

# Minutes

Of the meeting of the:

## Strathfield Local Planning Panel Meeting

Held on:

**Thursday, 4 April 2019**

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

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**The Chair tabled the pecuniary Interest disclosures of Panel Members.**

The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 4 April 2019.  
The meeting commenced at 10:00am and closed at 12:34pm.

The Public Meeting commenced at 10:00am and closed at 11:01am

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

Site inspection time commenced: 8:00am

Site inspection time concluded: 9:30am

### **PRESENT**

The Hon Paul Stein QC AM – Chair

Paul Vergotis- Expert

Ian Stapleton- Expert

Robert Jolliffe- Community

### **ALSO PRESENT**

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

Rita Vella, Executive Manager, Strategic Planning

Gregory Hansell, Senior Development Assessment Planner

Lily Parker, Administration Assistant

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

Nil

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 1  
**SUBJECT:** DA2019/016 - 102 THE CRESCENT, HOMEBUSH WEST  
 LOT 1 DP 304126  
**DA NO.** DA2019/016

**RECOMMENDATION**

That Development Application No. DA2019/016 for the change of content from Telstra Standard Telephone service (STS) advertising to allow for third-party advertising at 102 The Crescent, Homebush West be **APPROVED**, subject to the following conditions:

**SPECIAL CONDITIONS (SC)**

1. **SIGNAGE DISPLAY (SC)**

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver’s attention beyond ‘glance appreciation’; and
- d) Display resembling traffic signs or signals.
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

(Reason: to ensure road safety along Henley Road.)

2. **LIGHTING (SC)**

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

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

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

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council’s ‘Development Consent’ stamp relating to Development Consent No. DA2019/016:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Municipality of	JCDecaux Australia	9 November	20 February 2019

Strathfield – Telstra Payphone	Pty Ltd	2018	
Telstra Digital Phone	JCDecaux Pty Ltd	Australia	7 June 2018 20 February 2019

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

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

**4. CONSTRUCTION HOURS (GC)**

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

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

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

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

**5. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)**

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).

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

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

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

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

(Reason: To maintain public access and safety.)

**RESOLUTION**

This application be **APPROVED** subject to the recommended conditions contained in the Officer’s report.

**REASONS:**

The panel agrees with the Planning Officer’s report.

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 2  
**SUBJECT:** DA2019/017 - 191 THE BOULEVARDE, STRATHFIELD  
 LOT 2 IN DP 221064  
**DA NO.** DA2019/017

**RECOMMENDATION**

That Development Application No. DA2019/017 for the change of content from Telstra Standard Telephone service (STS) advertising to allow for third party advertising at 191 The Boulevard, Strathfield be **APPROVED**, subject to the following conditions:

**SPECIAL CONDITIONS (SC)**

**1. SIGNAGE DISPLAY**

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver’s attention beyond ‘glance appreciation’; and
- d) Display resembling traffic signs or signals.
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

(Reason: to ensure road safety along The Boulevard.)

**2. LIGHTING (SC)**

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

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

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

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council’s ‘Development Consent’ stamp relating to Development Consent No. DA2019/017:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council	by

Municipality of Strathfield – Telstra Payphone	JCDecaux Pty Ltd	Australia	8 November 2018	20 February 2019
Telstra Digital Phone	JCDecaux Pty Ltd	Australia	7 June 2018	20 February 2019

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

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

**4. CONSTRUCTION HOURS (GC)**

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

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

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

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

**5. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)**

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).

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

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

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

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

(Reason: To maintain public access and safety.)

**RESOLUTION**

This application be **APPROVED** subject to the recommended conditions contained in the Officer’s report.

**REASONS:**

The panel agrees with the Planning Officer’s report.

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 3  
**SUBJECT:** DA2019/018 - 32-36 BURLINGTON ROAD, HOMEBUSH  
 LOT 1 DP 1016764  
**DA NO.** DA2019/018

**RECOMMENDATION**

That Development Application No. DA2019/018 for the change of content from Telstra Standard Telephone service advertising to allow for third party advertising at 32-26 Burlington Road be **approved**, subject to the following conditions:

**SPECIAL CONDITIONS (SC)**

1. **SIGNAGE DISPLAY**

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver’s attention beyond ‘glance appreciation’; and
- d) Display resembling traffic signs or signals.
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

(Reason: to ensure road safety along Burlington Road and Rochester Street.)

2. **LIGHTING (SC)**

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

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

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

**GENERAL CONDITIONS (GC)**

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

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

Plans affixed with Council’s ‘Development Consent’ stamp relating to Development Consent No. DA2019/018:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Municipality of	JCDecaux Australia	Issue A	20 February 2019

Strathfield – Telstra Payphone	Pty Ltd	20 December 2018	
Telstra Digital Phone	JCDecaux Pty Ltd	Australia 7 June 2018	20 February 2019

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

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

#### 4. **CONSTRUCTION HOURS (GC)**

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

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

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

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

#### 5. **BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)**

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).

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

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

#### 6. **OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

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

(Reason: To maintain public access and safety.)

### **RESOLUTION**

This application be **APPROVED** subject to the recommended conditions contained in the Officer's report.

#### **REASONS:**

The panel agrees with the Planning Officer's report.

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 4  
**SUBJECT:** DA2019/019 - 488 LIVERPOOL ROAD, STRATHFIELD SOUTH  
LOT 2 IN DP 555183  
**DA NO.** DA2019/019

## RECOMMENDATION

That Development Application No. DA2019/019 for the change of content from Telstra Standard Telephone service (STS) advertising to allow for third-party advertising at 488 Liverpool Road, Strathfield South be **APPROVED**, subject to the following conditions.

## SPECIAL CONDITIONS (SC)

### 1. SIGNAGE DISPLAY (SC)

The proposed development must not have/use:

- a) Flashing lights;
- b) Animated display, moving parts or stimulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation'; and
- d) Display resembling traffic signs or signals
- e) A method of illumination that distracts or dazzles
- f) Red or green as dominant colours

(Reason: To ensure road safety along Liverpool Road.)

### 2. SIGNAGE PROXIMITY TO TRAFFIC SIGNALS (SC)

Prior to the operation of the third party advertising content, proof shall be provided of current public liability to \$20 million, noting the interests of the Roads and Maritime, to RMS. This is due to the proposed installation's close proximity to traffic signals.

(Reason: To ensure road safety along Liverpool Road.)

### 3. LIGHTING (SC)

Illumination levels are not to exceed a maximum luminance of 2,500 cd/m<sup>2</sup>.

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

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

### 4. SIGNAGE WORKS

All works associated with the proposed advertisement, including maintenance activities, shall be at no cost to Roads and Maritime Services.

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/019:

Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Municipality of Strathfield – Telstra Payphone	JCDecaux Pty Ltd Australia	30 January 2019	20 February 2019
Telstra Digital Phone	JCDecaux Pty Ltd Australia	7 June 2018	20 February 2019

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

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

**6. CONSTRUCTION HOURS (GC)**

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

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

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

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

**7. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (GC)**

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).

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

**CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)****8. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

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

(Reason: To maintain public access and safety.)

**RESOLUTION**

This application be **APPROVED** subject to the recommended conditions contained in the Officer's report.

**REASONS:**

The panel agrees with the Planning Officer's report.

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 5  
**SUBJECT:** DA2018/165 - 50-52 REDMYRE ROAD, STRATHFIELD - LOT F IN DP 376063  
**DA NO.** DA2018/165

## RECOMMENDATION

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

## SPECIAL CONDITIONS (SC)

### 1. SIGNAGE DIMENSIONS

The replacement signage shall have a maximum height of 2.4m above the ground level within the garden bed with the width of 1.5m. There shall be no signage between natural ground level to the height of 1.2m above it.

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

### 2. LOCATION OF SIGNAGE

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

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

### 3. SIGNAGE SETBACK

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

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

### 4. SIGNAGE DISPLAY

The proposed development must not have/use:

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

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

## GENERAL CONDITIONS (GC)

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

The development, except where modified by a condition(s) of consent, is to be carried out

in accordance with the following plans and reference documentation:

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

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

#### 6. CONSTRUCTION HOURS (GC)

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

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

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

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

#### 7. LIGHTING (GC)

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

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

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

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

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

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

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

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

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

#### 9. WASTE MANAGEMENT PLAN (CC)

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

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

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

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

(Reason: To ensure appropriate management of waste.)

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

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

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

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

#### **11. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)**

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

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

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

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

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

(Reason: To maintain public access and safety.)

### **RESOLUTION**

This application be **APPROVED** subject to the conditions contained in the report as amended by the Panel.

#### **REASONS:**

**The Panel agrees with the Planning Officer's report and has amended 'Special Condition 1' to enhance driveway safety.**

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 6  
**SUBJECT:** ADDENDUM REPORT - DA NO. 2018/041 - 81-85 ALBERT ROAD AND 58 BERESFORD ROAD, STRATHFIELD - LOT 2, 7 & 8 DP 20594  
**DA NO.** DA2018/041

## 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 satisfied that compliance with the development standard contained in Clause 4.3 (Building Height) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

In consideration of the written request made by the applicant pursuant to State Environmental Planning Policy No 1 – Development Standards, the consent authority is satisfied that compliance with the development standard contained in Clause 40(4) of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

That Development Application No. 2018/041 for the alterations and additions to the existing aged care facility involving the demolition of the dwelling at 58 Beresford Road, and construction of a new community building as well as partial demolition of the existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities at 81-85 Albert Road and 58 Beresford Road be **APPROVED**, subject to the following conditions:

### 1. DEFERRED COMMENCEMENT CONDITIONS (DC)

#### 1.1 DEFERRED COMMENCEMENT APPROVAL

This is a Deferred Commencement Consent under Section 4.16(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 twelve (12) 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).

(Reason: A deferred commencement consent stipulates conditions that must be satisfied before the consent operates in accordance with Section 4.16(3) of the EP&A Act 1979)

#### SCHEDULE A

##### D1 AMENDED PLANS

The building located on Beresford Road is to be deleted and amended plans which reflect its deletion are to be submitted to Council. Amended plans include:

- Full set of Architectural plans;
- Landscape plans which incorporate additional landscaping across the portion of the rear boundary (No.81-85 Albert Road, Strathfield) shared with No.58 Beresford Road;
- Detailed Stormwater Management Plan consistent with Council's Stormwater Management Code, prepared and certified by a practicing Chartered Professional

Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia with updated calculations.

The above listed documents are to be submitted to the Council for approval.

(Reason: To delete the Beresford Road building from the proposal and ensure adequate landscaping and stormwater management is provided by the remainder of the site.)

## **D2 UPPER LEVEL OF EASTERN PORTION OF ALBERT ROAD BUILDING**

The second level of the eastern portion of the Albert Road building, for the extent to which the building is located on R2 zoned land, is to be set in no less than 2500mm on the eastern and southern elevations and comprise an attic-style built form such that the scale and built element of the uppermost level and roof element remains recessive to the levels immediately below.

Amended plans satisfying the requirements of this condition are to be submitted to and approved by Council.

(Reason: To improve the height and building form transition between the R2 and R3 zoned land.)

## **D3 SCHEDULE OF MATERIALS AND COLOURS**

A revised schedule of materials, finishes and colours is to be submitted to the Council for approval. The amended schedule of materials, finishes and colours is to increase the extent of face brick on the front façade of the building fronting Albert Road, and reconsider the extent, colour and quality of the CFC panels.

(Reason: To improve the appearance of the building within the streetscape, to positively respond to the character of the surrounding area and adjacent heritage listed buildings.)

## **D4 LANDSCAPING PLAN**

A revised Landscaping Plan is to be submitted to the Council for approval. The Landscape Plan is to include:

- The planting of a minimum of three (3) additional trees with a minimum mature height of 10 metres at the northern end of the landscape strip adjacent to the south-western side boundary; and
- Planting of substantial plants along the eastern side boundary shared with No. 79 Albert Road, Strathfield to provide privacy screening.

(Reason: To increase the extent of substantial soft landscaping across the site and to improve the amenity of neighbouring properties.)

## **2. SPECIAL CONDITIONS (SC)**

### **2.1 STAINED GLASS WINDOW (SC)**

The 1891 stained glass window identified for reuse in the new building must be removed with great care to avoid damage, where possible, to the glazing units or the spread of hazardous materials arising from any degraded lead cames. The applicant must seek the advice of a stained glass conservator familiar with historic stained glass regarding the appropriate removal, handling, remediation, storage and restoration of the stained glass window. This advice must be sought prior to the issue of the Construction Certificate or the

commencement of works on the site, whichever occurs first.

(Reason: *To protect significant elements and achieve a good heritage outcome*)

## **2.2 INTERPRETATION (SC)**

The historical development of Agincourt is to be the subject of interpretation by the use of introduced devices (e.g. plaques, signage) that illustrate the history and development of the site. Details of the interpretative devices to be installed must be submitted to Council prior to the issue of the Construction Certificate.

(Reason: *To ensure that appropriate interpretation of "Agincourt" is included in the new development*)

## **2.3 TREE REMOVAL METHOD (SC)**

Trees 7, 15-21 and 35 are noted to contain hollows suited to habitation by arboreal fauna;

1. The removal of these trees is to be conducted in a manner that will not harm any fauna that may be present,
2. A registered wildlife carer is to be on-site during the removal of these trees to manage any fauna that may be displaced,
3. Hollow sections of trunks and branches are to be retained within the proposed landscape to provide shelter for ground dwelling fauna.

(Reason: *To protect habitation by arboreal fauna.*)

## **2.4 NOISE MITIGATION (SC)**

All plant and machinery on-site must have broadband quakers where work health and safety is appropriately considered to reduce noise nuisances to neighbouring properties.

(Reason: *To minimise noise impacts to neighbouring properties.*)

## **2.5 DELIVERIES (SC)**

Deliveries during demolition and construction must occur during hours of operation.

(Reason: *To minimise traffic impacts and amenity impacts to neighbours.*)

## **2.6 LOADING AND UNLOADING (SC)**

All loading and unloading is to occur on the premises. There is to be no loading or unloading on the street or within driveways.

(Reason: *To ensure safety on the site, and to minimise traffic impacts.*)

## **2.7 DUST NUISANCE MITIGATION (SC)**

The site is sealed/ adequately vegetated to reduce dust nuisances during demolition,

construction and ongoing use. If dust nuisance complaints are received, the business must implement and apply dust mitigation procedures where appropriate.

(Reason: To minimise adverse dust impacts.)

## 2.8 SEDIMENT AND EROSION CONTROL MEASURES (SC)

All sediment and erosion control measures must comply with Soil and Construction Volume One; Managing Urban Stormwater March 2004.

(Reason: To minimise adverse dust impacts.)

## 3. GENERAL CONDITIONS (GC)

### 3.1 APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/041:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA-1	Site Analysis Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-2	Site & Roof Plan	GMD Architects	C – 22.03.2019	22 March 2019
DA-3	Existing/ Demolition Plans	GMD Architects	B – 08.10.2018	22 March 2019
DA-4	Ground Floor Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-5	First Floor Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-6	Second Floor Plan	GMD Architects	B – 08.10.2018	22 March 2019
DA-7	Lower Ground Floor Plan	GMD Architects	C – 22.03.2019	22 March 2019
DA-8	Elevations 1	GMD Architects	B – 08.10.2018	22 March 2019
DA-9	Elevations 2	GMD Architects	C – 19.03.2019	22 March 2019
DA-10	Sections	GMD Architects	B – 08.10.2018	22 March 2019
DA-13	Streetscape Elevation Albert & Beresford Rd	GMD Architects	B – 08.10.2018	22 March 2019
DA-14	Existing and Proposed Landscaping	GMD Architects	B – 08.10.2018	22 March 2019
LP01	Landscape Plan 01	Landscape Architecture	Issue D	16 October 2018

		Pty Ltd		
LP02	Landscape Plan 02	Landscape Architecture Pty Ltd	Issue D	16 October 2018
LP03	Sensory Garden & Schedule	Landscape Architecture Pty Ltd	Issue D	16 October 2018
LP04	Communal Garden	Landscape Architecture Pty Ltd	Issue D	16 October 2018
SW01	Site and Roof Plan	Sparks & Partners	Rev A	29 March 2018
SW02	Lower Ground Floor Plan	Sparks & Partners	Rev A	29 March 2018
SW03	Ground Floor Plan	Sparks & Partners	Rev A	29 March 2018
SW04	First Floor Plan	Sparks & Partners	Rev A	29 March 2018
SW05	58 Beresford Plans	Sparks & Partners	Rev A	29 March 2018
SW06	Detail Sheet No. 1	Sparks & Partners	Rev A	29 March 2018
SW07	Erosion & Sediment Control Plan	Sparks & Partners	Rev A	29 March 2018
SW08	WSUD Catchment Plan	Sparks & Partners	Rev A	29 March 2018

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/041:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Accessibility Design Report	ABE Consulting	Dated 27 February 2018	29 March 2018
Acoustic Report	Vipac Engineers & Scientists Limited	Dated 8 March 2018	29 March 2018
Arboricultural Impact Report	Above All Tree Services	Dated 1 March 2018	29 March 2018
Heritage Impact Statement	John Oultram Heritage & Design	Dated March 2018	29 March 2018
Water Sensitive Urban Design Report	Sparks & Partners	Dated 15 December 2017	29 March 2018
Waste Management Plan	Jesmond Aged Care	Dated 30 January 2018	29 March 2018
Staging & Construction Management Report	GMD Architects Pty Ltd	Dated 22 January 2018	29 March 2018
Flood Risk Management Report	Sparks & Partners	Dated 16 February 2018	29 March 2018
Construction Traffic Management Plan	ML Traffic Engineers	Dated February 2018	29 March 2018
Traffic & Parking Impact	ML Traffic Engineers	Version 1b	16 October 2018
Plan of Management	McKenzie Land	-	22 March 2019

(section 3.0 of Additional Supplementary Information)	Planning Services Pty Limited		
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In the event of any inconsistency, the conditions of this consent shall prevail.  
 (Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

**3.2 CONSTRUCTION HOURS (GC)**

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

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

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

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

**3.3 CONSTRUCTION WITHIN BOUNDARIES (GC)**

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

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

**3.4 DEMOLITION – GENERALLY (GC)**

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

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

**3.5 DEMOLITION - SITE SAFETY FENCING (GC)**

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

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing 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.)

### 3.6 LANDSCAPING - TREES REMOVALS AND REPLACEMENTS (GC)

Trees numbered 4-9, 13, 15-25, 27-31, 35-36 and 40 in the approved Arboricultural Report have been assessed as low to medium retention value and are recommended for removal as part of the proposed works.

A minimum of eight (8) replacement trees that will attain a minimum height of 10 metres at maturity, are to be planted within the site and additionally one (1) replacement *Lophostemon confertus* (Brush Box) is to be planted within the area available following the removal of the existing driveway to the north-eastern section of the Albert Road frontage.

All trees permitted to be removed by this consent shall be replaced (two (2) trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of ten (10) metres.

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.

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.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

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.

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.)

### 3.7 ENVIRONMENTAL PROTECTION – TREE (GC)

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, 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.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management ) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

### 3.8 LANDSCAPING - TREE PROTECTION (GC)

Trees numbered 1, 2, 3, 10-12, 14, 26, 32-34, 37-39 and 41-67 in the approved

Arboricultural Report are to be retained and protected as part of the proposed works. Tree protection measures are as follows:

- a. All development and construction documentation to be amended to show the retention of trees numbered 1, 2, 3, 10-12, 14, 26, 32-34, 37-39 and 41-67, including accurate location of the trunk, canopy circumference and Tree Protection Zone (TPZ).
- b. Except for the proposed basement access stairs, the area between the building and the north-eastern property boundary and the area to the east of tree number 14, are to be treated with soft landscape works including planting and permeable paving on or above existing grade. Footings for proposed seats and gazebo within TPZ areas are to be excavated by hand or Airspade under the supervision of a minimum AQF Level 5 Arborist, and adjusted where necessary to avoid the severing of tree roots greater than 50mm diameter.
- c. The proposed driveway adjacent to tree number 41 is to be constructed on or above existing grade.
- d. All proposed storm water and underground services proposed within the TPZ areas for trees numbered 11, 14 and 42 are to be installed using Airspade, hand excavation under the supervision of a minimum AQF Level 5 Registered Arborist. The Arborist is to cleanly sever the tree roots less than 50mm diameter using sharp sterilised secateurs or hand saw. Where roots greater than 50mm in diameter are encountered the Arborist is required to make a decision for either severing of the tree root or adjustment to the relocation of the proposed service.
- e. The existing boundary fences are to remain in place for the duration of the works to act as tree protection fencing for trees to be retained within adjoining properties.
- f. Proposed silt fence locations are to be adjusted to go around the perimeter of the fenced tree protection areas for trees numbered 3 and 14.
- g. Prior to the commencement of works on site, tree protection fencing using 1.8 metre high chainmesh fence with 50mm posts will be required to be installed in the locations shown at Appendix D – Tree Impact & Protection Plan. Signs will be required to be placed on the fences and are to clearly identify the areas as Tree Protection Areas and supply the name and contact details for the Project Arborist.

The following activities should not be undertaken within the fenced tree protection areas for the trees: driving of vehicles or plant, excavation, storage of materials or fill, preparation of chemicals and cement products, dumping of waste and/or wash down or cleaning of equipment.

Tree protection fencing is to be removed at the completion of building construction works to allow for the installation of fencing, soft landscaping and permeable paving within the TPZ areas.

- h. Any excavations for approved works within marked TPZ's for trees to be retained will be required to be undertaken by hand or using Airspade and supervised by a minimum AQF Level 5 Arborist. No roots larger than 50mm diameter are to be severed without prior approval from the Project Arborist. Any smaller roots that are required to be severed are to be cleanly cut using a sterilised hand saw or secateurs.

(Reason: To ensure tree preservation and pruning is undertaken in accordance with AS4373:2007 – Pruning of amenity trees.)

### 3.9 LIGHTING (GC)

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

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

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

### 3.10 PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

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

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

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

(Reason: Statutory requirement.)

### 3.11 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:

All demolition is to be carried out in accordance with Australian Standard AS 2601-2001. Demolition must be carried out by a registered demolition contractor.

A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.

No blasting is to be carried out at any time during construction of the building.

Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.

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.

Any demolition and excess construction materials are to be recycled wherever practicable.

The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.

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.

All waste must be contained entirely within the site.

A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.

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.

Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.

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.

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.

Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

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.

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.

Any work must not prohibit or divert any natural overland flow of water.

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.)

### **3.12 WASTE – TRACKABLE (GC)**

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.)

### **3.13 CLASSIFICATION OF WASTE (GC)**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part

1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Council and/or Principal Certifying Authority prior to the issue of an occupation certificate. Where an occupation certificate is not required this evidence must be provided to the satisfaction of Council.

(Reason: To ensure compliance with legislation.)

### **3.14 HAZARDOUS GOODS AND WASTE (GC)**

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.

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.

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.)

### **3.15 SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)**

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

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

(Reason: Compliance with Sydney Water requirements.)

### 3.16 UTILITIES AND SERVICES - PROTECTION OF (GC)

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.)

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

### 4.1 ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

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

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

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

### 4.2 ACCESS - DISABLED TOILETS (CC)

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

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

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

#### **4.3 BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

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

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

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

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

#### **4.4 CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)**

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

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) 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.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

#### **4.5 CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

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

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom

- clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
  - iv) Location of verge trees, street furniture and service installations.
  - v) Superimposition of vehicle turning circles for access into parking spaces.
  - vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

#### **4.6 CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)**

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

#### **4.7 CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)**

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

#### **4.8 CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)**

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDPC 2005.)

#### **4.9 VEHICULAR CROSSINGS (CC)**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/ or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

#### **4.10 COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)**

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

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

(Reason: To ensure compliance with statutory provisions.)

#### **4.11 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)**

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;

- preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
    - The Work Health and Safety Act 2011;
    - The Work Health and Safety Regulation 2011;
    - How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
    - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
  - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
  - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
    - the date and time when asbestos removal works will commence;
    - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - the full name and license number of the asbestos removalist/s; and
    - the telephone number of WorkCover's Hotline 13 10 50
 warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
    - appropriate barricades installed as appropriate to prevent public access and

prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

##### Works Permit

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

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

##### Standing Plant Permit

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

##### Skip Bin Permit

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

##### Temporary Full or Part Road Closure Permit

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

##### Hoarding/Fencing Permit

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

##### Work Zone Permit

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

##### Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if

it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

#### **4.13 DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

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

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

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

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

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

#### **4.14 DRIVEWAY WIDTH**

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.)

#### **4.15 DRIVEWAY DESIGN - SPEED HUMP AND STOP SIGN ON EXIT (CC)**

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement, prior to the issue of a Construction Certificate.

(Reason: Traffic safety and management.)

#### 4.16 EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

#### 4.17 EXCAVATION - AFFECTING ADJOINING LAND (CC)

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

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

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

(Reason: Structural safety.)

#### 4.18 FIRE SAFETY SCHEDULE (CC)

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

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

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

#### **4.19 FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)**

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by Sparks and Partners Consulting Engineers rev 1 ref no. 17032 dated 16 February 2018. 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.)

#### **4.20 GEOTECHNICAL REPORT (CC)**

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geotechnician and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:

- i) an indication of the nature and depth of any uncontrolled fill at the site;
- ii) an indication of the nature and condition of the material to be excavated;
- iii) indications of groundwater or seepages;
- iv) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- v) a statement of required excavation methods in rock and measures required to restrict ground vibrations; and
- vi) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety.)

#### **4.21 NOISE – VIBRATION (CC)**

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

(Reason: Noise attenuation.)

**4.22 NOISE – PLANT (CC)**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

(Reason: Safety and amenity.)

**4.23 NOISE – CONSTRUCTION CC)**

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

**4.24 SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	<b>\$187,332.82</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 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

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

#### **4.25 SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of **\$33,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

#### **4.26 STORMWATER DRAINAGE (CC)**

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) 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
- iv) 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.

(Reason: To ensure the site is drained appropriately and does not interfere with the

natural flow of flood waters.)

#### **4.27 HERITAGE - SUBMISSION OF PHOTOGRAPHIC SURVEY (CC)**

A photographic archival record is to be made of remains of the house "Agincourt" (including the interiors and exteriors and their setting) in accordance with NSW Heritage Council Guidelines 'Photographic Recording of Heritage Items Using Film or Digital Capture' prior to commencement of works or any demolition works. The record is to include measured drawings of the existing buildings. Two copies are to be submitted to Council's satisfaction prior to the issue of a Construction Certificate. Written confirmation that the Council reserves the right to use the photographs for its own purposes and genuine research purposes is also to be included.

(Reason: To provide a historic record of heritage significant works on the site for archival purposes.)

#### **4.28 TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)**

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- 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.)

#### **4.29 TREE BONDS (CC)**

A tree bond of **\$83,500** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

#### **4.30 VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

#### **4.31 VENTILATION SYSTEMS – MECHANICAL (CC)**

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997; and

- iii) Australian Standard AS1668-1991.

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

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

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

#### **4.32 WASTE AND RECYCLING STORAGE ROOMS (CC)**

Waste (including grease arrestor rooms) and recycling storage rooms must meet all of the following conditions:

- i) The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins
  - 240L bin must have 1.1m<sup>2</sup> of space per bin
  - 660L bin must have 2.03m<sup>2</sup> of space per bin
- ii) The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- iii) A smooth concrete floor graded and drained to a floor waste connected to the sewer of the Water Board.
- iv) The walls being cement rendered with the intersection of the walls and floor being coved to a radius of not less than 25mm.
- v) The door being close fitting to prevent the access of rats and mice.
- vi) A cold water hose cock being provided for the cleaning of containers and the room itself.
- vii) Ventilation being provided by means of direct connection to the outside air to the satisfaction of the Principal Certifying Authority.
- viii) The ceiling of all waste storage rooms must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be a minimum of 2.4m high to accommodate Councils standard bins. This enables access for use, cleaning and enables the lids of bins to be fully opened.
- ix) Contain a sign, minimum size 600mm x 600mm, directing staff and residents not to place recyclables in garbage carts and encouraging residents to recycle. Sample artwork and signs available from Council.
- x) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities.
- xi) A caretaker or individual(s) shall be nominated as being responsible for transferring the bins to the collection point and back into the waste storage room/area.
- xii) Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

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

#### **4.33 ONSITE WASTE COLLECTION**

Onsite waste and recycling collection is to be provided, all onsite collection areas must

meet the following conditions:

- i) Minimum vehicle access and standing area dimensions:
  - Width 3.6m
  - Height 3.6m
  - Length 12.5m
  - Path of travel of waste collection vehicle must be identified on plans; ensure turning circle, height and width requirements are met throughout entire path of travel.
- ii) Maximum grade of ramps and driveway 1:5 (20%) suitable for collection vehicle access.
- iii) Waste collection area must have room for all waste receptacles and the waste collection vehicle.
- iv) Applicant can select between either of the following:

Underground collection

- A waste collection point is to be provided within the first level of the basement.
- Vehicles must enter and exit the site in a forward direction.
- Collection area can be a loading dock or specialised waste collection area

**OR**

At-grade collection

- A waste collection point is to be provided:
  - behind the front building line,
  - alongside the driveway into the site.
  - Collection vehicles may access the at grade collection point in a forward or backwards direction and exit in a forward direction only (waste vehicles must not reverse along a main road).
- v) Collection vehicles must not impede access to, within or from the site for other users.
- vi) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area) should be clearly identified.
- vii) The waste collection point shall be no more than 15m from the property boundary at the street.
- viii) There should be convenient and step free access between the waste storage room/area and the collection point.
- ix) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.
- x) The collection area must be designed so that there is sufficient room for the standing and manoeuvring of all waste receptacles as well as standing room for the collection vehicle.
- xi) Any shutter or roller door providing access to the site/waste collection point must be fitted with a master key to Council's requirements to allow access.

(Reason: To ensure an efficient and effective collection system.)

#### **4.34 WORKS WITHIN THE ROAD RESERVE (CC)**

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under

Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

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

Pruning of the branches and roots of Council trees is prohibited unless approved by Council in writing.

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

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

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

All civil engineering works adjacent/near/outside 81-85 Albert Road, Strathfield and 58 Beresford Road, Strathfield 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.)

#### **4.35 WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)**

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

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

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

(Reason: Council requirement.)

#### **4.36 DUST CONTROL (CC)**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays

shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Council should it fail to adequately control any dust nuisance.

#### Major Works

The following measures must be implemented (in part or in total) as directed by Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by Council.

(Reason: Environmental amenity.)

#### **4.37 PREVENTION OF NUISANCE (CC)**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity.)

### **5. CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)**

#### **5.1 APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

- a contractor licence if any residential building work is involved;
  - notified the principal certifying authority of such appointment; and
  - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the 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.)

## 5.2 NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

### 6.1 CONTAMINATED LAND UNEXPECTED FINDS (DW)

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

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

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

(Reason: To ensure compliance with statutory requirements.)

## 6.2 FILL MATERIAL (DW)

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

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

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

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

## 6.3 HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)

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

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

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

## 6.4 OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)

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

(Reason: To maintain public access and safety.)

## 6.5 PUBLIC INFRASTRUCTURE AND SERVICES (DW)

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

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

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**7. CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (OC)****7.1 CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

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

(Reason: Maintenance of public infrastructure.)

**7.2 CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)**

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.)

**7.3 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.)

**7.4 FIRE SAFETY CERTIFICATION (OC)**

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

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

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

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

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

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

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

(Reason: Fire safety and statutory requirement.)

## **7.5 RAINWATER TANKS (OC)**

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

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

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

(Reason: To protect public health and amenity.)

## **7.6 STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)**

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

(Reason: Adequate stormwater management.)

### 7.7 VENTILATION SYSTEMS – MECHANICAL (OC)

The mechanical ventilation system is to comply with the following:

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

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

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

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

### 7.8 ACOUSTIC ASSESSMENT (OC)

All recommendations contained in the approved acoustic assessment report prepared, shall be adopted, implemented, and adhered to.

The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the above stated report have been completed 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 outcome will require a further assessment and a copy of this further report shall be provided to the PCA for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

(Reason: Noise control and amenity.)

### 7.9 POLLUTION CONTROL (OC)

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:

- (a) all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- (b) all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- (c) the repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
  - (i) retained for recycling; or
  - (ii) disposed of in accordance with the requirements of Sydney Water;
- (d) all paints, chemicals and other liquids shall be stored in approved receptacles which

- are to be housed in a suitably constructed bunded area;
- (e) no spray painting of vehicles shall take place outside the spray booth; and
  - (f) appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

(Reason: Environmental protection.)

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

### **8.1 DELIVERIES (OU)**

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

(Reason: To control noise impacts.)

### **8.2 FIRE SAFETY ANNUAL STATEMENT (OU)**

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

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

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

(Reason: Fire safety.)

### **8.3 FOOD PREMISES - ONGOING USE OF (OU)**

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

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

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

### **8.4 LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY (OU)**

All loading and unloading operations including fork lift trucks or other similar loading,

lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)

#### **8.5 NOISE - COMPLAINTS RELATING TO USE OR MACHINERY (OU)**

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

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

(Reason: Noise control and amenity.)

#### **8.6 NOISE - COMPLIANCE WITH ACOUSTIC ASSESSMENT REPORT (OU)**

All recommendations contained in the approved Acoustic Assessment Report prepared by Vipac Engineers & Scientists Limited 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.)

#### **8.7 POLLUTION - COMPLIANCE WITH PEOA 1997 GENERALLY (OU)**

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

(Reason: Environmental protection.)

#### **8.8 VISITOR PARKING RESTRICTION (OU)**

All visitor parking spaces must not at any time be allocated sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation.

(Reason: Compliance with approved visitor parking provision.)

## 8.9 WASTE AND RECYCLING COLLECTION (MUNICIPAL) (OU)

- i) The collection of waste and recycling must only occur between 5:00am and 7:00pm weekdays, weekends and public holidays, to avoid noise disruption to the surrounding area (modifications may be made to this condition at Councils discretion).
- ii) Garbage, Garden Waste and Recycling must not be placed on the kerbside for collection more than 12 hours prior to collection day.
- iii) Garbage, Garden Waste and Recycling must not be left kerbside for longer than 12 hours after collection (unless advised by Council).
- iv) The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the premises, all garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.
- v) Each dwelling shall be provided with an area to be used to store Council's standard garbage, garden waste and recycling containers with such area not visible from the street and easily accessible to all dwelling occupiers (Multi Dwelling Housing Developments may utilise communal bin storage).
- vi) Council's standard garbage, garden waste and recycling containers must be present on the property prior to OC

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

## 9. ADVISORY NOTES

Please note: the following may not apply to all consents.

### 9.1 DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision or essential services and significant costs. If you are aware of any works or proposed work s

which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

## **9.2 DIVIDING FENCES**

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

## **9.3 LAPSING OF CONSENT**

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.

## **9.4 OWNER BUILDERS**

Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner-builder permit from the Office of Fair Trading (refer [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)).

## **9.5 PROCESS TO MODIFY A CONSENT**

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979. The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

## **9.6 REVIEW OF DETERMINATION**

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979(as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

### 9.7 RIGHT OF APPEAL

Section 8.3 of the Environmental Planning and Assessment Act 1979, gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

### 9.8 SIGNAGE APPROVAL

A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'exempt development'.

### 9.9 SKIPS ON COUNCIL FOOTPATH

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro -rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

### 9.10 WORKCOVER REQUIREMENTS

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry. Further information can be obtained from WorkCover NSW's website.

## **RESOLUTION**

That Development Application No. DA2018/041 for the alterations and additions to the existing aged care facility involving the demolition of the dwelling at 58 Beresford Road, and construction of a new community building as well as partial demolition of the existing aged care facility and construction of a new three (3) storey care wing with new car parking facilities at 81-85 Albert Road and 58 Beresford Road be **REFUSED**, pursuant to *Section 4.15(1)(a)(i)(iii)(b)(d)&(e) of the Environmental Planning and Assessment Act, 1979* and for the following additional reasons:

1. The panel finds that the written request under State Environmental Planning Policy No. 1 Development Standards is not well founded in terms of the variation of the height development standard set out in Chapter 3, Part 4, Clause 40(4)(a) and (b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

2. The written request received by Council on the 22 March 2019 made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012 to vary the height development standard contained in Clause 4.3 of the Strathfield Local Environmental Plan 2012 is not well founded and there are insufficient planning grounds to justify contravening the standard.
3. The proposal does not result in the efficient and spatially appropriate use of land, as it results in the potential for isolation of No.60 Beresford Road, and thereby undermining the neighbouring sites' redevelopment potential. As such, the proposal is contrary to Clause 1.2(2)(b) of the Strathfield Local Environmental Plan 2012
4. The proposal does not align with the desired medium density consolidation pattern for No. 58 and 60 Beresford Road, Strathfield, as set out in Appendix 1 of Part C of the Strathfield Consolidated Development Control Plan 2005
5. The proposal is not of good design, by reason of the excessive height, unarticulated facades, reduced front and side setbacks to existing, unsuccessful height transition between zones, predominate flat roof form and materials and finishes which do not accord with the character of the surrounding area, and thereby does not accord with the aims of Chapter 2, Clause 2(c) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Part Q of the Strathfield Consolidated Development Control Plan 2005.
6. The proposed building height of the Albert Road building is not compatible with the scale of adjacent development, and does not provide a gradual stepping of the built form at its interface with the existing low rise development, thereby contrary to Part Q of the Strathfield Consolidated Development Control Plan 2005 and contrary to the State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004.
7. The proposal does not conserve the significance of the adjacent heritage item, and is contrary to Clause 1.2(2)(f) and Clause 5.10 of the Strathfield Local Environmental Plan 2012, and Clause 33(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
8. The proposal results in unreasonable overshadowing impacts on the adjacent heritage building on Albert Road.
9. The proposed new building is not setback to be sympathetic with the existing predominate building line of properties on the south-eastern side of Beresford Road, and does not accord with the design principle set out in Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
10. The proposed Beresford Road building results in a sense of enclosure and cumulative visual overbearing appearance and overshadowing on the immediate adjoining properties, accordingly it does not comply with Clause 33 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
11. The proposal does not achieve high quality urban form exhibiting design excellence and does not accord with Clause 1.2(2)(a) of the Strathfield Local Environmental Plan 2012
12. The proposal results in the loss of substantial landscaping, and reduces the width of the

landscaping strip adjacent to the south-western side boundary, thereby compromising the ability of substantial landscaping to grow, resulting in an adverse visual impact to the street and neighbouring property at 87-89 Albert Road.

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 7  
**SUBJECT:** PLANNING PROPOSAL - 1-5 UNDERWOOD ROAD, HOMEBUSH  
LOT 100 DP 1042833  
**DA NO.** N/A

## RECOMMENDATION

- A. That the Panel supports the planning proposal set out in Attachment 1 to this report this report and recommends to the Council that the Strathfield LEP 2012 in respect of No 1-5 Underwood Road, Homebush, be amended and submitted to the Department of Planning and Environment for a Gateway Determination to proceed to formal public exhibition that proposes the following:
- i) Amend Schedule 1 of Strathfield LEP 2012 to include the following additional clause:
- 4. Use of certain land at 1-5 Underwood Road, Homebush*
- (1) *This clause applies to land at 1 -5 Underwood Road, Homebush as identified as "Item 4" on the Additional Permitted Uses Map*
- (2) *Development for the purpose of shops is permitted with development consent*
- (3) *Development for the purpose of specialised retail is permitted with development consent*
- B. The Panel recommends to the Council that when requesting a Gateway Determination for the planning proposal, the Council seek delegation of the plan-making steps under section 3.36 of the Environmental Planning and Assessment Act 1979.

## RESOLUTION

- A. That the Panel supports the planning proposal set out in Attachment 1 to this report this report and recommends to the Council that the Strathfield LEP 2012 in respect of No 1-5 Underwood Road, Homebush, be amended and submitted to the Department of Planning and Environment for a Gateway Determination to proceed to formal public exhibition that proposes the following:
- i) Amend Schedule 1 of Strathfield LEP 2012 to include the following additional clause:
- 4. Use of certain land at 1-5 Underwood Road, Homebush*
- (1) *This clause applies to land at 1 -5 Underwood Road, Homebush as identified as "Item 4" on the Additional Permitted Uses Map*
- (2) *Development for the purpose of shops is permitted with development consent*
- (3) *Development for the purpose of specialised retail is permitted with development consent*
- B. The Panel recommends to the Council that when requesting a Gateway Determination for the planning proposal, the Council seek delegation of the plan-making steps under section

3.36 of the Environmental Planning and Assessment Act 1979.

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

\*\*\*\* End Minutes - Report No. 7\*\*\*\*

**TO:** Strathfield Local Planning Panel Meeting - 4 April 2019  
**REPORT:** SLPP – Report No. 8  
**SUBJECT:** PLANNING PROPOSAL- REQUEST BY APPLICANT FOR REVIEW OF RESOLUTION NOS 2-6 PILGRIM AVENUE, 9 ALBERT ROAD AND 11-13 ALBERT ROAD, STRATHFIELD  
**DA NO.** N/A

## RECOMMENDATION

1. *That the Strathfield Local Planning Panel recommends to Council that reconsideration be given to Council's resolution dated 6 November 2019 in relation to the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield.*
2. *That the Strathfield Local Planning Panel recommends to Council that the Planning Proposal to amend Strathfield LEP 2012 in relation to 2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to:*
  - *Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 54m*
  - *Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos.2-6 Pilgrim Avenue, 9 Albert Road and 11-13 Albert Road, Strathfield to 5:1*

*Subject to the following information being provided to, and approved by Council:*

- a) *That a site specific Development Control Plan for Nos 2-6 Pilgrim Avenue, 9 Albert Road and Nos 11-13 Albert Road, Strathfield be prepared to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access, the potential for a pedestrian access link to the railway station, the residential character of Pilgrim Avenue and any other relevant issues.*
- b) *The DCP is to be prepared at the proponent's cost and is to be exhibited prior to the finalisation of the Planning Proposal and is to include provisions relating to the following:*
  - (i) *A total of 60 spaces are to be provided as part of any redevelopment of Site 1 and Site 2 (30 spaces for Site 1 and 30 spaces for Site 2). The parking spaces are to be provided as public parking and wording is to be provided as to how these spaces will be provided to Council as part of any future Development Application; and*
  - (ii) *Provision of access to the car parking areas for both Site 1 and Site 2, if vehicular access is limited to Pilgrim Avenue; and*
  - (iii) *Detailed urban design considerations of any future development of the site including provision of public pedestrian access, built form, boundary setbacks,*

*deep soil areas, tree retention and the provision of tree canopy, vehicular access, the residential character of Pilgrim Avenue and any other relevant issues.*

3. *That a further report on the Planning Proposal be submitted to Council following the public exhibition of the draft DCP.*
4. *That once Council is satisfied that a and b in Point 2 above has been addressed, Council request the Parliamentary Counsel's Office for an Opinion to finalise the Local Environmental Plan under Section 3.36 of the Environmental Planning and Assessment Act 1979.*
5. *That Council write to the Department of Planning & Environment seeking that a provision be incorporated into Strathfield LEP 2012 requesting that a minimum of 5% of the total number of units be provided as affordable housing in Council ownership and consistent with the Eastern City District Plan.*

### **RESOLUTION**

The panel **DEFERS** consideration of this Planning Proposal due to the failure of the Planning Department to carry out the necessary referrals to the State Authorities.

**FOR: Paul Stein, Paul Vergotis, Ian Stapleton, Robert Jolliffe**

**AGAINST: Nil**

\*\*\*\* End Minutes - Report No. 8\*\*\*\*