

# Minutes

Of the meeting of the:

## Strathfield Local Planning Panel Meeting

Held on:

**Thursday, 6 August 2020**

Commencing at 10:00am at Town Hall (Supper Room),  
65 Homebush Road, Strathfield

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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 6 August 2020.

The meeting commenced at 10:00am and closed at 11.42am

The Panel Members conducted site inspections for the purpose of considering items included on the Agenda-

Site inspection time commenced: Panel members independently conducted site visits

Site inspection time concluded: Panel members independently conducted site visits

**PRESENT**

Mr John Evernden – Chair

Mr Brian Kirk – Expert

Ms Jennifer Anne Inglis

**ALSO PRESENT**

Stephen Clements, Deputy CEO/General Manager Planning, Environment & Urban Services

Kandace Lindeberg, Executive Manager, Landuse Planning & Development

Sarah Evans, Administration Assistant

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

NIL

**TO:** Strathfield Local Planning Panel Meeting - 6 August 2020  
**REPORT:** SLPP – Report No. 29  
**SUBJECT:** ADDENDUM REPORT - DA2020/055 - 23-25 CHURCHILL AVENUE,  
 STRATHFIELD  
 LOT 0 SP 96307  
**DA NO.** DA2020/055

## RECOMMENDATION

That Development Application No. 2020/055 for the construction of an additional unit in an existing mixed use development at 23-25 Churchill Avenue, Strathfield be **REFUSED** for the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the Strathfield Local Environmental Plan 2012 in terms of the following:
  - The submitted Clause 4.6 variation request to contravene the building height and Floor Space Ratio development standards has not adequately demonstrated the matters required to be satisfied in the clause. Accordingly, the building height and floor space ratio exceedance cannot be supported without such information.

## RESOLUTION

The panel does not agree with the Planner's recommendation and approves the application subject to conditions.

That's the Panel supports the 4.6 variation to the development standards and finds the applicants written request to be well founded.

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

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

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Ground Floor	Drawing No. 07	17 July 2020	L	Urban Link

Level 10	Drawing No. 13	17 July 2020	L	Urban Link
North & East Elevations	Drawing No. 14	12 June 2020	K	Urban Link
South & West Elevations	Drawing No. 15	12 June 2020	K	Urban Link
Section A	Drawing No. 16	12 June 2020	K	Urban Link
Schedule of Finishes	Drawing No. 24	12 June 2020	K	Urban Link
Landscape Ground Plan	LDA-04	16 July 2020	01	NBRS Architecture Landscape
Landscape Roof Plan	LDA-05	16 July 2020	01	NBRS Architecture Landscape
Materials Palette	LDA-06	16 July 2020	01	NBRS Architecture Landscape
Planting Palette and Schedule	LDA-07	16 July 2020	01	NBRS Architecture Landscape
Landscape Details	LDA-08	16 July 2020	01	NBRS Architecture Landscape
Acoustic Report	2020-207	20 July 2020	-	Acoustic, Vibration & Noise Pty Ltd
Construction Management Plan	-	June 2020	-	J Group PM Pty Ltd
BASIX Certificate	No. 1084672M_02	21 July 2020		Greenworld Architectural Drafting
Nationwide House Energy Rating Scheme Certificate	No. 000465.5.1-01	21 July 2020		-
National Construction Code 2019	-	April 2020		Dix Gardner Group Pty Ltd

## SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 2. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

## REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

Nil

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 3. Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$8,100.00**.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127**.
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

#### 4. Fees to be Paid

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

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Security Damage Deposit	<b>\$8,100.00</b>
Administration Fee for Damage Deposit	<b>\$127</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions -	<b>\$20,000.00</b>

#### General Fees

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

#### Development Contributions

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

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

#### Indexation

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

#### Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the issue of the Construction Certificate.

#### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

### 5. Site Management Plan

#### Minor Development

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

### 6. SEPP 65 Design Verification Statement

A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of [State Environmental Planning Policy No 65 —Design Quality of Residential Flat Development](#).

### 7. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate ] must be implemented on the plans lodged with the application for the Construction Certificate.

### 8. Erosion & Sedimentation Control

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

#### **9. Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

#### **10. Fire Safety Measures**

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

#### **11. Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

#### **12. Engineer's Certificate**

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

#### **13. Access for Persons with a Disability**

Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and **the Disability (access to premises-buildings) standards 2010**. Details must be **submitted prior to the issue of the Construction Certificate**.

#### **14. Commonwealth Disability (Access to Premises) Standard**

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

### 15. Acoustic Requirements - Compliance with submitted Acoustic Report

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council.

The site is affected by noise from the Raw Square. A suitably qualified acoustic consultant must ensure that the 1.8m acoustic barrier detailed on the architectural plans has been designed with measures of acoustic attenuation to meet the noise levels specified in Clause 102 of State Environmental Planning Policy (Infrastructure) 2007.

The measures of acoustic attenuation shall be reflected on the Construction Certificate plans.

### 16. Landscape Plans

All common and private landscape areas including all planters to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance including photographs shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

### 17. Tree Removal/Pruning Prohibited

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

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

### 18. Demolition & Asbestos

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

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

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

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### 19. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

## **20. Utility Arrangements**

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

## **DURING CONSTRUCTION**

### **21. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

### **22. Hours of Construction for Demolition and Building Work**

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

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

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

### **23. Cost of Work to be Borne by the Applicant**

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

### **24. Obstruction of Road or Footpath**

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the

[Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

#### **25. Construction Management Plan**

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

#### **26. Waste Management Facility**

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

### **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **27. BASIX Certificate**

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

#### **28. BASIX Compliance Certificate**

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

#### **29. Completion of Landscape Works**

At the completion of all works, a certificate including photographic evidence is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. All furniture (table tennis, barbeque facilities, tables, seats) detailed in the landscape plans are to be installed with anti-theft provisions, including but not limited to being bolted to a permanent surface. This certificate including photographic evidence must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

#### **30. SEPP 65 Design Verification Statement**

The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

#### **31. Fire Safety Certificate before Occupation or Use**

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the

owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.

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

### **32. Slip Resistance**

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

### **33. Acoustic Certification**

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

### **34. Acoustic Compliance**

Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report.

## **PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

Nil

## **OPERATIONAL CONDITIONS (ON-GOING)**

### **35. Use of Structure**

The rooftop communal open space shall be accessible to the residents of the building.

### **36. Maintenance of Landscaping**

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

### 37. Outdoor Lighting

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

### 38. Lighting – General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

### 39. Responsibility of Owners Corporation

The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

### 39A. A by-law for the rooftop communal open space

A by-law is to be registered on title prior to the occupation of the building applying to the management of the rooftop communal open space area and is to provide for:

- a. Measures to prevent overcrowding and excessive noise
- b. Hours of access
- c. Nuisance smoking
- d. Landscaping maintenance

## OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### 40. Requirement for a Construction Certificate

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

### 41. Appointment of a PCA

The erection of a building must not commence until the applicant has:

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

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

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

#### **42. Notification of Critical Stage Inspections**

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

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

#### **43. Notice of Commencement**

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

#### **44. Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

#### **45. Occupation Certificate**

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

### **PRESCRIBED CONDITIONS**

#### **46. Clause 97A – BASIX Commitments**

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

#### **47. Clause 98 – Building Code of Australia & Home Building Act 1989**

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

#### **48. Clause 98B – Home Building Act 1989**

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

### **ADVISORY NOTES**

#### **1. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is

dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

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

## **2. Appeal Rights**

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

## **3. Lapsing of Consent**

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

## **4. Long Service Levy**

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

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

## **5. Disability Discrimination Act**

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

## **6. Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

**FOR:** Jennifer Inglis

**AGAINST:** John Evernden, Brian Kirk,

\*\*\*\* End Minutes - Report No. 29\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 6 August 2020  
**REPORT:** SLPP – Report No. 30  
**SUBJECT:** DA2018/046/02: 251-253 HOMEBUSH ROAD, STRATHFIELD SOUTH LOT 39  
DP 2043  
**DA NO.** DA2018/046/02

## RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modifications to Development Consent No. 2018/046 involving alterations and additions to an approved boarding house including reconfiguration of basement level at 251-253 Homebush Road, Strathfield South be **APPROVED**, subject to the following conditions:

1. The original conditions of consent of Development Application No. 2018/046 as granted deferred commencement by SLPP on 8 December 2018 for the demolition of existing structures and construction of a three (3) storey boarding house consisting of thirty-five (35) rooms including one (1) Manager's room set above one basement car parking level containing seventeen (17) car parking spaces, landscaping and associated site works.
2. As modified by the satisfaction of deferred commencement matters under delegated authority on 19 March 2019.
3. As modified by this Section 4.55(2) application (DA2018/046/02) as follows:
  - i) Modification of Condition No. 18 regarding Heritage Council approval;
  - ii) Modification of Condition No. 19 to reflect the amended plans;
  - iii) Modification of Condition No. 48 and 50 relating to vehicle access; and
  - iv) Addition of Condition No. 62A and 73 relating to vehicle access.

Accordingly, Development Consent DA2018/046/02 is approved as follows:

## SPECIAL CONDITIONS (SC)

### 1. BIN STORE (SC)

The proposed bin store shall be amended to provide 9 x 240L general waste bins and 3 x 240L recycling bins. Plans are to be suitably amended to demonstrate compliance with this requirement, prior to the issue of the Construction Certificate.

(Reason: To ensure compliance with Part H of SCDCP 2005.)

### 2. WASTE COLLECTION (SC)

Bins are prohibited from being presented kerbside for collection. Bins are to be collected directly from the bin store from within the premises. Evidence of a written agreement between the applicant and the private waste collector is to be provided to Council, prior to the issue of any Construction Certificate.

Evidence that all relevant standards are satisfied with regards to waste collection in terms of internal height clearance of the basement, turning circles, manoeuvrability and ability for the waste collection vehicle to exit the site in a forward direction are to be provided to Council and the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To minimise traffic impacts on the surrounding road network and to maintain streetscape amenity.)

**3. EXTERNAL MATERIALS (SC)**

The proposed FB2 Face Brick – ‘Miro’ is to be replaced with FB1 Face Brick: ‘Gamet’. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.

(Reason: To achieve greater consistency with adjoining residential development.)

**4. BOARDING HOUSE – APPROVED USE (SC)**

This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of thirty-five boarding rooms (plus one Manager’s Room). This includes 28 x double rooms (maximum 2 persons per room) and 7 single rooms (maximum 1 person per room). No more than 63 lodgers are to be present on the site at any one time.

All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Strathfield Local Environmental Plan 2013 and SEPP (ARH) 2009.

The approved boarding house must operate within the definition of ‘boarding house’ under SLEP 2012 and SEPP (ARH) 2009. The approved boarding house cannot be strata or community title subdivided.

(Reason: To clarify the terms of the approval and to control the maximum number of lodgers living in the premises at any one time.)

**5. BOARDING HOUSE – CONSTRUCTION OF (SC)**

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

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

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

(Reason: To ensure compliance with relevant legislation.)

**6. RESTRICTION AS TO USER OF THE BUILDING (SC)**

Prior to the issue of any Occupation Certificate, a restriction as to user is to be registered against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of the subject property for the purposes of a boarding house, as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009.

**7. CONSTRUCTION NOISE MANAGEMENT PLAN (SC)**

A Construction Noise Management Plan (CNMP) is to be prepared prior to any works commencing (including demolition) to limit the impact on nearby residences.

The CNMP is to be prepared in accordance with the guidance provided in AS2436-2010 and the Interim Construction Noise Guideline, and submitted to the Principal Certifying Authority, prior to the commencement of any works.

(Reason: In accordance with the recommendation of the Noise Assessment Report, prepared by DK Acoustics Pty Ltd, dated 20 March 2018.)

#### **8. NOISE FROM PLANT EQUIPMENT (SC)**

Any plant equipment including any air conditioning plant or car park ventilation plant shall be suitably enclosed in a sound proof enclosure.

Once the carpark ventilation plant and air conditioning plant are selected, the submitted Noise Assessment Report is to be updated to include a noise assessment of the selected plant, demonstrating compliance with any applicable guidelines including those of the Environmental Protection Authority (EPA). The drawings accompanying the Construction Certificate application shall demonstrably comply with any recommendations of the amended Noise Assessment Report.

(Reason: To mitigate any adverse acoustic impacts to the adjoining properties).

#### **9. LOCATION OF PLANT EQUIPMENT (SC)**

No roof plant is to be installed, without the prior approval of Council. Any plant equipment including any air conditioning plant or car park ventilation plant shall be suitably enclosed and integrated with the design of the development, concealed from adjoining properties and the public domain and designed in accordance with any relevant standards and the Building Code of Australia.

(Reason: To ensure the proposed development does not contravene the 11m height control under SLEP 2012, and to mitigate any adverse visual impact on the surrounding area.)

#### **10. CLOTHES DRYING FACILITIES (SC)**

Clothes drying facilities are to be provided at the rear of the property and integrated into the design of the development.

(Reason: To mitigate any adverse visual impact on the streetscape).

#### **11. TREE PROTECTION MEASURES (SC)**

Trees 1, 4, 5, 12 and 13 in the submitted Arboricultural Impact Assessment Report prepared by Advanced Treescape Consulting dated 09/03/2018 shall be retained and protected in accordance with the tree protection recommendations contained within the Report.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

(Reason: To ensure the protection of trees to be retained).

#### **12. CANOPY TREES IN THE FRONT SETBACK (SC)**

At least two (2) canopy trees are to be provided within the front setback adjacent the front boundary. New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 6m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation

Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

### 13. GEOTECHNICAL REPORT RECOMMENDATIONS (SC)

The recommendations contained within the Geotechnical Investigation Report prepared by Geo Environmental Engineering, dated 08/03/2018, are to be fully complied with.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority.

(Reason: Site stability).

### 14. ROOF DAINAGE PLAN (SC)

The Stormwater drainage concept plan does not reflect roof runoff drainage to the OSD tank. An amended concept plan is required to address this inconsistency, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer).

### 15. BASEMENT PUMP WELL (SC)

The contributing catchment to the pump well system is to be limited to the basement access ramps and subsoil drainage only. The stormwater concept plan is to be amended accordingly, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer to ensure compliance with Council's requirements).

### 16. COUNCILS DRAINAGE INFRASTRUCTURE (SC)

Driveway crossings, including the apron and layback are to be located a minimum of 1m clear of any stormwater pits, lintels or poles and 2m clear of the trunk of any trees within the road reserve. The concept stormwater plans shall be amended to demonstrate compliance, prior to the issue of the Construction Certificate.

(Reason: Recommendation by Council's Engineer to ensure compliance with Council's requirements).

### 17. SYDNEY WATER APPROVAL - PRESSURE TUNNEL AND SHAFTS (SC)

Prior to any works commencing on the site (including demolition), written confirmation is to be obtained from Sydney Water confirming that the proposed development will not have any adverse impact on the pressure tunnel and shafts, which traverse the site in an east/west direction.

(Reason: To ensure that the proposed development will not have any adverse impact on the Pressure tunnel and shafts).

### 18. ~~HERITAGE COUNCIL OF NSW APPROVAL - PRESSURE TUNNEL AND SHAFTS (SC)~~

~~Written approval is to be obtained from the Heritage Council of NSW for the proposed development.~~

~~(Reason: To ensure that the proposed excavation will not disturb an archaeological~~

~~relic, or have any adverse impact on the significance of the State heritage listed pressure tunnel and shafts).~~

#### 18. PRESSURE TUNNEL AND SHAFTS (SC)

No excavation is to be within 3m surrounding the physical infrastructure known as 'Pressure Tunnel and Shafts'. A survey prepared by a suitably qualified surveyor is to be submitted indicating the excavation work associated with the development in relation to the 'Pressure Tunnel and Shafts'. The survey is to be submitted and approved to the satisfaction of Council prior to any works commencing on the site.

(Reason: To ensure that the proposed excavation will not have any adverse impact on the significance of the State heritage listed pressure tunnel and shafts).

**MODIFIED: DA2018/046/02 6 August 2020**

### GENERAL CONDITIONS (GC)

#### 19. 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. DA2018/046:

Drawing No.	Title / Description	Prepared by	Issue / Dates	Date received by Council
DA01-A	Concept Data	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA02	Site Plan	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA04	Basement 1 Floor Plan	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA05	Ground Floor Plan	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA06	Proposed Level 1	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA07	Proposed Level 2	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA08	Roof Plan	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA10	North & South elevations	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA11	East & West elevations	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA12	Sections	ADG Architects	Issue 6, 15/02/2019	15/02/2019
DA21	Sections	ADG Architects	Issue 4, 15/02/2019	15/02/2019
L/01'F'	Landscape Plan – Ground Floor	A Total Concept	Issue G, 15/02/2019	15/02/2019
1541-002	Basement Plan	Design Studio 407	Issue B, Rev D1	23 July 2020
1541-003	Ground floor	Design Studio 407	Issue B, Rev D1	23 July 2020
1541-004	Level 01	Design Studio 407	Issue B, Rev D1	23 July 2020
1541-005	Level 02	Design Studio 407	Issue B, Rev D1	23 July 2020
1541-006	Roof plan	Design Studio 407	Issue B, Rev D1	23 July 2020

1541-007	Sections southern boundary fence elevation	Design Studio 407	Issue B, Rev D1	23 July 2020
1541-008	Sections	Design Studio 407	Issue B, Rev D1	23 July 2020
1541-009	Elevations north & south	Design Studio 407	Issue B, Rev D1	23 July 2020
1541-010	Elevations east & west	Design Studio 407	Issue B, Rev D1	23 July 2020
L/01'H'	Landscape – Ground floor	A Total Concept	Rev J	23 July 2020
D01	Ground floor drainage plans & details	United Consulting Engineers	Issue B	26 June 2020
D02	Basement drainage plan & details	United Consulting Engineers	Issue B	26 June 2020

**MODIFIED: DA2018/046/02 - 6 August 2020**

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/138:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects (Amended)	Shanahan Planning	July 2018	20/07/2018
<b>Traffic and Parking Assessment Report (Ref 18001)</b>	<b>Varga Traffic Planning Pty Ltd</b>	<b>03/04/2018</b>	<b>10/04/2018</b>
Traffic and Parking Assessment Report	Varga Traffic Planning Pty Ltd	25 June 2020	26 June 2020 23 July 2020 <b>MODIFIED: DA2018/046/02 – 6 August 2020</b>
Noise Assessment Report (Ref 180226)	DK Acoustics Pty Ltd	20/03/2018	10/04/2018
Arboricultural Impact Assessment	Advanced Treescape Consulting	09/03/2018	10/04/2018
<del>Waste Management Plan</del>	<del>ADG Architects</del>	<del>Undated</del>	<del>10/04/2018</del>
Waste Management Plan	Dickens Solutions	July 2020	23 July 2020 <b>MODIFIED: DA2018/046/02 – 6 August 2020</b>
Geotechnical Investigation Report	Geo-Environmental Engineering	08/03/2018 / Rev 01	10/04/2018
Stage 1 Preliminary Site Investigation	Geo-Environmental Engineering	07/03/2018	10/04/2018
<del>BASIX Cert No. 916883M_02</del>		<del>Dated</del>	<del>20 September 2018</del>
BASIX Certificate	Certificate No. 916883M_03	Issued on 24 June 2020	26 June 2020 23 July 2020 <b>MODIFIED: DA2018/046/02 – 6 August 2020</b>

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.)

**MODIFIED: DA2018/046/02 - 6 August 2020**

## **20. 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.)

## **21. 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.)

## **22. 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.)

## **23. DEMOLITION - SITE SAFETY FENCING (GC)**

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

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

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council (Note: The policy is to note Council as an interested party).

(Reasons: Statutory requirement and health and safety.)

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

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

(Reason: To ensure appropriate landscape maintenance.)

**25. LANDSCAPING (GC)**

All landscape works shall be undertaken in accordance with the approved landscape plan, arborist report, and tree management plan as applicable.

a) The following trees shall be retained

Trees reference in Arborist Report	Species	Location
Tree 1	<i>Tristaniopsis laurina</i> (Water Gum)	Road reserve
Tree 4	<i>X Cupressocyparis leylandii</i> (Leyland Cypress)	Rear boundary of No. 251 Homebush Road
Tree 5	<i>Syzygium australe</i> (Brush Cherry)	Rear boundary of No. 251 Homebush Road
Tree 12	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Rear boundary of No. 253 Homebush Road
Tree 13	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear boundary of No. 253 Homebush Road

b) The following trees on the subject site may be removed:

Tree reference in Arborist Report	Tree	Location
Tree 2	<i>Cupressus macrocarpa</i> (Monterey Cypress)	Front setback
Tree 3	<i>Juniperus spp.</i> (Juniper)	Adjacent southern side boundary of No. 251 Homebush Road at the rear.
Tree 6	<i>Cotoneaster glaucophyllus</i> (Grey-leaved Cotoneaster)	Rear boundary of No. 251 Homebush Road
Tree 7	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	Rear boundary of No. 251 Homebush Road
Tree 8	<i>Ligustrum lucidum</i> (Glossy Privet)	Adjacent northern side boundary of No. 251 Homebush Road at the rear.
Tree 9	<i>Leptospermum spp.</i> (Fine Leaf Tea Tree)	As above.
Tree 11	<i>Murraya paniculata</i> (Orange Jessamine)	Centre of site
Tree 14	<i>Casuarina glauca</i> (Swamp She-oak)	Rear boundary of No. 253 Homebush Road

(Reason: To ensure landscaping is in accordance with the approved Landscape Plan.)

**26. LANDSCAPING - TREE PRESERVATION (GC)**

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – Protection of Trees on Development, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

(Reason: To ensure the protection of trees to be retained on the site.)

**27. LANDSCAPING (GC)**

The principal contractor or owner must provide to PCA a works-as-executed landscape plan and certification from a qualified landscape architect/designer, horticulturist and/or arborist as applicable to the effect that the works comply with this consent.

(Reason: To ensure that all landscaping work is completed prior to issue of the Final Occupation Certificate.)

**28. 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.)

**29. 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.)

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**30. SITE MANAGEMENT - DURING DEMOLITION AND CONSTRUCTION WORKS (GC)**

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. The footway and nature strip at the service entrance must be planked out.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) 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.
- xii) 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.
- 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.
- xiv) 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.
- xv) 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.
- xvi) 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.
- xvii) 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.
- xviii) Any work must not prohibit or divert any natural overland flow of water.
- xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

(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.)

**31. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

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

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

**32. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (CC)****33. 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.)

**34. BASIX COMMITMENTS (CC)**

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 96 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

### **35. 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.)

### **36. 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 81A(2) 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.)

### **37. 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 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](http://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 10m<sup>2</sup> 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.
  - 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.)

### **38. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)**

#### Works Permit

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

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

#### Standing Plant Permit

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

#### Skip Bin Permit

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

#### Temporary Full or Part Road Closure Permit

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

#### Hoarding Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding 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)

### **39. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

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

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

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

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

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

### **40. EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- iv) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- v) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vi) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or

similar.

- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

#### **41. EXCAVATION - AFFECTING ADJOINING LAND (CC)**

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

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

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

(Reason: Structural safety.)

#### **42. FIRE SAFETY SCHEDULE (CC)**

A Fire Safety Schedule specifying the fire safety measures 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.)

#### **43. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)**

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

(Reason: To promote Water Sensitive Urban Design.)

**44. SECTION 7.11 CONTRIBUTION PAYMENT (CC)**

In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010- 2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$ 46,529.06
Provision of Major Open Space	\$ 211,693.28
Provision of Local Open Space	\$ 46,584.78
Provision Roads and traffic Management	\$10,742.76
Administration	\$ 4,012.09
<b>TOTAL</b>	<b>\$ 319,561.97</b>

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

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

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

Note: A copy of Strathfield Council's Section 94 Direct Development Contributions Plan may be downloaded from Council's website.

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

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

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

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

#### **46. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)**

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

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

- i) Description of the demolition, excavation and construction works;
- ii) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- iv) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane Installation/removal etc.);
- vii) Proposed hours of construction related activities and vehicular movements to and from the site;
- viii) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) Any activities proposed to be located or impact upon Council's road, footways or any public place;
  - x) Measures to maintain public safety and convenience;
  - xi) Any proposed road and/or footpath closures;
  - xii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- xvi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- xvii) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- xix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

#### **47. VENTILATION SYSTEMS (CC)**

Any natural or mechanical ventilation systems shall be designed, constructed and installed

in accordance with the following:

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

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 any proposed ventilation system complies with the relevant requirements/standards.)

#### 48. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) **or 2600mm along the travel path for waste vehicles** demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

**MODIFIED: DA2018/046/02 6 August 2020**

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

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking **and with Australian/New Zealand standard 2890.6 2009 parking facilities, off street Parking for people with disabilities.** **Details demonstrating compliance are to be submitted to the principal certifying authority, prior to the issue of a construction certificate.**

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

**MODIFIED: DA2018/046/02 6 August 2020**

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

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

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

**Provision of a vehicle turntable shall be made in accordance with Drawing No. 1541-002 Rev D1 dated 16 July 2020.**

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

**MODIFIED: DA2018/046/02 6 August 2020**

**51. WASTE - GARBAGE ROOMS OR GREASE ARRESTOR ROOMS (CC)**

Garbage rooms or 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.)

**52. WORKS WITHIN THE ROAD RESERVE (CC)**

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

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

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

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

All civil engineering works adjacent/near/outside 4-10 Albert Road are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

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

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

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

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

(Reason: Council requirement.)

**53A. ENCLOSURE OF FIRE HYDRANT**

Prior to the issue of a construction certificate the certifying authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS2419.1 2005

(Reason: To protect the appearance of the streetscape)

**ADDED: DA2018/046/02 6 August 2020**

**53B. WATER AND GAS METERS**

An amended landscape plan is to be submitted to the principal certifying authority prior to the issue of a construction certificate demonstrating that access is provided to the water and gas meters but they are not to be visually apparent from the street.

(Reason: To protect the appearance of the streetscape)

**ADDED: DA2018/046/02 6 August 2020**

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)****54. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

of the building work.

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

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

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

(Reason: Statutory requirement.)

## 55. 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)**

### 56. CONTAMINATED LAND UNEXPECTED FINDS (DW)

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

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

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

(Reason: To ensure compliance with statutory requirements.)

#### **57. FILL MATERIAL (DW)**

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

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

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

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

#### **58. 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.)

#### **59. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

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

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

#### **60. SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION (DW)**

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 Standards 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. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- 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.
  - x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
  - xi) 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.
  - xii) 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.
  - 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 and recycling.
  - xiv) 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.
  - xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
  - xvi) 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.
  - xvii) 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.
  - xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(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.)

#### **61. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)**

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

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

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

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

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

### **62. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

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

(Reason: Maintenance of public infrastructure.)

### **62A. POSITIVE COVENANT FOR MECHANICAL PARKING INSTALLATIONS (OC)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the mechanical parking installations (vehicle turntables, car lifts, ramp traffic signal system, car stackers, etc.). On completion of construction work, mechanical parking installations are to be certified by a professional engineer with works-as-executed drawings supplied to the Principal Certifier detailing:

- (i) Compliance with conditions of development consent relating to mechanical parking installations including vehicle turntables, car lifts, ramp traffic signal systems, and car stackers.
- (i) That the works have been constructed in accordance with the approved design.
- (ii) Binding the owners and future owners to be responsible for ongoing maintenance required in terms of the mechanical parking installations.

(Reason: To ensure the mechanical parking installations are maintained to an appropriate operational standard.)

**ADDED: DA2018/046/02 6 August 2020**

### **63. ENGINEERING WORKS (CERTIFICATION OC)**

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

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

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

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

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

(Reason: Asset management.)

#### **64. 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.

An 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.)

#### **65. LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)**

As part of the on-going assessment of the tree/s to be retained on the site and road reserve, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- i) Methods of excavation or construction used to carry out the works;
- ii) Any damage sustained by the tree/s as a result of the works;
- iii) Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- iv) Any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

**66. 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.)

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

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

(Reason: Adequate stormwater management.)

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

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, etc.).

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (SC)****69. ENGINEERING WORKS - CERTIFICATION OF WORK AS EXECUTED (SC)**

Prior to the issue of the Subdivision Certificate, a Work As Executed (WAE) plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that all engineering works including the provision of services, drainage, driveways and earthworks have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council.

(Reason: To ensure adequate access and services have been provided for the new lots.)

**CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES (OU)****70. 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)

**71. BOARDING HOUSES - OPERATIONAL PLAN OF MANAGEMENT (OU)**

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

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

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

This Operational Plan of Management must incorporate the following:

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

The Plan of Management referred to in this condition shall be reviewed by Council annually from the date of issue of an Occupation Certificate by the Principal Certifying Authority. The operator of the boarding house shall contact Council annually to carry out this review and the review shall include the Incident Register referred to in point (iii) above. Should

amendments be made to the Plan of Management an updated version of same shall be provided to Council and the residents of the boarding house within one (1) month of the annual review being completed.

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

## 72. BOARDING HOUSE - ONGOING USE OF (OU)

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

- i) Use of the premises shall remain consistent with the definition of 'boarding house' as defined under Strathfield Local Environmental Plan 2012 as a building that:
  - is wholly or partly let in lodgings, and
  - provides lodgers with a principal place of residence for 3 months or more, and
  - may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
  - has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers but does not include backpackers" accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.
- ii) Subdivision of the approved boarding house under strata or community title is prohibited.
- iii) The use and operation of the boarding house shall comply with all applicable legislation/regulation and standards, including:
  - Boarding Houses Act 2012;
  - Boarding Houses Regulation 2013;
  - Local Government Act 1993; and
  - Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005.
- iv) The maximum number of persons accommodated in a bedroom, or in a cubicle of a dormitory, must not exceed the number determined by allowing a minimum floor area within the bedroom or cubicle in accordance with the relevant provisions under the Public Health Act 1991 for each person.
- iv) No speakers or music is permitted outdoors or in the communal areas

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

## 73. VEHICULAR ACCESS (OU)

All vehicles must enter and leave the site in a forward direction, at all times.

(Reason: To ensure traffic safety.)

**ADDED: DA2018/046/02 6 August 2020**

### **RESOLUTION**

The Panel concur with the Planners assessment and recommended conditions as amended

**FOR:** John Evernden, Brian Kirk, Jennifer Inglis

**AGAINST:** Nil

\*\*\*\* End Minutes - Report No. 30\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 6 August 2020  
**REPORT:** SLPP – Report No. 31  
**SUBJECT:** DA2020/088 - 18 VERNON STREET, STRATHFIELD - LOT 1 DP 909288  
**DA NO.** DA2020/088

## RECOMMENDATION

That Development Application No. DA2020/088 for demolition of existing rear extension and garage, construction of a two (2) storey linked extension to the existing dwelling house (including alfresco area) and a detached garage, front fence with gates, driveway and associated landscaping works, within a heritage conservation area (Vernon Street) at 18 Vernon Street, Strathfield be **APPROVED**, subject to the following conditions:

## REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

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

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Demolition Plan	A004	22.06.20	E	Home Impact
Erosion & Sediment Control Plan	A005	22.06.20	E	Home Impact
Site Plan	A100	22.06.20	E	Home Impact
Ground Floor Plan	A101	22.06.20	E	Home Impact
First Floor Plan	A102	22.06.20	E	Home Impact
Roof Plan	A103	22.06.20	E	Home Impact
Garage	A104	22.06.20	E	Home Impact
Vernon Street Fence	A111	22.06.20	E	Home Impact
Elevations –West & North	A200	22.06.20	E	Home Impact
Elevations – East & South	A201	22.06.20	E	Home Impact
Elevations – Garage	A202	22.06.20	E	Home Impact
Sections	A300	22.06.20	E	Home Impact
Sections/Schedules	A301	22.06.20	E	Home Impact
Materials & Finishes Schedule	A801	05.05.20	C	Home Impact
Cover Sheet & Design Summary Table	D1	24.06.20	C	EZE Drainage Solutions
Stormwater Management Plan	D2	24.06.20	C	EZE Drainage Solutions

Typical Details	D3	24.06.20	C	EZE Drainage Solutions
Landscape Plan	20-4173-L01	19.06.20	A	Zenith Landscape Designs
Flood Impact Assessment Report	Ref No. 18098	26.04.20	-	EZE Drainage Solutions
Statement of Heritage Impact	-	12.05.20	-	Architelle
Arboricultural Impact Assessment	2076A	20.06.20	-	Arborliz
BASIX Certificate	Cert No. A375552	11.05.20	-	Home Impact

## SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

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

### 3. Vehicular Crossing - Minor Development

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

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

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

### 4. Road Opening Permit

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

### 5. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

## **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### 6. Fees to be Paid

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

[www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

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

**Payments of the development contributions** must be made prior to the release of the Occupation Certificate.

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	<b>\$5,250.00</b>
Security Damage Deposit	<b>\$15,000.00</b>
Tree Bond	<b>\$3,000.00</b>
Administration Fee for Damage Deposit	<b>\$127.00</b>
Administration Fee for Tree Bond	<b>\$127.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Indirect (Section 7.12) Contributions	<b>\$15,000.00</b>

### General Fees

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

### Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area. A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

#### Indexation

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

#### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Occupation Certificate.

#### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

## 7. Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$15,000.00**.
  
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**.
  
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

## 8. Tree Bond

A tree bond of **\$3,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

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

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

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

## 9. Site Management Plan – Minor Development

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

## 10. BASIX Commitments

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. A375552\_02 must be implemented on the plans lodged with the application for the Construction Certificate.

**11. Schedule of External Colours and Finishes (Extension of Existing Dwelling House)**

The external colour scheme must comprise predominantly of colours that have a hue and tonal relationship that is in keeping with the overall Victorian character of the building and/or character of the Heritage Conservation Area. **Preference is to be given to slate or synthetic slate roofing material.** A schedule confirming all external materials, colours and finishes including windows, doors and roofing materials and including tiles for front path must be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**12. External Colour Scheme and Materials (Other Buildings – Detached Garage)**

The external colour scheme must be sympathetic to the architectural style and period of the building and/or Heritage Conservation Area. A schedule of colours and materials must be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

**13. Reinstatement of Chimneys**

The chimneys must be reinstated to **their** original form and style. Details of the proposed reinstatement must be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

**14. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

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

**15. Stormwater System**

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

**16. Detailed Stormwater Drainage Design**

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

**17. Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by Flood Impact Assessment Report, prepared by EZE Drainage Solutions Pty Ltd and dated 26 April 2020.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

**18. Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

**19. Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

## 20. Engineer's Certificate

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

## 21. Off Street Parking – Compliance with AS2890

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

## 22. Waste Management Plan

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

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

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

## 23. Landscape Plan

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

## 24. Tree Removal/Pruning Prohibited

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

## 25. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment prepared by Arborliz and dated 20 June 2020, must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.

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

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Quercus robur (English oak)	Within the rear setback of No. 16 Vernon Street, Strathfield.	12m
2	Jacaranda mimosifolia	Within the side setback of No.	2.4m

	(jacaranda)	16 Vernon Street, Strathfield.	
3	Stenocarpus sinuatus (QLD firewheel tree)	Within the front setback of No. 16 Vernon Street, Strathfield.	3.8m
4	Lophostemon confertus (brush box)	Vernon Street road reserve.	6.2m
5	Lophostemon confertus (brush box)	Vernon Street road reserve.	4m
6	Callistemon viminalis (bottlebrush)	Within front setback of the site.	5.4m
7	Lagerstroemia indica cv. (crepe myrtle)	Within the rear setback of No. 1 Nichol Parade, Strathfield.	-

## 26. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Quercus robur (English oak)	Within the rear setback of No. 16 Vernon Street, Strathfield.	12m
2	Jacaranda mimosifolia (jacaranda)	Within the side setback of No. 16 Vernon Street, Strathfield.	2.4m
3	Stenocarpus sinuatus (QLD firewheel tree)	Within the front setback of No. 16 Vernon Street, Strathfield.	3.8m
4	Lophostemon confertus (brush box)	Vernon Street road reserve.	6.2m
5	Lophostemon confertus (brush box)	Vernon Street road reserve.	4m
6	Callistemon viminalis (bottlebrush)	Within front setback of the site.	5.4m
7	Lagerstroemia indica cv. (crepe myrtle)	Within the rear setback of No. 1 Nichol Parade, Strathfield.	-

Details of the trees to be retained must be included on the Construction Certificate plans.

## 27. General Tree Protection Measures

- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The

distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

## 28. Tree Pruning

Approval is given for the following works to be undertaken to trees on the site:

Tree No.	Tree Species	Location of Tree	Approved Works
1	Quercus robur (English oak)	Within the rear setback of No. 16 Vernon Street, Strathfield.	Pruning as per the approved Arborist Report.
2	Jacaranda mimosifolia (jacaranda)	Within the side setback of No. 16 Vernon Street, Strathfield.	Pruning as per the approved Arborist Report.

Branches up to 30mm in diameter, and no more than 10% of the entire crown is to be pruned as part of this approval. The pruning shall not give the crown an unbalanced appearance. All pruning work must be undertaken by a minimum level 2 (AQF 3) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA), in accordance with AS4373—Pruning of Amenity Trees.

### 28A. Veranda Posts

The veranda to the existing dwelling are to be reinstated to the satisfaction of Council heritage advisor prior to issue of the Construction Certificate

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

### 29. Demolition & Asbestos

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

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

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

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

### 30. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

### 31. Demolition Work Involving Asbestos Removal

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

### 32. Dial Before Your Dig

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

### 33. Registered Surveyors Report - During Development Work

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters)

relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

#### **34. Utility Arrangements**

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

### **DURING CONSTRUCTION**

#### **35. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

#### **36. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays. Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

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

#### **37. Ground Levels and Retaining Walls**

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

#### **38. Archaeological Discovery During Excavation**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the [Heritage Act 1977](#).
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the [National Parks and Wildlife Act 1974](#).
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;

- (d) If the discovery is on Council's land, Council must be informed.

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **39. BASIX Certificate**

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

### **40. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

### **41. Stormwater Certification of the Constructed Drainage Works (Minor)**

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

### **42. Requirements Prior to the Issue of the Occupation Certificate**

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

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

### **43. Vehicular Crossing - Minor Development**

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

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

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

#### **44. Stormwater Drainage Works – Works As Executed**

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

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

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

### **OPERATIONAL CONDIITONS (ON-GOING)**

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#### **45. Entering & Exiting of Vehicles**

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

#### **46. Requirement for a Construction Certificate**

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

#### **47. Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) If relevant, advised the PCA that the work will be undertaken as an Owner -Builder.  
If the work is not going to be undertaken by an Owner - Builder, the applicant must:
- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

#### **48. Notification of Critical Stage Inspections**

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

- (a) The consent authority and the Council (if not the consent authority) of his or her appointment; and

- (b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

#### **49. Notice of Commencement**

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

#### **50. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

#### **51. Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

#### **52. Occupation Certificate**

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

#### **52A. New fireplaces**

The installation of any new permanently installed wood burning fireplace is prohibited.

### **ADVICES**

#### **53. Long Service Levy**

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

### **RESOLUTION**

The Panel concur with the Planners assessment and recommended conditions as amended

**FOR:** John Evernden, Brian Kirk, Jennifer Inglis

**AGAINST:** NIL

\*\*\*\* End Minutes - Report No. 31\*\*\*\*