

# Minutes

Of the meeting of the:

## Strathfield Independent Hearing and Assessment Panel Meeting

Held on:

**Thursday, 1 June 2017**

Commencing at 10:30am at Town Hall (Supper Room),  
65 Homebush Road, Strathfield

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The meeting of the Strathfield Independent Hearing and Assessment Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 1 June 2017. The meeting commenced at 10:30am.

**PRESENT**

The Hon Paul Stein QC AM – Chair  
Gabrielle Morrish- Expert  
Paul Vergotis- Expert  
Nella Hall- Community

**ALSO PRESENT**

Silvio Falato, A/Director Planning and Infrastructure  
Philippa Frecklington, A/Manager Planning and Development  
Valentina Gorgioski, Administration Assistant

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

<insert>

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 1 June 2017

**REPORT:** SIHAP – Report No. 1

**SUBJECT:** 2016/132 - 127 COSGROVE ROAD, STRATHFIELD SOUTH  
PART LOT 19 DP 1183316

**DA NO.** 2016/132

## RECOMMENDATION

That DA2016/132 for the fit-out and use of the former tarpaulin shed for use as a garden centre with ancillary café, fruit and vegetable shop, pool shop, pet store and at-grade parking area at 127 Cosgrove Road, Strathfield South be **REFUSED** subject to the following reasons:

## REASONS

1. The proposed café, fruit and vegetable shop, pet shop and pool shop are not ancillary to the garden centre and are therefore prohibited within the IN1 General Industrial zone under the Strathfield Local Environmental Plan 2012 (*Section 79 C (1) (a)(i) of the Environmental Planning and Assessment Act 1979*).
2. The proposed development is inconsistent with the objectives of the RE2 Private Recreation zone under the Strathfield Local Environmental Plan 2012 in that the proposal is not for recreational purposes and does not seek to protect or enhance the natural environment for recreational purposes (*Section 79 C (1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
3. The subject application was not accompanied by a Waste Management Plan outlining the proposed measures for minimising waste generation throughout the proposed demolition works, construction works and for the ongoing operation of the site in accordance with the requirements of Section 2.1 of Part H “Waste Management and Minimisation” of Strathfield Consolidated Development Control Plan (*Section 79 C (1) (a)(iii) of the Environmental Planning and Assessment Act 1979*).

## RESOLUTION

The application be refused in accordance with the recommended reasons for refusal as amended by the Panel.

**For the Decision: Stein, Vergotis, Morrish, Hall**

**Against the Decision: Nil**

\*\*\*\* End Minutes - Report No. 1\*\*\*\*

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 1 June 2017

**REPORT:** SIHAP – Report No. 2

**SUBJECT:** 2016/0186 - 36A WATER STREET, BELFIELD  
LOT 1 DP 1079450

**DA NO.** 2016/186

## RECOMMENDATION

That DA2016/186 for alterations and additions to an existing heritage listed dwelling to provide a boarding house accommodating for a maximum of (19) lodgers under the Affordable Rental Housing SEPP 2009 at 36A Water Street, Belfield be **APPROVED** subject to the following conditions:

### Special Conditions (DASC)

#### DASP001 HAZARDOUS MATERIALS SURVEY

Prior to demolition of the existing structures, a Hazardous Materials Survey should be conducted and any hazardous material should be removed from the structures and an Asbestos Clearance Certificate provided by a suitably qualified Asbestos Assessor.

*(Reason: To manage potential contamination of the site)*

#### DASP002 VISUAL PRIVACY

The following privacy measures shall be installed and maintained at all times:

- (a) The first floor south facing window adjoining the stairwell walkway (W03) shall be redesigned as a highlight window attaining a minimum sill height of 1.7m above the finished floor level.

Details of the above measures shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

*(Reason: To respect the visual privacy of adjoining residents.)*

#### DASP003 ROOF LINE

The height of the new addition shall be reduced to attain a maximum height of RL18.850 so that the highlight windows which form the roof ridge protrude only 550mm above the roof line. Details demonstrating compliance with this requirement shall be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

*(Reason: Simplify roof form and minimise bulk of the development)*

#### DASP004 TREE PRUNING

A minimum level 5 (AQF5) Consultant Arborist who is currently a member or is eligible for membership to the *Institute of Australian Consulting Arboriculturists* (IACA) or *Arboriculture Australia* (AA) is to be contracted by the applicant to undertake/monitor pruning of the required branches of the *Allocasuarina littoralis* (Black she-oak) located on the southern side boundary of the site.

*(Reason: Tree preservation and environmental amenity)*

**DASP005 LANDSCAPE PLAN**

**Prior to the issue of a construction certificate** the applicant shall submit and have approved by the Principal Certifying Authority (PCA) a detailed landscape plan prepared by Michael Siu Landscape Architects, DWG No. LO1/1-K21511, Dated 11 Nov 2016, and in accordance with the landscape plan (and the Landscape provisions contained within section 10.0 of Part A of the Strathfield Council Development Control Plan. The plans shall include the following:

- (a) A minimum 1.5m wide garden is to be established to the full width of the property frontage (except for vehicular crossings and pedestrian ways). The garden bed is to be planted with suitable shrubs and ground cover plants;
- (b) A detailed planting schedule for all garden areas indicating the species type, height, number and size;
- (c) Details of all hard and soft surfaces such as turf, gravel, paving, stepping stones and the like shall be shown;
- (d) Gardens should feature a mix of trees, shrubs, grasses and ground covers. A minimum of 25% of all plantings shall be locally indigenous species;
- (e) Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along side and rear boundaries to provide privacy screening; and
- (f) The plan shall demonstrate compliance with any other landscape condition of consent.

*(Reason: Tree preservation and environmental amenity)*

**DASP006 TREE RETENTION**

Tree retention conditions must be in accordance with all measures outlined within the submitted Arborist report, prepared by T.J. Hawkeswood. Alterations may need to be made to building plans to accommodate for spread of crown and roots from trees to be retained.

*(Reason: Tree preservation and environmental amenity)*

**DASP007 FLOOD RISK MANAGEMENT**

The applicant shall comply with the flood recommendations provided in the Flood Risk Management Report for No. 36A Water Street, Belfield prepared by Kozarovski and Partners dated 20 January 2017. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations **prior to the issue of the Occupation Certificate.**

*(Reason: Flood Management)*

**DASP008 PATHWAY**

The waste recycling room egress pathway to the street is to be relocated to the north adjacent to the ramp and timber deck, and the side boundary is to be landscaped with suitable hedging plants.

The door to the waste recycling room is to be relocated to the western wall. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.

*(Reason: To improve the landscape buffering and privacy to the adjacent neighbour.)*

**DASP009 PRIVACY**

The western most end two (2) rooms on the first floor are to be pivoted through ninety (90) degrees such that the outlook of the rooms are towards the west and not the north. Plans are to be amended accordingly, prior to the issue of the Construction Certificate.

(Reason: To improve privacy to the adjacent dwelling to the north.)

## General Conditions (DAGC)

### DAGC001 APPROVED PLANS AND REFERENCE DOCUMENTATION

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/186:

Drawing No.	Title/Description	Prepared By	Issue/ Revision & Date	Date Received by Council
DA-04	Restoration Ground Floor Plan	B Spatial Design	C	31 January 2017
DA-06	Site Plan	B Spatial Design	H	19 May 2017.
DA-07	2 Buildings with a Link to Ground Level Plan	B Spatial Design	H	19 May 2017.
DA-08	2 Buildings with a Link to Level 1 Plan	B Spatial Design	H	19 May 2017.
DA-09	North & South Elevations	B Spatial Design	H	19 May 2017.
DA-10	East & West Elevations	B Spatial Design	H	19 May 2017.
DA-12	Sections Sheet 02	B Spatial Design	H	19 May 2017.
	Concept Stormwater Drainage Plan	B Spatial Design	3	31 January 2017
	Sediment and Erosion Control Plan	B Spatial Design	2	8 December 2016
	Landscape Planting Plan	Michael Siu Landscape Architects	2	25 May 24, 2017

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/186:

Title / Description	Prepared By	Issue/ Revision & Date	Date Received by Council
Statement of Environmental Effects	Planik	Revision E	8 December 2016
Dilapidation & Restoration Report	DR. Edward L Harkness	26 November 2016	8 December 2016
Heritage Impact Statement	Weir Phillips Heritage	September 2016	8 December 2016
Waste Management Plan	B. Spatial Design	01	8 December 2016
Flood Risk Management Report	Kozarovski and partners	24 October 2016	8 December 2016
Plan of Management	B. Spatial Design	V1.4	30 March 2017
Material Finishes Board	B Spatial Design		13 March 2017

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

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

#### **DAGC004 BOARDING HOUSE (APPROVED USE)**

This approval is granted for the use of the land for the purposes of a Boarding House comprising a maximum of 19 Boarding Rooms (plus one Manager's Room). This includes six (6) double rooms (maximum 2 persons per room) and seven (7) single rooms (maximum 1 person per room).

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 2012.

The approved boarding house must operate within the definition of 'boarding house' under SLEP 2012. 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)*

#### **DAGC005 BUILDING HEIGHT (MAXIMUM RL TO BE COMPLIED WITH)**

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) RL18.85 to the ridge of the building.

*(Reason: To ensure the approved building height is complied with)*

#### **DAGC007 CONSTRUCTION HOURS**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 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)*

#### **DAGC008 CONSTRUCTION WITHIN BOUNDARIES**

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).*

#### **DAGC010 DEMOLITION (HERITAGE ITEMS)**



Detailed construction documentation and a methodology statement is to be provided to a suitably qualified heritage consultant and approved by the consultant, prior to the commencement of any works.

All demolition and alteration works shall be carried out under the supervision of an appropriately qualified heritage consultant and structural engineer to ensure the structural integrity of the listed dwelling house is preserved during all stages of construction. Details of the heritage consultant and structural engineer are to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

*(Reason: Heritage conservation)*

#### **DAGC011 DEMOLITION (SITE SAFETY FENCING)**

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 \$10 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.

*(Reasons: Statutory requirement and health and safety)*

#### **DAGC016 LANDSCAPING (CANOPY TREES IN FRONT SETBACK)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

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)*

#### **DAGC018A LANDSCAPING (TREES REQUIRED TO BE RETAINED)**

The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
1)Allocasuarina littoralis (Black she-oak)	15m x 6m	Southern Side boundary	6m	2.67m
2) Allocasuarina littoralis (Black she-oak)	15m x 5m	Southern Side boundary	4.2m	2.37m
3) Allocasuarina littoralis (Black she-oak)	16m x 15m	Southern Side boundary	6.6m	2.76m

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS4970-2009: *Protection of Trees on Development Sites*.
- (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (e) The tree protection zone shall be regularly watered.
- (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
- (h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

#### DAGC018B LANDSCAPING (TREES PERMITTED TO BE REMOVED)

The following listed trees are permitted to be removed to accommodate the proposed development:

<b>Tree No. in Arborist Report</b>	<b>Tree</b>	<b>Location</b>
1)Melaleuca styphelioides (Prickly leaved paperbark)	10m x 4m	Southern Side boundary
2)Citris sp (Orange tree)	6m x 5m	Southern Side boundary

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

- (a) Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery

- and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.
- (b) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
  - (c) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
  - (d) Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.
  - (e) A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

*(Reason: To ensure appropriate planting back onto the site)*

### **DAGC019 LANDSCAPING (TREE PRESERVATION)**

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 noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.

General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

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 Sites, 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)*

### **DAGC022 MATERIALS (EXTERNAL MATERIALS AND REFLECTIVITY)**

All external materials and finishes including windows and doors and roofing materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.

*(To minimise excessive glare and reflectivity)*

### **DAGC023 MATERIALS (SCHEDULE OF EXTERNAL MATERIALS, FINISHES AND COLOURS)**

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

*(Reason: To ensure compliance with this consent)*

### **DAGC025 PRIVACY (SCREEN PLANTING TO SIDE AND REAR BOUNDARIES)**

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m

shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

*(Reason: To maintain privacy amenity to neighbouring residences)*

### **DAGC027 SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

- (a) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) 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.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) 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.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) 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.
- (j) All waste must be contained entirely within the site.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Public footways 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.
- (p) 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.
- (q) 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.
- (r) Any work must not prohibit or divert any natural overland flow of water.
- (s) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- (t) 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)*

### **DAGC028 STORMWATER MANAGEMENT PLAN (CERTIFICATION REQUIREMENT)**

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)*

### **DAGC031 WASTE (TRACKABLE)**

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

*Reason: To ensure compliance with legislation)*

## **Conditions to be satisfied prior to the issue of a Construction Certificate (DACC)**

### **DACC001 ACCESS (ACCESS FOR PEOPLE WITH DISABILITIES)**

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*. Prior to the issue of a Construction Certificate, plans shall be notated demonstrating compliance, and approved by the Principal Certifying Authority

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)*

### **DACC002 ACCESS (DISABLED TOILETS)**

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

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)*

#### **DACC007 BASIX COMMITMENTS**

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)*

#### **DACC009 BOARDING HOUSE (CONSTRUCTION OF)**

The construction 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
- 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)*

#### **DACC010 BUILDING CODE OF AUSTRALIA (COMPLIANCE WITH)**

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

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

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

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

#### **DACC012 CAR PARKING (DISABLED CAR PARKING SPACES)**

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of

Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

*(Reason: To inform of relevant access requirements for persons with a disability)*

### **DACC013 CAR PARKING (REQUIREMENTS FOR MULTIPLE USE BUILDINGS)**

The following car parking and service vehicle requirements apply:-

- (a) (6) car spaces shall be provided on the development site. This shall consist of:
  - (i) 2 residential spaces;
  - (ii) 3 Motorcycle spaces;
  - (iii) 1 car parking spaces for people with mobility impairment, in accordance with AS 2890.1.
- (b) All car spaces shall be allocated and marked according to this requirement.

### **DACC016 CAR PARKING (COMPLIANCE WITH AS/NZS 2890.1:2004)**

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. 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)*

### **DACC017 CAR PARKING (VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS)**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 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.

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

### **DACC019 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)*

### **DACC020 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN**

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

- 1) Detailed information on any approvals required from other authorities prior to or during

- construction.
- 2) Traffic management, including details of:
    - (a) ingress and egress of vehicles to the site;
    - (b) management of loading and unloading of materials;
    - (c) the location of heavy vehicle parking off-site; and
    - (d) designated routes for vehicles to the site.
  - 3) 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.
  - 4) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
    - (a) the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
    - (b) procedures to prevent run-off of solid material and waste from the site.
  - 5) Waste management, including:
    - (a) details of the types and estimated volumes of waste materials that will be generated;
    - (b) procedures for maximising reuse and recycling of construction materials; and
    - (c) details of the off-site disposal or recycling facilities for construction waste.
  - 6) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
  - 7) A soil and water management plan, which includes:
    - (a) measures to minimise the area of soils exposed at any one time and conserve top soil;
    - (b) identification and protection of proposed stockpile locations;
    - (c) preservation of existing vegetation and revegetation;
    - (d) measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
    - (e) 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;
    - (f) details of sediment and erosion control measures in place before work commences;
    - (g) measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
    - (h) details of drainage to protect and drain the site during works.
  - 8) Asbestos management procedures:
    - (a) 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)
    - (b) 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.
    - (c) 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:
      - (i) The Work Health and Safety Act 2011;
      - (ii) The Work Health and Safety Regulation 2011;
      - (iii) How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
      - (iv) Safe Work Australia Code of Practice for the Management and



Control of Asbestos in the Workplace.

- (d) 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.
- (e) 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:
  - (i) the date and time when asbestos removal works will commence;
  - (ii) the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
  - (iii) the full name and license number of the asbestos removalist/s; and
  - (iv) the telephone number of WorkCover's Hotline 13 10 50
  - (v) 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
  - (vi) 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)*

#### **DACC029 FIRE SAFETY UPGRADE (CHANGE OF BUILDING USE)**

Council considers pursuant to clause 93 of the *Environmental Planning and Assessment Regulation 2000* that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the Act.

*(Reason: Fire safety)*

#### **DACC030 FIRE SAFETY SCHEDULE**

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction

Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

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

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

### **DACC033 HAZARDOUS GOODS AND WASTE**

- (a) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.
- (b) Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.
- (c) Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

*(Reason: Health and safety)*

### **DACC036 HOARDINGS**

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

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 also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

*(Reason: Public safety)*

### **DACC050 SECTION 94 CONTRIBUTIONS (DIRECT CONTRIBUTIONS PLAN)**

In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$22,790.31
Provision of Major Open Space	\$103,689.06
Provision of Local Open Space	\$22,817.60
Administration	\$1,965.15
<b>TOTAL</b>	<b>\$151,262.12</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)*

### **DACC052 SECURITY PAYMENT (DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE)**

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

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

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

- (a) road and stormwater drainage works in roadways and public areas;
- (b) installation and maintenance of sediment control measures for the duration of construction activities; and
- (c) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

*(Reason: Protection of Council infrastructure)*

### **DACC059 WORKS PERMIT**

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

*(Reason: Council requirement)*

### **DACC061 TRAFFIC (CONSTRUCTION TRAFFIC MANAGEMENT PLAN)**

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):

- 1) A description of the demolition, excavation and construction works

- 2) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- 3) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- 4) 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
- 5) 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.
- 6) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.)
- 7) Proposed hours of construction related activities and vehicular movements to and from the site
- 8) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- 9) Any activities proposed to be located or impact upon Council's road, footways or any public place
- 10) Measures to maintain public safety and convenience
- 11) Any proposed road and/or footpath closures
- 12) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- 13) The 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.
- 14) 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).
- 15) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- 16) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- 17) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- 18) The 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.
- 19) 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)*

#### **DACC067 WASTE MANAGEMENT PLAN**

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

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

*(Reason: To ensure appropriate management of waste)*

#### **DACC071 WATER SUSTAINABILITY (GENERALLY)**

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- (a) toilet flushing;
- (b) clothes washing;

- (c) garden irrigation;
- (d) car washing and similar outdoor uses;
- (e) filling swimming pools, spa pools and ornamental ponds; and
- (f) fire fighting.

*(Reason: To promote sustainable water management practices)*

### **DACC073 WORKS ZONE (APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE)**

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)*

## **Conditions to be satisfied prior to the commencement of works (DAPC)**

### **DAPC001 APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY**

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

- 1) A construction certificate for the building work has been issued by:
  - (a) the consent authority; or
  - (b) a Principal Certifying Authority; and
- 2) the person having the benefit of the development consent has:
  - (a) appointed a principal certifying authority for the building work, and
  - (b) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- 3) the principal certifying authority has, no later than 2 days before the building work commences:
  - (a) notified the Council of his or her appointment, and
  - (b) 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, and
- 4) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (b) notified the principal certifying authority of such appointment, and
  - (c) 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, and
- 5) 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)*

### **DAPC003 NOTICE OF COMMENCEMENT**

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

- 1) 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;
- 2) Details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- 3) Details of the name, address and licence details of the Builder.

*(Reason: Statutory requirement)*

## **Conditions to be satisfied during demolition and building works (DADW)**

### **DADW010 SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

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

- 1) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) 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.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) 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.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) 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.
- 10) 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.
- 11) 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.

- 12) 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.
- 13) Details as to the method and location of disposal of demolition materials (weight docket, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- 14) 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.
- 15) 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.
- 16) 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.
- 17) 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.

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)*

#### **DADW011 SURVEY REPORT OF APPROVED LEVELS (DURING AND POST CONSTRUCTION)**

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

- 1) 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.
- 2) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- 3) 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 (DAOC)**

##### **DAOC005 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.

*(Reason: Maintenance and environment)*

### **DAOC006 ENGINEERING WORKS (CERTIFICATION OF)**

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:

- 1) the stormwater drainage system; and/or
- 2) the car parking arrangement and area; and/or
- 3) any related footpath crossing works; and/or
- 4) the proposed basement pump and well system; and/or
- 5) the proposed driveway and layback; and/or
- 6) 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)*

### **DAOC007 FIRE SAFETY (CERTIFICATION)**

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:

- a) has been assessed by a properly qualified person, and
- b) 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:-

- 1) submitted to Strathfield Council;
- 2) submitted to the Commissioner of the New South Wales Fire Brigade; and
- 3) prominently displayed in the building.

*(Reason: Fire safety and statutory requirement)*



**DAOC012 LANDSCAPING (STREET TREE REMOVAL AND REPLACEMENT TREE COST)**

No existing street trees can be removed without Council approval. Where such approval is granted, the applicant shall meet the full cost to remove the tree and plant a replacement tree of 25 litre container size at the time of planning and selected from Council's Recommended Tree List. Specimens must be in accordance with NATSPEC specifications and guidelines and maintained for a twelve (12) month establishment phase. If the specimen fails to thrive or is otherwise damaged it shall be replaced at full cost to the applicant and maintained for a further twelve (12) months.

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

*(Reason: Tree preservation and environmental amenity)*

**DAOC013 OCCUPATION OF BUILDING**

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:

- 1) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- 2) 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)*

**DAOC014 RAINWATER TANKS**

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- (a) Australian/New Zealand Standard AS/NZS 3500:2003,
- (b) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR).
- (c) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to occupation of the premises.

*(Reason: To protect public health and amenity)*

**DAOC017 STORMWATER (CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM)**

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)*

**DAOC019 STORMWATER (COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS)**

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

(a) **Charged drainage system**

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

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

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

## **Conditions to be satisfied during ongoing use of the premises (DAOU)**

### **DAOU001 BOARDING HOUSES (OPERATIONAL PLAN OF MANAGEMENT)**

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:

- 1) 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..
- 2) All the responsibilities of the Caretaker/Manager.
- 3) 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.
- 4) 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.
- 5) 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 (3) 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)*

### **DAOU002 BOARDING HOUSE (ONGOING USE OF)**

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

- 1) 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:
  - (a) is wholly or partly let in lodgings, and
  - (b) provides lodgers with a principal place of residence for 3 months or more, and
  - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
  - (d) 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.
- 2) Subdivision of the approved boarding house under strata or community title is prohibited.
- 3) 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.
- 4) 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.
- 5) No speakers or music is permitted outdoors or in the communal areas

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

#### **DAOU006 FIRE SAFETY (ANNUAL STATEMENT)**

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:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building

*(Reason: Fire safety)*

#### **DAOU038 WASTE (CONTROL OF LITTER)**

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers or the like, and remains of goods or items which it might reasonably be assumed were purchased at the subject premises, the shopkeeper must comply with any direction of Strathfield Council with regard to the regular sweeping, collection and disposal of rubbish.

*(Reason: Environmental health)*

#### **RESOLUTION**

The application be approved subject to the recommended conditions as amended by the Panel.

**For the Decision: Stein, Vergotis, Morrish**

**Against the Decision: Hall**

\*\*\*\* End Minutes - Report No. 2\*\*\*\*

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 1 June 2017

**REPORT:** SIHAP – Report No. 3

**SUBJECT:** 2017/030 - 170/81-86 COURALLIE AVENUE, HOMEBUSH  
LOT 170 SP 87671

**DA NO.** DA2017/030

## RECOMMENDATION

That Development Application No. DA2017/030 for the out and use of a vacant tenancy (strata lot 170) as a child care centre including associated landscaping works and signage at 81-86 Courallie Avenue, Homebush West be **APPROVED**, subject to the following conditions:

### SPECIAL CONDITIONS

#### 1. Maximum Children Numbers

The maximum number of children permitted on site at any one time shall be restricted as follows:

Age Group	Maximum number of children permitted
Birth to 24 months of age	16
Children over 24 months of age and less than 36 months of age	15
Children 36 months of age and less than 6 years of age	29
Total	60

Of these children a maximum of (30) children are to be non-residents of the site. The operator of the tenancy is to maintain a register of evidence of residency. Such a register is to be made readily available to Council staff upon request.

***(Reason: To ensure compatibility with existing development upon the site)***

#### 2. Plan of Management

Prior to the issue of a Construction Certificate, a Plan of Management shall be prepared and submitted to Council for approval to include, but not limited to, the following:

- (a) Hours of operation between 7:00am – 7:00pm Monday – Friday (staff only operation permitted between 7:00pm to 7:30pm). No operation is permitted on Saturday, Sunday or public holidays
- (b) Outdoor playtime shall be restricted to a maximum of one (1) hour in the morning between 7:00am – 12:00 noon and a maximum of one (1) hour in the afternoon between 12:00 noon and 6:00pm
- (c) Maximum of eleven (11) employees on the site at any one (1) time
- (d) Maximum of (60) children to be present at the centre at any one (1) time
- (e) A waste management plan including storage and collection arrangements to minimise nuisance and transfer of odour to adjoining properties
- (f) A complaints register
- (g) Use of noise generating toys/equipment in outdoor areas

***(Reason: To ensure for the appropriate management and operation of the site)***

**GENERAL CONDITIONS**

## 3. Approved Plans and Reference Documentation

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

<b>Drawing No.</b>	<b>Title/Description</b>	<b>Prepared by</b>	<b>Issue / Revision &amp; Date</b>	<b>Date received by Council</b>
DA01	Site Plan	Two form	A	15 May 2017
DA02	Site Analysis Plan	Two form	A	15 May 2017
DA04	Ground Floor Plan	Two form	B	15 May 2017
DA04	Elevations	Two form	B	15 May 2017
L-01	Landscape Plan	Site Design + Studios	B	1 March 2017

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision &amp; Date</b>	<b>Date received by Council</b>
Statement of Environmental Effects	Two form	B	15 May 2017
Parking & Traffic Impact Assessment Report	Greys Australia Pty Ltd	P1709TIA	15 May 2017
Waste Management Plan	Legion Property Group	-	1 March 2017
Acoustic Assessment	Acoustic Logic	20170603.1	15 May 2017

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

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

## 4. Site Management (during demolition and construction works)

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

- (i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. 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 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.)***

#### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

##### 5. Access (access for people with disabilities)

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.)***

6. Access (disabled toilets)

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

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

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

7. Building Code of Australia (compliance with)

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

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

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

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

8. Car Parking (compliance with AS/NZS 2890.1:2004)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. 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.)***

9. 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.)***

## 10. Dilapidation Report (pre-commencement)

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.)***

## 11. Fire safety upgrade (change of building use)

Council considers pursuant to clause 93 of the *Environmental Planning and Assessment Regulation 2000* that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.

Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the Act.

***(Reason: Fire safety.)***

## 12. Fire Safety Schedule

A Fire Safety Schedule specifying the fire safety measures (both current and proposed)

which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

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

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

13. Hoardings

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

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 also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

***(Reason: Public safety.)***

14. Landscaping (maintenance strategy)

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

***(Reason: Ensure landscape survival.)***

15. Landscaping (on slab)

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

***(Reason: Ensure landscape survival.)***

16. Noise and vibration management plan

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliance with the relevant legislation and Australian Standards. The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- (i) identification of activities carried out and associated noise sources;
- (ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- (iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- (iv) noise and vibration monitoring, reporting and response procedures;
- (v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- (vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- (vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- (viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- (ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

***(Reason: To protect acoustic amenity of surrounding properties and the public.)***

17. Section 94 contribution Payment (indirect contributions plan)

In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

<b>Local Amenity Improvement Levy</b>	<b>\$5,000.00</b>
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

18. Traffic (construction traffic management plan)

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;
- (v) 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.)***

19. Waste Management Plan

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

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

***(Reason: To ensure appropriate management of waste.)***

20. Works Permit

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

***(Reason: Council requirement.)***

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

21. Appointment of a Principal Certifying Authority (PCA)

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.)**

## CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS

### 22. Site Requirements During Demolition and Construction

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.)***

#### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

23. Car Parking (customer car parking signage)

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where customer parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

***(Reason: Adequate access and egress.)***

24. 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.

***(Reason: Maintenance and environment.)***

25. Engineering Works (certification of)

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.)**

26. Fire Safety (certification)

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.

(i) 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.)**

27. Occupation of Building

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.)**

28. Stormwater (certification of the constructed drainage system)



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.)***

#### CONDITIONS TO BE SATISFIED DURING ONGOING USE OF THE PREMISES

##### 29. Commercial Premises (no signage or goods on public footway)

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

***(Reason: Safety and amenity.)***

##### 30. Deliveries

All deliveries must only occur between 9:00am and 3:00pm Monday to Friday with no deliveries on weekends or public holidays, to avoid noise disruption to the surrounding area.

***(Reason: To control noise impacts.)***

##### 31. Hours of Operation (commercial premises)

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

<b><i>Days</i></b>	<b><i>Approved hours of operation</i></b>
Mon-Friday	7:00am – 7:00pm
Weekends and public holidays	Nil

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

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

##### 32. Noise (compliance with acoustic assessment report)

All recommendations contained in the approved Acoustic Assessment Report prepared by Acoustic Logic dated 15 May 2017 shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

***(Reason: Noise control and amenity.)***

## 33. Staff Restriction (generally)

A maximum number of 11 staff are permitted to work on the premises at any one time. Any increase to this number requires a section 96 modification application be submitted to Council for approval.

***(Reason: Environmental amenity.)***

## 34. Customer Parking Restriction

A total of (13) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Customer	4
Drop-off/Pick-up	3
Staff	11
<b>TOTAL</b>	<b>18</b>

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

***(Reason: Compliance with approved visitor parking provision.)***

## 35. Visitor Parking Restriction

All Customer parking spaces must not at any time be allocated sold or leased to an individual owner/occupier.

***(Reason: Compliance with approved visitor parking provision.)***

## 36. Child Care Centre (approved use and number of children)

This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum number of (60) children. A separate approval and/or license will be required from the Department of Community Services for the operation of a child care centre from the subject premises.

***(Reason: To ensure the development is consistent with the development for which consent was granted.)***

## 37. Landscaping (irrigation of common and private landscape areas)

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.)***

## 38. Lighting

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.)***

39. Materials (schedule of external materials, finishes and colours)

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

***(Reason: To ensure compliance with this consent.)***

40. Principal Certifying Authority (PCA) Identification Sign

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

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

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

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

***(Reason: Statutory requirement.)***

41. Site Management (during demolition and construction works)

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

- (xxi) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (xxii) Demolition must be carried out by a registered demolition contractor.
- (xxiii) 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.
- (xxiv) No blasting is to be carried out at any time during construction of the building.
- (xxv) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (xxvi) 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.
- (xxvii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (xxviii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (xxix) 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.

- (xxx) All waste must be contained entirely within the site.
- (xxxi) 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.
- (xxxii) 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.
- (xxxiii) 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.
- (xxxiv) 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.
- (xxxv) Public footways 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.
- (xxxvi) 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.
- (xxxvii) 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.
- (xxxviii) Any work must not prohibit or divert any natural overland flow of water.
- (xxxix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- (xl) 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.)***

42. Utilities and Services (protection of)

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- (i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- (ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- (iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

***(Reason: To ensure protection of Council assets.)***

43. Waste (trackable)

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

***(Reason: To ensure compliance with legislation.)***

## **RESOLUTION**

The application be approved subject to the recommended conditions of consent as amended by the Panel.

**For the Decision: Stein, Vergotis, Morrish**

**Against the Decision: Hall**

\*\*\*\* End Minutes - Report No. 3\*\*\*\*

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 1 June 2017

**REPORT:** SIHAP – Report No. 4

**SUBJECT:** 2017/021 - 14-26 TELOPEA AVENUE, HOMEBUSH WEST  
LOTS 110 TO 116 DP 11427

**DA NO.** 2017/021

## RECOMMENDATION

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 compliance with the development standard contained in Clause 4.3 (Height of buildings) of the SLEP 2012 is well founded or that there are sufficient environmental planning grounds to justify contravening the development standard. Further, the subject application was not accompanied by a written request pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 for the actual extent of the proposed non-compliance with Clause 4.4 (Floor space ratio) of the SLEP 2012 and therefore cannot be supported.

That Development Application No. 2017/021 for demolition of existing site structures and construction of a three (3) storey multi dwelling housing development comprised of (28) town houses over one (1) level of basement car parking at 14-26 Telopea Avenue, Homebush West be **REFUSED**, for the following reasons:

1. The proposal is excessive in scale and has a height of 10.45.81m to the top of the roof structure where the height control contained in Clause 4.3 of the Strathfield Local Environmental Plan 2012 permits a maximum 9.5m, resulting in a variation of 10%. The clause 4.6 variation request is not considered to be well-founded as it does not establish that the proposed non-compliant development provides a better planning outcome than a compliant development (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
2. The proposed development exceeds the maximum permitted FSR contained within Clause 4.4 is 0.65:1 (2611.05m<sup>2</sup>). The proposal provides an FSR of 0.766:1 (3077.86m<sup>2</sup>) which is a substantial variation of 0.116:1 (466.81m<sup>2</sup>) or 17.8% and will adversely impact the anticipated building form in the streetscape (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*). The clause 4.6 variation request is not considered to be well-founded as it does not establish that the proposed non-compliant development provides a better planning outcome than a compliant development (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
3. The proposed development was accompanied by insufficient information to establish the suitability of the site for the purposes of the proposed development in its current or proposed remediated state in accordance with the requirements of Clause 7 of State Environmental Planning Policy No 55 – Remediation of Land (*Section 79 C (1) (a)(i) of the Environmental Planning and Assessment Act 1979*).
4. The proposed 6m primary setback and 4m secondary setback resulting in a combined setback of 10m fail to achieve the minimum 12m combined setback required under Section 2.2 of Part C ‘Multiple-Unit Housing’ of the Strathfield Consolidated Development Control Plan 2005 resulting in a development that is inconsistent with the desired future character of the locality (*Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).
5. The proposed development fails to provide suitable access from the basement level car parking and to each of the proposed dwellings for people with mobility disabilities in

accordance with the requirements of Section 2.3.8 of Part C 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan 2005 and the Disability (Access to Premises-Buildings) Standards 2010 (*Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).

6. Dwellings 1 to 12 inclusive, 14 to 19 inclusive and 21 to 26 inclusive fail to achieve the minimum dwelling sizes established under Section 2.3.14 of Part C 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan 2005 (*Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).
7. The majority of dwellings fail to achieve a minimum of three (3) hours solar access to 50% of the principle private open space for the dwelling contrary to the requirements of Section 2.4.2 of Part C 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan 2005 resulting in a poor level of amenity for future residents of the site (*Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).
8. The proposed development exceeding the maximum height and FSR controls of the Strathfield Local Environmental Plan is inconsistent with the desired future character of the surrounding streetscape contrary to the requirements of Section 2.5 of Part C 'Multiple-Unit Housing' of the Strathfield Consolidated Development Control Plan 2005 (*Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979*).

#### **RESOLUTION**

The application be refused subject to the recommended reasons for refusal as amended by the Panel.

**For the Decision: Stein, Vergotis, Morrish, Hall**

**Against the Decision: Nil**

\*\*\*\* End Minutes - Report No. 4\*\*\*\*

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 1 June 2017

**REPORT:** SIHAP – Report No. 5

**SUBJECT:** 2017/033 - 37-39 LOFTUS CRESCENT, HOMEBUSH  
LOT 33 & 34 DP9154 & LOT Y DP 446141

**DA NO.** 2017/033

## RECOMMENDATION

That DA2017/033 for the demolition of existing structures and construction of a part (7) storey and part (5) storey residential flat building containing (62) units above two (2) levels of basement car parking at 37-39 Loftus Crescent, Homebush be granted a DEFERRED COMMENCEMENT subject to the following conditions:

## Deferred Commencement Conditions (DADC)

### DADC001 DEFERRED COMMENCEMENT APPROVAL

This is a Deferred Commencement Consent under Section 80(3) of the Environmental Planning and Assessment (EP&A Act, 1979. This consent does not become operative until the applicant has satisfied the conditions listed under **Schedule A** below. All conditions shall be satisfactorily resolved within a period of three (3) months from the Determination Date that is shown on this consent. Upon compliance with the conditions under Schedule A and written confirmation of this from Council, the consent shall become operative from the 'Date of Endorsement' (to be included on the written notice of determination).

### Schedule A

D1 This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- (a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- (c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- (d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
- (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to



comply with.

Upon written confirmation from Strathfield Council that the above conditions have been satisfied, the consent will become operable subject to the following conditions.

- D2 Amended plans are to be provided that demonstrate compliance with the following:
- (a) Bedroom 3 within Unit BG03 is to be deleted (that is, the bedroom with the window over the vehicle driveway).
  - (b) A landscape planter is to be provided to the southern boundary over the waste collection loading zone between Units AG05 and AG06.
  - (c) All units with the same configuration as AG05 are to be deleted and replaced with units as the same configuration as AG07.
  - (d) The basement fire egress stairs located in the southern front setback of Unit AG07 is to be relocated within the building form.
  - (e) The stone cladding designated in the materials schedule for the base of the building is to be a sandstone cladding.

*(Reason: A deferred commencement consent stipulates conditions that must be satisfied before the consent operates in accordance with Section 80(3) of the EP&A Act 1979.)*

## Special Conditions (DASC)

### DASP001 CLOTHES-DRYING FACILITY

**Prior to the issue of a Construction Certificate**, amended plans shall be prepared which provide a communal clothes-drying facility in a suitable location behind the front building line.

(Improve residential amenity)

### DASP002 BULKY WASTE STORAGE ROOM

**Prior to the issue of any Occupation Certificate** a bulky waste storage room of 32m<sup>2</sup> needs to be incorporated into the plans in accordance with the requirements PART H 'Waste Minimisation and Management' of the Strathfield Consolidated Development Control Plan 2005.

*(Ensure compliance with Council's waste management requirements)*

### DASP003 ADAPTABLE UNITS

A minimum of (10) units shall be designed to achieve compliance with the Livable Housing Guideline's silver level universal design features. Details demonstrating this shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.

*(Ensure compliance with the Apartment Design Guide – Objective 4Q1)*

### DASP004 APARTMENT SIZE AND LAYOUT

The bedroom pertaining to unit AG.01 shall be installed with a northern-orientated window providing either with fixed privacy screening or obscure glazing to minimise opportunities for

overlooking from the common walkway adjoining the bedroom.

*(Ensure compliance with the Apartment Design Guide – Objective 4D-1)*

#### **DASP005 TREE PROTECTION**

To protect existing trees, masonry fence piers must be setback a minimum «CONDITION» metre radius from the *Tristanopsis laurina* within Council's nature strip on Loftus Crescent and all masonry walling between the piers within this zone must be supported on concrete beams (not strip footings).

*(Tree protection)*

#### **DASP006 SYDNEY TRAINS CONCURRENCE CONDITIONS**

- If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. The dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridor and Busy Roads – Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phase) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and is required, that it has been endorsed.
- Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m

of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

- No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- Sydney Trains advises they have a 33kV H/V aerial transmission line near to this site and any works, scaffolding and crane movements within 6 metres of the nearest transmission line conductor must be discussed and approved by Sydney Trains beforehand.
- In addition, all works within 6m of the nearest transmission line conductor must comply with:
  - ISSC 20 – Guidelines for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure
  - The Safe Approach Distances (SADs) in the Sydney Trains Document titles “SMS-06-GD-0268 – Working Around Electrical Equipment”.
- Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to

or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

- Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

*(Achieve compliance with Clause 86(1) of the Infrastructure SEPP 2007)*

## General Conditions (DAGC)

### DAGC001 APPROVED PLANS AND REFERENCE DOCUMENTATION

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

*Drawings affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2017/033:*

Drawing No.	Title/Description	Prepared By	Issue/ Revision & Date	Date Received by Council
DA1002	Site/Roof Plan	Urbanlink	B	3 April 2017
DA2001_B	Floor Plans – Basement 01	Urbanlink	C	21 April 2017
DA2001_B	Floor Plans – Basement 02	Urbanlink	C	21 April 2017
DA2002_B	Ground Floor Plans	Urbanlink	C	21 April 2017
DA2004_B	Level 1-3 Floor Plans	Urbanlink	B	3 April 2017
DA2005_B	Level 4 Floor Plans	Urbanlink	B	3 April 2017
DA2006_B	Level 5 Floor Plans	Urbanlink	B	3 April 2017
DA2007_B	Level 6 Floor Plans	Urbanlink	B	3 April 2017
DA2008_B	Level 7 Floor Plans	Urbanlink	B	3 April 2017
DA2009_B	Level 8 Rooftop Floor Plans	Urbanlink	B	3 April 2017
DA3001_C	Elevation Plans	Urbanlink	C	21 April 2017
DA3002_C	Elevation Plans	Urbanlink	C	21 April 2017
DA3003_C	Elevation Plans East/West	Urbanlink	C	21 April 2017
DA3101_B	Streetscape Loftus Lane & Crescent	Urbanlink	B	3 April 2017
DA4001_B	Section AA Plans	Urbanlink	C	21 April 2017
DA4002_B	Section BB Plans	Urbanlink	C	21 April 2017
DA4003_B	Section CC Plans	Urbanlink	C	21 April 2017
DA4004_B	Section DD Plans	Urbanlink	C	21 April 2017
DA4005_C	Section EE Plans	Urbanlink	C	21 April 2017

DA6301_A	External Finishes Schedule	Urbanlink	A	3 March 2017
N/A	External Finishes Board	Urbanlink	A	20 March 2017
URBL001 Page 1 to 5	Landscape Plans	DenisChan Landscape Architect	B	3 April 2017
16MB7311/D01 Sheet 1 of 5	Site and Roof Drainage Plan	United Consulting Engineers	B	4 May 2017
16MB7311/D02 Sheet 2 of 5	Ground Floor Drainage Plan	United Consulting Engineers	B	4 May 2017
16MB7311/D03 Sheet 3 of 5	Basement 1 Drainage Plan	United Consulting Engineers	B	4 May 2017
16MB7311/D04 Sheet 4 of 5	Basement 2 Drainage Plan	United Consulting Engineers	B	4 May 2017
16MB7311/D05 Sheet 5 of 5	Drainage Details	United Consulting Engineers	B	4 May 2017
17SYT0017-SK1D	Swept Path Analysis	TTM Consulting Pty Ltd	A	3 April 2017

*Development Consent No. 2017/033:*

Title / Description	Prepared By	Issue/ Revision & Date	Date Received by Council
Statement of Environmental Effects	Planning Ingenuity	A	3 March 2017
Access Compliance Report	Vista Access Architects	A	3 March 2017
Acoustic Report	Acoustic Logic	1	3 March 2017
BASIX Certificate	-	Number:799802M issued 27 February 2017	3 March 2017
Preliminary Site Investigation Report	Benviron Group	0	3 March 2017
Geotechnical Report	Benviron Group	0	3 March 2017
Survey Plan	Sydney Registered Architects	B	3 March 2017
Overland Flow Impact Report	Alpha Engineering	A	24 April 2017
Traffic Assessment Report	TTM	0	3 March 2017
Waste Management Plan	Urbanlink	B	4 May 2017
Quantity Surveyor Report	MMD Construction Consultants	1	3 March 2017

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

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

#### **DAGC005 BUILDING HEIGHT (MAXIMUM RL TO BE COMPLIED WITH)**

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 41.261m AHD to the roof ridge of building A.

*(Reason: To ensure the approved building height is complied with)*

#### **DAGC007 CONSTRUCTION HOURS**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 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)*

#### **DAGC008 CONSTRUCTION WITHIN BOUNDARIES**

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).*

#### **DAGC009 DEMOLITION (GENERALLY)**

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)*

#### **DAGC011 DEMOLITION (SITE SAFETY FENCING)**

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 \$10 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.

*(Reasons: Statutory requirement and health and safety)*

#### **DAGC017 LANDSCAPING (IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS)**

All common and private landscape areas including all planters of new multi-unit, commercial,

mixed-use and industrial development 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)

#### DAGC018A LANDSCAPING (TREES TO BE RETAINED)

The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
1) Tristaniopsis laurina (Water Gum)	5m x 3m	Nature strip	4.2m	2.37m
2) Tristaniopsis laurina (Water Gum)	5m x 3m	Nature strip	4.2m	2.37m
3) Tristaniopsis laurina (Water Gum)	5m x 3m	Nature strip	4.2m	2.37m

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS4970-2009: *Protection of Trees on Development Sites*.
- (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (e) The tree protection zone shall be regularly watered.
- (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
- (h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

(Reason: To ensure appropriate planting back onto the site)

#### DAGC019 LANDSCAPING (TREE PRESERVATION)

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.

General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation). All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.

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 Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

#### **DAGC022 MATERIALS (EXTERNAL MATERIALS AND REFLECTIVITY)**

All external materials and finishes including windows and doors and roofing materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.

*(To minimise excessive glare and reflectivity)*

#### **DAGC023 MATERIALS (SCHEDULE OF EXTERNAL MATERIALS, FINISHES AND COLOURS)**

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

*(Reason: To ensure compliance with this consent)*

#### **DAGC024 PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN**

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

- (a) The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- (b) The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- (c) 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)*

#### **DAGC027 SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

- (a) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) 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.
- (d) No blasting is to be carried out at any time during construction of the building.



- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) 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.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) 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.
- (j) All waste must be contained entirely within the site.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Public footways 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.
- (p) 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.
- (q) 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.
- (r) Any work must not prohibit or divert any natural overland flow of water.
- (s) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

#### **DAGC028 STORMWATER MANAGEMENT PLAN (CERTIFICATION REQUIREMENT)**

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)*

#### **DAGC029 SYDNEY WATER (STAMPED PLANS PRIOR TO COMMENCEMENT)**

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)*

### **DAGC030 UTILITIES AND SERVICES (PROTECTION OF)**

- (a) Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:
  - (i) all footings and excavation must be located wholly within the site and clear of any easement boundaries,
  - (ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline, and
  - (iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.
- (b) If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.
- (c) Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.
- (d) The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas)

*(Reason: To ensure protection of Council assets)*

### **DAGC031 WASTE (NO BURNING AND BURYING OF MATERIALS OR RUBBISH)**

No materials or rubbish resulting from the land clearing, demolition and building works must be burnt or buried on the site.

*(Reason: Health and amenity)*

### **DAGC032 WASTE (TRACKABLE)**

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

*Reason: To ensure compliance with legislation)*

**Conditions to be satisfied prior to the issue of a Construction Certificate (DACC)**

**DACC001 ACCESS (ACCESS FOR PEOPLE WITH DISABILITIES)**

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*. Prior to the issue of a Construction Certificate, plans shall be notated demonstrating compliance, and approved by the Principal Certifying Authority

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)*

**DACC006 BASIX COMMITMENTS**

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)*

**DACC009 BUILDING CODE OF AUSTRALIA (COMPLIANCE WITH)**

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

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

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

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

**DACC010 CAR PARKING (BASEMENT CAR PARKING REQUIREMENTS)**

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- 1) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- 2) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- 3) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- 4) Provision of pump-out systems and stormwater prevention shall be in accordance with

Council's Stormwater Management Guide.

*(Reason: To ensure suitable development)*

### **DACC012 CAR PARKING (REQUIREMENTS FOR MULTIPLE USE BUILDINGS)**

The following car parking and service vehicle requirements apply:-

- (a) **66** car spaces shall be provided on the development site. This shall consist of:
- |                      |                                     |
|----------------------|-------------------------------------|
| (i) Residents        | 53 (including 13 accessible spaces) |
| (ii) <u>Visitors</u> | <u>13</u>                           |
| <b>TOTAL</b>         | <b>(66)</b>                         |
- (b) All car spaces shall be allocated and marked according to this requirement.
- (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- (d) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- (e) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (f) The parking bays shall be delineated by line marking.
- (g) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- (h) The following traffic control measures shall be implemented on site:-
- (i) Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
  - (ii) Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
  - (iii) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

Details demonstrating compliance with this condition shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

*(Reason: To ensure car parking provision in accordance with this consent)*

### **DACC015 CAR PARKING (COMPLIANCE WITH AS/NZS 2890.1:2004)**

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. 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)*

### **DACC016 CAR PARKING (VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS)**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 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.

*(Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and*

*parking of vehicles)*

### **DACC018 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)\*

### **DACC019 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN**

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

- 1) Detailed information on any approvals required from other authorities prior to or during construction.
- 2) Traffic management, including details of:
  - (a) ingress and egress of vehicles to the site;
  - (b) management of loading and unloading of materials;
  - (c) the location of heavy vehicle parking off-site; and
  - (d) designated routes for vehicles to the site.
- 3) 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.
- 4) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - (a) the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - (b) procedures to prevent run-off of solid material and waste from the site.
- 5) Waste management, including:
  - (a) details of the types and estimated volumes of waste materials that will be generated;
  - (b) procedures for maximising reuse and recycling of construction materials; and
  - (c) details of the off-site disposal or recycling facilities for construction waste.
- 6) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- 7) A soil and water management plan, which includes:
  - (a) measures to minimise the area of soils exposed at any one time and conserve top soil;
  - (b) identification and protection of proposed stockpile locations;
  - (c) preservation of existing vegetation and revegetation;
  - (d) measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - (e) 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;
  - (f) details of sediment and erosion control measures in place before work commences;
  - (g) measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - (h) details of drainage to protect and drain the site during works.
- 8) Asbestos management procedures:

- (a) 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)
- (b) 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.
- (c) 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:
  - (i) The Work Health and Safety Act 2011;
  - (ii) The Work Health and Safety Regulation 2011;
  - (iii) How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
  - (iv) Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- (d) 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.
- (e) 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:
  - (i) the date and time when asbestos removal works will commence;
  - (ii) the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
  - (iii) the full name and license number of the asbestos removalist/s; and
  - (iv) the telephone number of WorkCover's Hotline 13 10 50
  - (v) 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
  - (vi) 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)*

### **DACC020 DILAPIDATION REPORT (PRE-COMMENCEMENT)**

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on all 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)*

#### **DACC021 DRIVEWAY WIDTH (MULTI-UNIT DEVELOPMENT)**

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior the issue of a Construction Certificate.

*(Reason: Safety and traffic management)*

#### **DACC024 EXCAVATION (AFFECTING ADJOINING LAND)**

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:

- 1) protect and support the adjoining premises from possible damage from the excavation, and
- 2) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (1) 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)*

#### **DACC025 EXCAVATION (DEWATERING)**

Any de-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- 1) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Manly Council for compliance with ANZECC Water Quality Guidelines.
- 2) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- 3) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.

- 4) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

*(Reason: To ensure compliance with legislation and to protect the surrounding natural environment)*

#### **DACC029 FIRE SAFETY SCHEDULE**

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

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

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

#### **DACC030 FLOODING (COMPLY WITH FLOOD IMPACT REPORT)**

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by Alpha Engineering. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

*(Reason: To mitigate flood risk and associated damage)*

#### **DACC032 HAZARDOUS GOODS AND WASTE**

- (a) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.
- (b) Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.
- (c) Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

*(Reason: Health and safety)*

#### **DACC035 HOARDINGS**

A Hoarding Application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained.

The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

A Public Risk Insurance Policy with a minimum cover of \$10 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 also provided to Council.

The Policy is to note Council as an interested party. The copy is to be provided to Council, prior to the issue of a Construction Certificate.

*(Reason: Public safety)*

#### **DACC037 LANDSCAPING (MAINTENANCE STRATEGY)**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

*(Reason: Ensure landscape survival)*

#### **DACC038 LANDSCAPING (ON SLAB)**

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

*(Reason: Ensure landscape survival)*

#### **DACC042 PLANNING AGREEMENT (SECTION 93F OF THE EP&A ACT)**

In accordance with Section 93F(3) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement offered by the developer in respect of the Development Application, the subject of this consent, for the dedication of 215m<sup>2</sup> of land with a minimum width of 4.9m for the purpose of an extension of Loftus Laneway adjacent to the northern boundary of the site. must be entered into prior to the issue of a Construction Certificate. The terms of the Voluntary Planning Agreement must, thereafter, be adhered to.

*(Reason: To ensure compliance with the terms of the S93F Agreement)*

#### **DACC049 SECTION 94 CONTRIBUTIONS (DIRECT CONTRIBUTIONS PLAN)**

In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$113,565.48
Provision of Major Open Space	\$516,688.91
Provision of Local Open Space	\$336,888.24
Provision Roads and Traffic Management Administration	\$33,235.52
	\$9,792.47
<b>TOTAL</b>	<b>\$1,010,170.62</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)*

#### **DACC051 SECURITY PAYMENT (DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE)**

A security payment of **\$6,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$2,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bond)	\$254.00
<b>TOTAL</b>	<b>\$6,254.00</b>

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

- (a) road and stormwater drainage works in roadways and public areas;
- (b) connection to Council's stormwater drainage system;
- (c) installation and maintenance of sediment control measures for the duration of construction activities;
- (d) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

*(Reason: Protection of Council infrastructure)*

#### **DACC061 WORKS PERMIT**

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

*(Reason: Council requirement)*

#### **DACC062 WORKS (WITHIN THE ROAD RESERVE)**

- (a) 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.

- (b) Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.
- (c) 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.
- (d) The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.
- (e) All civil engineering works adjacent/near/outside 36A Water St, Belfield 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)*

### **DACC063 TRAFFIC (CONSTRUCTION TRAFFIC MANAGEMENT PLAN)**

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):

- 1) A description of the demolition, excavation and construction works
- 2) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- 3) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- 4) 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
- 5) 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.
- 6) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.)
- 7) Proposed hours of construction related activities and vehicular movements to and from the site
- 8) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- 9) Any activities proposed to be located or impact upon Council's road, footways or any public place
- 10) Measures to maintain public safety and convenience
- 11) Any proposed road and/or footpath closures
- 12) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- 13) The 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.
- 14) 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).
- 15) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- 16) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

- 17) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- 18) The 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.
- 19) 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)*

#### **DACC064 UTILITIES AND TELECOMMUNICATIONS (ELECTRICITY CONNECTION)**

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- 1) an underground service line to a suitable existing street pole; or
- 2) sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

*(Reason: Environmental amenity)*

#### **DACC066 UTILITIES AND TELECOMMUNICATIONS (TELECOMMUNICATIONS ASSETS)**

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

*(Reason: To ensure suitable relocation of telecommunications infrastructure if required)*

#### **DACC068 WASTE MANAGEMENT PLAN**

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

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

*(Reason: To ensure appropriate management of waste)*

#### **DACC070 WASTE (GARBAGE ROOMS OR GREASE ARRESTOR ROOMS)**

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)*

#### **DACC073 WATER HEATING SYSTEMS (LOCATION OF)**

Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

*(Reason: To maintain streetscape character)*

#### **DACC074 WORKS ZONE (APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE)**

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.

### **Conditions to be satisfied prior to the commencement of works (DAPC)**

#### **DAPC001 APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY**

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

- 1) A construction certificate for the building work has been issued by:
  - (a) the consent authority; or
  - (b) a Principal Certifying Authority; and
- 2) the person having the benefit of the development consent has:
  - (a) appointed a principal certifying authority for the building work, and
  - (b) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- 3) the principal certifying authority has, no later than 2 days before the building work commences:
  - (a) notified the Council of his or her appointment, and
  - (b) 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, and
- 4) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (b) notified the principal certifying authority of such appointment, and
  - (c) 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, and
- 5) 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)*

### **DAPC003 NOTICE OF COMMENCEMENT**

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

- 1) 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;
- 2) Details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- 3) Details of the name, address and licence details of the Builder.

*(Reason: Statutory requirement)*

## **Conditions to be satisfied during demolition and building works (DADW)**

### **DADW001 CONTAMINATED LAND UNEXPECTED FINDS**

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)*

### **DADW002 FILL MATERIAL**

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)*

#### **DADW006 OBSTRUCTION OF PUBLIC WAY (NOT PERMITTED DURING WORKS)**

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)*

#### **DADW007 PUBLIC INFRASTRUCTURE AND SERVICES**

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)*

#### **DADW010 SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

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

- 1) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) 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.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) 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.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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.

- 14) 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.
- 15) 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.
- 16) 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.
- 17) 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.

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)*

#### **DADW011 SURVEY REPORT OF APPROVED LEVELS (DURING AND POST CONSTRUCTION)**

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

- 1) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- 2) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- 3) 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 (DAOC)**

##### **DAOC004 CAR PARKING (VISITOR CAR PARKING SIGNAGE)**

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

*(Reason: Adequate access and egress)*

##### **DAOC006 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.

*(Reason: Maintenance and environment)*

### **DAOC007 ENGINEERING WORKS (CERTIFICATION OF)**

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:

- 1) the stormwater drainage system; and/or
- 2) the car parking arrangement and area; and/or
- 3) any related footpath crossing works; and/or
- 4) the proposed basement pump and well system; and/or
- 5) the proposed driveway and layback; and/or
- 6) 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)*

### **DAOC008 FIRE SAFETY (CERTIFICATION)**

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:

- a) has been assessed by a properly qualified person, and
- b) 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:-

- 1) submitted to Strathfield Council;
- 2) submitted to the Commissioner of the New South Wales Fire Brigade; and

- 3) prominently displayed in the building.

*(Reason: Fire safety and statutory requirement)*

### **DAOC012 LANDSCAPING (ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED)**

As part of the on-going assessment of the tree/s to be retained, 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. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority

to be provided to the satisfaction of the Principle Certifying Authority at the completion of construction and prior to issue of any Occupation Certificate which documents the following:

- 1) methods of excavation or construction used to carry out the works;
- 2) any damage sustained by the tree/s as a result of the works;
- 3) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- 4) any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

*(Reason: Ensure survival of trees to be retained)*

### **DAOC014 OCCUPATION OF BUILDING**

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:

- 1) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- 2) 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)*

### **DAOC018 STORMWATER (CERTIFICATION OF THE CONSTRUCTED STORMWATER DRAINAGE SYSTEM)**

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)*

### **DAOC020 STORMWATER (ON SITE DETENTION IDENTIFICATION PLATE)**

Prior to issue of a Final Occupation Certificate, the applicant shall install an identification plate near or onto the control structure of the OSD system, this is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without written consent.

The applicant can obtain the OSD identification plate from the Council at a cost.

*(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)*

#### **DAOC021 SUBDIVISION (EVIDENCE OF CONSOLIDATION)**

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

*(Reason: Proper management of land)*

#### **DAOC024 VENTILATION SYSTEMS (NATURAL)**

The natural ventilation system shall be designed, constructed and installed in accordance with the provisions of:

- (a) The Building Code of Australia; and
- (b) Protection of the Environment Operations Act 1997.

Details demonstrating compliance with this condition shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate.

*(Reason: To ensure any natural ventilation systems comply with the relevant regulations/standards)*

### **Conditions to be satisfied prior to the issue of a Subdivision Certificate (DASC)**

#### **DASC002 ENGINEERING WORKS (CERTIFICATION OF WORK AS EXECUTED)**

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)*

#### **05 SEPARATE APPLICATION (FOR STRATA SUBDIVISION)**

This consent does not imply approval to create a separate title, by subdivision or otherwise. Should it be intended to subdivide the approved development into strata title allotments, Council will require the lodgement of a separate development application for consideration.

*(Reason: To ensure compliance with the consent)*

#### **DASC006 SUBDIVISION CERTIFICATE (REQUIREMENTS PRIOR TO THE ISSUE OF)**

A Subdivision Certificate allows a person to lodge a plan of subdivision with NSW Land and

Property Information (LPI). The plan of subdivision identifies each of the allotments approved under the original consent (if required) or each allotment subject to an exempt boundary adjustment. The plan of subdivision is required to be prepared by a registered surveyor.

All types of subdivision (Torrens, Strata and Community Title) are required to be registered with NSW LPI before a new 'allotment' of a subdivision of land can be created.

The release of a Subdivision Certificate confirms that the Principal Certifying Authority (Council or Accredited Certifier) is satisfied that works are completed in accordance with the applicable Development Consent and that the land is suitable to occupy.

Prior to the issuing of any Subdivision Certificate under section 37A of *the Strata Schemes (Freehold Development) Act 1973*, and section 66A of *the Strata Schemes (Leasehold Development) Act 1986*, and in accordance with section 29A of *the Strata Schemes (Freehold Development) Regulation 2007* and section 30A of *the Strata Schemes (Leasehold Development) Regulation 2007*, the PCA is required to be satisfied that:

- 1) the floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed;
- 2) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building; and
- 3) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

As construction of the building nears completion, or after it has been completed, the Principal Certifying Authority must inspect the building and the common property areas around the building, so as to be satisfied, as required by section 66AA of the Act, that the above requirements have been met.

The Principal Certifying Authority shall also be satisfied that:

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

The Subdivision Certificate must not be issued until the Principal Certifying Authority has issued the Final Occupation Certificate in relation to the approved development.

*(Reason: Statutory requirements)*

#### **DASC007 SUBDIVISION (LODGEMENT OF FINAL PLAN OF SUBDIVISION)**

Once a Subdivision Certificate is issued by the Principal Certifying Authority, the Final Plan of Subdivision must be registered with Land and Property Information. Documentary evidence that the linen plan has been registered with Land and Property Information must be submitted to Strathfield Council as soon as practicable.

*(Reason: Statutory requirement)*

#### **DASC008 SYDNEY WATER (SECTION 73 CERTIFICATE)**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained before the issue of the Subdivision Certificate. An application must be made through an authorised Water Servicing Coordinator (refer [www.sydneywater.com.au](http://www.sydneywater.com.au)).

Following receipt of the application a 'Notice of Requirements' will be issued detailing water and

sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Sydney Water written advice that you have obtained the Notice of Requirements must be submitted to the Principal Certifying Authority

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate /any occupation of the premises.

*(Reason: To comply with the statutory requirements of Sydney Water)*

### **Conditions to be satisfied during ongoing use of the premises (DAOU)**

#### **DAOU008 FIRE SAFETY (ANNUAL STATEMENT)**

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:-

1. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
2. Prominently displayed in the building

*(Reason: Fire safety)*

#### **DAOU026 NOISE (COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT)**

All recommendations contained in the approved Acoustic Assessment Report prepared by Acoustic Logic shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a statement from an appropriately qualified acoustic consultant, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate.

Any changes made to the proposal that would alter the acoustic assessment will require a further acoustic assessment and a copy of this further report shall be provided to Council for approval prior to the commencement of works and any recommendations adopted, implemented, and adhered to.

*(Reason: Noise control and amenity)*

### **RESOLUTION**

This application be approved as a Deferred Commencement Approval, subject to the recommended conditions of consent as amended by the Panel.

**For the Decision: Stein, Vergotis, Morrish, Hall**

**Against the Decision: Nil**

\*\*\*\* End Minutes - Report No. 5\*\*\*\*

**TO:** Strathfield Independent Hearing and Assessment Panel Meeting - 1 June 2017

**REPORT:** SIHAP – Report No. 6

**SUBJECT:** 2016/033/01 SECTION 82A REVIEW - 12 DEAN STREET, STRATHFIELD SOUTH  
LOT 1 DP 984061

**DA NO.** 2016/033/01

## RECOMMENDATION

That Development Application No. 2016/033/01 for the demolition and construction of two (2) storey dwelling with basement parking and front fence at 12 Dean Street, Strathfield South be **APPROVED**, subject to the following conditions:

### Special Conditions (DASC)

#### DASP001

Stormwater runoff from all roof and paved surfaces shall be collected by charged and gravity means and discharged to the boundary pit by pump system and by means of a gravity pipe system to the street gutter in accordance with Council's standard requirements as depicted on the concept plan prepared by **Alpha Engineering and Development rev C drawing no. A6467-COVER – A6467-SW04 dated 01.05.2017**.

#### DASP002

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

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

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

#### DASP003

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

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

#### DASP004

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

Principal Certifying Authority **prior to the issue of a Construction Certificate.**

**DASP005**

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

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

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

**DASP006**

All pits shall be constructed in accordance with Australian Standard AS3500.3.

**DASP007**

All subsoil drainage must be designed to meet the requirements of AS3500;

**DASP008**

Access to the basement car park, head room for basement entry, driveway ramp and turning circles shall be designed in accordance with AS 2890.1-2004.

**DASP009**

The proposed basement holding tank capacity shall be capable of handling 4 hours of 100yr ARI storm event and the catchment contributing to it shall be limited to the subsoil drainage and the basement access ramp area only. The pipes under the basement shall not be PVC or HDPE. The holding tank shall be connected to the pump out tank. Final details of this system are to be submitted with the Construction Certificate application.

**DASP010**

Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.

**DASP011**

Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention pump out tank.

**DASP012**

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

**DASP013**

Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

**DASP014**

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by KD Stormwater. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations **prior to the issue of the Occupation Certificate.**



**DASP015**

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

- (a) On-site stormwater detention pump out system

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

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

**General Conditions (DAGC)****DAGC001 Approved plans and reference documentation**

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

*Drawings affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/033/01:*

Drawing No.	Title/Description	Prepared By	Issue/Revision & Date	Date Received by Council
A-01	Site Plan	Apex Intelligent Design		16 March 2017
A-02	Basement Plan	Apex Intelligent Design		16 March 2017
A-03	Ground Floor Plan	Apex Intelligent Design		16 March 2017
A-04	First Floor Plan	Apex Intelligent Design		16 March 2017
A-06	Section Plan	Apex Intelligent Design		16 March 2017
A-07	North & West Elevation	Apex Intelligent Design		16 March 2017
A-08	South & East Elevation	Apex Intelligent Design		16 March 2017
L-01	Landscape Plan	Apex Intelligent Design		16 March 2017
A6467-SW01	Sediment and Erosion Control Plan	Alpha Engineering	C	16 March 2017
A6467-SW02	Basement & First Floor Drainage Plan	Alpha Engineering	C	16 March 2017
A6467-SW03	Ground Floor Drainage Plan	Alpha Engineering	C	16 March 2017
A6467-SW04	Stormwater Sections and Details	Alpha Engineering	C	16 March 2017

*Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/033/01:*

Title Description	Prepared by	Issue/Revision & Date	Date Received by Council
Flood Study	Ky Tran of KD Stormwater Pty Ltd	February 2017	16 March 2017

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

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

### **DAGC007 Construction hours**

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 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)*

### **DAGC008 Construction within boundaries**

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).*

### **DAGC009 Demolition (generally)**

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)*

### **DAGC011 Demolition (site safety fencing)**

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 \$10 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.

*(Reasons: Statutory requirement and health and safety)*

### **DAGC019 Landscaping (tree preservation)**

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 Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

**DAGC023 Materials (schedule of external materials, finishes and colours)**

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

*(Reason: To ensure compliance with this consent)*

**DAGC024 Principal certifying authority (PCA) identification sign**

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

- (a) The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- (b) The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- (c) 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)*

**DAGC027 Site management (during demolition and construction works)**

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

- (a) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (b) Demolition must be carried out by a registered demolition contractor.
- (c) 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.
- (d) No blasting is to be carried out at any time during construction of the building.
- (e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) 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.
- (g) Any demolition and excess construction materials are to be recycled wherever practicable.
- (h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (i) 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.
- (j) All waste must be contained entirely within the site.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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.
- (o) Public footways 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.
  - (p) 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.
  - (q) 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.
  - (r) Any work must not prohibit or divert any natural overland flow of water.
  - (s) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

### **DAGC028 Stormwater management plan (certification requirement)**

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)*

## **Conditions to be satisfied prior to the issue of a Construction Certificate (DACC)**

### **DACC006 BASIX commitments**

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)*

### **DACC009 Building Code of Australia (compliance with)**

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

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

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying

Authority, prior to issue of the Construction Certificate.

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

### **DACC018 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)*

### **DACC019 Construction and environmental management plan**

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

- 1) Detailed information on any approvals required from other authorities prior to or during construction.
- 2) Traffic management, including details of:
  - (a) ingress and egress of vehicles to the site;
  - (b) management of loading and unloading of materials;
  - (c) the location of heavy vehicle parking off-site; and
  - (d) designated routes for vehicles to the site.
- 3) 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.
- 4) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - (a) the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - (b) procedures to prevent run-off of solid material and waste from the site.
- 5) Waste management, including:
  - (a) details of the types and estimated volumes of waste materials that will be generated;
  - (b) procedures for maximising reuse and recycling of construction materials; and
  - (c) details of the off-site disposal or recycling facilities for construction waste.
- 6) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- 7) A soil and water management plan, which includes:
  - (a) measures to minimise the area of soils exposed at any one time and conserve top soil;
  - (b) identification and protection of proposed stockpile locations;
  - (c) preservation of existing vegetation and revegetation;
  - (d) measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - (e) 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;
  - (f) details of sediment and erosion control measures in place before work commences;
  - (g) measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - (h) details of drainage to protect and drain the site during works.

- 8) Asbestos management procedures:
- (a) 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)
  - (b) 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.
  - (c) 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:
    - (i) The Work Health and Safety Act 2011;
    - (ii) The Work Health and Safety Regulation 2011;
    - (iii) How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
    - (iv) Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
  - (d) 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.
  - (e) 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:
    - (i) the date and time when asbestos removal works will commence;
    - (ii) the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - (iii) the full name and license number of the asbestos removalist/s; and
    - (iv) the telephone number of WorkCover's Hotline 13 10 50
    - (v) 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
    - (vi) 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)*

### **DACC024 Excavation (affecting adjoining land)**

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:

- 1) protect and support the adjoining premises from possible damage from the excavation, and
- 2) where necessary, underpin the adjoining premises to prevent any such damage.

The condition referred to in subclause (1) 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)*

### **DACC037 Landscaping (maintenance strategy)**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

*(Reason: Ensure landscape survival)*

### **DACC050 Section 94 contributions (indirect contributions plan)**

In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

<b>Local Amenity Improvement Levy</b>	<b>\$5,000.00</b>
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

### **DACC053 Stormwater (rainwater re-use)**

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

*(Reason: Compliance and Amenity)*

### **DACC055 Structural certification**

The applicant must engage a qualified practising structural engineer to provide structural certification of the approved development in accordance with relevant Building Code of Australia (BCA) requirements, prior to the issue of a Construction Certificate. For approved works involving additions, details shall include certification of the load carrying capabilities of the existing structure to support the approved additions.

*(Reason: To ensure structural stability and maintain public safety)*

### **DACC061 Works permit**

A Works Permit shall be obtained from Strathfield Council at least five (5) working days prior any work (including demolition, excavation and the erection of site fencing/hording). The approved Works Permit and any approved Construction Traffic Management Plan must be complied with at all times until all demolition, building, engineering and construction work associated with the development has been completed. The permit must be retained on site at all times.

(Reason: Council requirement)

### **DACC063 Traffic (construction traffic management plan)**

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):

- 1) A description of the demolition, excavation and construction works
- 2) A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- 3) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- 4) 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
- 5) 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.
- 6) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.)
- 7) Proposed hours of construction related activities and vehicular movements to and from the site
- 8) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority)
- 9) Any activities proposed to be located or impact upon Council's road, footways or any public place
- 10) Measures to maintain public safety and convenience
- 11) Any proposed road and/or footpath closures
- 12) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- 13) The 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.
- 14) 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).
- 15) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- 16) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- 17) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- 18) The 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.
- 19) 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)*



***DACC074 Works zone (approval by Council's traffic committee)***

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.

**Conditions to be satisfied prior to the commencement of works (DAPC)*****DAPC001 Appointment of a principal certifying authority***

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

- 1) A construction certificate for the building work has been issued by:
  - (a) the consent authority; or
  - (b) a Principal Certifying Authority; and
- 2) the person having the benefit of the development consent has:
  - (a) appointed a principal certifying authority for the building work, and
  - (b) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- 3) the principal certifying authority has, no later than 2 days before the building work commences:
  - (a) notified the Council of his or her appointment, and
  - (b) 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, and
- 4) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (b) notified the principal certifying authority of such appointment, and
  - (c) 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, and
- 5) 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)*

**DAPC003 Notice of commencement**

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

- 1) 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;
- 2) Details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- 3) Details of the name, address and licence details of the Builder.

*(Reason: Statutory requirement)*

**Conditions to be satisfied during demolition and building works (DADW)****DADW002 Fill material**

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)*

**DADW006 Obstruction of public way (not permitted during works)**

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)*

**DADW010 Site requirements during demolition and construction**

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

- 1) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- 2) Demolition must be carried out by a registered demolition contractor.
- 3) 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.
- 4) No blasting is to be carried out at any time during construction of the building.
- 5) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- 6) 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.
- 7) Any demolition and excess construction materials are to be recycled wherever practicable.
- 8) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9) 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.
- 10) 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.
- 11) 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.
  - 12) 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.
  - 13) 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.
  - 14) 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.
  - 15) 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.
  - 16) 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.
  - 17) 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.

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)*

#### **DADW011 Survey report of approved levels (during and post construction)**

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

- 1) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- 2) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- 3) 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 (DAOC)**

##### **DAOC006 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.

*(Reason: Maintenance and environment)*

### **DAOC007 Engineering works (certification of)**

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:

- 1) the stormwater drainage system; and/or
- 2) the car parking arrangement and area; and/or
- 3) any related footpath crossing works; and/or
- 4) the proposed basement pump and well system; and/or
- 5) the proposed driveway and layback; and/or
- 6) 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)*

### **DAOC014 Occupation of building**

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:

- 1) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- 2) 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)*

### **DAOC015 Rainwater tanks**

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- (a) Australian/New Zealand Standard AS/NZS 3500:2003,
- (b) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR).
- (c) Council's rainwater tank policy.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to occupation of the premises.

*(Reason: To protect public health and amenity)*

***DAOC018 Stormwater (certification of the constructed stormwater drainage system)***

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)*

**RESOLUTION**

This Section 82A Review of Determination be changed to Approval, subject to the recommended conditions of consent in the report.

**For the Decision: Stein, Vergotis, Morrish, Hall**

**Against the Decision: Nil**

\*\*\*\* End Minutes - Report No. 6\*\*\*\*