

# Minutes

Of the meeting of the:

## Strathfield Local Planning Panel Meeting

Held on:

**Thursday, 6 June 2019**

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

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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 6 June 2019.  
The meeting commenced at 10:00am and closed at 12:40pm.

The Public Meeting commenced at 10:00am and closed at 10:54am

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

Jan Murrell- Expert

John Evernden- Expert

Robert Jolliffe- Community

### **ALSO PRESENT**

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

Kandace Lindeberg, Manager, Development Assessment

Lily Parker, Administration Assistant

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

The chair declared a conflict of interest in relation to a Review Application of DA2018/067/01-31

The Crescent, Homebush since he sat on the original decision under review. He did not participate in the site inspection, public meeting and adjudication.

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

**TO:** Strathfield Local Planning Panel Meeting - 6 June 2019  
**REPORT:** SLPP – Report No. 1  
**SUBJECT:** DA2019/024 - 70 PARRAMATTA ROAD, HOMEBUSH  
 LOTS 7 & 8 IN DP 128813  
**DA NO.** DA2019/024

**RECOMMENDATION**

That Development Application No. 2019/024 for hours of operations at the existing Horse and Jockey Hotel at 70 Parramatta Road, Homebush be **APPROVED**, subject to the following conditions:

**SPECIAL CONDITIONS (SC)**

**1. NSW POLICE – CCTV AND ON-SITE SECURITY**

The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:

- (a) The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of the premises that are not required to cease trading, continuously at all times)
- (b) Recordings must be digital format and at minimum of 15 frames per second,
- (c) Any recorded image must specify the time and date of the recorded image,
- (d) The system’s cameras must cover the following areas, all entry and exit points on the premises, the footpath immediately adjacent to the premises, all publicly accessible areas (other than toilets) on the premises,
- (e) The licensee must also keep all recordings made by the CCTV system for at least 30 days, and ensure that at least one member of staff is on the premises at all times who is able to access and fully operate the CCTV system, including downloading and producing recordings of CCTV footage and
- (f) Provide any recordings made by the system to a police officer or inspector with 24 hours of any request by a police officer or inspector to provide such recording.

(Reason: To help ensure the safety of the staff and patrons.)

**2. The venue must utilise the services of a minimum one (1) licensed security guard during the late night trading hours until 30 minutes after the last patron has left.**

(Reason: To ensure the safety and security of the patrons and staff of the venue.)

**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.2019/024:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council

1	Ground Floor Plan	Absolute Design Group Pty Ltd	Issue A	26 February 2019
2	First Floor Plan	Absolute Design Group Pty Ltd	Issue A	26 February 2019

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

4. **HOURS OF OPERATION (GC)**

The hours of operation at the Horse and Jockey Hotel shall be as follows:

	Base Hours	Late Night Hours
Monday to Saturday	10am to 12 midnight	12 midnight to 2am
Sunday and Public Holidays	10am to 10pm	10pm to 12 midnight

Extended Hours – 12 month trial:

- 1) The late night trading hours are subject to a 12 month trial.
- 2) Prior to the commencement of the late night trading hours (subject to a 12 month trial period), the applicant must submit to Council for its approval an acoustic report prepared by a suitably qualified and experienced acoustic consultant and an updated Plan of Management to reflect the recommendations of the acoustic report. The acoustic report must:
  - i) Contain background readings taken in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” long-term measurement. The background readings must include full details on how meteorological conditions were monitored.
  - ii) Background readings must be reported in accordance with NSW EPA Noise Policy for Industry 2017 “Fact Sheet B: Measurement procedures for determining background noise” for long-term measurement.
  - iii) Identify all noise producing aspects of the proposed development.
  - iv) Demonstrate the suitability of any assumptions used in the acoustic report, via the provision of references or validating data.
  - v) Recognise and provide variation for the impact of alcohol on any crowd noise.
  - vi) Identify which areas of the development are indoor areas and outdoor areas.
  - vii) Propose effective and quantifiable noise control measures to control noise emitted from the premises to a levels required in condition– Noise Use (Licenced Premises)

Note: Any smoking gaming rooms with permanent openings are considered outdoor areas while smoking is permitted in the areas. If a room is required to have any doors, windows, louvres or any other structure to be open to allow smoking in the room, the room shall be considered outdoors while smoking is undertaken in the room.

- 3) The 12 month trial period commences from the date of Council’s approval of the Acoustic Report and Plan of Management referred to in Condition 2.
- 4) **DELETED**

A Section 4.55 application to modify or to make permanent the late night trading hours must be lodged 30 days prior to the expiry period. Until the application is determined the premises may continue to trade as per the approved trial hours. If an application is not lodged 30 days prior to the expiry of the trial period, the trading hours will revert to the base trading hours.

A renewal or extension of trading hours that are subject to any trial period may only be permitted if Council is satisfied that the premises has demonstrated good management performance, compliance with a plan of management and consideration of any comments from Police and State Licensing Authorities. .

If the Council determines that the trial period has been unsatisfactory then trading hours will revert to the base trading hours.

(Reason: Residential amenity and to permit a trial period of late night trading hours.)

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

#### **5. PLAN OF MANAGEMENT (OU)**

A final Plan of Management is to be formulated and submitted to Council for approval prior to the commencement of the late night trading hours. The Plan of Management shall be displayed in prominent locations within the premises. The Manager/Publican shall be responsible for ensuring that the terms of the Plan are adhered to at all times.

The Plan of Management must incorporate the following:

- i) Recommendations of any Council approved Acoustic Report.
- ii) All the measures to be implemented on the premises in terms of safety & security and amenity of surrounding residential properties including but not limited to matters relating to hours of operation, patron capacity, security staff and their responsibilities, training of staff in responsible service of alcohol procedures, control of amplified music and live band performances etc.
- iii) CCTV and on-site security measures in accordance with Special Condition No. 1.
- iv) All the responsibilities of the Manager particularly with respect to co-ordination of security measures, training and management of staff, and co-ordination of any matters involving the NSW Police Service.
- v) An Incident Register shall be maintained by the Manager and shall be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately.
- vi) Complaint handling procedure if a noise complaint is received.
- vii) Prior to commencement of the use, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Manager so that any surrounding property owner/occupier wishing to raise issues regarding the operation of the premises etc. can access the management of the premises promptly.

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

#### **6. LICENSED PREMISES - NOISE REQUIREMENTS (OU)**

The use and operation of the premises and equipment shall comply with the following at all times:

- i) Must not emit a sound pressure level when measured at the boundary of any other residential property between 7:00am and 12:00 midnight that exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as

a LAeq 15 minute.

- ii) The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) by more than 5dB between 7:00 AM and 12:00 midnight at the boundary of any affected residence.
- iii) The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz- 8 kHz inclusive) between 12:00 midnight and 7:00 AM at the boundary of any affected residence.
- iv) Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 AM.

(Reason: Noise control and amenity)

#### 7. **NOISE – GENERAL (OU)**

The use of the premises shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW).

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. **NOISE - SIGNAGE TO PATRONS EXITING THE PREMISES (OU)**

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

(Reason: Public interest.)

### **RESOLUTION**

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

### **REASONS:**

The Panel agrees with the Planning Officer's report and notes that the recommended conditions of consent, including a 12 month trial period, are accepted by the applicant. The panel also notes that there were no public submissions.

**FOR: Paul Stein, Jan Murrell, John Evernden, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 6 June 2019  
**REPORT:** SLPP – Report No. 2  
**SUBJECT:** DA2014/142/03 - 482 LIVERPOOL ROAD, STRATHFIELD SOUTH  
LOT A IN DP 324632  
**DA NO.** DA2014/142/03

## **RECOMMENDATION**

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modifications to Development Consent No. 2014/142 involving the extension of hours of operation at 482 Liverpool Road, Strathfield South be **APPROVED**, subject to:

1. The original conditions of consent of DA2014/142 as approved by Council on 15 December 2014 for alterations to the existing Crossways Hotel;
2. As modified by the Section 96(1A) application (DA2014/142/02) as approved by Council on 19 November 2015 involving the internal reconfiguration of the bar area, replacement of existing windows, reconfiguration of entries from Liverpool Road, demolition of the existing garage and construction of an amenities block and children's play area; and
3. As modified by the Section 4.55(2) application (DA2014/142/03) as follows:
  - Amendment to Condition No. 7 regarding hours of operation;
  - Addition of Condition No. 7A regarding noise and
  - Addition of Condition No. 35 and 36 regarding CCTV and on-site security.

## **PART B - OTHER CONDITIONS**

### **Plans**

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

Overall General Arrangement Plan DWG NO D.100 Issue A prepared by Luchetti Krelle received by Council 8 July 2015

External Elevations DWG NO D.200 Issue A prepared by Luchetti Krelle received by Council 8 July 2015

External Elevations DWG NO D.201 Issue A prepared by Luchetti Krelle received by Council 8 July 2015

External Elevations DWG NO D.202 Issue A prepared by Luchetti Krelle received by Council 8 July 2015

External Elevations DWG NO D.203 Issue A prepared by Luchetti Krelle received by Council 8 July 2015

External Finishes Schedule Revision A prepared by Luchetti Krelle received by Council 13 November 2015.

Waste Management Plan received by Council 29 September 2014.

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

### General

5. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works
6. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit**. If the additional fee is not paid it will be deducted from the damage deposit.

### Site Operation

7. The hours of operation of the Crossways Hotel shall be as follows:

	Base Hours	Extended Hours
Monday to Thursday	5am to 12 midnight	-
Friday and Saturday	5am to 12 midnight	12 midnight to 2am
Sunday and Public Holidays	10am to 10pm	10pm to 12 midnight

#### Extended Hours – 12 month trial:

- 1) The late night trading hours are subject to a 12 month trial.
- 2) Prior to the commencement of the late night trading hours (subject to a 12 month trial period), the applicant must submit to Council for its approval an acoustic report prepared by a suitably qualified and experienced acoustic consultant and an updated Plan of Management to reflect the recommendations of the acoustic report. The acoustic report must:
  - i) Contain background readings taken in accordance with NSW EPA Noise Policy for Industry 2017 "Fact Sheet B: Measurement procedures for determining background noise" long-term measurement. The background readings must include full details on how meteorological conditions were monitored.
  - ii) Background readings must be reported in accordance with NSW EPA Noise Policy for Industry 2017 "Fact Sheet B: Measurement procedures for determining background noise" for long-term measurement.
  - iii) Identify all noise producing aspects of the proposed development.
  - iv) Demonstrate the suitability of any assumptions used in the acoustic report, via the

provision of references or validating data.

- v) Recognise and provide variation for the impact of alcohol on any crowd noise.
- vi) Identify which areas of the development are indoor areas and outdoor areas.
- vii) Propose effective and quantifiable noise control measures to control noise emitted from the premises to a levels required in condition– Noise Use (Licenced Premises)

Note: Any smoking gaming rooms with permanent openings are considered outdoor areas while smoking is permitted in the areas. If a room is required to have any doors, windows, louvres or any other structure to be open to allow smoking in the room, the room shall be considered outdoors while smoking is undertaken in the room.

- 3) The 12 month trial period commences from the date of Council's approval of the Acoustic Report and Plan of Management referred to in Condition 2.

4) **DELETED**

A Section 4.55 application to modify or to make permanent the late night trading hours must be lodged 30 days prior to the expiry period. Until the application is determined the premises may continue to trade as per the approved trial hours. If an application is not lodged 30 days prior to the expiry of the trial period, the trading hours will revert to the base trading hours.

A renewal or extension of trading hours that are subject to any trial period may only be permitted if Council is satisfied that the premises has demonstrated good management performance, compliance with a plan of management and consideration of any comments from Police and State Licensing Authorities. .

If the Council determines that the trial period has been unsatisfactory then trading hours will revert to the base trading hours.

- 7A. The use and operation of the premises and equipment shall comply with the following at all times:

- i) Must not emit a sound pressure level when measured at the boundary of any other residential property between 7:00am and 12:00 midnight that exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
- ii) The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) by more than 5dB between 7:00 AM and 12:00 midnight at the boundary of any affected residence.
- iii) The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz- 8 kHz inclusive) between 12:00 midnight and 7:00 AM at the boundary of any affected residence.
- iv) Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 AM.

- 8. The delivery and despatch of goods, material and the like to and from the premises shall only

take place between the hours of 7am to 7pm, Monday to Saturday and 10am to 5pm, Sunday.

9. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the installation** thereof.
10. No flashing lights or flashing animated signs shall be erected on the property.
11. No advertising flags, banners or the like are to be erected on or attached to the shopfront.
12. No advertising, corporate colours, logos or decal are to be applied or painted or placed within 1 metre of the shopfront windows so as to be visible from outside without the prior written approval of Council.
13. No flashing signage visible from the public way shall be installed.
14. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the premises.
15. Signs shall be appropriately located within the building and in the car park advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises. The proprietor shall ensure that staff give appropriate directions and take reasonable steps to control noisy and disorderly patrons entering or leaving the premises. In this regard a Plan of Management is to be submitted to the Principal Certifying Authority for approval **prior to the issue of an Occupation Certificate** detailing how this will be implemented and detailing policies on dealing with non-compliant patrons.

### **Construction Matters**

16. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
17. The egress from the apartments above to the street shall be constructed in accordance with the requirements of section D of the national Construction Code. The entry/exist paths shall comply with section D3 & AS1428
18. All construction, demolition and excavation work shall be restricted to 7am and 5pm on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

### **Demolition**

19. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
20. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
21. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
22. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

23. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**

As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:

- (a) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
- (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
- (c) shall ensure the current fire safety schedule is prominently displayed in the building.

### **Food/Kitchen**

24. The fit out, use and operation of the kitchen premises including all preparation and food storage areas shall comply with the Australian/New Zealand Food Safety Standards Code and relevant standards. Details shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**

**Note:** Copies of the Code are available from the Food Standards Australia New Zealand website at <http://www.foodstandards.gov.au/>

25. Food premises registration (for inspection purposes) must be obtained from Council **prior to the issue of an Occupation Certificate and/or use of the premises.**
26. Plans and specifications showing details of all mechanical ventilation systems shall be submitted to the Principal Certifying Authority and approval obtained **prior to the issue of a Construction Certificate.**

### **Disabled Access**

27. Access to the building for persons with disabilities shall be in accordance with the requirements of the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
28. Sanitary facilities for persons with disabilities shall be provided in the building in accordance with the Building Code of Australia and the relevant standards. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

### **Waste Management**

29. 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.
30. A maximum of ten (10) employees are permitted to operate the site at any one (1) time.
31. The hours of use for the children's play area is to be restricted from 8am – 9pm.
32. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).

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33. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- a) footings excavation prior to placement of concrete;
  - b) ground floor and first floor levels;
  - c) wall setbacks from property boundaries and street alignment; and
  - d) dimensions and areas of balconies/courtyards.
34. Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.
35. The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:
- (a) The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of the premises that are not required to cease trading, continuously at all times)
  - (b) Recordings must be digital format and at minimum of 15 frames per second,
  - (c) Any recorded image must specify the time and date of the recorded image,
  - (d) The system's cameras must cover the following areas, all entry and exit points on the premises, the footpath immediately adjacent to the premises, all publicly accessible areas (other than toilets) on the premises,
  - (e) The licensee must also keep all recordings made by the CCTV system for at least 30 days, and ensure that at least one member of staff is on the premises at all times who is able to access and fully operate the CCTV system, including downloading and producing recordings of CCTV footage and
  - (f) Provide any recordings made by the system to a police officer or inspector with 24 hours of any request by a police officer or inspector to provide such recording.
36. The venue must utilise the services of a minimum one (1) licensed security guard during the late night trading hours until 30 minutes after the last patron has left.

## **RESOLUTION**

That this application for an extension of hours be **APPROVED** subject to the recommended conditions of consent contained in the Planning Officer's report as amended by the Panel.

## **REASONS:**

The Panel agrees with the Planning Officer's report and is of the view that the provision of a 12 months trial period for Friday, Saturday and Sunday is appropriate in the circumstances.

**FOR: Paul Stein, Jan Murrell, John Evernden, Robert Jolliffe**

**AGAINST: Nil**

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

**TO:** Strathfield Local Planning Panel Meeting - 6 June 2019  
**REPORT:** SLPP – Report No. 3  
**SUBJECT:** DA2018/067/01 - 31 THE CRESCENT, HOMEBUSH  
LOT A IN DP 391764  
**DA NO.** DA2018/067/01

### RECOMMENDATION

That Development Application No. 2018/067/01 for The demolition of the existing structures and construction of a boarding house containing 47 rooms and 1 manager's room above 3 levels of basement parking under the State Environmental Planning Policy (Affordable Rental Housing) 2009 at 31 The Crescent, Homebush be **APPROVED**, subject to the following conditions:

### SPECIAL CONDITIONS (SC)

#### 1. TRAFFIC ISLANDS

The two (2) existing traffic islands located in front of the site on The Crescent (and shown on Drawing No. 2003, Rev D and dated 1 March 2019) are to be removed and replaced with line markings prior to the commencement of any demolition and construction works.

The traffic island located between the two lanes of traffic on The Crescent is to be reinstated as per the original build on completion of the construction works and prior to the issue of any Occupation Certificate.

Prior to any works commencing on the site, details of the removal, interim traffic island and reinstatement of traffic islands in accordance with this condition are to be submitted to, and approved in writing by the Council. Details are to include the location, positioning, size, colour of line markings etc.

All modifications to the traffic islands, including removal of platforms, new line-markings and reinstatement of the traffic islands are to be completely at the developers' expense and at no cost to the Council.

(Reason: To assist with road safety and access to the site during the construction period.)

#### 2. DRIVEWAY SIGNAGE

The vehicle entry is to be fitted with signage and warning lights to alert traffic, cyclists and pedestrians of vehicle movements as follows:

- R2-210 AS- Left turn watch for pedestrians/ cyclists – erected on the western side of the vehicle egress at the site frontage;
- R2-6 AS – No right turn - erected on the western side of the vehicle egress at the site frontage; and
- Traffic signals and associated R6-6 AS 'Stop here on red signal' sign erected on the eastern side of the vehicle ingress, and at the base of the ramp (between ground floor level and Basement 1) on the Basement Level 1.

Amended plans demonstrating compliance with this condition is to be submitted to and approved by the Principal Certifying Authority.

An Occupation Certificate is not to be issued until the approved signals and signs have been installed.

The approved signage and signals are to be retained for the lifetime of the development.

(Reason: To assist with road and pedestrian safety.)

### 3. WASTE STORE AND DELETE ROOM G.05

Lodger room G.05 is to be deleted and the waste store room is to be enlarged by incorporating the floor area of deleted lodger room G.05.

(Reason: To ensure that a suitable capacity of waste can be accommodated on the site, and to reduce the frequency of servicing movements to the site).

### 4. WASTE COLLECTIONS

The property is to be serviced by a private waste contractor.

**Waste collections are to occur on-site at ground floor level by small rigid vehicles only.**

During collections no obstructions are to occur to the adjoining footpath and road.

Waste collection vehicles are to exit the site in a forward direction.

The warning light depicted on the Ground Floor Plan shall be moved so that whilst the waste collection vehicle is on site, vision of the warning light is not obstructed. Amended plans demonstrating compliance with the condition is to be submitted to, and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.)

(Reason: To provide adequate amount of storage of waste on the site, to minimize obstruction to the road and to improve pedestrian safety.)

### 5. ADDITIONAL RESIDENTIAL LIFT

An additional lift is to be provided to service the habitable levels of the building.

Amended plans demonstrating compliance with this condition are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To improve the accessibility across the site and to improve the quality of the accommodation.)

### 6. ENTRANCE DOORS

An entry door setback 1.5m from the street frontage is to be provided to both of the pedestrian entries from The Crescent. The entry doors are to be secure and the entrance is to be covered, legible and well-lit.

The stairs and accessibility lift are to be repositioned behind the secure entry doors.

The security door located forward of the western facing garbage room entry and between the building and the western side boundary is to be deleted.

Amended plans demonstrating compliance with this condition are to be submitted to, and

approved by the Principal Certifying Authority the Council prior to the issue of a Construction Certificate.

Reason: To provide a secure, welcoming and legible entrance to the building.

#### 7. **SECONDARY COMMUNAL LOUNGE**

Lodger room G.06 is to be replaced with a neighbourhood shop. Direct pedestrian access from The Crescent to within the shop is to be provided. The western facing doorway between the shop and the communal circulation space of the boarding house is to be deleted.

The use and fit-out of this shop is to be the subject of a separate development application for Council's approval.

(Reason: To activate the street frontage and to remove the provision of poor quality residential accommodation).

#### 8. **LANDSCAPING – AMENDED LANDSCAPE PLAN (SC)**

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Principal Certifying Authority with the Construction Certificate application.

The plan must include the following information:

- i) details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;
- ii) location of all existing and proposed landscape features including materials to be used;
- iii) all trees to be retained, removed or transplanted;
- iv) existing and proposed finished ground levels;
- v) top and bottom wall levels for both existing and proposed retaining and free standing walls; and
- vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality.)

#### 9. **GEOTECHNICAL REPORT (SC)**

The recommendations of the following reports shall be complied with at all stages of development (including demolition and construction).

- Stage 1 Environmental Investigation prepared by Dirt Doctors Pty Ltd dated 10 May 2018, received by Council on 18 May 2018; and
- Geotechnical and Groundwater Report prepared by Morrow Geotechnics Pty Ltd, dated 10 May 2018, received by Council on 14 August 2018.

A written statement prepared by a suitably qualified geotechnical engineer confirming that all recommendations of the above reports have been complied with shall be submitted and approved by the Principal Certifying Authority.

(Reason: To ensure the site is suitable for the purpose of a boarding house and is appropriately constructed.)

#### 10. FENCING (SC)

A minimum 1.8m high timber fencing is to be provided around the outdoor amenity spaces of the manager's room and rooms G.02 and G.04.

(Reason: To ensure privacy of this outdoor amenity space.)

#### 10A. ACCESSIBILITY REPORT (SC)

An amended Accessibility Report is to be submitted to Council reflecting the amendments to the plans required by conditions:

1. A review of vertical transportation to the building from The Crescent and down to the Communal open space.
2. The finished level of the communal open space is to be provided on the plan.
3. A review of the stairs within the building is to be undertaken in accordance with AS1428.1(2009)
4. A review of the kitchen facilities are required to comply with AS4299(1995)
5. The existing swing doors from the three accessible rooms to the balconies are to be replaced with sliding doors.
6. The floor levels of accessible room balconies are to be at the same level as the internal floor.

(Reason: To comply with the Australian Standards.)

#### 10B. CLOTHES DRYING AREA (SC)

An accessible common clothes drying area must be provided within the development and the landscape plan amended accordingly.

(Reason: to have regard to sustainability.)

#### 10C. BALCONY ENCLOSURE

No balconies are to be enclosed at any future time.

(Reason: to ensure the provision of the private open space for all occupancies.)

### SYDNEY TRAINS CONDITIONS

#### 11. ENGINEERING (SC)

Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- Geotechnical and Groundwater Report (Ref: P1461\_01), prepared by Morrow Geotechnical Pty Ltd, dated 10 May 2018.
- Structural Report (Ref: A8210), Revision C, prepared by Alpha Engineering & Development P/L, dated 14 August 2018
- Structural Drawings A8210-S0, S0.1, S1.0, S1.1-S1.8 all revision B dated 7 February 2019 prepared by Alpha Engineering & Development P/L.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

**12. SUPERVISION (SC)**

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

**13. SURVEY (SC)**

Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

**14. NOISE AND VIBRATION (SC)**

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

**15. ELECTROLYSIS (SC)**

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the

issuing of the relevant Construction Certificate.

## 16. DESIGN (SC)

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

## 17. CONSTRUCTION (SC)

- No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
  - Machinery to be used during excavation/construction.
  - Demolition, excavation and construction methodology and staging
  - Details as to how Sydney Trains power lines will be protected during demolition & excavation works
  - Construction Management Plan

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, a monitoring plan (including instrumentation and the

monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

- Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

## **18. CONSULTATION (SC)**

- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is [central/Illawarra/west/north] and they can be contacted via email on Central\_Interface@transport.nsw.gov.au.

#### **19. DOCUMENTATION (SC)**

- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easements, unless agreed to be RailCorp. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

#### **20. INSPECTIONS (SC)**

- If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- If required by Sydney Trains, prior to the issue of the Occupation Certificate a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any new damage and enable rectification works to be undertaken observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

#### **21. MAINTENANCE (SC)**

Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the

development facing the Sydney Trains powerlines. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

## 22. POWER LINES (SC)

- All works within 6 metres of the nearest transmission line conductor must comply with:
  - ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
  - The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
  - Australian Standard AS7000.
- Prior to the installation of scaffolding, the Applicant is to confirm that a minimum 1.9m clearance is to be achieved from the Sydney trains powerlines. Prior to the installation of the scaffolding the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- The erection/removal of the scaffolding up to 4mtrs from the conductors (including blowout and sag) may be carried out with the feeder in service, ensuring all personnel, plant and equipment do not encroach the Safe Approach distances (SAD). Above this height work shall be undertaken under the conditions of an electrical permit until the scaffolding is in compliance to the conditions per the report.
- The scaffolding barriers are to extend up to 3.5m below and above the electrical equipment. Should the scaffolding extend above this then the scaffold shall have a perimeter barrier that is suitable to contain all equipment within the worksite per the Australian Standard scaffolding standard.
- The scaffold must not be constructed to create an accessible area to the electrical equipment.
- The scaffolding shall be earthed.
- Prior to the issuing of a Construction Certificate the Applicant must submit confirmation that the building elements (final completed state) comply with the requirements in AS7000. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- Mitigation measures (to be determined by the builder) are required to be in place as identified in the Overhead Power Mains Assessment, prepared by AA Power Engineering, dated 19 October 2018 prior to the commencement of works.

## 23. OTHER (SC)

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

Applicant is required to comply with.

- Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

## GENERAL CONDITIONS (GC)

### 24. 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. 2018/067/01:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA1001	SITE ANALYSIS	Urban Link	Revision D	01 March 2019
DA1002	SITE ANALYSIS	Urban Link	Revision D	01 March 2019
DA2001	BASEMENT 3 & 2	Urban Link	Revision D	01 March 2019
DA2002	BASEMENT 1	Urban Link	Revision D	01 March 2019
DA2003	GROUND FL PLAN	Urban Link	Revision D	01 March 2019
DA2004	LEVEL 1 PLAN	Urban Link	Revision D	01 March 2019
DA2005	LEVEL 2-3	Urban Link	Revision D	01 March 2019
DA2006	LEVEL 4 & ROOF PLAN	Urban Link	Revision D	01 March 2019
DA2902	BUILDING HEIGHT PLAN DIAGRAM	Urban Link	Revision D	01 March 2019
DA3001	ELEVATIONS	Urban Link	Revision D	01 March 2019
DA3002	ELEVATIONS AND SECTION	Urban Link	Revision D	01 March 2019
DA6301	PHOTOMONTAGE	Urban Link	Revision D	01 March 2019
DA6302	FINISHES SCHEDULE	Urban Link	Revision D	01 March 2019
L/01	PROPOSED LANDSCAPE PLAN	Discount Landscape Plans	10/05/18	14 August 2018
A8210-COVER	SEDIMENT AND EROSION CONTROL PLAN	Alpha Engineering & Development	Revision D	14 August 2018
A8210-SW01	SEDIMENT AND EROSION	Urban Link	Revision D	14 August 2018

	CONTROL PLAN			
A8210 SW02	– BASEMENT 3 DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 SW03	– BASEMENT 2 & 1 DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 SW04	– GROUND FLOOR DRAINAGE PLAN	Urban Link	Revision D	14 August 2018
A8210 SW05	– STORMWATER SECTIONS AND DETAILS	Urban Link	Revision D	14 August 2018
S.01, S1.0, S1.1-S1.8	STRUCTURAL DRAWINGS	Alpha Engineering & Development P/L	Revision B – 7 February 2019	18 April 2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/067/01:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Pragma Planning	22 August 2018	24 August 2018
Stage 1 Environmental Legislation	Dirt Doctors Pty Ltd	10 May 2018	18 May 2018
Geotechnical and Groundwater Report	Morrow Geotechnics Pty Ltd	10 May 2018	14 August 2018
Traffic Assessment	TDG	12 August 2018	14 August 2018
Accessibility Report	Access Link Consulting	18 May 2018	18 May 2018
Acoustic Report	Acoustic, Vibration and Noise Pty Ltd	17 May 2018	18 May 2018
Flood Study	SGC Engineering Value	18 May 2018	18 May 2018
Structural Report	Alpha Engineering & Development P/L	14 August 2018	18 April 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.)

## 25. BOARDING HOUSE - APPROVED USE (GC)

- The boarding house must be operated in accordance with the Boarding Houses Act 2012.
- The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and ongoing inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

- The boarding house is to comply with the approved Plan of Management required by this consent.
- The use of the premises as a boarding house must comply always with the following:

- a) A copy of the Plan of Management and House Rules must be annexed to every tenancy/occupation agreement for a room;
  - b) A copy of the approved Plan of Management and House Rules must be clearly displayed within the common room in the building at all times;
  - c) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
  - d) The premises must be used exclusively as a boarding house containing a maximum total of **96** residents including **94 lodgers** and **2 residents** in the on-site manager's room, with **2** lodger(s) permitted per room;
  - e) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
  - f) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
  - g) Each self-contained room be fitted out with washing up facilities, a cooktop, microwave oven, fridge and storage space with such utilities being maintained in working order at all times;
  - h) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service and room tariffs must not include a separate charge for these services; and
  - i) The communal room shall be provided with an oven and cooktop.
- The Plan of Management must be updated to reflect the requirements outlined within this condition.
  - Any proposed amendments to the Management Plan are to be submitted to Council for consideration and approval prior to any amendments being made.
  - If the operator of the boarding house alters from the operator nominated in the Plan of Management, a new Plan of Management is to be submitted to Council within 28 days of the change in operator unless it is confirmed in writing that the new operator will comply with the Plan of Management approved as part of this consent.

(Reason: To ensure the development is the permanent place of residence for occupants and ensure occupants abide by the rules and regulations identified in the Plan of Management.

#### **26. BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 23.8 AHD to the top of the lift of the building.

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

#### **27. 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.)

#### **28. 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.)

**29. 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.)

**30. 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.)

**31. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

**32. 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.)

### **33. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

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

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

(Reason: To ensure appropriate landscape maintenance.)

**35. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)**

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

Tree Species	Height x width	Location
5 x <i>Chamaecyparis obtusa</i>	4-6m spread x 8m height	Front setback

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

**36. PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)**

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries, except where the building incorporates a nil setback to the side or rear boundary, in order to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

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

**37. 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.)

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

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

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

**39. SYDNEY WATER - TAP IN™ (GC)**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

**40. 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.)

## **WATER NSW CONDITIONS**

### **41. WATER NSW GENERAL TERMS OF APPROVAL**

The following conditions are to be complied with:

- i) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- ii) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- iii) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
- iv) WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- v) If the basement is not "tanked", the proponent will require a Water Access Licence (WAL)

and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

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

### **42. 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.)

### **43. 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.)

### **44. BICYCLE STORAGE PROVISION (CC)**

On-site provision for bicycle storage facilities shall be in accordance with the Strathfield Consolidated Development Control Plan 2005. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with SCDPC 2005 and to encourage sustainable transport options.)

### **45. BOARDING HOUSE - CONSTRUCTION OF (CC)**

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

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

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

(Reason: To ensure compliance with relevant legislation.)

#### **46. 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.)

#### **47. 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.)

#### **48. CAR PARKING - DISABLED CAR PARKING SPACES (CC)**

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 2.4m wide x 5.4m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such. A shared area 2.4 m wide x 5.4m long shared area should be provided. Bollard shall be placed in this shared area.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

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

(Reason: To ensure adequate parking for persons with a disability.)

**49. 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.)

**50. 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.)

**51. 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.)

**52. 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.)

### 53. 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.

No heavy vehicles construction movements are to arrive or depart the site during the signposted school zone periods.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
  - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve

demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
  - The Work Health and Safety Act 2011;
  - The Work Health and Safety Regulation 2011;
  - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
  - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
- The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
  - the date and time when asbestos removal works will commence;
  - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
  - the full name and license number of the asbestos removalist/s; and
  - the telephone number of WorkCover's Hotline 13 10 50
  - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
  - appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

#### **54. 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.)

**55. 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.)

#### **56. 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.)

#### **57. 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.)

#### **58. EXCAVATION – DEWATERING (CC)**

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

- i) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Council for compliance with ANZECC Water Quality Guidelines.
- ii) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- iii) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- iv) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

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

#### **59. EXCAVATION – SHORING (CC)**

Where any shoring for excavation is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings and specifications certifying the shoring will be adequate for their intended purpose and must be submitted to the Council/Principal Certifying Authority for approval with the Construction Certificate. The documentation prepared and certified by an appropriately qualified and practicing structural engineer is to show all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements. A copy of this documentation must be provided to the Council for record purposes at the time of Construction Certificate application.

(Reason: To ensure the protection of existing public infrastructure and adjoining properties.)

#### **60. 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.)

**61. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)**

The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by S & G Consultants Pty Limited. 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.)

**62. LANDSCAPING - MAINTENANCE STRATEGY (CC)**

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

(Reason: Ensure landscape survival.)

**63. LANDSCAPING ON SLAB (CC)**

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

(Reason: Ensure landscape survival.)

**64. 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.)

#### 65. RAILWAY NOISE REPORT (CC)

Due to the close proximity of the Railway Corridor to the proposed development the subject building(s) are to be acoustically treated in order to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline" or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- in any bedroom in the building: 35 DB(A) at any time 10pm – 7am;
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40 DB(A) at anytime.

A report shall be provided to Council or the nominated Accredited Certifier by a suitably qualified acoustic consultant confirming that the recommended standards can be achieved. Such report is to be submitted prior to the release of the Construction Certificate.

(Reason: Noise attenuation.)

#### 66. PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

#### 67. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

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

Provision of Community Facilities	\$75,620.59
Provision of Major Open Space	\$344,051.06
Provision of Local Open Space	\$145,535.68
Provision Roads and Traffic Management	\$23,908.79
Administration	\$6,520.58
<b>TOTAL</b>	<b>\$595,636.71</b>

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

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

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

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.

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

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

A security (damage deposit) of **\$27,000** (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.)

**69. 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.)

**70. 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. The routes are to show the route of modest transportation vehicles with turning paths (in/out of the building site and along the planned route). **Access to the site must be gained via the eastern side of The Crescent;**
- 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 (noting that Council will not grant a Work Zone at the front of the site) 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;
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways; and
- xxi) details of traffic control provided at all times of the demolition/ construction works.
- xxii) Appropriate permits must be obtained via Council and shown to rangers during operations (after hours/ night works if needed).

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

#### 71. 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.)

## 72. BIN ALLOCATION (CC)

(a) The bin store must be capable of accommodating the following:

- Domestic Waste – 13 x 240L mobile bins.
- Domestic Recycling – 4 x 240L mobile bins.
- A minimum area of 11.5m<sup>2</sup> for the storage of the bins.
- A minimum area of 20m<sup>2</sup> for the storage of bulky goods waste.

Applicants requesting 660L bins must provide onsite collection and have a large hardstand for bin presentation.

(Reason: To ensure sufficient space and waste collection containers provided.)

## 73. WASTE AND RECYCLING STORAGE ROOMS AND WASTE MANAGEMENT PLAN (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 Council.
- 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 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 an updated Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate. A copy of these documents and plans are also to be provided to the Council.

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

#### **74. ONSITE WASTE COLLECTION**

Onsite waste and recycling collection is to be provided, all onsite collection areas must meet the following conditions:

##### 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).
- i) Collection vehicles must not impede access to, within or from the site for other users.
- ii) 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.
- iii) The waste collection point shall be no more than 15m from the property boundary at the street.
- iv) There should be convenient and step free access between the waste storage room/area and the collection point.
- v) The collection area must be designed so that the bin standing area, and the standing area for the vehicle, is level.
- vi) 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.
- vii) 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.)

#### **75. WATER SUSTAINABILITY – GENERALLY (CC)**

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

- i) toilet flushing;
- ii) clothes washing;
- iii) garden irrigation;
- iv) car washing and similar outdoor uses;
- v) filling swimming pools, spa pools and ornamental ponds; and
- vi) fire fighting.

(Reason: To promote sustainable water management practice.)

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

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

engineer.

(Reason: To promote Water Sensitive Urban Design.)

#### **77. 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 31 The Crescent, Homebush 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.)

#### **78. 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.)

**79. 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.

(Reason: Environmental amenity.)

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (CW)****80. 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.)

**81. NOTICE OF COMMENCEMENT (CW)**

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

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

(Reason: Statutory requirement.)

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

#### **82. 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.)

#### **83. 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.)

#### **84. 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.)

#### **85. 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.)

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

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

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

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

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

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

**87. 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.)

**88. 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.)

#### **89. 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.)

#### **90. OCCUPATION OF BUILDING (OC)**

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

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

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

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

(Reason: Statutory requirement.)

**91. 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.)

**92. 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.)

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

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility on-site detention and water sensitive urban design components.

The wording on the 88E and/or the 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

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

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

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

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

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

The plan shall be dated and the name and signature of the author of the document shall be

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

This Operational Plan of Management must incorporate the following:

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

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

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

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

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

Fair Trading.

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

**96. 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.)

**97. WASTE AND RECYCLING COLLECTION (COMMERCIAL AND INDUSTRIAL) (OU)**

- i) The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm on weekends and public holidays, to avoid noise disruption to the surrounding area.
- ii) The garbage and recyclable storage area and bins must be adequate to contain the volume and type of garbage and recyclable matter of the food premises.
- iii) All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

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

**98. MAINTENANCE AND PROTECTION OF LANDSCAPING AND SOFT LANDSCAPED AREAS (OU)**

The applicant and property owner/s are to maintain and enhance the completed landscape works in all private and strata areas, in accordance with the approved landscape design and conditions of development (inclusive of the maintenance and protection of all retained and planted trees).

In this regard the applicant is to provide an annual statement to Council, on or by the 1 July of each calendar year, for the first 5 years after the issue of the occupation certificate, from an AQF Level 5 Landscape Designer or Landscape Architect certifying that;

- All plants (including planted and retained trees) are in a healthy safe condition.
- The turf areas are well maintained.
- The landscaped area is free of all notifiable weeds, pests and diseases as detailed in the NSW Biosecurity Act 2015.
- The landscaped area is free of hazards.
- The mulched areas are well maintained.
- The irrigation systems, sub soil drainage and lighting systems are in a good condition and operating according to both design and manufacturers specifications.
- That all missing plants have been replaced and are establishing well.

This annual statement shall also include reports and information from relevant expert consultants, in support of the statements made and as evidence of proof, in the annual statement.

(Reason: To protect landscape amenity and community environmental values).

**RESOLUTION**

The panel has the benefit in making this determination of a site inspection and the submissions, received, as well as the Council Officer's report.

This application be **APPROVED** subject to the recommended conditions in the Planner's report and as amended by the panel with added special conditions 10A,10B and 10C.

**REASONS:**

The Panel agrees with the Planning Officer's report that the reasons contained in the previous determination are satisfied by the amended plans the subject of this review together with the recommended conditions as amended above.

**FOR: Jan Murrell, John Evernden, Robert Jolliffe**

**AGAINST: NIL**

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

**TO:** Strathfield Local Planning Panel Meeting - 6 June 2019  
**REPORT:** SLPP – Report No. 4  
**SUBJECT:** DA2018/174 - CHISHOLM STREET, BELFIELD  
LOT 1 DP 556743  
**DA NO.** DA2018/174

## RECOMMENDATION

That Development Application No. 2018/174 for construction of an acoustic enclosure on Lot 1 DP 556743 adjacent to Chisholm Street, Belfield be **REFUSED** for the following reasons:

1. The information included in the application is inadequate having regard to the provisions of Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
2. The documents accompanying the application are inadequate having regard to the provisions of Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
3. The application is not accompanied by sufficient information as to the likely impact of the proposed development, such that it cannot be concluded that the proposed **structure** and its use will not significantly increase the environmental impacts of the total development compared with the existing development. Accordingly, the proposed development is declared to be 'designated development' for the purposes of clause 4(1) of the Environmental Planning & Assessment Regulation 2000. No Environmental Impact Statement accompanies the application.
4. The application is not accompanied by sufficient information as to the extent of excavation works proposed such that council is unable to properly assess the proposed development against the provisions of clauses 6.1 & 6.2 of Strathfield Local Environmental Plan 2012 relating to acid sulfate soils and earthworks (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
5. The proposed development does not satisfy the objectives, guidelines and requirements relating to development in industrial zones as prescribed in Part D of Strathfield Consolidated Development Control Plan 2005 (Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
6. The application is not accompanied by sufficient information as to the likely impact of the proposed development, particularly with respect to noise and dust emissions as a result of the **structure** and its use. Accordingly, council is unable to undertake a full and proper assessment of the proposed development (Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).
7. The proposed development is not in the public interest having regard to the uncertainties as to its impacts on the amenity of surrounding residents, particularly its noise and dust impacts **and the submissions received in response to the notification of the application** (Section 4.15(1)(d)&(e) of the Environmental Planning and Assessment Act 1979).
8. **The Council has not granted any owner's consent to the development application to permit the development to occur on Council owned land.**

## RESOLUTION

That this application be **REFUSED** for the reasons recommended in the Council Officer's report as

amended by the panel.

**FOR: Paul Stein, Jan Murrell, John Evernden, Robert Jolliffe**

**AGAINST: NIL**

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