

Agenda

Strathfield Internal Development Assessment Panel Meeting

Notice is hereby given that a Strathfield Internal Development Assessment Panel Meeting will be held at Main Building Meeting Room, 65 Homebush Road, Strathfield on:

Thursday, 14 March 2019

Commencing at 10:00am for the purpose of considering items included on the Agenda

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TO: Strathfield Internal Development Assessment Panel Meeting - 14 March 2019
REPORT: IDAP – Report No. 1
SUBJECT: DA2018/131 - 162-170 PARRAMATA ROAD HOMEBUSH - LOT 60 SP 91021
DA NO. DA2018/131

SUMMARY

Proposal: Fit-out & use as a cafe and associated signage of premises.

Applicant: Carmela Litonjua

Owner: Steven & Pauline Orfanos

Date of lodgement: 28/09/18

Notification period: 4/10/18 - 21/10/18

Submissions received: Nil

Assessment officer: AT

Estimated cost of works: \$65,000.00

Zoning: ZONE B4 - Mixed Use - SLEP 2012

Heritage: N/A

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

- 1.0 The application seeks Council approval for the fit-out of an existing commercial tenancy as a café with a maximum patron capacity of 30 and associated business identification signage.
- 2.0 In accordance with Part L of the Strathfield Consolidated DCP 2005 the subject application was publicly notified. No submissions were received.
- 3.0 During the assessment process amended plans were requested and have been submitted to Council and were found satisfactory.
- 4.0 The proposed fit out of Unit 2/162-170 Parramatta Road Homebush for a cafe is consistent with the objectives of the zone as it seeks to preserve the existing use of the site for employment and economic activity purposes. The proposed works for the building complies with the parking provisions outlined in Part I 'Provision of Off-Street Parking Facilities', Part J 'Advertising Signs and Structures' and the 'Parramatta Road Corridor Area' of the Strathfield Consolidated Development Control Plan 2005. The subject site is considered to be suitable in its current state for the purposes of the proposed development.
- 5.0 The applicant has responded to Council's referral comments and amended their plans and documents accordingly.

BACKGROUND

DA2018/131 - 162-170 Parramatta Road Homebush - LOT 60 SP 91021 (Cont'd)

The building is a recent construction and the subject site is a new tenancy within the building. The historical background for this application is listed below;

2 October 2018	Application received
2 October 2018	Referred to EHO
4 October 2018 – 21 October 2018	Neighbour notification
4 October 2018	Initial comments received EHO requiring amended plans
13 November 2018	Applicant requested clarification regarding EHO comments and a time extension of 3 weeks
16 November 2018	Comments received EHO. Plans and documents have been updated including Detailed floor plans, Plan of Management, Waste Plan, Statement of Environmental Effects, and Response to Council letter.
31 January 2019	Amended plans received
15 February 2019	Final referral comments received / amended plans are satisfactory

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 60 - SP 91021 and is commonly known as Shop 2, 162-170 Parramatta Road Homebush. The site is located on the southern side of Parramatta Road and has an area of 1,610m² (Figure 1). The shop is part of a newly constructed mixed use development comprising commercial tenancies at ground floor level, 9 levels of residential apartments and 2 levels of basement parking. The development fronts the Parramatta and Park Road intersection in Strathfield. The commercial tenancy is currently unoccupied and has a GFA of 136m².

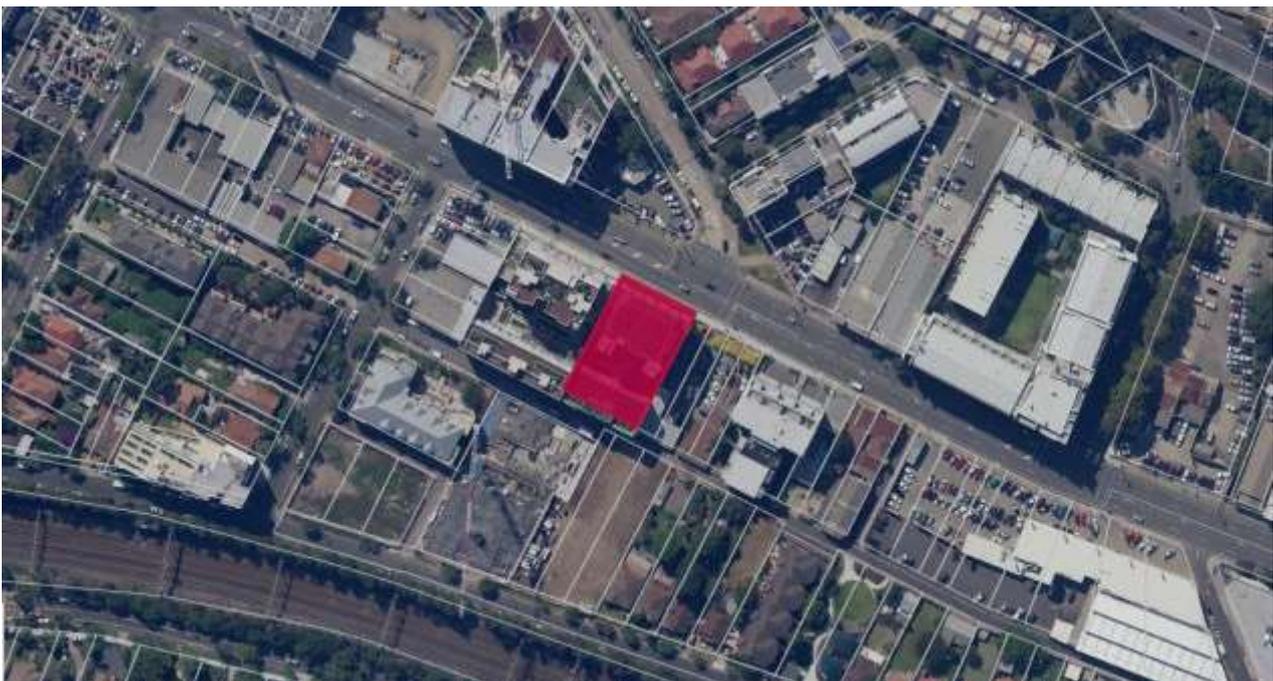


Figure 1: Aerial view of locality with subject site highlighted in red above.

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The site is located approximately 600m north west of Homebush Railway Station and approximately 820m to south west of North Strathfield Railway Station. Vehicle access to the basement level car park is via a rear lane (Loftus Lane) along the south western boundary where two (2) car parking spaces are provided for subject tenancy. The surrounding area is characterized by commercial and mixed use development along Parramatta Road and is consistent with the zoning while residential development is prevalent to the south. Solid concrete walls separate the individual lots as shown in the image below.

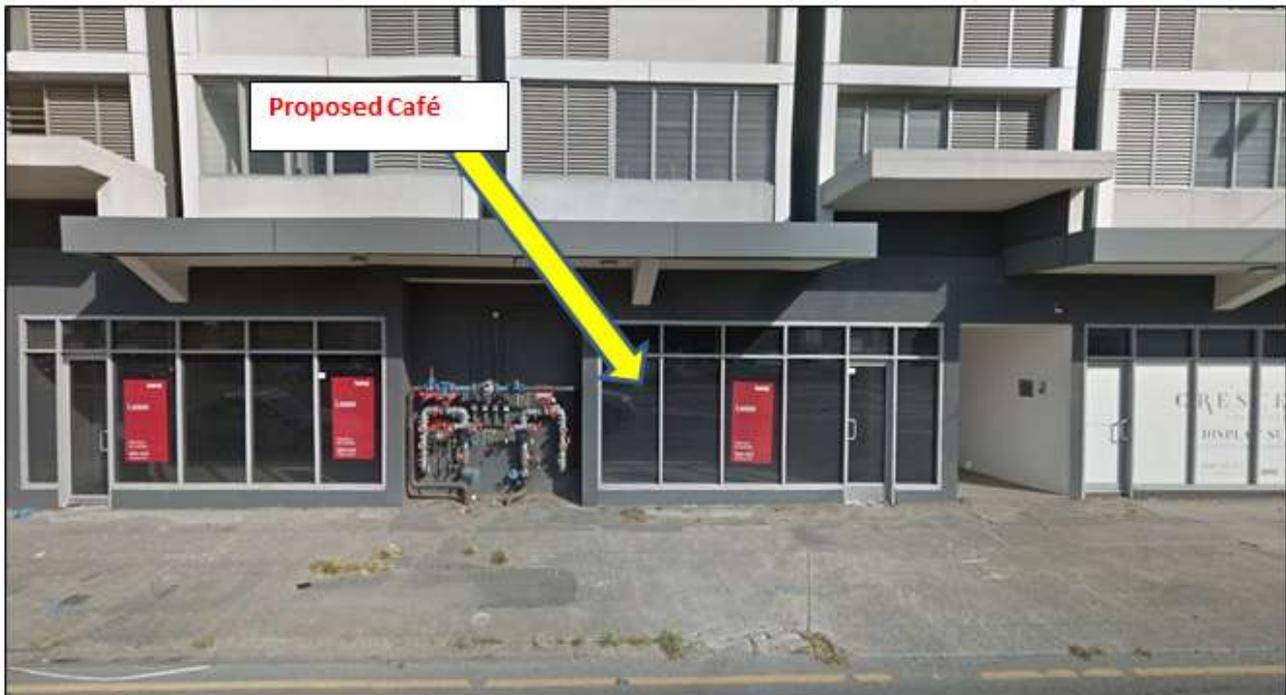


Figure 2: Street view of the building façade along Parramatta Road with existing tenancy to be fitted and used for the purpose of a café.

The subject application relates to Shop 2, which is located in the north-eastern corner of the building complex. Other existing tenancies adjoining the site are commercial based premises and few are currently vacant (Figure 2).

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

This application seeks Council approval for the fit out and use of an existing commercial tenancy as a café with associated signage .

The specific elements of the proposal are:

Basement level: The provision of two (2) off-street car parking spaces

Ground level: Tenancy Unit 2

- Fit-out of an existing commercial tenancy as a Cafe including lounge area, table seating, bar counter, kitchen, cold room, toilet facilities.
- Installation of one (1) new under awning business identification sign;

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- Hours of operation; Monday to Thursday: 7am to 7pm, Friday: 7am to 10pm, Saturday and Sunday: 8am to 10pm;
- A maximum occupancy rate of 30 patrons at any time.

REFERRALS

INTERNAL REFERRALS

Waste Comments

All waste management related concerns have been fulfilled. No other objections were raised subject to the imposition of recommended standard conditions of consent.

Environmental Health Comments

Council's Environmental Health Officer has informed the applicant by email advising that home cooked food will not be permitted as part of the proposal and the following comments were provided:

1. *"Food that is made from within a residential premises ie. A home, cannot be sold within the business unless the residential home is licensed as a home based business, or has a whole sale license with the food authority. If the applicant is living in Strathfield and is planning on manufacturing high risk foods and to be registered as a homebased business, the Environmental Health team will not permit this. Please see the following link <https://www.strathfield.nsw.gov.au/business/food-safety/home-based-business/>*
2. *Due to the amount of space and the varied types of food that are proposed to be made on the premises, it is a recommendation that the business sells hot/ cold beverages, pre-made snacks/ pastries, sandwiches/ wraps, and salads within the premises."*

An Amended Special Condition was received from the Environmental Health officer on 12 March 2019;

The premises is permitted to sell "hot food" as stipulated in their plan of management. Preparing and selling the "hot food" as stipulated in their plan of management should be consistent with the size of the kitchen.

As such item number 2. Above has been amended to include the cooking and sale hot foods such as fried foods, chips etc of Council's Environmental Health Officer offered no other objections to the proposal, subject to the imposition of recommended conditions of consent.

Section 4.15(1)(a) the provisions of:

(i) any environmental planning instrument

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 (1)(a) of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

Sydney Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate is not required for the fit out and use as a café.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated.

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Given that the proposal involves the use of newly constructed building, no issues arise in this respect.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2004

The subject site fronts a classified road (Parramatta Road). Clause 101 of SEPP Infrastructure requires that where development has frontage to a classified road, alternative vehicular access be obtained from a road other than the classified road, and that the development not impact upon the safety, efficiency and ongoing operation of the classified road.

The proposed development obtains vehicular access from Loftus Lane and involves no impact upon the ongoing operation of Parramatta Road. As such the proposed development satisfies the requirements of Clause 101 of SEPP Infrastructure.

Clause 104 of SEPP (Infrastructure) identifies certain development as Traffic Generating Development and requires such development to be referred to the NSW Roads and Maritime Service (RMS) for comment.

STATE ENVIRONMENTAL PLANNING POLICY NO 64 - SEPP 64 – ADVERTISING AND SIGNAGE

SEPP 64 establishes a number of considerations for development involving the installation of signage. An assessment of the proposed development against the requirements of SEPP 64 is provided below:

The application seeks approval for new business identification signage on the subject site.

The sign will be situated on the shopfront facing Parramatta Road and under the awning of the building. Subsequently, the advertising signs have been assessed against the following clause of SEPP 64:

Part 1, Clause 3 of SEPP 64 requires advertising signs to meet the following aims and objectives:

- (i) *is compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish, and*

The proposed advertising signs are compatible with the above aims and objectives of SEPP 64.

In addition, the advertising signs meet the following assessment criteria as stated in Schedule 1 of the SEPP 64:

Schedule 1 – Assessment Criteria	Compliance
1 Character of the area	
<ul style="list-style-type: none"> • Is the proposal compatible with the character of the area or locality in which it is proposed to be located? 	Complies - the advertising signs are compatible with the character of the locality and they are business identification signage.
<ul style="list-style-type: none"> • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	Complies - There is no particular theme for outdoor advertising in the locality.
2 Special areas	
<ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, 	Complies - The site is not within any conservation areas or open space and does not detract from any visual quality or amenity.

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open space areas, waterways, rural landscapes or residential areas?	
3 Views and vistas	
<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? 	Complies - The advertising signs will not obscure or compromise any potential vista.
<ul style="list-style-type: none"> Does the proposal dominate the skyline and reduce the quality of vistas? 	Complies - The signage will not dominate the skyline nor does it reduce the quality of Parramatta Road's potential vista.
<ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? 	Complies - The advertising signs are not considered to compromise the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
<ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>Complies. The dimension of the signage under awning measures 1.2m in length and 0.5m in height and has a thickness of 0.08m. The height from pavement level is 2.8m and is to be attached under an existing awning.</p> <p>Plans show window signage (not illuminated) is also proposed which comprise of 3 x signs facing the street with a coffee mug symbol and the business name. These signs are to be positioned 500mm off ground level and be 1.0m x 0.9m in size.</p>
<ul style="list-style-type: none"> Does the proposal contribute to the visual interest of the streetscape, setting or landscape? 	Complies - It is sympathetic to the surrounding development and has a simple design with acceptable tones.
<ul style="list-style-type: none"> Does the proposal reduce clutter by rationalising and simplifying existing advertising? 	N/A
<ul style="list-style-type: none"> Does the proposal screen unsightliness? 	N/A
<ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? 	Complies. The location of the signs are appropriate.
<ul style="list-style-type: none"> Does the proposal require ongoing vegetation management? 	N/A
5 Site and building	
<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? 	Complies
<ul style="list-style-type: none"> Does the proposal respect important features of the site or building, or both? 	Complies - the advertising signs are complimentary to the existing features of the building.
<ul style="list-style-type: none"> Does the proposal show innovation and imagination in its relationship to the site or building, or both 	Complies - The proposal demonstrates an appropriate level of imagination and innovation.
6 Associated devices and logos with advertisements and advertising structures	

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<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	Complies - Lighting devices and logos form the integral part of the signs.
7 Illumination	
<ul style="list-style-type: none"> Would illumination result in unacceptable glare? 	Complies - The signage is not proposed to have any illumination.
8 Safety	
<ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? 	Complies - The advertising signs will not affect road safety.
<ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians or cyclists? 	Complies - The advertising signs will not affect pedestrian or cyclists' safety.
<ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	Complies - The advertising signs will not obscure any sightlines from public areas.

Based on the above assessment it is considered that the proposed advertising signage is to be satisfactory, having regard to the aims and objectives as well as the Assessment Criteria of SEPP 64 - *Advertising and Signage*.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The Vegetation SEPP is not applicable to this application.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2) Aims	Complies
(a) <i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b) <i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c) <i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes
(d) <i>To provide opportunities for economic growth that will enhance the local community</i>	Yes
(e) <i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduce the traffic and environmental impacts of private vehicle use</i>	Yes
(f) <i>To identify and protect environmental and cultural heritage</i>	Yes
(g) <i>To promote opportunities for social, cultural and community activities</i>	Yes
(h) <i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed development provides for additional employment and dining opportunities within an accessible area that is compatible with the mixed-use zoning of the site. As discussed in this report, appropriate conditions of consent are recommended to maintain the amenity of the residential units above and in the adjacent occupancies.

Permissibility

The subject site is zoned B4 - Mixed Use under Strathfield Local Environmental Plan (SLEP) 2012.

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Fit out for café purposes with associated signage are permissible within the B4 - Mixed Use Zone with consent and are defined under SLEP 2012 as follows:

“Restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**

“food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,*
- (b) take away food and drink premises,”*

The proposed development for the purpose of fit out for cafe purposes is consistent with the definition above and is permissible within the B4 Mixed Use Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the B4 Mixed Use Zone is included below:

Objectives	Complies
➤ To provide a mixture of compatible land uses	Yes
➤ To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	Yes
➤ To facilitate mixed use urban growth around railway stations and transport nodes and corridors, commercial centres and open space.	Yes
➤ To provide local and regional employment and live and work opportunities.	Yes

Comments: The proposal is consistent with the objectives of the B4 Zone as it will preserve the use of the site for employment-generating activities thereby continuing to provide employment opportunities. The proposal is highly accessible by public transport, walking and cycling and is compatible within surrounding uses within the Parramatta Road Corridor. It maintains a suitable level of amenity to adjoining residential land uses, as such the application is deemed to be an acceptable proposal for the area.

Part 4: Principal development standards

There are no provisions contained within Part 4 of the SLEP 2012 that are applicable to the proposed development.

Part 5: Miscellaneous Provisions

There are no provisions contained within Part 5 of the SLEP 2012 that are applicable to the proposed development.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.6 Erection or display of signage

Clause 6.6 of the SLEP 2012 requires consideration be given to the compatibility of the proposed signage with the desired amenity and visual character of the area. The proposed development incorporates one (1) under awning business identification sign and window signage that are

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compatible with the building and locality. The signage will be of a high quality design and finish and will provide an effective means of communication without adversely impacting upon road safety or sightlines from public areas.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a)(i) The provisions of any environmental planning instruments

There are no applicable *draft environmental planning instruments* that are or have been placed on public exhibition, to consider as part of this assessment.

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

SCDCP2005 NO.20 - PARRAMATTA ROAD CORRIDOR AREA**2.13 - Vehicle Access and Car Parking**

The following car parking rate applies for the use of commercial/retail space under the Strathfield Consolidated Development Control Plan No.20 (DCP) 2005 - Parramatta Road Corridor Area.

Land Use	Spaces/m2	Complies
Retail less than 500m2 GFA	1 space per 50m2	No The retail unit with an internal floor area of 110sqm therefore it is more than 100m2 and requires 3 spaces. It does not meet the numerical DCP Controls for car parking spaces. There are two (2) parking spaces allotted as part of the approved building for unit 2 as shown in the basement plans. As such the number of parking spaces provided is sufficient. These spaces may be accessed via the car park entry at the rear of the building along Loftus Lane.

Comments: The proposed fitout for a café is under a tenancy within a council-approved building. Given that it is a leased property, accessible spaces have already been provisioned for as part of the original building development.

PART H - WASTE MANAGEMENT (SCDCP 2005)

A complying Waste Management Plan in accordance with SCDCP 2005 has been submitted with the development application. It covers details more specific to a fit out in Shop 2 however the recently approved building features a Council approved mix of uses and associated waste management systems / locations and requirements. Existing designs and layouts are according to Council guidelines in design, garbage, recycling and location. Such existing systems and design have been approved by Council in the building consent of which this lot is a part. Standard Conditions have been placed in the consent for this application.

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It proposes that all waste generated by the café will be stored in bins located in the Unit 2 designated waste storage area. The applicant has stated in the waste management plan that regular waste collection is to be arranged when the café is operational. Conditions of consent have been recommended to ensure that waste generated by the development is appropriately disposed of.

4.15(1)(a)(iia) The provisions of any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) The provisions of the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of Australian Standard *AS2601-1991: The Demolition of Structures*, in the determination of a development application for the demolition of a building. Having regard to these prescribed matters, the proposed development does not involve the demolition of a building for the purposes of *AS 2601 – 1991: The Demolition of Structures*.

4.15(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the localityTraffic and Parking

As previously noted, the proposed development requires the provision of two (2) parking spaces. Two (2) parking spaces located at Basement Level 1 have been allocated to the tenancy and this would primarily be used by staff.

Noise

Given the subject site's close proximity to medium density residential development, the proposed cafe could potentially result in a loss of acoustic amenity to surrounding residents as a result of patron and kitchen equipment noise emissions. Standard conditions have been imposed to minimise any impact.

The proposal seeks to operate the restaurant between Monday to Thursday: 7am to 7pm, Friday: 7am to 10pm, Saturday and Sunday: 8am to 10pm; seven days a week with a maximum patron capacity of (25-30). These hours of operation are considered reasonable given that it is on a busy road and because the business to operate within a mixed use zone.

Operation of Restaurant

A Plan of Management was requested during the assessment process outlining the procedures and measures to ensure that suitable management practices are in place to minimise the impacts of the development on surrounding residences. It is recommended that a condition of consent is imposed to ensure the Plan of Management is complied with at all times.

4.15(1)(c) The suitability of the site for the development

The proposed fit out and use of Unit 2 for the purposes of a Fit-out and Use as a cafe and associated signage of premises is consistent with the objectives of the Zone, as it seeks to preserve the existing use of the site for employment, and economic purposes.

In addition, the proposed fit-out works for both buildings comply with the parking provisions outlined in *Part I, Provision of Off-Street Parking Facilities, Part J Advertising Signs and Structures* and *DCP 20 Parramatta Road Corridor Area of Strathfield Consolidated Development Control Plan 2005*. The subject site is therefore, considered to be suitable in its current state for the purposes of the proposed development.

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As regards hours of operation, being; Monday to Thursday: 7am to 7pm, Friday: 7am to 10pm Saturday and Sunday: 8am to 10pm, are considered to be satisfactory having regard to other approvals for the site and surrounding development. Accordingly, a suitable condition of consent is included within the recommendation reinforcing the proposed hours of operation.

4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDCP 2005 from **4 October 2018 to 21 October 2018**, however **no** submissions were received.

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to 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.

Contributions are not applicable to the proposed development as there is no additional floor space proposed and contributions were paid through the original development application for the construction of the building. The cost of works is less than the threshold.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

RECOMMENDATION

That Development Application No. DA2018/131 for fit-out & use as a cafe and associated signage of premises at Shop 2/162-170 Parramatta Road Homebush be **APPROVED** subject to the following conditions:

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SPECIAL CONDITIONS**1. PREMISES – FOOD AND DRINK (SC)**

The premise is permitted to sell “hot food” as stipulated in their plan of management. Preparing and selling the “hot food” as stipulated in their plan of management should be consistent with the size of the kitchen.

(Reason: To ensure the business does not sell home cooked food)

GENERAL CONDITIONS**2. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/131:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
01/09	Cover Sheet	Building Drafting Solutions	31/01/19	6/02/19
02/09	Location Plan – Ground Level Floor Plan	Building Drafting Solutions	31/01/19	6/02/19
03/09	Site Plan	Building Drafting Solutions	31/01/19	6/02/19
04/09	Basement parking	Building Drafting Solutions	31/01/19	6/02/19
05/09	Floor Plan (Amended)	Building Drafting Solutions	31/01/19	6/02/19
06/09	Detailed Floor Plan (Amended)	Building Drafting Solutions	31/01/19	6/02/19
07/09	Mechanical Services - Floor Plan (Amended)	Building Drafting Solutions	31/01/19	6/02/19
08/09	Section Plan (AA) (BB) (Amended)	Building Drafting Solutions	31/01/19	6/02/19
09/09	North Elevation (Amended)	Building Drafting Solutions	31/01/19	6/02/19

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/131:

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Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects (Amended)	Building Approval Solutions	31/01/19	6/02/19
Waste Management Plan (Amended)	Building Approval Solutions	31/01/19	6/02/19
Operations Management Plan (Amended)	Building Approval Solutions	31/01/19	6/02/19

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

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

3. CONSTRUCTION HOURS (GC)

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

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

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

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

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

5. LIGHTING (GC)

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

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

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

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6. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

8. SIGNAGE - UNDER AWNING (GC)

The under awning sign/s must at no point be less than 2.6 m from the finished ground level and a minimum of 600mm from the street gutter.

(Reason: To ensure compliance with SCDCP 2005.)

9. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All

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- excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
 - xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
 - xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
 - xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
 - xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
 - xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
 - xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - xix) Any work must not prohibit or divert any natural overland flow of water.
 - xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)**10. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

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

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

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

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11. ACCESS - DISABLED TOILETS (CC)

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

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

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

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

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

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

14. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - the location of heavy vehicle parking off-site; and
 - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and

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

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- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - the date and time when asbestos removal works will commence;
 - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - the full name and license number of the asbestos removalist/s; and
 - the telephone number of WorkCover's Hotline 13 10 50
 - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

15. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

DA2018/131 - 162-170 Parramata Road Homebush - LOT 60 SP 91021 (Cont'd)Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

16. FIRE SAFETY SCHEDULE (CC)

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

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

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

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

A security (damage deposit) of **\$2,700.00** (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 Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

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

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

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

(Reason: Protection of Council infrastructure.)

18. WASTE - GARBAGE ROOMS OR GREASE ARRESTOR ROOMS (CC)

Grease arrester rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the garbage room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The garbage room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

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

19. VENTILATION SYSTEMS – MECHANICAL (CC)

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997; and
- iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the mechanical ventilation system complies with the relevant requirements/standards.)

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

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of

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- any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

21. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)**22. FOOD PREMISES - CONSTRUCTION AND FIT-OUT OF (DW)**

The construction and fit-out of the food premises must comply with the following:

- iii) The Food Act 2003;
- iv) Food Regulation 2015;
- v) Australia and New Zealand Food Standards Code;
- vi) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
- vii) The Building Code of Australia.

Walls in and adjoining food handling areas must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction and Fit-out of food premises. Floors with an epoxy resin finish must comply with AS 3554

Floors shall be:

- a. appropriate for the area;
- b. able to be effectively cleaned;
- c. laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests

Coving shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No "feather edge skirting" is permitted.

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Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.

Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.

Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 and 4.4 of AS 4674-2004 Design, construction and fit-out of food premises.

The ceiling over all food handling areas (including over the servery and bar) must be non-performed and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.

Hand washbasins must be provided in the food servery/preparation area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and usable.

Hand washbasins must be provided with:

- a. an adequate supply of potable warm running water delivered through a single spout;
- b. a supply of liquid soap; and
- c. single use hand towel

The premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction and fit-out of food premises.

Dishwasher and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.

Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.

All service pipes, conducts and electrical wiring shall be either concealed in floors, walls, ceiling or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.

All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination.

All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable and constructed and installed to prevent vermin harbourage.

Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.

Provision must be made for storage of garbage containers and recyclable materials in an external area of the premises or in a room specifically for that purpose.

External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.

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Roomed garbage areas must have impervious floors that are covered at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smoothed and impervious.

The room must be ventilated and proofed against pests and be provided with a hose tap connected to the water supply.

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

(Reason: Compliance with food premises legislation and standards.)

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

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

(Reason: To maintain public access and safety.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)**24. FIRE SAFETY CERTIFICATION (OC)**

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

25. FOOD PREMISES - REGISTRATION REQUIREMENTS (OC)

Prior to the issue of any Occupation certificate, a Registration of Food Premises Form must be completed and submitted to Council, and the appropriate fees paid. The form is available

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online. In the instance details on the original registration form change, Council is to be notified of the change within seven (7) days of the change occurring.

(Reason: Registration and notification to relevant authorities.)

26. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES (OU)**27. COMMERCIAL PREMISES - NO SIGNAGE OR GOODS ON PUBLIC FOOTWAY (OU)**

At no time may any signs including sandwich boards and the like or goods for sale or display, be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways outside the premises or in the immediate vicinity without the prior approval of Council.

(Reason: Safety and amenity.)

28. DELIVERIES (OU)

All deliveries must not occur before 7.00am or after 8.00pm weekdays and before 8.00am or after 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

(Reason: To control noise impacts.)

29. FIRE SAFETY ANNUAL STATEMENT (OU)

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

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

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

(Reason: Fire safety.)

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30. FOOD PREMISES - ONGOING USE OF (OU)

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- i) Food Act 2003;
- ii) Food Regulations 2004;
- iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
- iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
- v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)

31. HOURS OF OPERATION - COMMERCIAL PREMISES (OU)

The hours of operation of the premises (i.e. hours open for business) must not exceed the following, without the prior approval of Council:

Days	Approved hours of operation
Mon-Thursday	7am to 7pm
Friday	7am to 10pm
Saturday, Sunday and Public Holiday	8am to 10pm

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved cafe.

(Reason: To ensure the business operates between the approved hours.)

32. LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY (OU)

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

33. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

DA2018/131 - 162-170 Parramata Road Homebush - LOT 60 SP 91021 (Cont'd)**34. NOISE - SIGNAGE TO PATRONS EXITING THE PREMISES (OU)**

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that patrons are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

(Reason: Public interest.)

35. OUTDOOR DINING PERMIT - SEPARATE APPROVAL REQUIRED (OU)

This consent does not approve any outdoor eating/seating area proposed as part of this development application. Plans are to be amended to exclude any outdoor eating/seating area, prior to the issue of any Construction Certificate. A separate application for an Outdoor Dining Permit shall be submitted to Council in accordance with the requirements of Section 125 of the Roads Act 1993. A leasing fee will apply for the use of Council's property.

No furniture or other structure is permitted to be fixed to the pavement, without the consent of Strathfield Council.

(Reason: To ensure consistency between any development consent and outdoor eating license.)

36. SEATING CAPACITY - MAXIMUM PERMITTED (OU)

The premises shall accommodate a maximum number of 30 patrons at any one time.

A sign shall be erected in a prominent position in the building/premises stating the maximum number of persons/seating capacity of the approved cafe.

(Reason: To ensure development in accordance with the approval and BCA requirements.)

37. NOISE - NO AMPLIFIED MUSIC (OU)

Music and other amplified sound played on the premises shall not give rise to offensive noise as defined under the provisions of the Protection of the Environment Operations Act 1997. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: Environmental amenity.)

38. SIGNAGE - PORTABLE SIGNS PROHIBITED ON PUBLIC FOOTWAY (OU)

Portable signs including sandwich boards, goods or the like shall not be placed on the public footway or other public areas.

(Reason: To ensure pedestrian safety.)

DA2018/131 - 162-170 Parramata Road Homebush - LOT 60 SP 91021 (Cont'd)

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

- i) 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.
- ii) Commercial and industrial garbage and recycling must be collected on site unless expressly agreed to in OC.
- iii) Where consent is given for commercial and industrial garbage and recycling to be placed kerbside for collection bins must not be placed on the kerbside more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).
- iv) The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- v) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- vi) Recycling options must be provided for all commercially recyclable waste products including but not limited to paper, cardboard, oil, food waste, plastics, metals, chemicals etc.

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

40. CONTROL OF LITTER (OU)

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition.

A litter management plan must be included with all applications, litter management plan must include the below:

- i) All steps being taken to prevent, reduce and collect any litter produced by the site
- ii) Measures such as cleaner to conduct litter collection within a 50m radius to be included.

(Reason: To manage litter throughout the LGA.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 14 March 2019
REPORT: IDAP – Report No. 2
SUBJECT: DA2019/003 - 622-624 LIVERPOOL ROAD, STRATHFIELD SOUTH
LOT 21 IN DP 811890
DA NO. 2019/003

SUMMARY

Proposal: Refurbishment to existing KFC restaurant.
Applicant: BD Architecture Interiors
Owner: Dr S. Chwah & Mr J. Ghostin
Date of lodgement: 18 January 2019
Notification period: 23 January 2019 to 11 February 2019
Submissions received: Nil
Assessment officer: ER
Estimated cost of works: \$250,000.00
Zoning: B6 Enterprise Corridor - SLEP 2012
Heritage: N/A
Flood affected: Yes
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: APPROVAL

EXECUTIVE SUMMARY

- 1.0 The proposal involves the external and internal refurbishment to an existing KFC fast food restaurant.
- 2.0 The plans and documentation submitted with the application were publicly notified from 23 January 2019 to 11 February 2019 in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. No written submissions were received as a result.
- 3.0 The applicant was requested to address issues relating to insufficient detail on plans regarding the refuse area and missing information within the Statement of Environmental Effects about the relevant planning instruments including State Environmental Planning Policy No 64 - Advertising and Signage and Strathfield Local Environmental Plan 2012.
- 4.0 An amended Statement of Environmental Effects was submitted to Council addressing further detail about the refuse area, the calculated FSR on the site and relevant planning instruments.
- 5.0 The proposed development is suitable for the site and is recommended for approval.

BACKGROUND

- 18 January 2019: The current application was submitted to Council.
- 23 January 2019: The application was publicly notified until the 11 February 2019.

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

- 31 January 2019: A site inspection was completed.
- 1 February 2019: An additional information letter was sent to the applicant in relation to insufficient detail on plans and within the Statement of Environmental Effects.
- 4 February 2019: Further information was submitted to Council addressing issues in the additional information letter.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 21 DP 811890 and commonly known as 622-624 Liverpool Road, Strathfield South. The site is located on the southern side of Liverpool Road. The site is irregular in shape and has a street frontage of 29m to the north and a rear boundary of 30m. The site has a side boundary length of 80m to the east and side boundary length of 91m to the west and an overall area of 2394m². Existing development on the site comprises of one fast food restaurant (KFC) with drive through facilities and a car park. Vehicular access is provided to the site via an existing driveway from Liverpool Road located in the north eastern corner to an existing car park located in front of the restaurant.

Liverpool Road is classified as a State Road and experiences high volumes of traffic throughout the day. The current streetscape is characterised by a variety of businesses including fast food outlets such as Mc Donald's and Oporto with car parking available on site. An Ibis Budget Hotel and a Shell Petrol Station are located to the west of site. The surrounding area is characterised by low density residential dwellings and Strathfield South High School diagonally opposite the site.

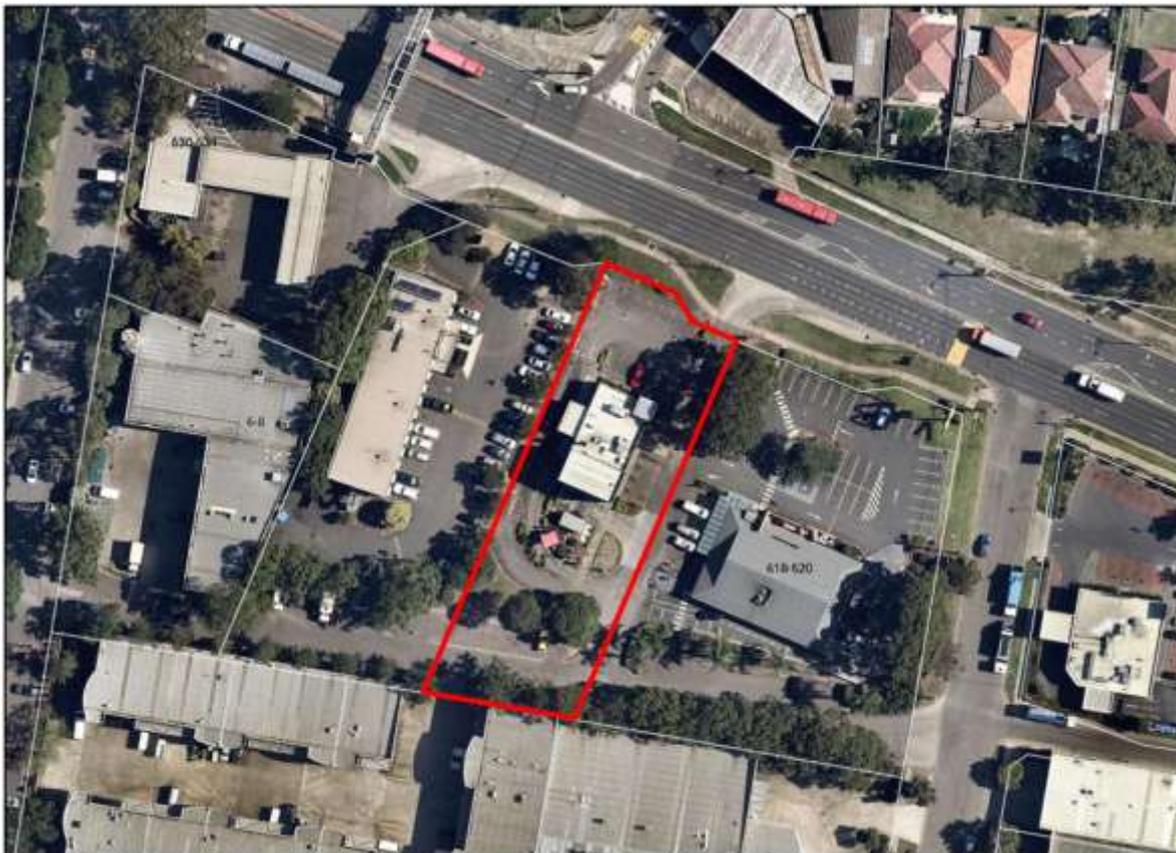


Figure 1: Locality plan (subject site highlighted in red).

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)



Figure 2: View of the front façade of the KFC Restaurant.



Figure 3: View of the rear drive through facility.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for refurbishments to the existing KFC restaurant.

The specific elements of the proposal are:

Internal ground floor level:

- Reconfiguring the customer areas, lounge area, family and 'on the go' areas;
- New KFC branding and signage placed on walls including new colours and materials;

External works:

- Upgrade to pylon signs and directional signs;
- New line markings to the car parking with additional arrows and the repair of potholes;
- Privacy and sun screen next to the existing awning at the drive through;

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

- Design changes to the signage location and expanding the feature wall element and entry portal to the entrance of the restaurant with changes to the colours and finishes;
- New landscaping as scheduled (low shrubs and ground cover) near the entrance to the restaurant;
- Extension to the existing garbage area into a fenced refuse area.



Figure 4: Proposed external signage, materials and colours for the restaurant.



Figure 5: Proposed external signage, materials and colours for the restaurant.

REFERRALS

INTERNAL REFERRALS

Traffic Comments

Council's Traffic Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

Environmental Health Comments

Following the submission of additional information regarding the refuse room ventilation and cool room Council's Environmental Health Officer raised no objections to the proposal, subject to the imposition of recommended conditions of consent.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS) NSW

The application was referred to RMS for comment, based on the nature of the proposal and its frontage to a classified road. The following comments have been received.

"Roads and Maritime has reviewed the submitted application and raises no objections to the proposed alterations and additions provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Liverpool Road boundary."

Comment: The proposed works are located wholly within the site.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a)(i) The provisions of any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 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 SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

As the application is not seeking the removal of any trees or is unlikely to result in any additional impacts to existing trees, the application did not require comments from Councils Tree Coordinator.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The Coastal Management SEPP does not apply to the site.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

**DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)**

The proposed development is required to be assessed against the objectives of Clause 101 of the Infrastructure SEPP 2007 as the site provides a frontage to a classified road being Liverpool Road. The objectives of Clause 101 of the Infrastructure SEPP require development:

- (a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The proposed works do not interfere with the existing vehicular access onto the site or within the site itself as they are to be located in the current position of the existing structures in the drive-thru section of the site and are of similar make and colour. Accordingly, the proposed development is unlikely to compromise the ongoing operation of Liverpool Road and therefore satisfies the requirements of the Infrastructure SEPP 2007.

STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE (SEPP 64)

Clause 13 of SEPP 64 requires Council to consider the aims and objectives of SEPP 64 as well as the assessment criteria outlined in Schedule 1 in the assessment of the proposed development.

The assessment criteria under Schedule 1 are considered as follows:

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	The proposed external and internal fit out including signage is generally compatible with the existing character and nature of the buildings and other businesses located along Liverpool Road. Similar businesses are located along Liverpool Road including Mc Donald's and Oporto. The proposed signage upgrades are consistent with those in the surrounding area as the building colours and materials provide identification to customers approaching the restaurant along Liverpool Road.	Yes.
		Consistent with a particular theme for outdoor advertisement.	The proposed signage will not detract from the amenity of the area as the area is zoned B6 Enterprise Corridor with similar business identification signage found along Liverpool Road.	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of: a) environmentally sensitive areas; b) heritage areas; c) natural or other	The size, shape and design of the signs are not obtrusive and are appropriate to the scale of the building on which they will be erected.	Yes.

DA2019/003 - 622-624 Liverpool Road, Strathfield South
 Lot 21 in DP 811890 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
		conservation areas; d) open space; e) waterways; f) rural landscapes; or g) residential areas?		
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers?	The design, size and colours respect the existing scale and character of the fast food restaurant. The front display sign over the entrance way will remain a height of 6.2m, however is extended to a width of 8.5m. This extension will allow the existing views, vistas and advertising being maintained. The proposed signage and supports are of similar dimensions and location as the existing signage.	Yes.
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate?	The proposed signage is the same scale as the existing signage. The proposed advertising structures are mostly the same height, width and depth, with exception of the front entry portal which has increased the red border by a width of 4.8m to measure a width of 8.5m with a height of 6.2m, which is considered acceptable.	Yes.
		Does the proposal: a) Contribute to visual interest? b) Reduce clutter by rationalising and simplifying existing signage? c) Screen unsightliness? d) Protrude above buildings, structures or tree canopies? e) Require ongoing vegetation management?	The proposal will not detract from the visual quality of the area and does add visual interest to the site. The signage will be painted and updated to current brand standards which are simpler in design. The proposal does not screen unsightliness and is kept relatively the same. The signage does not protrude above the existing two storey KFC building or tree canopies. The proposal may require ongoing vegetation management for the new landscaping located near the front entrance to the restaurant.	Yes.
5	Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site? Does the proposal respect	The proposed works are to replace/ upgrade existing structures in the same position and the same lighting will be used. The proposal will not require the	Yes

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Lot 21 in DP 811890 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
		important features of the site or building or both? Does the proposal show innovation and imagination in its relationship to the site or building or both?	removal of any mature trees and does not affect features of the KFC's building on the site. The proposed displays utilise similar graphics of the previous signs enabling motorists to identify the restaurant.	
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	The proposed signage is to upgrade the existing site signage and does not result in any safety devices. The proposal includes upgrades to KFC logos on the building and existing pylon sign.	Yes
7	Illumination	Would illumination: a) Result in unacceptable glare? b) Affect safety for pedestrians, vehicles or aircraft? c) Distract from nearby residence or accommodation?	The only signage which is to be illuminated is the existing pylon sign near Liverpool Road. The external building walls and signage will be illuminated by existing light poles and do not result in unacceptable glare, affect safety or detract from nearby accommodation.	No
		Can illumination be adjusted or subject to curfew?	The illuminated pylon can be switched off outside of operating hours, 11pm – 10am Monday to Thursday and 11:59pm-10am Friday to Saturday.	Yes
8	Safety	Would the proposal: a) Reduce safety for any public road? b) Reduce safety for pedestrians or cyclists? c) Reduce safety, for children by obscuring sight lines from public areas?	The proposed works are to be located in the front portion of the building and drive-thru section of the KFC's premises and will not affect road safety on Liverpool Road. As the proposed works are to replace existing structures of similar dimensions, sightlines will not be affected.	Yes.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes

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Lot 21 in DP 811890 (Cont'd)

(d)	To provide opportunities for economic growth that will enhance the local community	Yes
(e)	To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use	N/A
(f)	To identify and protect environmental and cultural heritage	N/A
(g)	To promote opportunities for social, cultural and community activities	Yes
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

Permissibility

The subject site is zoned B6 – Enterprise Corridor under Strathfield Local Environmental Plan (SLEP) 2012.

Food and drink premises and advertising signs are permissible within the B6 Zone with consent and are defined under SLEP 2012 as follows:

“food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.”

“Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
 - (b) a building identification sign,
 - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

The proposed development for the purpose of a take away food and drink premises and advertising signage is consistent with the definition above and are permissible within the B6 – Enterprise Corridor Zone with consent.

Zone Objectives

An assessment of the proposal against the objectives of the B6 – Enterprise Corridor Zone is included below:

Objectives	Complies
➤ To promote businesses along main roads and to encourage a mix of compatible uses.	Yes
➤ To provide a range of employment uses (including business, office, retail and light industrial uses).	Yes
➤ To maintain the economic strength of centres by limiting retailing activity.	Yes
➤ To ensure that development does not impact on the safe and efficient operation of classified roads.	Yes

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Lot 21 in DP 811890 (Cont'd)

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	16m	9m (no change to the existing height)	Yes

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

Floor space ratio

Cl.	Standard	Controls	Proposed	Complies
4.4	Floor space ratio	1.5:1 (3591m ²)	0.14:1 (338.45m ²)	Yes

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	N/A
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	N/A
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	N/A
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

Comment: The proposed refuse area has been extended with new aluminum cladding walls surrounding the bin area to the rear entrance way of the restaurant, which has added 22m² to the total calculated gross floor area.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid sulfate soils

The subject site is identified as having Class 5 soils, but is not located within 500m of Class adjacent 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

6.2 Earthworks

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

The proposal does not include any alterations to the existing building footprint or earth and therefore this provision is not relevant.

6.3 Flood planning

The site is a part of a flood extent located in the rear south west corner and the proposed works are not located within this area. Therefore, this provision is not relevant.

6.4 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.

6.6 Erection or display of signage

The refurbishment of the exterior and interior of the KFC Restaurant includes new signage of similar size using updated branding text and logos. The external signs are of similar make, materials and colours to those being replaced. These signs are compatible with the surrounding character of the area and provides for effective communication in a suitable location. The design and quality of the proposed signs are of a high standard and finish.

4.15(1)(a)(ii) The provisions of any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) The provisions of any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

PART J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES

1: Part A- General

1.3	Objectives	Satisfactory
1.	To encourage signage which complements the dominant urban character of an area, including the built and landscape character	Yes
	To provide guidelines for the display of advertisements and ensure that outdoor advertising:	
2.	<p>(a) conveys an advertiser's messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment;</p> <p>(b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, or loss of amenity;</p> <p>(c) does not lead to visual clutter through the proliferation of signs;</p> <p>(d) is designed and installed to an acceptable level of safety and serviceability; and</p> <p>(e) is designed to have minimal adverse impacts on driver or pedestrian safety</p>	Yes

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Lot 21 in DP 811890 (Cont'd)

3.	<i>To implement a plan which enables an assessment of the proposed advertisement to be made.</i>	Yes
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2.1: Signs in all areas

	Special Provisions	Complies
(i)	Table A indicates the types of signage which are permissible without development consent, permissible only with development consent and prohibited within various zones under the SLEP 2012. Schedule 2 – Exempt Development of SLEP 2012 identifies those advertising signs and structures which do not require development consent	Yes
(ii)	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	Yes
(iii)	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	Yes
(iv)	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	Yes
(v)	The use of motor vehicles, trailers or shipping containers for advertising is permitted so long as advertising is not the principle purpose.	Yes

The advertisement/ sign is not any of the following:

(a)	Roof sign or wall sign projecting above the roof or wall to which it is affixed;	Yes
(b)	Flashing or moving signs or advertisements;	Yes
(c)	Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	Yes
(vi)	(d) Fly posters	Yes
(e)	Signs affixed to the surface of a public footway or public roadway	Yes
(f)	Signs which may obscure, obstruct or interfere with any road traffic	Yes
(g)	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	N/A
(h)	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	N/A

Comments: The proposed advertising structures are in English. Signs and building colours are not displayed in a manner which obscures or interferes with road traffic signs.

2.3: Signage in the B Zones – Commercial Areas

	Aims	Satisfactory
(i)	<i>Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;</i>	Yes

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Lot 21 in DP 811890 (Cont'd)

(ii)	Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;	Yes
(iii)	Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;	Yes
(iv)	Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.	Yes
Performance Criteria		Complies
(i)	Advertisements and signs displayed within the Strathfield Town Centre are also subject to certain controls contained with Development Control Plan No 13 - Strathfield Town Centre DCP No.13 (Site Specific DCP)	N/A
(ii)	The criteria for signs which require development consent is provided within Schedule 2	Yes

Comments: Similar businesses are located along Liverpool Road including McDonalds and Oporto. The proposed advertising structures and signage are to replace existing signage providing new branding for the KFC business. The proposed structures are to be located in the current position of the existing advertising structures at the front of the restaurant and along the southern elevation. It is unlikely the proposed development will result in public safety concerns. Information to be displayed on proposed Flush wall sign includes the business name and logo. The proposed signage will include business name and company logo.

ITEM 6- Flush wall signs

	Development Controls	Complies
(a)	Where it is illuminated, the flush wall sign is not less than 2.6m above the ground	Yes
(b)	The flush wall sign does not extend laterally beyond the wall of the building to which it is attached	Yes
(c)	The flush wall sign does not project above the top of the wall to which it is attached more than - (i) 2.4m; or (ii) 50% of its height, whichever is the lesser	Yes
(d)	Where of a skeleton letter type, the flush wall sign does not have an advertising area greater than 4.6 times the distance (to the nearest whole metre) between the lowest part of the sign and the ground	Yes
(e)	Where not of a skeleton letter type, the flush wall sign does not have an advertising area, in square metres, greater than three times the distance (to the nearest whole metre) between the lowest part of the sign and the ground.	Yes

Comments: The proposed refurbishment includes changes in external colours and finishes through extending the wall that supports the KFC logo. The bulk of the building slightly increases however this extension covers the air-conditioning units positioned on the roof.

PART H - WASTE MANAGEMENT (SCDCP 2005)

The proposal was accompanied by a Construction and Waste Management Plan prepared in accordance with Part H of the SCDCP 2005. Compliance with the waste minimisation strategies of this waste management plan shall be enforced through the imposition of suitable conditions of consent.

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Lot 21 in DP 811890 (Cont'd)

PART I – PROVISION OF OFF-STREET PARKING FACILITIES

1.3: Objective of Part I

1.3	Objectives	Satisfactory
A.	To inform members of the public and developers of Council's requirements concerning the number, layout and design of off-street parking spaces to be provided in association with all development applications for the erection, alteration, addition or change of use of any premises within the Strathfield Council Area.	Yes

2.0: Part B – Main Provisions

2.0	Provisions	Complies
I	Parking Dimensions	
	(a) The minimum dimensions set out in Appendix A of Part I shall apply to all off-street parking areas.	Yes
II	Plans	
	(a) The provisions of off-street car parking, loading/unloading and service areas shall be clearly defined and dimensioned on the submitted plan.	Yes
IV	Location of Parking Areas	
	(a) Parking areas is at the front of the building, is clearly visible from the public street and has been designed so that vehicles, including service vehicles, can enter and leave the site in a forward direction.	Yes
VII	Crossovers/Access	
	(a) Crossovers which are to be sited across public footpaths as a consequence of new developments will be constructed by Council at the applicant's expense. An appropriate deposit has been lodged with Council before the commencement of work. Buildings and off-street parking spaces shall be easily accessible and vehicles should be able to pass each other and enter and leave the site in a forward direction.	Yes
X	Service Loading Facilities	
	(a) Off-street loading and unloading facilities will be required for certain uses. In such instances, the criteria outlined in Appendix C of the DCP will apply.	Yes

Comments: No proposed changes to the use and operation of the KFC fast food restaurant and the parking, loading bays and access will also remain unchanged and is considered adequate for the existing business on site.

3.5: Refreshments

3.5	Development Controls	Complies
.1.	Drive-in Take-Away Food Outlets	

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

		Parking																														
(a)	(i)	12 spaces per 100m of gross floor area; plus	No																													
	(ii)	1 space per 5 seats	No																													
		Driveways																														
		The recommended driveway type is based on the number of parking spaces being served by the driveway.																														
(b)	(i)	<table border="1"> <thead> <tr> <th colspan="6">Selection of Recommended Driveway Types</th> </tr> <tr> <th rowspan="2">Road Frontage Type</th> <th colspan="5">Number of Parking Spaces</th> </tr> <tr> <th>0-25</th> <th>26-50</th> <th>51-200</th> <th>201-300</th> <th>Over 300</th> </tr> </thead> <tbody> <tr> <td>Major</td> <td>2</td> <td>3</td> <td>3</td> <td>3-4</td> <td>7</td> </tr> <tr> <td>Minor</td> <td>1</td> <td>2</td> <td>2-3</td> <td>3</td> <td>4</td> </tr> </tbody> </table>	Selection of Recommended Driveway Types						Road Frontage Type	Number of Parking Spaces					0-25	26-50	51-200	201-300	Over 300	Major	2	3	3	3-4	7	Minor	1	2	2-3	3	4	Yes
Selection of Recommended Driveway Types																																
Road Frontage Type	Number of Parking Spaces																															
	0-25	26-50	51-200	201-300	Over 300																											
Major	2	3	3	3-4	7																											
Minor	1	2	2-3	3	4																											
		Service Requirements																														
(c)	(i)	Provision made for the loading/unloading of service vehicles as set out in Appendix C.	Yes																													
	(ii)	Consideration given to the type of service vehicles requiring access and their geometric movement requirements. In addition, provision is also made for the movement and parking of coaches if their use is anticipated.	Yes																													

Comments: The proposal does not alter the existing 18 parking spaces on the site. Upgrades to the line markings to the existing parking spaces and arrows are proposed. The required amount of parking spaces does not comply with the required controls, however the use of the site will remind and the existing parking spaces are sufficient for that site.

4.15(1)(a)(iia) The provisions of any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) The provisions of the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application for the demolition of a building.

Should this application be approved, appropriate conditions of consent are included within the recommendation to ensure compliance with any relevant regulations.

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

4.15(1)(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The proposal seeks to replace/upgrade existing KFC logo signage and alter the external colours and finishes over the entranceway to the fast food restaurant. The signage complies with State Legislation and is of similar character and scale of surrounding fast food outlets along Liverpool Road. The extension to the refuse area is deemed acceptable creating a secure area for employees to dispose of rubbish at the rear of the premises and is a minor addition of floor space to the site. The operation of the KFC does not change and does not require additional parking spaces for the site. Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

4.15(1)(c) *The suitability of the site for the development*

The proposed development is considered to be suitable for the site in that they are replacement works to be installed in the same position and direction as the existing signage and advertising structure. The changes to the colours and finishes are considered minor and are of a high quality.

4.15(1)(d) *Any submissions made in accordance with this Act or the regulations*

The application was notified in accordance with Part L of the SCDCP 2005 from **23 January 2019** to **11 February 2019**. No written submissions were received during this period.

4.15(1)(e) *The public interest*

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to 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 INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contribution Plan as follows:

Local Amenity Improvement Levy	\$2,500.00
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CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

RECOMMENDATION

That Development Application No. 2019/003 for alterations and additions to an existing takeaway food premises at 622-624 Liverpool Road, Strathfield South be **APPROVED**, subject to the following conditions:

GENERAL CONDITIONS (GC)

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/003:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Project 18129 Dwg. A001	Demolition site plan	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A002	Proposed site plan	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A100	Demolition floor plan	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A101	Proposed floor plan	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A200	Demolition & proposed north elevation	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A201	Demolition & proposed east elevation	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A202	Demolition & proposed South elevation	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A203	Demolition & proposed West elevation	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019
Project 18129 Dwg. A900	External 3D Views	BD Architecture Interiors	Rev A, 9/11/2018	18 January 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/003:

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Construction and Waste Management Plan	BD Architecture Interiors	Issue A	18 January 2019

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

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

2. CONSTRUCTION HOURS (GC)

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

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

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

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

3. DEMOLITION – GENERALLY (GC)

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

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

4. LIGHTING (GC)

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

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

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

5. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

the work site identifying:

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

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

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

(Reason: Statutory requirement.)

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

7. FOOD PREMISES - CONSTRUCTION AND FIT-OUT OF (DW)

The construction and fit-out of the food premises must comply with the following:

- iii) The Food Act 2003;
- iv) Food Regulation 2015;
- v) Australia and New Zealand Food Standards Code;
- vi) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises); and
- vii) The Building Code of Australia.

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

(Reason: Compliance with food premises legislation and standards.)

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

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

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

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

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

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

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

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

requirements of the Building Code of Australia (BCA).

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

11. SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect 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:

Local Amenity Improvement Levy	\$2,500.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

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

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

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

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

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

13. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

14. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing

DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)

building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement.)

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

15. FOOD PREMISES - ONGOING USE OF (OU)

The ongoing operation and fit out of the premises must be maintained in accordance with the following requirements:

- i) Food Act 2003;
- ii) Food Regulations 2004;
- iii) Australian Standard AS4674-2004: Construction and fit out of food premises;
- iv) Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment; and
- v) Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements.

(Reason: To ensure compliance with legislation and to protect public health and safety.)

16. NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

(Reason: Noise control and amenity.)

17. POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection.)

ATTACHMENTS

**DA2019/003 - 622-624 Liverpool Road, Strathfield South
Lot 21 in DP 811890 (Cont'd)**

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 14 March 2019
REPORT: IDAP – Report No. 3
SUBJECT: DA2017/029/01 - 5 GOULD STREET, STRATHFIELD SOUTH
LOT 2 DP 1020599
DA NO. 2017/029/01

SUMMARY

Proposal: Section 4.55(1A) application to extend trading hours
Monday to Saturday 7:00am to 7:00pm and 9:00am to
2:00pm Sunday.

Applicant: 02 Architecture Pty Ltd

Owner: GE Property Pty Ltd

Date of lodgement: 6 September 2018

Notification period: 13 September 2018 to 3 October 2018

Submissions received: Nil

Assessment officer: ND

Zoning: IN1 General Industrial- SLEP 2012

Heritage: No

Flood affected: No

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

- 1.0 On 24 May 2017 approval was granted by IDAP for Development Application No. 2017/029 for the fit-out and use of an existing industrial tenancy for the assembly of façade materials including business identification and entry gates.
- 2.0 The current application was lodged under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, proposing the extension of the approved hours of operation (Condition No. 12).
- 3.0 The plans and accompanying documentation were put on notification from 13 September 2018 to 3 October 2018. No written submissions were received as a result of the notification.
- 4.0 The proposed modified hours of operation are considered suitable for the nature of the approved business on the site and are appropriate in terms of the sites' proximity to residential development.
- 5.0 The proposed modification is acceptable on its merits and recommended for approval.

BACKGROUND

24 May 2017: IDAP approved DA2017/029 for the fit-out and use of an existing industrial tenancy for the assembly of façade materials including business identification and entry gates.

DA2017/029/01 - 5 Gould Street, Strathfield South
Lot 2 DP 1020599 (Cont'd)

6 September 2018: The current application (DA2017/029/01) was lodged. The application seeks to extend the approved hours of operation.

13 September 2018

to 3 October 2018: The application was publicly notified. No written submissions were received.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is located on the western side of Gould Street near the T-intersection of Gould Street and Liverpool Road (Figure 1). The site is rectangular in shape with an area of 3063m² and a frontage of 45.52m. The site contains an industrial building comprising two (2) attached units and car parking (Figure 2). Development along Gould Street and the immediately surrounding area is predominantly characterised by two (2) storey warehouse buildings used primarily for light industrial uses including warehouse, storage, fabrication and mechanical workshops.



Figure 1: Locality plan. The subject site is outlined in yellow.

DA2017/029/01 - 5 Gould Street, Strathfield South
 Lot 2 DP 1020599 (Cont'd)



Figure 2: View of the subject site taken from Gould Street.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED MODIFICATION

The application seeks Council approval to modify the approved hours of operation as follows:

Condition 12: Hours of Operation

Existing:

Days	Approved Hours of Operation
Monday - Friday	7am to 6pm
Saturday	7am to 6pm
Sunday	Closed

Proposed:

Days	Approved Hours of Operation
Monday - Friday	7am to 7pm
Saturday	7am to 7pm
Sunday	9am to 2pm

Condition 12 does not permit the premises to be open on public holidays. The subject application does not propose to modify this.

SECTION 4.55(1A) OF THE EP&A ACT 1979

Section 4.55(1A) of the Environmental Planning and Assessment states as follows:

DA2017/029/01 - 5 Gould Street, Strathfield South
Lot 2 DP 1020599 (Cont'd)

“4.55 Modifications of consents – generally

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: The proposal does not seek approval for any physical works. The built form and use of the site for the assembly of facade materials is unchanged from the original development consent. The submitted application is solely seeking an extension of hours of operation. The proposed extended hours of operation are consistent with similar industrial businesses in Gould Street and adequately distanced from residential land uses.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposal will not alter the external appearance of the industrial building from the streetscape nor the type of use operating on the site. In regards to business operations, the proposal does not seek consent for additional staff numbers and the proposed 9am to 2pm Sunday operating hours are considered appropriate for the locality of the subject site. Accordingly, the development as modified is considered to satisfy the ‘substantially the same’ test as that which was originally approved.

- (c) *it has notified the application in accordance with:*
(i) *the regulations, if the regulations so require, or*
(ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: In accordance with Part L of the SCDCP 2005, the application was publicly notified from 13 September 2018 to 3 October 2018.

- (d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: No written submissions were received as a result of the notification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application.

Comment: An assessment of the modification application against the matters referred to in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* is included in this report.

REFERRALS

DA2017/029/01 - 5 Gould Street, Strathfield South
Lot 2 DP 1020599 (Cont'd)

INTERNAL REFERRALS

Environmental Health Comments

Council's Environmental Health Officer has commented on the proposal as follows:

"The site is not located within a close proximity to residential land. The nearest residential area is along Cave Road Strathfield South with is approximately 160m from 5 Gould Street.

The newly proposed hours are consistent with the other business located in this area, and the proposed hours on Sunday are reasonable commencing at 9am and ceasing at 2pm. Currently, no complaints have been received by Council against the premises.

Recommendation

Environmental Services does not have any objections to the following proposal, subject to the imposition of the following additional standard conditions:

- 9.18 Noise – Complaints Relating To Use Or Machinery
- 9.21 Noise – Requirement For Industrial Premises
- 9.25 Pollution – Compliance With PEOA 1997 Generally"

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a)(i) The provisions of any environmental planning instrument

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield	N/A
(b)	To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development	Yes
(c)	To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community	Yes
(d)	To provide opportunities for economic growth that will enhance the local community	Yes
(e)	To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use	N/A
(f)	To identify and protect environmental and cultural heritage	N/A
(g)	To promote opportunities for social, cultural and community activities	N/A
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	N/A

Comments: The existing use of the site is consistent with the IN1 General Industrial zoning of the site and provides employment opportunities within the Local Government Area.

DA2017/029/01 - 5 Gould Street, Strathfield South
Lot 2 DP 1020599 (Cont'd)

Permissibility

The site is zoned IN1 General Industrial. The site is in operation for the purpose of preparing (cutting, coating) and assembling of façade materials and this is defined as a “General Industry” under the *SLEP 2012* and is a permissible use with consent.

Zone Objectives

An assessment of the proposal against the objectives of the IN1 General Industrial Zone is included below:

Objectives	Complies
➤ <i>To provide a wide range of industrial land uses.</i>	Yes
➤ <i>To encourage employment opportunities.</i>	Yes
➤ <i>To minimise any adverse effect of industry on other land uses.</i>	Yes
➤ <i>To support and protect industrial land for industrial uses.</i>	Yes
➤ <i>To minimise fragmentation of valuable industrial land and provide large sites for integrate and large floorplate activities.</i>	Yes

Comments: The proposed modification seeks to increase the hours of operation of the approved general industry use, thus continuing the use of the site for industrial purposes and providing employment opportunities. The proposed modification is not consistent with the objectives of the IN1 zone.

Part 4: Principal development standards

The subject application does not seek to alter the building height and floor space ratio of the existing building on the site.

Part 5: Miscellaneous Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 5 of the *SLEP 2012*.

Part 6: Local Provisions

This modification application involves no changes to the assessment of the original application against the relevant provisions contained within Part 6 of the *SLEP 2012*.

4.15(1)(a)(ii) The provisions of any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) The provisions of any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

PART D – INDUSTRIAL DEVELOPMENT

1.2: Objectives of Part D

1.2	Objectives	Satisfactory
A.	<i>To improve the quality of industrial development within the Strathfield Municipality</i>	N/A
B.	<i>To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential</i>	Yes

DA2017/029/01 - 5 Gould Street, Strathfield South
Lot 2 DP 1020599 (Cont'd)

C.	To ensure development is consistent with the principles of Ecologically Sustainable Development	N/A
D.	To encourage high quality building design and industrial streetscape aesthetics	N/A
E.	To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area	N/A
F.	To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality	N/A
G.	To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;	Yes
H.	To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements	Yes
I.	To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles	Yes
J.	To encourage employee amenity within industrial developments.	N/A

2.14: Air Noise and Water Pollution

2.14	Objectives	Satisfactory
A.	To ensure industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions.	Yes
2.14	Guidelines and Requirements	Complies
	<i>General</i>	
.1.	1 The emission of any air impurities including offensive odours, the discharge of any waste into any waters or the emission of noise associated with any development shall not contravene the Protection of the Environment Operations Act 1997.	Condition recommended.
	<i>Noise</i>	
.2.	2 The proximity of the proposal to residential areas will influence the type of land use or machinery that will be permissible.	Yes
	4 The use of the premises including plant and equipment will be subject to strict compliance with the NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2000.	Condition recommended.

Comments: The subject site is located on Gould Street, approximately 165m from the nearest residential property which is on the northern side of Liverpool Road (Figure 3). The subject site is directly surrounded by IN1 General Industrial zoned land on all four sides. The proposal seeks to extend the hours of operation to Monday – Saturday 7am - 7pm and now operate on Sundays from 9am to 2pm. The proposal does not include operation on public holidays.

The proposed modified hours are consistent with the surrounding businesses on Gould Street. Additionally, no submissions were received during the notification period and no complaints have been received from Council's compliance department in relation to the operation of the business.

DA2017/029/01 - 5 Gould Street, Strathfield South
 Lot 2 DP 1020599 (Cont'd)

To ensure the extended hours of operation do not give rise to adverse noise pollution, additional conditions of consent have been recommended to ensure that the use complies with relevant industry legislation and policies.



Figure 3: Aerial view of the subject site and nearest residential properties.

4.15(1)(a)(iia) The provisions of any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) The provisions of the regulations

Not applicable.

4.15(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As discussed throughout this report, the modification application seeks to extend the hours of operations of the premises to the following:

Days	Approved Hours of Operation	Proposed Hours of Operation
Monday - Friday	7am to 6pm	7am to 7pm
Saturday	7am to 6pm	7am to 7pm
Sunday	Closed	9am to 2pm

The proposed modified hours of operation are considered reasonable in respects to the proximity of the subject site to residential land and the nature of the business, comprising of cutting, powder-coating and assembling of façade materials and are also consistent with the adjoining industrial premises along Gould Street. To ensure the extended hours of operation do not give rise to

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Lot 2 DP 1020599 (Cont'd)

unreasonable noise emissions, additional conditions are recommended for the premises to comply with the requirements of the NSW Environment Protection Authority Noise Industry for Policy 2017 and the Protection of the Environment Operation Act 1997.

4.15(1)(c) The suitability of the site for the development

The proposed development is consistent with the objectives of the IN1 General Industrial zoning of the site, as it seeks to preserve the existing use of the site for employment and industrial purposes. The hours of operation as proposed to be modified are appropriate in regards to the nature of the business and the separation distances of the site from residential development.

4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDOP 2005 from 13 September 2018 to 3 October 2018. No written submissions received.

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to 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).

The Section 4.55 application does not trigger any changes to Section 7.12 Contributions.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

RECOMMENDATION

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed modifications to Development Consent No. 2017/029 to modify the hours of operation at 5 Gould Street, Strathfield South be **APPROVED**, subject to the following conditions:

1. The original conditions of consent as approved by IDAP on 24 May 2017 (DA2017/029);
and
2. As modified by the Section 4.55(1A) application (DA2017/02901) as follows:

**DA2017/029/01 - 5 Gould Street, Strathfield South
Lot 2 DP 1020599 (Cont'd)**

- Modification of Condition No. 12 regarding hours of operation; and
- Addition of Condition No. 14, 15 and 16 regarding noise requirements.

Accordingly, Development Consent No. DA2017/029 is approved as following:

Development Description:

Fit out and use of an existing industrial tenancy for the assembly of façade materials including business identification signage and entry gates.

GENERAL CONDITIONS

1. Approved Plans and Reference Documentation

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2017/029:

DA-001, Site Plans and Analysis, prepared by O2 Architecture, Rev A, received by Council 15 April 2017.

DA-100, Ground Floor Plan, prepared by O2 Architecture, Rev A, received by Council 15 April 2017.

DA-101, Existing Mezzanine Floor, prepared by O2 Architecture, Rev A, received by Council 15 April 2017.

DA-102, Elevations and Signage Elevations, prepared by O2 Architecture, Rev A, received by 15 April 2017.

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2017/029:

Statement of Environmental Effects, prepared by O2 Architecture January 2017, received by Council 15 April 2017.

Waste Management Plan, prepared by O2 Architecture, received by Council 15 April 2017.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. However, the conditions of this consent shall prevail to the extent of any inconsistency.

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

SPECIAL CONDITIONS

2. Waste Bins

All waste storage bins are to be located within the warehouse and not in the parking lot.

The amended waste management plan with location of waste bins being internal to the building must be submitted to PCA prior to **Occupation Certificate**.

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Lot 2 DP 1020599 (Cont'd)

FINANCIAL MATTERS

The following conditions have been imposed to require payment for identified works or services, to require bonds to ensure compliance with various conditions and to safeguard against damage to Council property.

3. (1) Where Council is appointed as principal certifying authority to carry out the post-approval inspections, a fee of \$454.00 (comprising \$412.72 inspection fee and \$41.28 GST) shall be paid prior to the carrying out of any of the inspections.

(2) 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 at the rate of \$155.00 (comprising \$140.91 fee and \$14.09 GST) per re-inspection. Any such additional re-inspection fee will be notified in writing by Council and 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.
4. (1) Payment of the Long Service Levy as required by section 109F(1) of the Environmental Planning & Assessment Act 1979 for all building work over \$25,000. Note: The cost of the building work must be rounded to the nearest \$100.

(2) The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council prior to issue of Construction Certificate

BUILDING MATTERS

The following conditions have been imposed to ensure specific aspects of the development are in accordance with Council policy and legislative requirements.

5. Portable fire extinguishers shall be installed in the building or portions of the building compatible to the hazard/s posed by equipment or functions associated with the use of the building, in accordance with Part E1.6 of the Building Code of Australia and AS2444 (Portable Fire Extinguishers and Fire Blankets Selection and Location).

Installation and maintenance of fire extinguishers shall comply with Australian Standard 2444 and Specification E1.6 of the Building Code of Australia.

Consideration will be given to other types of extinguishers being located in the above positions, provided they are no less effective than the extinguisher listed.

6. Existing services and equipment that have been provided to the building for use and protection in the event of an emergency in accordance with the Building Code of Australia are to be maintained in accordance with the relevant parts of the Building Code of Australia and Australian Standards

7. **Construction Hours**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.30 pm Mondays to Fridays and 8am to 4pm Saturdays.

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

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

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Lot 2 DP 1020599 (Cont'd)

5.00 pm Monday to Friday only.

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

8. Fencing (front fence height)

The proposed front fence shall not exceed a height of 1.8m above the existing footpath level. Plans are to be amended accordingly to demonstrate compliance, prior to the issue of a Construction Certificate.

Note: The existing front hedges and shrubs adjacent the proposed front fence are to be retained and protected as indicated on Drawing No. DA-102 Revision A (Job No. 1707) DATED 31 January 2017 AND RECEIVED BY Council on 15 April 2017.

(Reason: To reduce the visual impact of the front fence on the streetscape.)

9. Principal Certifying Authority (PCA) Identification Sign

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

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

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

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

(Reason: Statutory requirement.)

10. Building Code of Australia (compliance with)

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

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

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

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

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Lot 2 DP 1020599 (Cont'd)

11. **Waste Management Plan**

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and ongoing use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to reuse, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure appropriate management of waste.)

12. **Hours of Operation (industrial premises)**

The hours of operation of the approved industrial premises must not exceed the following, without the prior approval of Council:

Days	Approved Hours of Operation
Monday to Friday	7am – 7pm
Saturday	7am – 7pm
Sunday	9am – 2pm

The premises must not open for business on Public Holidays.

This condition does not apply in respect of refrigeration equipment/or machinery used for the preparation of or cooking of baked goods, unless they create a nuisance or were not part of the original consent.

(Reason: Ensure industry operates between approved hours.)

13. **Landscaping (street tree removal and replacement tree cost)**

The existing street tree stump located on Council's road reserve shall be removed and replaced with a tree selected from Council's Recommended Tree List. Specimens must be in accordance with NATSPEC specifications and guidelines and maintained for a twelve (12) month establishment phase. If the specimen fails to thrive or is otherwise damaged it shall be replaced at full cost to the applicant and maintained for a further twelve (12) months.

The replacement tree is to be planted within one (1) week of the tree stump being removed, and undertaken prior to the issue of any Occupation Certificate.

(Reason: Tree preservation and environmental amenity.)

14. **Noise - Complaints relating to use or machinery**

The use of the premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

Should substantiated complaints or breaches of noise regulations occur, a suitably qualified acoustic consultant shall be engaged by Council to measure noise emanating from the building/premises and to recommend appropriate action. The cost of such an appointment shall be borne by the operator/owner and any works recommended by the acoustic consultant shall also be borne by the operator/owner and carried out within a time frame set by Council.

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Lot 2 DP 1020599 (Cont'd)

(Reason: Noise control and amenity.)

15. **Noise - Requirements For Industrial Premises**

The use of the premises shall comply with the requirements of the NSW Environment Protection Authority Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

(Reason: Noise control and amenity.)

16. **Pollution - Compliance With PEOA 1997 Generally**

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection.)

ATTACHMENTS

There are no attachments for this report.

TO: Strathfield Internal Development Assessment Panel Meeting - 14 March 2019
REPORT: IDAP – Report No. 4
SUBJECT: DA2018/165 - 50-52 REDMYRE ROAD, STRATHFIELD
LOT F IN DP 376063
DA NO. DA2018/165

SUMMARY

Proposal: Construction of business identification sign within Redmyre Road Heritage Conservation Area
Applicant: Smile ConfiDENTAL
Owner: Strathfield Municipal Council
Date of lodgement: 29 November 2018
Notification period: 11 December 2018 to 4 January 2019
Submissions received: One (1)
Assessment officer: DS
Estimated cost of works: \$3,355
Zoning: R2 Low Density Residential - SLEP 2012
Heritage: Yes.
Redmyre Road Conservation Area (C14)
Flood affected: Yes
Is a Clause 4.6 variation proposed? No
RECOMMENDATION OF OFFICER: Approval.

EXECUTIVE SUMMARY

- 1.0 The subject application seeks approval for the replacement of business identification pylon signage within the Redmyre Road Heritage Conservation Area.
- 2.0 The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005. One (1) submission was received as a result.
- 3.0 On 4 February 2019, additional information was confirmed by the applicant in relation to the demolition of the existing business identification signage located on site.
- 4.0 The proposal is considered suitable and appropriate for the existing use on the site. The application is recommended for approval, subject to the conditions of consent.

BACKGROUND

29 November 2018 The subject application was lodged and allocated to the responsible officer.

11 December 2018 The subject application was neighbour notified for a period of four (4) weeks. One (1) objection was received as a result.

31 January 2019 Correspondence was forwarded to the applicant, requesting additional

DA2018/165 - 50-52 Redmyre Road, Strathfield
 LOT F IN DP 376063 (Cont'd)

4 February 2019

information in relation to the existing signage located on site. Correspondence was provided by the applicant, which confirmed the demolition of the existing signage located on the subject site.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot F in DP 376063 and is commonly known as 50-52 Redmyre Road, Strathfield. The site is located on the south-eastern side of Redmyre Road and has an area of 3183.4m² (Figure 1). The subject site is currently operating as health consulting rooms (Figure 2) and the surrounding uses along Redmyre Road are predominately residential uses.

The existing signage to be replaced by the proposal is located on the eastern side of the front boundary (Figure 3).



Figure 1: Locality plan

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LOT F IN DP 376063 (Cont'd)



Figure 2: Subject site and existing health consulting rooms.



Figure 3: Existing signage proposed to be replaced.

PROPERTY BURDENS AND CONSTRAINTS

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LOT F IN DP 376063 (Cont'd)

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the construction of replacement business identification signage within Redmyre Road Conservation Area.

The existing business identification signage is located on the eastern side of the property frontage and the proposed new business identification signage is located fairly centrally and to the west of the vehicular access along the site frontage.

The specific elements of the proposed replacement business identification signage are:

- 2x vertical steel posts set 2m apart
- 4x individual aluminum signboards (2000mm x 250mm) affixed to the steel posts
- The overall sign structure will be 2100mm high, 2000mm wide and 78mm in depth
- Signboards will detail the business names, contact details and logos

REFERRALS

INTERNAL REFERRALS

Heritage Comments

Council's Heritage Advisor has commented on the proposal as follows:

"The signage proposed is overly high, too wide and visually dominates the street frontage. The signage is not appropriate in the residential heritage conservation area and is not supported on heritage grounds. The existing signage sits quietly within the site and if greater identification is required, the provision of larger type on the existing sign would have a lesser impact than the proposed signage scheme.

The proposal is not acceptable on Heritage grounds due to the size of the signage proposed and the undesirable precedent that may be set for future signage in the low density residential Heritage Conservation Areas. Furthermore, the matter of the retention of the existing signage must be confirmed prior to determination."

Conditions of consent have been imposed to address the concerns raised by Council's Heritage Advisor, specifically in relation to the proposed location and size of the signage (**Refer to Special Condition 1 and 2**).

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

- (i) any environmental planning instrument**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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 LOT F IN DP 376063 (Cont'd)

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed Clause 5.9 of SLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

No trees are proposed to be removed as part of this application, and given the nature of the proposal and the substantial separation between the proposed replacement signage and any tree, no further investigation is required.

State Environmental Planning Policy No 64 – Advertising and Signage

Clause 13 of SEPP 64 requires Council to the assessment criteria outlined in Schedule 1 in the assessment of the proposed replacement signage. An assessment of the proposed development against the requirements of SEPP 64 is found below:

Section	Assessment Criteria	Required	Proposed	Compliance
1	Character of the Area	Compatible with existing and future likely character of the area.	<p>The proposed signage through the use of images and text provides information of the health consulting rooms approved on the subject site.</p> <p>The light colour tones on the proposed signage are complemented by the neutral colour tones along the main building façade so as to integrate with the surrounding residential area.</p>	Yes.
2	Special Areas	Does the proposal detract from the amenity or visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space, waterways, rural landscapes or residential areas?	<p>The site is located within the Redmyre Road Heritage Conservation Area (C14).</p> <p>It is noted that the existing building located at 50-52 Redmyre Road will be visually obscured by the proposed 2.1m signage which is located at the centre of the site's frontage. A condition of consent has been imposed recommending the relocation of the new pylon sign to the location of the existing signage to be replaced. Locating the sign to the eastern side of the front boundary will allow for efficient communication of the health consulting rooms without compromising the visual contribution that the house makes to the Redmyre Road Conservation Area (Condition 2).</p> <p>Condition 1 is also recommended to reduce the</p>	Yes, with conditions.

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 LOT F IN DP 376063 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
			overall size of the replacement signage and therefore its visual prominence within the Heritage Conservation Area.	
3	Views and Vistas	Does the proposal: a) Obscure or compromise important view? b) Dominate the skyline and reduce the quality of vistas? c) Respect the viewing rights of other advertisers? d)	The proposal does not obscure or compromise any important views.	Yes
4	Streetscape, Setting or Landscape	Is the scale, proportion and form appropriate? Does the proposal: a) Contribute to visual interest? b) Reduce clutter by rationalising and simplifying existing signage? c) Screen unsightliness? e) Protrude above buildings, structures or tree canopies? f) Require ongoing vegetation management?	a) The design of the signage is simplistic and clearly conveys the nature of the business. b) The proposed pylon sign will replace the existing sign and therefore no additional clutter will result from the proposal. c) The proposal does not screen unsightliness. d) The proposal does not protrude above the existing building. e) The proposal does not require ongoing vegetation management.	Yes. Yes. Yes. Yes. Yes.
5	Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site? Does the proposal respect important features of the site or building or both? Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposed pylon business identification signage will be located adjacent to the front boundary of the site, located in a Heritage Conservation Area. Given the heritage significance of the surrounding area, Condition 1 is recommended so that the replacement signage is reduced in height, thereby reducing its visual dominance. The proposed scale and colours of the signage are compatible with the scale and colours of the building, and will not detract from significance of the HCA.	Yes, with conditions. Yes.

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 LOT F IN DP 376063 (Cont'd)

Section	Assessment Criteria	Required	Proposed	Compliance
6	Associated Devices and Logos	Have any safety devices, platforms, lighting devices or logos been designed as part of the structure?	The proposed pylon sign will not be illuminated. The names and logos of the health facilities operating on site are included on the signage. The logos are considered appropriate as it directly relates to the health businesses operating on the site.	Yes.
7	Illumination	Would illumination: a) Result in unacceptable glare? b) Affect safety for pedestrians, vehicles or aircraft? c) Distract from nearby residence or accommodation?	The proposed pylon sign will not be illuminated.	Yes.
8	Safety	Would the proposal: a) Reduce safety for any public road? b) Reduce safety for pedestrians or cyclists? c) Reduce safety, for children by obscuring sight lines from public areas?	The proposed sign will not affect road safety on Redmyre Road, as the sign is not illuminated and it will be appropriately setback 500mm from the property boundary (Refer to Condition 3). As the sign will be wholly within the subject site and it will replace the existing sign, sightlines will not be affected.	Yes, with conditions.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

An assessment of the proposal against the general aims of SLEP 2012 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield	Yes
(b)	To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development	N/A
(c)	To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community	Yes
(d)	To provide opportunities for economic growth that will enhance the local community	Yes
(e)	To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and	N/A

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 LOT F IN DP 376063 (Cont'd)

<i>environmental impacts of private vehicle use</i>		
(f)	<i>To identify and protect environmental and cultural heritage</i>	Yes
(g)	<i>To promote opportunities for social, cultural and community activities</i>	N/A
(h)	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	Yes

Comments: The proposed pylon sign will incorporate colours and materials that will enable the businesses operating on site to be clearly identifiable without compromising the heritage significance of the Redmyre Road Conservation Area, subject to the imposition of conditions of consent. As such, the proposal is considered to be consistent with the aims of the SLEP 2012.

Permissibility

The subject site is Zoned R2 Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012. The site is currently operating as 'health consulting rooms', defined by SLEP 2012 as follows:

"Health consulting room means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time."

Health consulting rooms are permissible within the R2 Zone with consent under SLEP 2012. The proposed works do not involve a change of use of the site, rather, works involve signage that is ancillary to the existing health consulting rooms. Development for the purposes of advertising and signage is permissible with consent under SEPP 64.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Zone is included below:

Objectives	Complies
➤ <i>To provide for the housing needs of the community within a low density residential environment.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Yes
➤ <i>To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.</i>	Yes

Comments: The proposed development is for the purposes of business identification signage which is considered appropriate to the current use of the site as health consulting rooms. In the event of an approval, conditions of consent will be imposed to reduce the size of the signage and locate the sign in the same location of the sign to be replaced so as not to result in adverse impacts to the heritage significance of the Redmyre Road conservation area (**Condition 1 and 2**).

Part 4: Principal development standards

There are no relevant provisions contained within Part 4 of the SLEP 2012 which relate to the proposed development.

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the SLEP 2012 are addressed below as part of this assessment:

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LOT F IN DP 376063 (Cont'd)

5.10 Heritage Conservation

The proposal involves replacement business identification signage adjacent to the front boundary of the subject site. The existing use of the site is health consulting rooms, and the signage successfully relates to the use, including details of the business names, the nature of the health consulting rooms and their logos.

The subject site is located within the Redmyre Road Conservation Area (C14) and Council's Heritage Advisor provided comment on the proposal, detailing that the size of the proposed replacement signage visually dominates the street and would not be in keeping with the significance of the Heritage Conservation Area.

Condition 1, 2 and 3 of the consent is recommended to be imposed to reduce the overall size of the sign and to ensure that it is positioned in the same location of the existing signage to be replaced so as to remove visual obstruction to the existing building on the site, and to reduce the visual dominance of the signage within the streetscape and Heritage Conservation Area. As such, the proposal is considered to accord with the objectives of this Clause.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid sulfate soils

The subject site is identified as having Class 5 soils and is not located within 500m of Class 1, 2, 3 or 4 soils. Therefore, the proposed development was not required to be accompanied by an Acid Sulfate Soils Management Plan and has satisfied the requirements of Clause 6.1 of the SLEP, 2012.

6.2 Earthworks

The development application is for a pylon business identification signage, whereby the pylons are 78mm in width and a length of 900mm will be dug into the ground for support. As the proposal does not require any significant earthworks, no further investigation is required.

6.3 Flood planning

The subject site is identified as being within the 1 in 100yr ARI storm event extent in accordance with Cooks River and Cox Creek flood study. The flood area affecting the site is minor and given that the proposal is for replacement signage, a Flood Impact Statement is not required.

6.4 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.

6.6 Erection or display of signage

Clause 6.6 of the SLEP 2012 requires consideration to be given for the compatibility of the proposed signage with the desired amenity and visual character of the area. The proposed development incorporates a pylon sign identifying the name and nature of the health consulting rooms operating on the site. Conditions of consent will be imposed to ensure both the design and scale of signage is compatible with the Redmyre Road Conservation Area.

4.15(1)(a)(ii) any draft environmental planning instruments

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 LOT F IN DP 376063 (Cont'd)

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15 (1)(a)(iii) any development control plan

STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

Heritage and Conservation

Cl. 1.11	Aims	Complies
A	<i>To preserve and enhance the visual and environmental amenity of heritage items and heritage conservation areas within the municipality of Strathfield</i>	Yes
B	<i>Ensure all new development affecting heritage items and conservation areas is designed to be compatible in setting, scale, setbacks, form, materials and character with the building and surrounding area</i>	Yes
C	<i>Ensure that development in the vicinity of a heritage item or conservation area does not have any adverse impact on the heritage significance or setting and that development is compatible in setting, scale, setbacks, form, materials and character with the item or conservation area</i>	Yes
D	<i>Conserve archaeological sites and places of Aboriginal significance</i>	N/A
Cl. 1.11	Controls	Complies
(1)	<i>A Statement of Heritage Impact is required for proposed development:</i> a) <i>affecting a heritage item;</i> b) <i>within a heritage conservation area; or</i> c) <i>in the vicinity of an item or heritage conservation area</i>	Yes
(2)	<i>This statement must set out the heritage significance of the structure or place and assess the extent to which carrying out of the proposed development would affect the significance of the heritage item or heritage conservation area concerned and outline measures to minimise any identified impact</i>	Yes

Comments: The proposal involves replacement business identification signage adjacent to the front boundary of the subject site.

The subject site is located within the Redmyre Road Conservation Area (C14) and Council's Heritage Advisor provided comment on the proposal, detailing that the size of the proposed replacement signage visually dominates the street and would not be in keeping with the significance of the Heritage Conservation Area.

Condition 1, 2 and 3 of the consent is recommended to be imposed to reduce the overall size of the sign and to ensure that it is positioned in the same location of the existing signage to be replaced so as to remove visual obstruction to the existing building on the site, and to reduce the visual dominance of the signage within the streetscape and Heritage Conservation Area. As such, the proposal is considered to accord with the objectives of this Clause.

PART J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES

An assessment of the proposal against the objectives and development controls contained within Part A of SCDCP 2005 is included below:

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1: Part A- General

1.3	Objectives	Satisfactory
1.	To encourage signage which complements the dominant urban character of an area, including the built and landscape character	Yes
	To provide guidelines for the display of advertisements and ensure that outdoor advertising:	
	(a) conveys an advertiser's messages and images while complementing and conforming with the visual appearance of the building or structure on which it is displayed and the amenity of the surrounding environment;	
2.	(b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing, or loss of amenity;	Yes
	(c) does not lead to visual clutter through the proliferation of signs;	
	(d) is designed and installed to an acceptable level of safety and serviceability; and	
	(e) is designed to have minimal adverse impacts on driver or pedestrian safety	

Comments:The proposed signage is simplistic in design and as it replaces an existing sign it will not lead to visual clutter, nor detract from the amenity of the surrounding environment. The signage is considered appropriate to the health consulting room use of the site, whilst respecting the predominant residential character of the streetscape. Given the nature of the proposal, it will not result in any loss of amenity or overshadowing for adjoining neighbours nor will it result in any safety hazards.

2.1: Signs in all areas

	Special Provisions	Complies
(i)	Table A indicates the types of signage which are permissible without development consent, permissible only with development consent and prohibited within various zones under the SLEP 2012. Schedule 2 – Exempt Development of SLEP 2012 identifies those advertising signs and structures which do not require development consent	Yes
(ii)	Sign is not prone to deterioration in appearance and is not redundant, unsightly or objectionable	Yes
(iii)	Advertisements, signs and advertising structures are not displayed in a manner which obscures or interferes with road traffic signs	Yes
(iv)	Advertising sign must be displayed in English and can be translated in another language. Translation is accurate and complete. Wording and/or numbers is not greater than the English message.	Yes
	The advertisement/ sign is not any of the following:	
	(a) Roof sign or wall sign projecting above the roof or wall to which it is affixed;	Yes
(vi)	(b) Flashing or moving signs or advertisements;	Yes
	(c) Signs, not defined as a temporary sign, made of canvas, fabric, or any type of airborne sign except a temporary sign;	Yes
	(d) Fly posters	Yes

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(e)	Signs affixed to the surface of a public footway or public roadway	Yes
(f)	Signs which may obscure, obstruct or interfere with any road traffic	Yes
(g)	Signs prohibited under the Tobacco Advertising Prohibition Act 1992	Yes
(h)	Signs other than a business identification sign, directional sign, real estate sign or temporary sign within the R2, R3 and R4 zones.	Yes

Comments: The proposed replacement pylon sign is a business identification sign that clearly displays the name, contact details and logo of the health consulting businesses operating on the subject site. The sign will not interfere with road traffic signs or create any road safety concerns for pedestrians as the sign is not illuminated and it will be appropriately setback 0.5m from the front boundary line (**Condition 3**).

2.3: Signage in the R2, R3 and R4 zones

Aims		Satisfactory
(i)	<i>Permit the adequate display of information concerning the identification of premises, the name of the occupier and the activity conducted on the land;</i>	Yes
(ii)	<i>Enhance and add to the commercial/retail vitality of the area without adversely affecting the amenity of the locality;</i>	Yes
(iii)	<i>Ensure that signs are in keeping with the scale and character of the building to which they are affixed and not detract from the architectural treatment;</i>	Yes
(iv)	<i>Ensure that all businesses have the opportunity for reasonable exposure for the purposes of identification.</i>	Yes
Performance Criteria		Complies
(i)	Advertisements and signs displayed within the Strathfield Town Centre are also subject to certain controls contained with Development Control Plan No 13 - Strathfield Town Centre DCP No.13 (Site Specific DCP)	N/A

Comments: The proposed business identification sign will display the name and nature of the health consulting businesses currently operating on the subject site as well as the relevant contact details. Conditions of consent will be imposed to reduce the dimensions of the sign and relocate it to the location of the existing signage so as to ensure that it is clearly visible from the streetscape without adversely affecting the significance of the HCA (**Conditions 1 and 2**). An additional condition will also be imposed, requiring the sign to be setback a minimum of 500mm from the front property boundary (**Condition 3**). The 500mm setback will also ensure the foundations of the structure do not interfere with the integrity of the brick planter box located in the front setback. The existing planting will be in front of the proposed sign, thereby softening the appearance of the sign within the street (Figure 4).

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Figure 4: Hedges located at 48 Redmyre Road along the eastern adjoining boundary.

4: Schedule 2

ITEM 10- Pole or pylon signs

	<i>Development Controls</i>	<i>Complies</i>
(a)	The pole or pylon sign does not project more than 1.2m over any road alignment	Yes
(b)	In cases where it does project over any road alignment, it is not less than 2.6m above the ground where it so projects	Yes
(c)	The pole or pylon sign has a maximum advertising area of 44.6m ²	Yes
(d)	The pole or pylon sign is not more than 15.2m above the ground.	Yes

Comments: The pylon sign will be located wholly within the site and will not project over any road alignment. The pylon sign has a maximum advertising area of 2m² and will occupy 10% of the site frontage. Conditions of consent will be imposed to ensure the sign does not project 2m above the ground (**Condition 1**).

PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan did not accompany with the development application. To ensure the proposal is undertaken in accordance with the required standards under Part H of the SCDCP

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2005, a condition of consent is recommended requiring a Waste Management Plan to be submitted to and approved by the PCA.

4.15 (1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15 (1)(a)(iv) matters prescribed by the regulations

Not applicable.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility, subject to conditions of consent.

4.15(1)(c) the suitability of the site for the development

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Part L of the SCDCP 2005 from **11 December 2018** to **4 January 2019**, with **one** submission received, raising the following concerns:

1. *Sign is overly wide and too high.*

Assessing officer's comments: In the event of approval, conditions of consent will be imposed to reduce the size of the signage to a maximum height of 2m and width of 1.5m (refer to **Condition 1**).

2. *The sign is an advertising sign.*

Assessing officer's comments: The sign will identify the name, contact details and logo of the health consulting rooms operating on the subject site. The sign does not advertise or promote any product or service that does not associate with the businesses in operation. Additionally, it is noted that the proposal is for replacement signage. As such, the proposed business identification sign is considered compatible with the use of the site.

3. *Its large size and proposed placement will detract from the heritage character of Redmyre Road Conservation Area.*

Assessing officer's comments: In the event of approval, conditions of consent will be imposed to reduce the size and have it relocated to the position of the existing business identification signage. This will ensure that the proposed replacement signage will not detract from the significance of the Redmyre Road Conservation Area (**Condition 1 and 2**).

4.15(1)(e) the public interest

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The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to 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 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 INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development as the cost of works is less than \$100,000, which is the threshold which triggers a contribution payment under the Strathfield Indirect Development Contributions Plan 2010-2030.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2012 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

RECOMMENDATION

That Development Application No. DA2018/165 for the construction of business identification signage at 50-52 Redmyre Road, Strathfield be **APPROVED**, subject to the following conditions:

SPECIAL CONDITIONS (SC)

1. SIGNAGE DIMENSIONS

The replacement signage is to be reduced in size to have a maximum height of 2m above natural ground level and width of 1.5m.

(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

2. LOCATION OF SIGNAGE

The proposed sign is to replace the existing pylon business identification sign and positioned in the same location (adjacent to the eastern side of the front boundary).

(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

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3. **SIGNAGE SETBACK**

The sign is to be setback a minimum of 500mm from the front boundary line.

(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

4. **SIGNAGE DISPLAY**

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals.

(Reason: to ensure that the signage does not detract from the significance of the Redmyre Road Conservation Area).

GENERAL CONDITIONS (GC)

5. **APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/165:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Site Plan	Signarama	N/A	29 November 2018
Front Elevation	Signarama	N/A	29 November 2018

6. **CONSTRUCTION HOURS (GC)**

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

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

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

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

7. **LIGHTING (GC)**

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

No flashing, moving or intermittent lighting, visible from any public place may be installed on

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the premises or external signage associated with the development, without the prior approval of Council.

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

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

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

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

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

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

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

9. WASTE MANAGEMENT PLAN (CC)

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

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.

NOTE: The property must be inspected by a Council Waste Officer prior to the issue of an Occupation Certificate so as to ensure that the correct number of general waste and recycling bins are ordered from Strathfield Council.

(Reason: To ensure appropriate management of waste.)

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

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.

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- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)**11. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)**

Should any potentially historic relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage should be informed in accordance with Section 146 of the Heritage Act 1977. 'Relics' are any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and are of State or local heritage significance.

Should any potentially significant Aboriginal material be discovered on the site, all excavation or disturbance of the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

(Reason: To ensure the proper management and preservation of potentially significant archaeological material.)

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

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

(Reason: To maintain public access and safety.)

ATTACHMENTS

There are no attachments for this report.

Note: This meeting is closed session and is not available for the public to attend
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