. The delivery and despatch of goods, material and the like to and from the premises shall only take place during the approved hours of operation.
- 47. The delivery of goods to the site shall be limited to a maximum of ten (10) deliveries per day. A register of deliveries is to be maintained upon the site at all times. Such a register is to be made readily available to Council officers upon request.
- 48. The storage of goods, materials, equipment, machinery, refuse, or refuse bins (including industrial waste containers) shall be carried out in an area specifically designed for that purpose and not within the road reserve except in accordance with Council's Materials on the Footpath Policy.
- 49. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.

50. The discharge of surface water from the site (including that from within the building) shall be in accordance with the requirements of Council and Sydney Water. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
51. The business identification pole sign shall not flash, chase or pulsate.
52. The sign shall not obstruct sight lines for motorists and shall not be flood lit.
53. The display of signage, other than signage which is approved by this consent or signage which is exempt development, is strictly prohibited.
54. No flashing lights or flashing animated signs shall be erected on the property.
55. No advertising flags, banners or the like are to be erected on or attached to the shopfront.
56. No advertising, corporate colours, logos or decal are to be applied or painted or placed within 1 metre of the shopfront windows so as to be visible from outside without the prior written approval of Council.

Construction Matters

57. **Prior to the commencement of any construction or demolition work,** the Applicant or principal contractor must, subject to obtaining permission from the respective property owners, provide dilapidation reports prepared by a suitably qualified person (such as a structural engineer), on the buildings located on any lot adjacent to the subject site, inclusive of ancillary structures. A copy of the respective report must be provided to the Principal Certifying Authority and neighbouring property owners that are the subject of that report.
58. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
59. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
60. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
 - (a) Footings excavation prior to placement of concrete;
 - (b) Ground floor and first floor levels;
 - (c) All floors of the building, roof eaves and all roof ridges;
 - (d) Wall setbacks from property boundaries and street alignment;

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

61. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.
62. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to the issue of an Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
63. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
64. The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
65. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
66. Certification of the structural adequacy of the sign shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
67. All temporary buildings shall be removed from the site at the completion of the development.
68. A certificate from a practising and suitably qualified structural engineer certifying that the existing structure is capable of supporting the new superimposed loads from the proposed development shall be submitted **prior to the issue of a Construction Certificate**.
69. A detailed Construction Site Traffic Management Plan (CTMP) must be submitted to and approved by Council, prior to commencement of any site work (including demolition).

The CTMP must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- (a) A description of the demolition, excavation and construction works
- (b) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- (c) Any proposed road and/or footpath closures
- (d) Proposed site access locations for personnel, deliveries and materials
- (e) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- (f) Provision for loading and unloading of goods and materials
- (g) 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
- (h) Impacts of the work and vehicular movements on the road network, traffic and pedestrians

- (i) Proposed hours of construction related activities and vehicular movements to and from the site
- (j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)

Building Matters

70. The external glass used in the building shall have a reflectivity index of less than 20%. Details and specifications of the glass shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

Demolition

71. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
72. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
73. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
74. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

75. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
76. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Hoardings

77. If 'A' type hoarding is to be erected about the building site, it is to comply with NSW Workcover's requirements; shall have a minimum height of 1.8 m and comply with AS1725-2003 (Galvanized Rail-Less Chain-Wire Security Fences and Gates) or AS 4687-2007 (Temporary Fencing and Hoardings). Inverted trench mesh is not an acceptable 'A' type hoarding and as such does not satisfy AS1725-2003 and as such shall not be installed to the building site.
78. An overhead 'B' type hoarding shall be constructed where buildings over 7.5 m in height above the footpath level and within 3.6 m of the street alignment are being erected or demolished or where the outer part of such a building adjoining a public way is being altered. Where the height of the building or the position of the site is such that danger is likely to occur from falling objects, additional safety hoarding shall be provided to the satisfaction of the principal certifying authority and Workcover NSW.

79. An overhead 'B' type hoarding shall be constructed where material is being hoisted over or across a public way.
80. The following additional requirements apply to the erection of a 'B' type hoarding:
 - (a) No advertisement of any kind shall be affixed to hoarding with the exception of a board not exceeding 2400 –mm by 1800-mm on which may be shown the architects, builders and principal certifying authority company name / contact details or any particulars regarding the subject building, and notices regarding the existing or future occupancies in the building.
 - (b) A sign reading 'Billposters will be Prosecuted' shall be attached or printed upon the front of the hoarding.
 - (c) A hydrant or other footpath box shall not be covered in any way or access to it impeded.
 - (d) Cranes shall not be placed upon the public way unless a permit has been obtained under section 68 Local Government Act, 1993.
 - (e) The hoarding must be so constructed that it will not obstruct the view of traffic lights of motorists or pedestrians.
 - (f) The use of the roadway for the storage of building materials is not permitted.
 - (g) Where materials are being hoisted over a public way a sign shall be attached or printed upon the front of the hoarding at the decking level with the lettering 'Lifting Operation Above'. The lettering shall not be less than 300-mm in height.
 - (h) Persons undertaking the work in accordance with this Approval must hold this Approval/Permit on-site for inspection.
 - (i) Approval for a temporary protective structure does not permit use of the roadway for general loading and unloading from construction vehicles. This requires a separate Construction Zone Application.
 - (j) An appropriate qualified practising structural engineer shall certify the structural stability / adequacy of the erected 'B' type hoarding. A copy of the certificate shall be forward to the principal certifying authority and to Council, where Council is not the principal certifying authority.
81. The builder shall erect and maintain all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary and must be in place before the approved activity commences.
82. Permits are required to erect Class 'A' or 'B' type hoardings. If any type hoarding is to occupy a section of Council's property, that section will require a permit for the occupation of Council's property. The applicant, owner, builder or site supervisor must apply for specific permits. The application form is available from Council's Customer Service Department.

Air Quality

83. Dust emissions from the stockpiles shall be suppressed by a permanently installed irrigation system and details shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**. The irrigation system shall be installed in accordance with the approved details prior to the work/use commencing and maintained at all times to Council's satisfaction.
84. Full compliance shall be given to the recommendations contained in the endorsed dust management plan.

85. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.
86. The use of the premises shall not give rise to:
- (a) The transmission of unacceptable vibration to any surrounding occupancy; and
 - (b) A noise level exceeding the background (L_{90}) noise level by more than 5dB(A) when measured from an adjoining premises. The source noise level shall be assessed as an $LA_{eq,15min}$ reading and adjusted in accordance with current EPA Guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and intermittency or any subsequent guidelines.

Disabled Access

87. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia, the relevant standards and the requirements of the Disability (Access to Premises – Buildings) Standards 2010. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
88. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.
89. A carparking space for persons with disabilities shall be provided in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

Waste Management

90. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

Roads and Maritime Services

91. All buildings and structures, together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Road boundary.
92. The redundant driveway on Parramatta Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the new driveway and kerb and gutter on Parramatta Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Road and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval **prior to the issue of a Construction Certificate** and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

93. All demolition and construction vehicles are to be contained wholly within the site, and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.
94. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

Subdivision

95. The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan with the Land and Property Information Office must be submitted to Council, prior to the issue of any occupation certificate for the development.

Sydney Water

96. **The approved plans must be submitted to a Sydney Water Tap in™ 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 in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.**

ADDED: 6 November 2020 (DA2016/047/4)

SIGNED on behalf of
Strathfield Municipal Council



GEOFF BAKER
PUBLIC OFFICER

END CONDITIONS

ADVISORY NOTES

i. 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.

ii. 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.

iii. Lapsing of Consent

This consent will lapse unless the development is physically commenced prior to the date specified in this determination, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.