

## SYDNEY CENTRAL PLANNING PANEL

SPP No	<b>2017SCL008</b>
DA Number	<b>2016/194</b>
Local Government Area	<b>Strathfield</b>
Proposed Development	Demolition of existing structures and construction of a warehouse and distribution facility
Street Address	<b>37-39 Wentworth Street, Greenacre</b>
Applicant/Owner	Lederer Group
Number of Submissions	<b>Nil</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Cost of works \$24,074,937.00</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <b>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</b> <ul style="list-style-type: none"> <li>• SEPP 55 – Remediation of Land;</li> <li>• SEPP (Infrastructure) 2007;</li> <li>• Strathfield Local Environmental Plan 2012;and</li> <li>• Strathfield Indirect Section 94 Contribution Plan</li> </ul> </li> <li>• <b>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</b> <b>N/A</b></li> <li>• <b>List any relevant development control plan: s79C(1)(a)(iii)</b></li> <li>• Strathfield Consolidated Development Control Plan 2005: <ul style="list-style-type: none"> <li>○ Part D – Industrial Development</li> <li>○ Part H – Waste Minimisation and Management;</li> <li>○ Part I – Provision of Off-Street Parking Facilities;</li> <li>○ Part N – Water Sensitive Urban Design (WSUD); and</li> <li>○ Part L – Notification</li> </ul> </li> <li>• <b>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into</b></li> </ul>

	<p><b>under section 93F: s79C(1)(a)(iv)</b></p> <p>Nil</p> <ul style="list-style-type: none"> <li>• <b>List any coastal zone management plan: s79C(1)(a)(v)</b> N/A</li> <li>• <b>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</b> Section 92(b) of the Environmental Planning and Assessment Regulation 2000</li> </ul>
List all documents submitted with this report for the panel's consideration	<b>Report, Site Plan and Elevations attached.</b>
Recommendation	<b>Approval</b>
Report by	<b>Luke Perkins – Senior Planner</b>

## Assessment Report and Recommendation Cover Sheet

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## SUMMARY

<b>Proposal:</b>	Demolition of existing structures and construction of a warehouse and distribution facility.
<b>Applicant:</b>	Lederer Group
<b>Owner:</b>	Pejr Pty Ltd
<b>Date of lodgment:</b>	22 December 2016
<b>Notification period:</b>	10 January 2017 to 25 January 2017
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	LP
<b>Estimated cost of works:</b>	\$24,074,937.00
<b>Zoning:</b>	IN 1 General Industrial - SLEP 2012
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 variation proposed?</b>	Yes – Building height
<b>Extent of the variation supported?</b>	5.05m
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

## EXECUTIVE SUMMARY

The subject application seeks approval for the demolition of existing structures and construction of a warehouse and distribution facility.

The proposed development does not comply with the building height plane requirements of the Strathfield Local Environmental Plan 2012. A Clause 4.6 variation request to vary the maximum permitted height of 12m by 5.05m or 42% was submitted as part of the application and has been further analysed in this assessment. The proposed height variation is considered to be acceptable as the additional building height is contained to only part of the roof structure and results in no impacts upon adjoining development. Further, the proposed development providing for large floor plate industrial land uses and additional employment opportunities is consistent with the site's IN1 General Industrial zoning.

The application and plans were notified in accordance with Part L of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. No written submissions were received.

Throughout the assessment of the subject application numerous amendments were made to the proposal to achieve better streetscape outcomes through the provision of additional landscaping treatments and higher quality material finishes. With the implementation of such measures the proposed development is considered to be compatible with the desired character of future development within the locality as established under the controls of the Strathfield Local Environmental Plan 2012 and Part D "Industrial Development" of the Strathfield Consolidated Development Control Plan 2005.

Overall, the development presents a good outcome for the site and is recommended for approval.

## **BACKGROUND**

Prior to the lodgement of the subject application, a pre-lodgement meeting was held between Council and the Applicant. Concerns were raised over the extent of the proposed non-complaint building height throughout this meeting. However, as lodged, the application remains relatively unaltered from that presented by the applicant at the pre-lodgement meeting.

Throughout the assessment of the subject application numerous amendments were made to the proposal to achieve better streetscape outcomes through the provision of additional landscaping treatments and higher quality material finishes.

## **DESCRIPTION OF THE SITE AND LOCALITY**

The site comprises one (1) allotment legally identified as Lot 52 in DP 791101 and the street address of 37-39 Wentworth Street, Greenacre. The subject site previously operated as a small goods manufacturing, and meat packing and distribution centre. In 2007 the subject site was affected by a fire leaving the plant non-operational and substantially demolished.

The subject site is irregular in shape with a frontage of 241.1m to Wentworth Street and a site area of 39,332m<sup>2</sup>. The subject site is physically divided in two (2) by a large retaining wall structure that runs east to west across the width of the site. The subject application relates predominantly to the southern portion of the site.

The subject site is adjoined to the north, west and south by similar industrial and warehousing land uses. Adjacent to the subject site on the eastern side of Wentworth Street is the Enfield Intermodal Logistics Centre.

An aerial photograph of the site is provided below.



**Figure 1: Aerial photograph of subject site and surrounding development.**

## **PROPERTY BURDENS AND CONSTRAINTS**

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

## **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The subject application seeks Council approval for the demolition of existing structures and construction of a warehouse and distribution facility.

The specific elements of the proposal are:

- Demolition of existing remanent structures upon the southern portion of the site;
- Construction of a 13,091.15m<sup>2</sup> warehouse structure comprised of :
  - 6,000.25m<sup>2</sup> cold storage tenancy;
  - 5,928m<sup>2</sup> warehouse tenancy;
  - 714.2m<sup>2</sup> administration area;
  - 448.7m<sup>2</sup> dock office; and
  - 341.1m<sup>2</sup> plant room.
- Provision of (86) at grade parking spaces and ten (10) loading docks;
- Provisions of an external waste storage area;
- Site operation from 6:00am to 8:00pm, 7 days a week;
- Employment of up to (90) staff members;
- Installation of new 1.8m high black powder coated site security fencing the length of the site's Wentworth Street frontage; and
- Associated, earthworks, landscaping and stormwater drainage measures including the provision of a landscaped buffer along the frontage of the northern portion of the site and additional site tree plantings.

## **REFERRALS**

### **INTERNAL REFERRALS**

#### **Engineering Comments**

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### **Waste Comments**

Council's Waste Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

### **Landscaping Comments**

Council's Tree Coordinator offered no objections to the proposal, subject to the imposition of recommended conditions of consent including the provision of additional street tree plantings.

### **Natural Resources Coordinator Comments**

Council's Natural Resources Coordinator offered no objections to the proposal, subject to compliance with the recommendations of the Green and Golden Bell Frog Assessment prepared by Ecological Australia Pty Ltd and the imposition of recommended conditions of consent.

### **Environmental Health and Compliance Comments**

Council's Environmental Health Officer and Compliance Coordinator offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

## **EXTERNAL REFERRALS**

### **Sydney Trains**

The application was referred to Sydney Trains under the provisions of Clause 85 of State Environmental Planning Policy (Infrastructure) 2007. A response was received on 4 April 2017 raising no objection to the proposal subject to the imposition of conditions of consent. These conditions have been included within the recommended conditions.

## **SECTION 79C CONSIDERATIONS – EP&A Act, 1979**

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 79C of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report. The relevant statutory considerations are as follows:

- SEPP 55 – Remediation of Land;
- SEPP (Infrastructure) 2007;
- Strathfield Local Environmental Plan 2012;
- Strathfield Consolidated Development Control Plan 2005: and
  - Part D – Industrial Development
  - Part H – Waste Minimisation and Management;
  - Part I – Provision of Off-Street Parking Facilities;
  - Part N – Water Sensitive Urban Design (WSUD); and
  - Part L – Notification
- Strathfield Indirect Development Contributions Plan.

### **79C(1)(a) the provisions of:**

#### **(i) any environmental planning instrument**

### **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**



State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the site is suitable in its current state, contaminated state or following the completion of remediation works for the purpose for which development consent is being sought. The site is not located in an area of investigation under Part K of the Strathfield Consolidated DCP 2005 (SCDCP 2005) which identifies past known landfill and potentially contaminated sites in the Strathfield local government area.

In recognition of the industrial nature of the subject site and the presence of underground petroleum storage tanks upon the site the subject initial application was accompanied by a Phase 2 Detailed Site Investigation report prepared by Douglas Partners Pty Ltd identifying the subject site as being suitable for the purposes of the proposed development subject to a number of remediation measures including the removal and remediation of the underground petroleum storage tanks. This document was reviewed by Council's Environmental Health and Compliance Coordinator who raised no objection to the proposal subject to implementation of the recommendations contained within the report. As such, a condition of consent is recommended requiring the implementation of all measures outlined within the report throughout the proposed construction process and ongoing operation of the site.

#### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The application was referred to Sydney Trains under the provisions of Clause 85 of State Environmental Planning Policy (Infrastructure) 2007 as the proposed development involves the construction of a metal structure upon land that is adjacent to a rail corridor. A response was received on 4 April 2017 raising no objection to the proposal subject to the imposition of conditions of consent. These conditions have been included within the recommended conditions of consent.

#### **STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012**

An assessment of the proposal against the general aims of SLEP 2012 is included below:

<b>Cl. 1.2(2)</b>	<b>Aims</b>	<b>Complies</b>
<b>(a)</b>	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	<b>Yes</b>
<b>(b)</b>	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	<b>Yes</b>
<b>(c)</b>	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	<b>Yes</b>
<b>(d)</b>	<i>To provide opportunities for economic growth that will enhance the local community</i>	<b>Yes</b>
<b>(e)</b>	<i>To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use</i>	<b>Yes</b>
<b>(f)</b>	<i>To identify and protect environmental and cultural heritage</i>	<b>Yes</b>
<b>(g)</b>	<i>To promote opportunities for social, cultural and community activities</i>	<b>Yes</b>
<b>(h)</b>	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>Yes</b>

## Permissibility

The subject site is zoned IN1 General Industrial under SLEP 2012. The proposed development is defined under the SLEP as a warehouse and distribution centre being as follows:

*“warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.”*

Development for the purposes of a warehouse and distribution centre is permissible within the IN1 Zone with consent.

## Zone Objectives

An assessment of the proposal against the objectives of the IN1 Zone is included below:

Objectives	Complies
➤ To provide a wide range of industrial and warehouse land uses.	Yes
➤ To encourage employment opportunities.	Yes
➤ To minimise any adverse effect of industry on other land uses.	Yes
➤ To support and protect industrial land for industrial uses.	Yes
➤ To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities.	Yes

**Comments:** The proposed development providing for additional large floor plate warehousing activities upon a currently vacant industrial site and generating additional employment opportunities is considered to be consistent with the IN1 General Industrial zone.

## Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the SLEP 2012 is provided below.

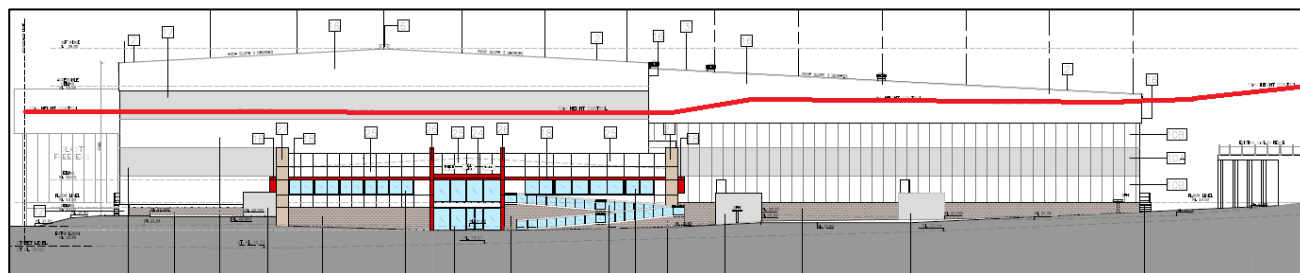
### Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	Height of building	12m	17.05m	No

Objectives	Complies
(a) To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	Yes
(b) To encourage a consolidation pattern that leads to the optimum sustainable capacity height for the area	Yes
(c) To achieve a diversity of small and large development options.	Yes

**Comments:** The proposed development incorporates a departure of 5.05m or 42% from the maximum permissible 12m building height established under Clause 4.3 of the SLEP 2012. The area of non-compliance relates to the roof structure of both proposed tenancies and is at its worst at the south-eastern corner of the proposed structure as a result of the cross-fall of the site. In recognition of the height non-compliance the subject application was accompanied by a Clause 4.6 variation request to vary the maximum building height.





**Figure 2:** View of the eastern elevation noting the extent of the proposed building height variation.

### **Floor space ratio**

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.4</b>	<i>Floor space ratio</i>	1:1 (39,332m <sup>2</sup> )	0.33:1 (13,432m <sup>2</sup> )	<b>Yes</b>

	<b>Objectives</b>	<b>Complies</b>
<b>(a)</b>	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	<b>Yes</b>
<b>(b)</b>	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	<b>N/A</b>
<b>(c)</b>	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	<b>Yes</b>
<b>(d)</b>	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	<b>N/A</b>
<b>(e)</b>	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	<b>N/A</b>
<b>(f)</b>	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	<b>N/A</b>

### **Clause 4.6 Exceptions to Development Standards**

Under Clause 4.6 of the SLEP 2012, the consent authority may consider a variation, where that variation would achieve a better outcome.

As demonstrated in the table above, the proposed development fails to comply with the maximum building height development standard permitted under Clause 4.3 of the SLEP 2012. The area of non-compliance relates to the roof structure of both proposed tenancies and is at its worst at the south-eastern corner of the proposed structure as a result of the cross-fall of the site.

Clause 4.6(3) of the SLEP 2012 states the following:

*“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the maximum building height development standard on the following grounds:

- The proposed noncompliance is associated with a portion of the site;
- The variation is required to support the proposed use of the site as a cold storage facility. An industry standard for this form of development is to ensure 7 pallets can be stacked. Given the energy required to cool large floor plates the provision of 7 stack pallets in cold storage facilities is efficient from an economic, environmental and operation standpoint;
- The existing benching of the site has resulted in a building pad that is significantly lower (up to 7m in some parts) than the ground level of adjoining properties to the west and north;
- As the site sits lower than adjoining developments, the additional height will reduce the perceived impact of any future buildings upon the adjoining and higher allotments and allows the overall roof line to be more consistent with surrounding buildings; and
- There is no public benefit in maintaining the standard in the circumstances of the case as:
  - The development will not affect any significant views or vistas;
  - The contravention of the height standard does not raise any matter of State or regional planning significance; and
  - Notwithstanding the height variation, the proposal is consistent with the objectives of the height standard and IN1 General Industrial zone;
- The bulk of the building will be softened by the proposed setbacks from the side, rear and front boundaries;
- Plantings along the Wentworth Street frontage will be maintained and enhanced by the proposal. The provision of this landscaping in conjunction with the excessive setback to Wentworth Street will screen the development and ameliorate any additional bulk when viewed from the public domain; and
- The building design presents well to the street, with loading/unloading at the rear. A two storey modulated office building facing the street with substantial setbacks and landscaping address the street.

Clause 4.6(4) of the SLEP 2012 states the following:

- - “Development consent must not be granted for a development that contravenes a development standard unless:*
  - (a) the consent authority is satisfied that:*
  - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*

The applicant’s written request to justify the contravention of the building height standard adequately addressed the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the

development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape and bulk.

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

The proposal is considered to be consistent with the objectives of the development standard in that:

- Despite the additional building height the proposed development is generally compatible with the appearance of existing development within the streetscape which consists of warehouses of a similar bulk and scale; and
- Despite the additional building height, the proposed development resulting in a compliant floor space ratio is consistent with the optimum sustainable capacity as established under the FSR controls of the SLEP 2012.

The site is Zoned IN1 General Industrial zone under SLEP 2012 wherein development for the purposes of a warehouse and distribution centre is permissible with consent. The proposal is generally consistent with the objectives of the IN1 General Industrial zone in that:

- The proposed development provides for the use of a vacant industrial site for a large floor plate warehouse development;
- The proposed development will generate up to (90) additional employment opportunities within the area; and
- The proposed development involves no actions considered likely to detrimentally affect any existing or likely future industrial or other land uses within the locality.

- (b) the concurrence of the Secretary has been obtained.”*

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

In conclusion, the applicant's written request to justify the contravention of the maximum building height development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

## **Part 6: Local Provisions**

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

### **6.1 Acid sulphate soils**

The subject site is identified as having Class 5 soils and is located within 500m of Class 1, 2, 3 or 4 soils, however the proposed development involves no works below 5m AHD. As such, the subject application was not required to be accompanied by an Acid Sulfate Soils Management Plan and therefore satisfies the requirements of Clause 6.1 of the SLEP, 2012.

## **6.2 Earthworks**

Clause 6.2 of the SLEP 2012 requires consideration be given to the impacts of the proposed ancillary earthworks may have upon drainage within the locality, the future redevelopment of the site, adjoining development and any environmentally sensitive areas. The proposed development involves no earthworks considered likely to result in any significant impacts upon drainage within the locality, any future redevelopment of the site, adjoining development or any environmentally sensitive areas. Nonetheless, conditions of consent are recommended requiring the implementation of appropriate and erosion and sediment control measures throughout the proposed excavation works so as to mitigate any potential impacts.

## **6.4 Essential services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The proposed development is located within a well serviced area and features existing direct vehicular access and frontage to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development.

### **79C(1)(a)(ii) any draft environmental planning instruments**

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

### **79C(1)(a)(iii) any development control plan**

## **STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN (SCDCP) 2005**

The following is an assessment of the proposal's compliance with the relevant provisions contained within SCDCP 2005.

### **PART D – INDUSTRIAL DEVELOPMENT (SCDCP 2005)**

Part D "Industrial Development" of the Strathfield Consolidated development Control Plan 2005 establishes a number of controls applicable to all development for the purposes of industrial and warehousing activities. An assessment of the proposed development against Part D of the SCDCP 2005 follows:

<b>Section</b>	<b>Development Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
2.2	Contamination	Consideration as to whether the site is potentially contaminated.	Refer to SEPP 55 discussion.	Yes.
2.4	Development Adjoining Residential Zones	Sympathetic in height, scale, siting and character of existing and/or nearby residential development.	The proposed development is of a height, scale and character that is consistent with existing industrial and warehousing development within the surrounding	Yes.

Section	Development Control	Required	Proposed	Compliance
			streetscape.	
		Goods, plant equipment and other materials to be stored within the building or screened.	All plant stored within buildings to the rear of the site.	Yes.
2.5	Density, Bulk and Scale	Office and showroom to be ancillary to the main industrial activity.  Areas greater than 25% to be substantiated as being necessary.	Ancillary office component comprises 8.6% (1162.4m <sup>2</sup> ) of total GFA.	Yes.
2.6	Setbacks	Front setback min. 10.0m	Minimum 15m up to 100m	Yes.
		Side and rear boundary setbacks to industrial development may not require a setback.	Minimum 10m	Yes
		Setbacks shall not contain buildings or storage areas but may contain parking and manoeuvring areas.	Manoeuvring and parking areas provided within side setback.	Yes.
2.7	Building Requirements and Materials	Walls visible from public place shall not be cement render.	Mix of metal cladding, face brick and pre-cast concrete panels.	Yes.
		Only downpipes for roof water to be visible from public place.	-	To be conditioned.
		Long blank walls to street frontage to be avoided or screened/landscaped.	Appropriate visual breaks and landscaping treatments provided to eastern elevation.	Yes.
		Building materials and colours to be compatible with existing industrial development	Proposed shades of cream, grey and red are consistent with existing structures within the streetscape.	Yes.
		Offices/showrooms should face street front.	Primary office area fronts Wentworth Street.	Yes.
		Buildings to be designed to: <ul style="list-style-type: none"> <li>Architecturally express the structure;</li> <li>Visually reinforce entrances/office components;</li> <li>Introduce variation in unit design;</li> </ul>	The proposed development was amended several times throughout the assessment process to reinforce the office structure and achieve a high quality warehouse development that is	Yes.

Section	Development Control	Required	Proposed	Compliance
		<ul style="list-style-type: none"> <li>Introduce solid surfaces, horizontal and vertical modulation;</li> <li>Balance between large expanse of glass and masonry – glazing to be modulated</li> </ul>	consistent with the desired streetscape character within the locality.	
2.9/ 2.9.1	Parking, Access and Maneuvering	Design to meet AS 2890.1-1993 and AS2890.2-1989 and provisions of Part I of the SCDGP 2005.	Compliances with AS2890.1 to be conditioned. Refer to Part I discussion below.	Yes.
		Car parking areas located in front setback area.	Car parking provided within front setback.	Yes.
		Loading/unloading area to be separated to avoid conflict.	Loading and unloading area provided in separate area to rear of site.	Yes.
		Car parking to be landscaped with trees for shading.	Tree plantings provided adjacent to parking areas.	Yes.
		No parking shall be located within buildings.	No internal parking proposed.	Yes.
		Pedestrian thoroughfares to be provided in large parking areas.	Pedestrian access paths provided.	Yes.
2.9.4	Site Design	All vehicles to enter and exit in forward direction.	Appropriate circulation space provided to allow for forward entry and exit.	Yes.
		Minimum interference to traffic on adjoining roads.	Proposed vehicular access sites in an appropriate location as to minimise impact upon surrounding road network.	Yes.
		Specific service vehicles may require special design/layout.	Loading bays provided to rear of site.	Yes.
		All servicing and waste collection to be carried out wholly within the site.	Onsite waste collection area proposed.	Yes.
2.9.5	Unloading and Loading	All loading/unloading to take place within the property.	Onsite loading areas proposed.	Yes.
		No stormwater pits shall be located in	All proposed pits located external to	Yes.



Section	Development Control	Required	Proposed	Compliance
		loading/unloading areas.	loading bays.	
		Loading/unloading areas to be screened from the street.	Loading bays located to the rear of structures to provide appropriate screening.	Yes.
2.10	Landscaping and Fencing	Landscape plan prepared by Landscaped Architect to be submitted.	Landscape plan prepared by Scape Design Landscape Architect accompanied the subject application.	Yes.
		Continuous deep soil landscaped area min. 2.0m in width is required to the street frontage with continuous tree canopy and coverage of shrubs and/or groundcovers.	Continuous deep soil landscaped area provided to street frontage.	Yes.
		Continuous deep soil landscape areas are required to all adjacent common boundaries forward of the building line in accordance with the following; <ul style="list-style-type: none"> <li>Greater than 10,000m<sup>2</sup> = 3.0m</li> </ul>	Landscaped buffer provide to site boundaries.	Yes.
		All plants are to be Australian Native Species.	Natives proposed	Yes, to be conditioned.
		Trees selected should be in scale with the proposed development.	Appropriate range of tree species proposed.	Yes.
		All trees required are to be min. 50L container sizes for general trees or 100L for street trees.	-	To be conditioned/
		Tree planting is required in parking areas.	Tree plantings proposed	Yes.
		Screen planting is requires to all car parks, maneuvering areas, garbage and storage areas.	Screen planting proposed within front setback.	Yes.
		All landscape areas are to have a permanent edge.	-	To be conditioned.
		Mulched with 75mm of organic mulch	-	To be conditioned.
		Fully automated irrigation system is to be	-	To be conditioned.

Section	Development Control	Required	Proposed	Compliance
		specified to all landscape areas.		
		On site storm water detention systems to be separated from deep soil plantings.	OSD outside of landscaped area.	Yes.
		Outdoor seating + lunch areas are to be provided and enhanced by landscaping.	Staff lunch area provided.	Yes.
2.10.2	Fencing	Solid fences 1.0m max in height to street frontages.	No solid fencing proposed.	Yes.
		Security fencing should be powder coated steel post/picket fencing of black or dark green colour.	Black powder coated fencing to be conditioned.	Yes.
2.12	Site Drainage and Water Management	Concept plan to be submitted.	A stormwater drainage plan accompanied the subject application.	Yes.
		Comprehensive water recycling strategy is required for sites with impermeable surfaces greater than 2500m <sup>2</sup>	Refer to Part N discussion below.	Yes.
2.13	Utilities	S.73 Sydney Water certificate required prior to Construction Certificate.	-	To be conditioned.
2.16	Waste Management	Refer to Part H – SCDP 2005.	Refer Part H discussion below.	Yes.

## **PART H - WASTE MANAGEMENT (SCDCP 2005)**

«DA»

The proposal provides for off street waste collection through the provision of an at grade waste collection bay within the south western corner of the site. The proposed loading bay has a minimum dimension of 11m x 7m, which demonstrates compliance with the minimum loading bay dimensions provided by Part H of the SDCP 2005.

## **PART I – PROVISION OF OFF STREET PARKING FACILITIES (SCDCP 2005)**

Part I of the Strathfield Consolidated Development Control Plan 2005 establishes minimum off-street carparking requirements for certain types of development. The following carparking rates are applicable to the proposed development:

Part I of the Strathfield Consolidated Development Control Plan 2005 establishes minimum off-street carparking requirements for certain types of development. The following carparking rates are applicable to the proposed development:

Section	Development Control	Required	Proposed	Compliance
3.8.1	Office	1 space per 55m <sup>2</sup>  1162.9m <sup>2</sup> /55m <sup>2</sup> = <b>(21) spaces</b>	(30) spaces.	Yes.
3.8.2	Warehouses	1 spaces per 100m <sup>2</sup>  11,928.25m <sup>2</sup> /100m <sup>2</sup> = <b>(119) spaces</b>	(56) spaces	No.

Part I also provides certain parking rates for delivery and service vehicles. An assessment of the proposed development against these provisions follows:

- Delivery and service = 1 spaces per 800m<sup>2</sup> up to 8,000m<sup>2</sup> plus 1 spaces per 1,000m<sup>2</sup> after.

$$8,000\text{m}^2/800\text{m} = 10 \text{ spaces}$$

$$3,928.25\text{m}^2/1,000 = 4 \text{ spaces}$$

- Total requirement = 14 service and delivery spaces.

Proposed = 10 loading bays.

In recognition of the shortfall in off street parking from that required under Part I of the SCDCP 2005 the subject application was accompanied by a Traffic Impact Statement prepared by Colston Budd Rogers & Kaffes Pty Ltd which identifies the proposed off street parking arrangements as satisfying the minimum rates established under the RMS' Guide to Traffic Generating Development which requires a total of (70) spaces for the purposes of the proposed development.

Despite the non-compliance to the base control, Part I of the SCDCP 2005 also notes the nexus for parking demand for warehousing development should be calculated at a rate of one (1) space per two (2) staff members. As a maximum of (90) staff members are proposed to be upon the site at any time, actual demand for the warehousing component of the development equates to (45) spaces. As such, the proposed (86) off street parking spaces are considered to be satisfactory for the purposes of the proposed development.

In relation to the proposed loading bay arrangements, as the proposed loading facilities have been designed to accommodate for the logistical needs of the proposed warehouse facilities and sufficient standing room is provided upon the site no objection is raised to the minor departure proposed.

## **PART N - WATER SENSITIVE URBAN DESIGN (WSUD) (SCDCP 2005)**

Part N of the Strathfield Consolidated Development Control Plan 2005 requires for industrial development with a total site area greater than 2,000m<sup>2</sup> such as the proposed development that the application achieve certain minimum water conservation and stormwater quality targets. The proposed development incorporates a number of stormwater quality measures including a below ground rainwater tank, onsite stormwater detention and bioretention filters. The proposed water conservation and stormwater management measures were reviewed by Council's Development Engineer who identified the proposed measures as satisfying the requirements of Part N of the SCDCP 2005.

**79C(1)(iia) any planning agreement or draft planning agreement**

No planning agreement has been entered into under section 93F of the *Environmental Planning and Assessment Act 1979*.

**(i) matters prescribed by the regulations**

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration the provisions of the Government Coastal Policy and Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application.

Having regard to these prescribed matters, the proposed development is not located on land subject to the Government Coastal Policy as determined by Clause 92(1)(a)(ii) and does involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

Should this application be approved, appropriate conditions of consent are recommended to ensure the prescribed conditions of consent including compliance with the *Building Code of Australia*.

**(ii) any coastal zone management plan**

The NSW Government projects sea levels to rise by 40cm in 2050 and by 90cm in 2100 above the relative mean sea level in 1990. These planning benchmarks are to be considered in the assessment of development applications through the applicable coastal zone management plan or alternatively the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

Although Council is not subject to a coastal zone management plan, the sea level rise planning benchmarks have also been established in order to assess the likely increase in the frequency, duration and height of flooding and as a consequence likely property and infrastructure damage on affected and potentially affected land. Council is therefore required to consider the impact of sea level rise and resultant flooding from Powell's Creek and Cook's River which are tributaries of Sydney Harbour (Parramatta River) and Botany Bay respectively.

The proposed development is not located on a site that is subject to flooding attributed to either Powell's Creek or Cook's River and is therefore not required to be considered under the provisions of the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*.

**79C(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Green and Golden Bell Frogs

In recognition of the proximity of the subject site to known Green and Golden Bell Frog habitat and the presence of suitable habitat upon the site the subject application was accompanied by a Green and Golden Bell Frog Assessment of Significance prepared by Ecological Australia Pty Ltd giving consideration to the likely impacts of the development upon the species including a seven (7) part test. The report concludes that while the proposed development is unlikely to impact upon any local population of the species in recognition of the proximity to known populations a Green and Golden Bell Frog Management Plan should be implemented for the site including the creation of additional habitat. This document was reviewed by Council's Natural Resources Coordinator who raised no objection to the proposed development subject to compliance with the recommendations of the report, however a condition of consent is recommended that the proposed habitat creation should be of a minimum volume of 5000l to offset existing artificial water bodies upon the site to be removed as a result of the proposed development.

### Streetscape

In recognition of the additional building height proposed concern was raised over the compatibility of the proposed development with the desired future character of the locality. The proposed development as lodged included significant spans of blank wall, however the application was subsequently amended to incorporate lighter materials in the upper proportions of the structure and higher quality finishes upon the eastern elevation including spans of metal cladding. Further, additional landscaping treatments have been incorporated within the front setback including treatment of the northern portion of the site as to soften the visual impact of the development. With the implementation of such measures the proposed development is considered to be compatible with the desired future character of the locality.

### Noise

The subject site is located approximately 100m to the north of the nearest residence. In recognition of the proximity of the site to residential development the subject application as accompanied by an Acoustic Report prepared by Renzo Tonin & Associates. The report identifies the proposed development as achieving compliance with the sleep disturbance criteria and amenity noise criteria for all surrounding residential properties. As such, the proposed development is considered unlikely to result in any significant acoustic impacts upon surrounding residential properties.

### Traffic

The subject application was accompanied by a Traffic Impact Statement prepared by Colston Budd Rogers & Kaffes Pty Ltd giving consideration to the likely impacts of the development upon the surrounding road network. The report identifies the proposed development as being unlikely to generate any additional vehicular movements from the previous use of the site and notes that the proposed development or to result in any significant impacts upon the function of the surrounding road network. Given the proximity of the subject site to a number of arterial roads, the proposed development is considered unlikely to result in any significant impacts upon traffic movements within the locality.

### Northern portion

As previously noted the proposed development is isolated to the southern portion of the subject site with the future redevelopment of the northern portion of the site to be the subject of a future development application. Nonetheless, throughout the assessment process it was request that the

applicant provide landscaping treatments to the northern portion of the site fronting Wentworth Street and that a consistent fencing style be applied the length of the street frontage. Such measures have been incorporated within the development and will result in a positive streetscape outcome for the locality until such time that the northern portion of the site is redeveloped.

**79C(1)(c)      *the suitability of the site for the development***

The subject site is relatively unconstrained and subject to the proposed site remediation works is considered to be suitable for the purposes of the proposed development. The redevelopment of the site for the purposes of large floor plate industrial and warehousing activities is consistent with the sites IN1 General Industrial zoning and is considered to be a suitable use of a currently vacant site.

**79C(1)(d)      *any submissions made in accordance with this Act or the regulations***

The application was notified in accordance with Part L of the SCDP 2005 from 10 January 2017 to 25 January 2017, no submissions were received.

**79C(1)(e)      *the public interest***

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

**SECTION 94 CONTRIBUTIONS**

Section 94 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

- “(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:*
- (a) the dedication of land free of cost, or*
  - (b) the payment of a monetary contribution,*
  - or both.*
- (2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.”*

**STRATHFIELD INDIRECT SECTION 94 CONTRIBUTIONS PLAN**

Section 94 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as follows:

Local Amenity Improvement Levy	<b>\$240,749.37</b>
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**CONCLUSION**



The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Strathfield Local Environmental Plan 2013 and the Strathfield Development Control Plan 2005 and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

## RECOMMENDATION

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the Strathfield Local Environmental Plan 2012, the consent authority is satisfied that compliance with the development standard contained in Clause 4.3 (height of buildings) of the SLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard.

## SPECIAL CONDITIONS

### 1. *Frog Habitat*

The Green and Golden Bell Frog Management Plan is to include the provision of alternate breeding habitat including a water body with a minimum capacity of 5,000l. Such habitat is to be designed in consultation with a qualified herpetologist. Amended Plans including such an area are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of the a Construction Certificate** and are to be installed to the satisfaction of a qualified herpetologist **prior to the Issue of any Occupation Certificate.**

(Reason: To offset loss of potential habitat)

### 2. *Landscaping treatment*

The portion of the site to the north of the retaining wall shown as being treated with mulch upon the Landscape Plan prepared by Scape Design is to be treated with Plant Mix 1.

(Reason: To minimise opportunities for the propagation of weed species upon the site)

### 3. *Services*

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

(Reason: As per Part D of the SCDP 2005)

### 4. *Fencing (front fence)*

Black powder coated steel post/picket security fencing with a maximum height of 2m is to be fitted the length of the site's eastern boundary to Wentworth Street **Prior to the issue of Any Occupation Certificate.**

(Reason: To ensure a positive contribution to the streetscape in accordance with the Strathfield Consolidated DCP 2005.)

## GENERAL CONDITIONS (GC)

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

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

*Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/194:*

<b>Drawing No.</b>	<b>Title/Description</b>	<b>Prepared by</b>	<b>Issue / Revision &amp; Date</b>	<b>Date received by Council</b>
DA02	Master Plan	Plandes Group	H	12 May 2017
DA03	Floor Plan	Plandes Group	G	22 December 2016
DA04	Roof Plan	Plandes Group		22 December 2016
DA05	Front-Rear Elevations	Plandes Group	H	12 May 2017
DA06	South & North Elevations	Plandes Group	H	12 May 2017
DA07	Sections	Plandes Group		22 December 2016
DA08	Sections	Plandes Group		22 December 2016
DD06	Sections	Plandes Group		22 December 2016
SK01	Landscape Plan	Scape Design	C	12 May 2017
SK02	Planting Plan	Scape Design	C	12 May 2017
SK03	Planting Regime	Scape Design	B	12 May 2017
DA1.01	Cover sheet, locality plan & drawing schedule	Sparks & Partners	1	22 December 2016
DA2.01	Concept sediment & erosion control plan & details	Sparks & Partners	1	22 December 2016
DA4.01	Concept stormwater management plan sheet 1 of 4	Sparks & Partners	1	22 December 2016
DA4.02	Concept stormwater management plan sheet 2 of 4	Sparks & Partners	1	22 December 2016
DA4.03	Concept stormwater management plan sheet 3 of 4	Sparks & Partners	1	22 December 2016
DA4.04	Concept stormwater management plan sheet 4 of 4	Sparks & Partners	1	22 December 2016
DA4.05	Concept stormwater management catchment plan	Sparks & Partners	2	22 December 2016
DA4.11	Concept stormwater management details sheet 1 of 2	Sparks & Partners	1	22 December 2016

DA4.12	Concept stormwater management details sheet 2 of 2	Sparks & Partners	1	22 December 2016
SW2.06	Roof Drainage Plan	Sparks & Partners	1	22 December 2016

*Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2016/194:*

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision &amp; Date</b>	<b>Date received by Council</b>
Arboricultural Development Impact Assessment	Birds Tree Consultancy	2 October 2016	22 December 2016
Green & Golden Bell Frog Assessment of Significance	Eco Logical Australia Pty Ltd	10 March 2017	15 March 2017
Detailed Contamination Investigation	Douglas Partners	Project 85679.01 December 2016	22 December 2016
Noise Assessment	Renzo Tonin & Associates	Revision 0	22 December 2016
Design Specification Report	Trevor R Howse Pty Ltd	J16113 Issue 1	22 December 2016
Performance Solution Report	Trevor R Howse Pty Ltd	J16113(a) Issue 2	22 December 2016
Waste Management Plan	Mecone	-	22 December 2016
Stormwater Management & Water Sensitive Urban Design Strategy Report	Sparks & Associates	Issue 1 Revision 1	22 December 2016

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

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

## 6. Occupation of Building

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

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

- (i) all required inspections (including each applicable mandatory critical stage

- inspection) have been carried out; and
- (ii) any preconditions to the issue of the certificate required by a development consent have been met.

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

*(Reason: Statutory requirement.)*

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

The height of the building measured to Australian Height Datum (AHD) must not exceed Relative Level (RL) 39.5m AHD to the ridge <insert ridge for example> of the building.

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

**8. 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.)*

**9. Demolition (site safety fencing)**

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

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

- (i) 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
- (ii) 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.)*

**10. Landscaping (Street trees)**

A minimum of one (1) *Eucalyptus microcorys* (Tallowwood) shall be provided every (10)

meters within Council's nature strip on Wentworth Street for the length of the frontage of the site. Note a minimum clearance of two (2) meters shall be provided to the proposed vehicular crossings.

- (a) Trees are to conform to the *NATSPEC guide* and *Guide for assessing the quality of and purchasing of landscape trees* by Ross Clarke, 2003.
- (b) Replacement trees shall be minimum 100 litre container size. 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. Supplied trees are to have an appropriate stem taper. Roots shall generally grow in an outwards (radial) or downwards direction.
- (c) 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.
- (d) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m radius from the base of the tree and the tree shall be regularly watered during the first two (2) year establishment period. **Prior to the issue of an Occupation Certificate** a maintenance schedule shall be prepared by a suitably qualified consulting Arborist providing detail of regular monitoring, maintenance and watering of the street trees.
- (e) **Prior to the issue of an Occupation Certificate**, an inspection of all street trees shall be arranged with Council's Tree Coordinator. A minimum of 48 hours' notice shall be given to Council to inspect the street trees. Inspections may be arranged by telephoning Council's Tree Coordinator on 9748-9999 during office hours.

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

11. Landscaping (irrigation of common and private landscape areas)

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

*(Reason: To ensure appropriate landscape maintenance.)*

12. Lighting

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

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

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

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

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

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

14. Principal Certifying Authority (PCA) Identification Sign

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

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

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

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

*(Reason: Statutory requirement.)*

15. Site Management (during demolition and construction works)

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

- (i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- (x) All waste must be contained entirely within the site.
- (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires



waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.

- (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling.
- (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- (xv) Public footways and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- (xvi) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- (xviii) Any work must not prohibit or divert any natural overland flow of water.
- (xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- (xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

**16. Stormwater Management Plan (certification requirement)**

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

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

**17. Sydney Water (stamped plans prior to commencement)**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water

mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

*(Reason: Compliance with Sydney Water requirements.)*

18. Waste (trackable)

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

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

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

19. Access (access for people with disabilities)

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

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

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

20. Access (disabled toilets)

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

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

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

21. Building Code of Australia (compliance with)

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

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

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

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

22. Car Parking (requirements for multiple use buildings)

The following car parking and service vehicle requirements apply:-

- (i) **(86)** car spaces and (10) loading bays shall be provided on the development site.
- (ii) All car spaces shall be allocated and marked according to this requirement.
- (iii) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- (iv) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- (v) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (vi) The parking bays shall be delineated by line marking.
- (vii) The following traffic control measures shall be implemented on site:-
  - Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.
  - Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
  - One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

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

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

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction

Certificate.

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

24. Commencement of Works (no works until a CC is obtained)

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 81A(2) of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

*(Reason: To ensure compliance with statutory provisions.)*

25. Construction and Environmental Management Plan

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

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

26. Erosion and Sedimentation Control Plan

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.)*

27. Hazardous Goods and Waste

- (i) Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.



(ii)

(iii) Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

(iv) Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

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

*(Reason: Health and safety.)*

28. Landscaping (maintenance strategy)

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

*(Reason: Ensure landscape survival.)*

29. Noise and vibration management plan

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

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

- (i) identification of activities carried out and associated noise sources;
- (ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- (iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- (iv) noise and vibration monitoring, reporting and response procedures;
- (v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- (vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- (vii) construction timetabling to minimise noise impacts including time and duration

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

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

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

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

- (i) installation and maintenance of sediment control measures for the duration of construction activities;and

- (ii) inspection that no damage has occurred to or building debris/materials have been left on Council land including the footpath, nature strip, kerb and gutter.

Note: The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

*(Reason: Protection of Council infrastructure.)*

32. Stormwater (silt arrestors and gross pollutant traps)

Silt and gross pollutant traps shall be fitted in all new stormwater pits and designed in accordance with Council's specification for the management of stormwater. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

*(Reason: Environmental protection.)*

33. Traffic (construction traffic management plan)

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

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

- (i) description of the demolition, excavation and construction works;
- (ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- (iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- (iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- (v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- (vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- (vii) proposed hours of construction related activities and vehicular movements to and from the site;
- (viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- (ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- (x) measures to maintain public safety and convenience;
- (xi) any proposed road and/or footpath closures;
- (xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- (xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and

Council;

- (xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- (xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- (xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- (xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- (xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- (xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

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

34. Water Sustainability (water sensitive urban design)

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.)*

35. Works Permit

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

*(Reason: Council requirement.)*

36. Works Within the Road Reserve

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

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

Upon completion of the works, the Applicant is to provide to Council with electronic copies

of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

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

All civil engineering works adjacent/near/outside 37-39 Wentworth Street 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.)*

**37. Works Zone (approval by Council's traffic committee)**

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

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

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

*(Reason: Council requirement.)*

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS**

**38. Appointment of a Principal Certifying Authority (PCA)**

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

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

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

#### 39. Notice of Commencement

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

#### 40. Contaminated Land Unexpected Finds

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

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which



is agreed to by Strathfield Council's Environmental Services Manager.

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

*(Reason: To ensure compliance with statutory requirements.)*

41. Fill Material

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

- (v) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- (vi) 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.)*

42. Site Requirements During Demolition and Construction

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

- (i) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- (ii) Demolition must be carried out by a registered demolition contractor.
- (iii) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (iv) No blasting is to be carried out at any time during construction of the building.
- (v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- (vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- (viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- (ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or

- pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- (x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
  - (xi) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
  - (xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
  - (xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
  - (xiv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
  - (xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
  - (xvi) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
  - (xvii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
  - (xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

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

43. Survey Report of Approved Levels (during and post construction)

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

- (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 inform work, or the laying of roofing materials.
  - (iii) At the completion of the development.
- (vii)

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.)*

44. Fire Safety (certification)

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

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

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

(viii)

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.)*

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

45. Chemical Storage (requirements)

All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of:

- (i) Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids;
- (ii) Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances; and
- (iii) The Dangerous goods Act 1975.

*(Reason: Environmental protection.)*

46. Hours of Operation (industrial premises)

The hours of operation of the approved industrial premises must not exceed the following, without the prior approval of Council:

<b>Days</b>	<b>Approved hours of operation</b>
Mon-Sunday	6:00am to 8:00pm

This condition does not apply in respect of refrigeration equipment/or machinery used for the preparation of or cooking of baked goods, unless they create a nuisance or were not part of the original consent.

*(Reason: Ensure industry operates between approved hours.)*

47. Loading and Unloading (no obstruction of public road or footway)

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

*(Reason: Public safety.)*

48. Noise (compliance with acoustic assessment report)

All recommendations contained in the approved Acoustic Assessment Report Renzo Tonin & Associates shall be adopted, implemented, and adhered to.

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

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

*(Reason: Noise control and amenity.)*

49. Pollution (compliance with PEOA 1997 generally)

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

*(Reason: Environmental protection.)*

50. Staff Restriction (generally)

A maximum number of (90) staff are permitted to work on the premises at any one time.

Any increase to this number requires a section 96 modification application be submitted to Council for approval.

*(Reason: Environmental amenity.)*

51. Waste and Recycling (collection hours)

The collection of waste and recycling must only occur between 6.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside within one (1) hour of collection and returned to the designated garbage storage area(s).

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.

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.)*