

# Minutes

Of the meeting of the:

## Strathfield Local Planning Panel Meeting

Held on:

**Thursday, 5 August 2021**

Commencing at 10.00am via online meeting platform  
zoom

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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 5 August 2021.

The meeting commenced at 10:07am and closed at 12:18pm.

The Public Meeting commenced at 10:07am and closed at 11:04am.

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

Site inspection time commenced: Conducted in the Panels own time.

Site inspection time concluded: Conducted in the Panels own time.

**PRESENT**

The Hon Paul Stein QC AM – Chair

John Evernden - Expert

Heather Warton - Expert

Robert Jolliffe – Community Representative

**ALSO PRESENT**

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

Kandace Lindeberg, Executive Manager, Landuse Planning & Development

Miguel Rivera- Senior Planner

Gary Choice- Planner

Sarah Evans, Administration Officer

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

NIL

**TO: Strathfield Local Planning Panel Meeting - 5 August 2021**  
**REPORT: SLPP – Report No. 23**  
**SUBJECT: DA2021.74. - 33 NEWTON ROAD STRATHFIELD - LOT:42 DP:8778**  
**DA NO. 2021.74**

## RECOMMENDATION

That Development Application No. DA2021/74 for the demolition of existing structures, retention of tennis court, construction of a two (2) storey dwelling house with basement level, in-ground swimming pool, front fence and entry feature, attached carport, detached outbuilding and associated landscaping be **REFUSED** for the following reasons:

- In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is not satisfied that the justification for the non-compliance with the development standard contained in Clause 4.3 – Height of buildings of the SLEP 2012 is well founded, and that the applicant fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.**
- The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the provisions of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to achieving high quality urban form that reflects the existing and desired future character of the locality. The proposal fails demonstrate achieving a high quality urban design as its bulk, scale and overall design are not reflective of the desired future character of the surrounding locality.
- The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 relating to promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use. The proposal includes a five (5) car basement parking area and dual driveway which presents direct impacts through private vehicle use.
- The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 to identify and protect environmental and cultural heritage. The proposal to remove a significant street tree goes against Council's recommendations for street tree retention and protection.

6. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives for the Maximum Building Height under Clause 4.3(1)(a) and (b) of the Strathfield Local Environmental Plan 2012. The proposal will also set an undesirable precedent in facilitating and encouraging incompatible built forms that breach the maximum height provision.
7. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the provisions of Clause 5.6(3) (Architectural roof features) as it includes excessive void space that is reasonably capable of modification to include floor space area. The proposal will also set an undesirable precedence in facilitating and encouraging incompatible built forms that breach the maximum height provision.
8. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 2 (Architectural Design & Streetscape Presentation) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposal will result in an oversized development that will dominate the existing streetscape.
9. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls of Clause 2.2 of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed building height, façade design and oversized portico will create excessive bulk and scale which lacks consideration for the existing Newton Road streetscape.
10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 4 (Building Envelope) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed front fencing will create inappropriate bulk and massing at the street frontage which will reduce the sense of openness and obstruct the transition between public and private space.
11. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls Clause 4.2 of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed dwelling design does not comply with maximum building height, maximum ceiling height, and requires excessive cut for the proposed basement area.
12. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 5 (Landscaping) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed dual vehicle entrance will significantly increase hard surface along the site frontage and detract from the existing landscape elements of the Newton Road streetscape.

13. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls Clause 5.2 of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed dwelling design does not comply with tree protection measures or front fencing height controls.
14. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 8 (Vehicle Access and Parking) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed dual vehicle entrance and basement parking area require excessive excavation. The development will increase hard surface area and dominate the street façade.
15. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the development controls Clause 8.2 of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed dual driveway is non-compliant with controls for dimensions and appearance. The proposed basement area is not wholly contained within the ground level dwelling footprint.
16. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 9 (Altering Natural Ground Level (Cut and Fill)) of Part A of the Strathfield Consolidated Development Control Plan 2005. The proposed basement area fails to minimise cut and fill to reduce disturbance.
17. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it will result in unacceptable adverse impacts in terms of built form, streetscape and tree preservation.
18. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it fails to demonstrate that the subject site is suitable for the proposed built form. The proposal is considered an overdevelopment of the site.
19. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. The proposed development is not in the public interest as it fails to meet the key provisions, objectives and development standards under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017., Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005 and will have unacceptable adverse impacts.

**RESOLUTION**

That this application be **REFUSED** for the reasons set out in the Planning Officers Report

FOR:

Paul Stein  
John Evernden  
Heather Warton  
Robert Jolliffe

AGAINST:

\*\*\*\* End Minutes - Report No. 23\*\*\*\*

**TO: Strathfield Local Planning Panel Meeting - 5 August 2021**  
**REPORT: SLPP – Report No. 24**  
**SUBJECT: DA2021.59- LAND ADJACENT TO 19 RICHMOND ROAD, HOMEBUSH WEST**  
**DA NO. 2021.59**

## RECOMMENDATION

That Development Application No. DA 2021/59 for signage panels on electricity substation associated with an electric vehicle charging station on land adjacent 19 Richmond Road Homebush West be **APPROVED**, subject to the following conditions:

## CONDITIONS

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	Rev.	Prepared by
Plan View	8029	05/06/21	C	Jolt Charge Pty Ltd
Southeast Elevation	8029	05/06/21	C	Jolt Charge Pty Ltd
Southwest Elevation	8029	05/06/21	C	Jolt Charge Pty Ltd
Northeast Elevation	8029	05/06/21	C	Jolt Charge Pty Ltd
Isometric Views	8029	05/06/21	C	Jolt Charge Pty Ltd
Screen Sub-assembly Sheet 1	JOTL-PG-GA-01	01/06/2020	C	Vert Design
Screen Sub-assembly Sheet 2	JOTL-PG-GA-01	01/06/2020	C	Vert Design

### 2 Signage



This consent pertains to the installation and use of advertising signage on a single electric vehicle charging station on land adjacent 19 Richmond Road HOMEBUSH WEST NSW 2140 (Lot 14, DP Sec 9 DP 827). Development consent is not granted for the installation of signage on the existing electric substation kiosk at the same location.

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

### 3 **Hours of Construction 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.

### 4 **Low Reflectivity Materials**

All materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

### 5 **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, and public reserves or on neighbouring properties.

## **SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

### 6 **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.

#### 7 **Obstruction of Public Way Not Permitted During Works**

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

#### 8 **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.

#### 9 **Amenity of the Neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

### **RESOLUTION**

That this application be **APPROVED** subject to the recommend conditions in the Planning Officers report.

FOR:

Paul Stein  
John Evernden

Heather Warton  
Robert Jolliffe

AGAINST:

Reason: The Panel agrees with the Planning Officers report

\*\*\*\* End Minutes - Report No. 24\*\*\*\*

**TO: Strathfield Local Planning Panel Meeting - 5 August 2021**  
**REPORT: SLPP – Report No. 25**  
**SUBJECT: DA2021/116 - 6 TORRINGTON ROAD, STRATHFIELD - LOT A1 DP 368736**  
**DA NO. DA2021/116**

## RECOMMENDATION

That Development Application No. DA2020/116 for the increase capacity of an approved child care centre by an additional thirteen (13) children - from thirty-five (35) to forty-eight (48) at No. 6 Torrington Road, Strathfield, be **REFUSED** for the following reasons:

1. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with the indoor unencumbered space requirements under Clause 25(2)(b)(i) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
2. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to comply with Clause 23 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 – with regard to matters of consideration in relation to traffic, parking and pedestrian circulation
3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the aims of the Strathfield Local Environmental Plan 2012 – specifically Clauses 1.2(2)(b),(d) and (e) – which relate to promoting an efficient and spatially appropriate use of land, integration of transport land use and reducing traffic and environmental impacts of private vehicle use.
4. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of Clause 1.2(A), (C), (D) (E) and (G) of Part E of the Strathfield Consolidated Development Control Plan 2005. The proposal represents a significant intensification of the land use and features a significant shortfall in parking spaces and an unacceptable kitchen facility. The proposal will result in a poor planning outcome, land use conflict and unreasonable environmental and community impacts.
5. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and controls of Clause 5.6 (Traffic, Parking and Access) of Part E of the Strathfield Consolidated Development Control Plan 2005. The proposal features significant shortfall in parking spaces required to support the increased capacity of the approved child care centre and is unable to address traffic issues and impacts.
6. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives and requirement of Clause 5.12 (Maximum Number of Children) of Part E of the Strathfield Consolidated Development Control Plan 2005. The proposal involves a significant departure from the maximum capacity requirement and is unable to demonstrate sufficient planning merit in order to support the departure.

7. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it will result in unacceptable adverse impacts in terms of traffic, food safety and the amenity of both neighbouring properties and children/staff utilising the facility.
8. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it fails to demonstrate that the subject site is suitable for the proposed increased capacity and intensification of the child care centre.
9. **The applicant has not proposed how the childcare centre can cater for the required number of cots for children between the ages of 0-2 years old**
10. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. The proposed development is not in the public interest as it fails to meet the key provisions, objectives and development standards under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Strathfield Local Environmental Plan 2012 and the Strathfield Consolidated Development Control Plan 2005 and will have unacceptable adverse impacts. The proposal fails to adequately address substantive matters raised in public submissions.

**RESOLUTION**

This application be **REFUSED** for the reasons set out in the planner's report as amend by the panel

FOR:

Paul Stein  
John Evernden  
Heather Warton  
Robert Jolliffe

AGAINST:

\*\*\*\* End Minutes - Report No. 25\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 5 August 2021  
**REPORT:** SLPP – Report No. 26  
**SUBJECT:** DA2021/91 - 86 CENTENARY DRIVE, STRATHFIELD - LOT 176 SP 100251  
 AND LOT 0 SP 100251  
**DA NO.** DA2021/91

## RECOMMENDATION

That Development Application No. DA2021/91 for the use and fit-out of an existing building as a kiosk at 86 Centenary Drive, Strathfield be **APPROVED**, subject to the following conditions:

### REASONS FOR CONDITIONS

The following 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.

#### 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
Plan and Elevations - Kiosk	A7002	16/04/21	A	BUILTCOM CONSTRUCTIONS PTY LTD
Waste Management Plan	-	11/06/21	Rev. 2	BUILTCOM CONSTRUCTIONS PTY LTD
Litter Management Plan	A7006	11/06/21	A	BUILTCOM CONSTRUCTIONS PTY LTD
Acoustic Impact Report	2021-264	1/07/21	Final report Rev. 1	Acoustic Noise and Vibration Solutions P/L

## SEPRARATE 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.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 3. 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>	
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>	\$384.00
Security Damage Deposit	\$5,250.00
Administration Fee for Damage Deposit	\$130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$549.41

### 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

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 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).

**4. Damage Deposit – Minor Works**

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

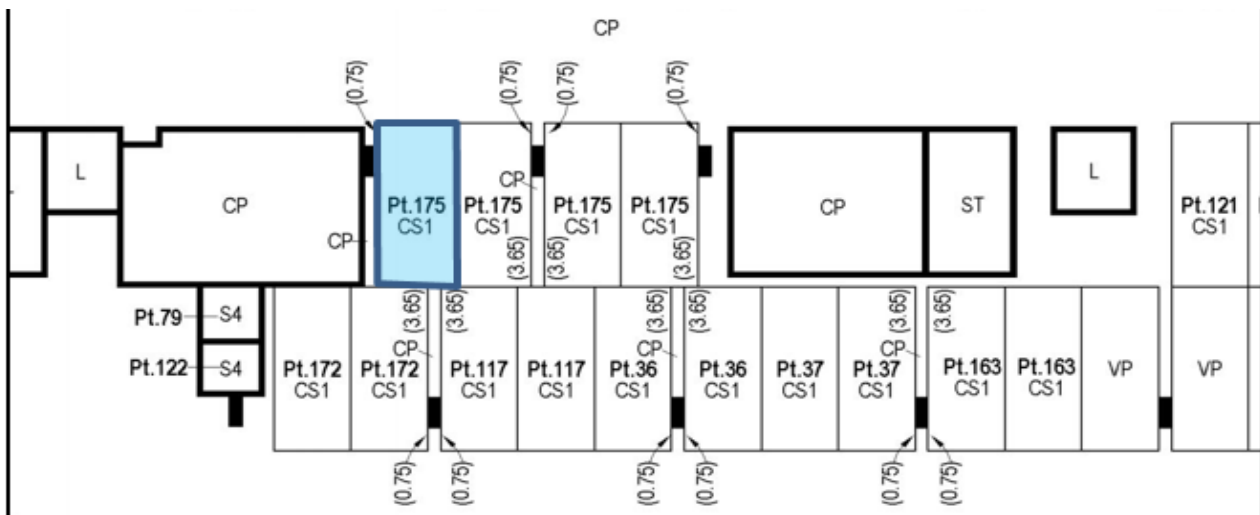
- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$5,250.00.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00.
- (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.

**5. Required Design Changes**

The following changes are required to be made and shown on the Construction Certificate plans:

Sinks	The proposed double sinks must be amended to provide an additional single hand wash basin and a cleaner’s sink in order to meet the requirement for a designated hand wash station and waste water sink. Note that it is prohibited practice to dispose of cleaning waste water into a sink that is not designated as a cleaner’s (waste water) sink.
Parking space in Basement 1	The approved plans must be amended to indicate a single car parking space allocated to the approved kiosk use. The parking space must be <u>a space for Lot 175 SP 100251 in Basement 1</u> as shaded in blue and indicated in the figure below.



## 6. Onsite Waste Collection

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

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

## 7. Commercial and Industrial Waste

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

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

The collection of commercial and industrial waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

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

## DURING CONSTRUCTION

### 8. 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.

## PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### 9. 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.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

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

### 10. Maximum Number of Seating

A sign must be displayed in a prominent position in the building stating that the maximum number of seating for persons that are permitted in the outdoor seating shall not exceed fifteen (15) patrons.

### 11. Food Premises – Inspection & Registration

Prior to the issue of any Occupation Certificate or occupation or use of any food premises:

- (a) An inspection of the fit out of the Food Premises must be arranged with Council's Environmental Health Officer;
- (b) A satisfactory final inspection must have been undertaken by Council's Environmental Health Officer; and
- (c) The Food Premises must notify and register its business details with Strathfield Council as required under section 100 of the [Food Act 2003](#).

### 12. Parking Space

Prior to the release of any Occupation Certificate the parking space in Basement 1 as indicated on the approved plans (refer to Condition 5) must remain as an allocated space for the approved kiosk use, and must be clearly shown and allocated on the title of Lot 176 SP 100251 in the registered Strata Plan.

## OPERATIONAL CONDITIONS (ON-GOING)

### 13. Noise Control

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

To minimise and manage noise impacts the following conditions must be implemented during operations at all times:

- Maximum of fifteen (15) patrons is to be seated in the outdoor dining area at any one time.
- No background music is to be played in the outdoor dining area during the evening hours (6:00pm – 10:00pm).
- Installation of a sign in the outdoor dining area reminding patrons to be aware of the residential receivers during the evening hours of operation (6:00pm – 10:00pm) and to keep noise to a minimum.
- Implementation of a Noise Management Plan as outlined in the Acoustic Report dated 1 July 2021.
- Mechanical plant noise to be controlled as outlined in the Acoustic Report dated 1 July 2021.

#### **14. Hours of Operation**

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

- 7:00am to 10:00pm, Monday to Sunday (including public holidays)
- **No deliveries are to be made to the kiosk other than within the above hours of operation.**
- **All staff must leave the premises before 10:30pm**

#### **15. Maximum Capacity and Staff**

The maximum seating capacity of the approved use is fifteen (15) patrons at any time.

The maximum number of staff for the approved use is five (5) employees at any time.

#### **16. 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*.

#### **17. 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.

#### **18. Amenity of the Neighbourhood**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour,

odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

#### **19. Food Premises – Adequate Waste Receptacles (Restaurants, takeaway/cafe)**

Appropriate waste and recycling containers must be provided for waste generation rates of 0.3 to 0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals. All waste and recycling containers shall be stored in the approved waste storage area that is large enough to store the required number of bins and must be adequately serviced by waste collection vehicles.

#### **20. Food Premises – Maintenance of Food Premises**

The food premises must be maintained in accordance with the [Food Act 2003](#) (as amended), [Food Regulation 2015](#) (as amended); the Food Standards Code as published by Food Standards Australia & New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*.

#### **21. Food Premises – Garbage Odour**

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the [Protection of the Environment Operations Act, 1997](#) (as amended).

#### **22. Food Premises – Storage of Waste – Used Cooking Oil**

Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.

#### **23. Loading & Unloading of Vehicles**

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

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

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

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

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

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

#### **26. 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.

### **27. 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.

### **28. 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.

### **29. 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](#).

### **30. 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.

### **31. 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**

### **32. 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.

### **33. Clause 98A – Erection of Signs**

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

#### **34. Clause 98D – Erection of sign for maximum number of persons**

This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

##### **ADVISORY NOTES**

##### **i. Review of Determination**

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

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

##### **ii. Appeal Rights**

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

##### **iii. Lapsing of Consent**

This consent will lapse unless the development is physically commenced 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.

##### **iv. Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

##### **v. 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.



**vi. 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.

**vii. Food Premises**

Information on Australian Standards can be obtained from [www.standards.com.au](http://www.standards.com.au)

Guidelines and Food Safety Standards may be obtained by contacting the Food Standards Australia New Zealand Authority at [foodstandards.gov.au](http://foodstandards.gov.au) or the NSW Food Authority on 1300 552 406, email: [contact@foodauthority.nsw.gov.au](mailto:contact@foodauthority.nsw.gov.au) or by visiting the website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

Notification of Food Business under Section 100 of the [Food Act 2003](#) requires the proprietor of a food business to give written notice, in the approved form, before conducting a food business. Penalties apply for failure to comply.

**viii. Noise**

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
- (d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
- (f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).



**ix. Acoustical Engineer Contacts & Reference Material**

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

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

**RESOLUTION**

This application be **APPROVED** subject to the recommended conditions of consent in the planner's report as amended by the panel.

FOR:

Paul Stein  
John Evernden  
Heather Warton  
Robert Jolliffe

AGAINST:

Reason:

The panel concurs with the planning officer's report

\*\*\*\* End Minutes - Report No. 26\*\*\*\*