

## COUNCIL ASSESSMENT REPORT

### SYDNEY EASTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSEC-290 – DA2017.64.6
<b>PROPOSAL</b>	<p>S4.55(2) Modification Application to extend working hours to enable 24/7 operation.</p> <p>The original consent was for the demolition of existing structures and construction of a waste transfer station processing up to 40,000 tonnes per annum</p>
<b>ADDRESS</b>	Lot 1 DP 202168 (63-65 Cosgrove Road, Strathfield South)
<b>APPLICANT</b>	Waste 360 Pty Ltd
<b>OWNER</b>	R Younan & E Haddad
<b>DA LODGEMENT DATE</b>	1 June 2023
<b>APPLICATION TYPE</b>	Development Application (Designated/Integrated)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 7 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45
<b>CIV</b>	No increases incur to any capital costs or investments for this modification
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>Strathfield Local Environmental Plan 2012</i></li> <li>• <i>Strathfield Development Control Plan 2005</i></li> </ul>
<b>TOTAL UNIQUE SUBMISSIONS</b> &	Nil

<b>KEY ISSUES IN SUBMISSIONS</b>	
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>Noise Impact Assessment – Issue 2304625 – Date: 1 May 2023 – RWDI</li> <li>Air Quality Impact Assessment – Issue 2304625 – Date: 23 April 2023 – RWDI</li> <li>Statement of Environmental Effects – Job No. 160150 – Date: September 2023 – Ingham Planning</li> <li>S4.55 Traffic Impact Assessment – Ref No. 18.182r06v01 – Date: 29 March 2023 - TRAFFIX</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	N/A
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	N/A
<b>SCHEDULED MEETING DATE</b>	25 January 2024
<b>PLAN VERSION</b>	N/A
<b>PREPARED BY</b>	Jake Brown - Planner
<b>DATE OF REPORT</b>	12 December 2023

## EXECUTIVE SUMMARY

The S4.55 (2) modification application (DA 2017.64.6) to extend working hours to enable 24/7 operation. The original consent was for the demolition of existing structures and construction of a waste transfer station processing up to 40,000 tonnes per annum. The waste transfer station is currently operating, and the modification application is seeking no other changes other than the operational hours.

The subject site is a triangular shaped allotment with an area of 2,736m<sup>2</sup>. The site has a frontage of 100m to Cosgrove Road. The site is predominately surrounded by industrial developments to the north, south and east and adjoins a freight railway line to the west. The site contains one large warehouse building for the operation of the waste transfer station.

The principle planning controls relevant to the proposal include the State Environmental Planning Policy (Biodiversity & Conservation) 2021, the State Environmental Planning Policy (Planning Systems) 2021, the State Environmental Planning Policy (Resilience and Hazards) 2021, the State Environmental Planning Policy (Transport and Infrastructure) 2021, the Strathfield Local Environmental Plan 2012; and the Strathfield Consolidated Development Control Plan 2005. The proposal is consistent with the relevant planning objectives and controls.

The proposal is considered both designated and integrated development, the application has

been notified in accordance with the requirements of both the Environmental Planning and Assessment Act 1979 ('EP&A Act') and clause 106 of the Environmental Planning and Assessment Regulation 2021. Section 4.55(2)(b) under the Environmental Planning and Assessment Act 1979 requires the consultation of relevant approval bodies. The application has been forwarded to the relevant agency bodies to get comment on the existing general terms of approval.

The application was placed on public exhibition from 8 June 2023 until 23 June 2023 and renotified from the 14 September 2023 to 12 October 2023. No submissions were received during these periods.

The application is referred to the Sydney Eastern City Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 7 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for *waste management facilities* and that the modification proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel.

A preliminary briefing was held with the Panel on the 24 October 2023 where no significant issues were raised for the application and that application be finalised for determination and that an assessment briefing was unnecessary.

Key issues of noise and traffic impacts have been considered acceptable and unlikely to cause significant impact to the local community or environment. This is further addressed within the body of the report.

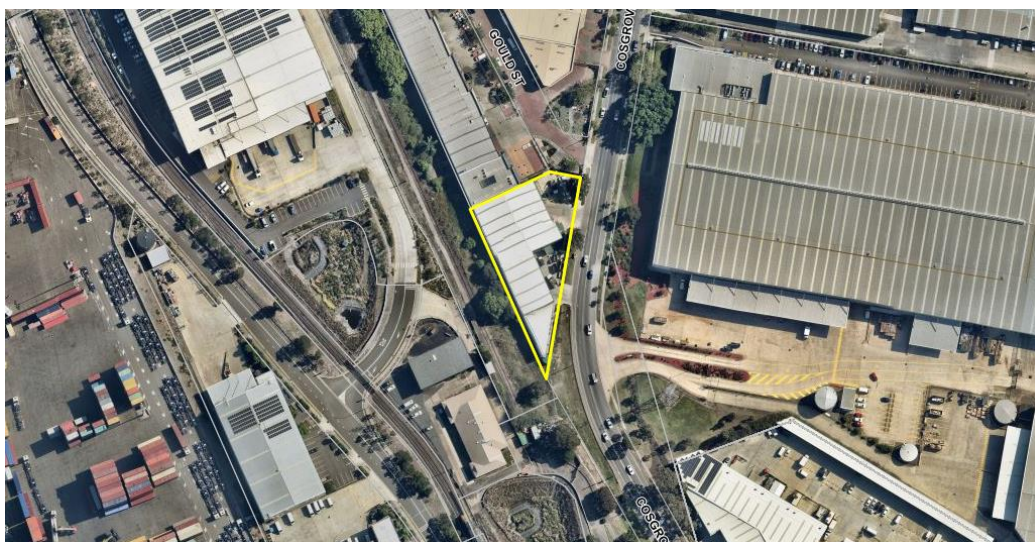
Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the *EP&A Act*, DA2017.64.6 is recommended for approval subject to the draft conditions of consent contained at **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The subject site is a triangular shaped allotment with an area of 2,736m<sup>2</sup>. The site has a frontage of 100m to Cosgrove Road. The site is predominately surrounded by industrial developments to the north, south and east and adjoins a freight railway line to the west. The subject land is approximately 450m south of the Hume Highway and 1.5km north of Punchbowl Road. The site was previously used as a depot by TFNSW and currently contains a large warehouse structure for the attended use.



**Figure 1:** Aerial image of the subject site



**Figure 2:** Front façade of the operational waste management facility

## 1.2 The Locality

The site is surrounded by industrial development with a range of uses including but limited to warehousing, bulky goods services, and car servicing. The proposal is adjacent to the Enfield Intermodal Logistics centre to the west. The closest residential area is over 400m away and is separated by other industrial development.

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposal seeks modify the development consent to allow for the extension working hours to enable 24/7 operation.

The current approved operating hours:

Days	Approved hours of operation
Mon-Friday	7am – 10pm
Saturday	7am – 10pm
Sunday and public holidays	7am – 10pm

*The premises must not open for business on Sundays or Public Holidays.*

*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.*

**Note:** The following “*The premises must not open for business on Sundays or Public Holidays*” was required to be removed in the previous modification, which was requested by the Sydney Eastern City Planning Panel (PPSSEC-32). The error will be rectified in this application.

### 2.2 Background

The development application was lodged on **1 June 2023**. A chronology of the development application since lodgement is outlined below including the Panel’s involvement (briefings, deferrals etc) with the application:

**Table 1: Chronology of the DA**

Date	Event
<b>19 November 2017</b>	Development consent was granted to DA2017/064 for the demolition of existing structures and construction of a waste transfer station processing up to 40,000 tonnes per annum by the Sydney Eastern City Planning Panel.
<b>16 June 2019</b>	A Section 4.55(2) Modification Application (DA2017/064/01) seeking provision of a mezzanine office area, reduction in parking from 20 to 11 spaces and minor external alterations was withdrawn.
<b>14 May 2020</b>	Section 4.55 (2) modification application (DA2017/064/03) to existing waste transfer station by reducing the extent of building and available parking was approved by the Sydney Eastern City Planning Panel.
<b>15 May 2021</b>	Section 4.55(1A) modification application (DA2017/64/04) of an approved waste transfer station



	involving alterations to the roof profile, external materials, windows, and an additional roller door and increase to the rainwater tank capacity was approved by Council's Internal Development Assessment Panel (IDAP)
<b>11 May 2023</b>	Section 4.55(2) modification application (DA2017/64/5) seeking extension of operating hours to 24/7 was returned to the applicant due to that a more detailed statement of what was proposed to be modified and the implications of this was not provided.
<b>Current Modification</b>	
<b>1 June 2023</b>	The subject Section 4.55 (2) modification application to extend working hours to enable 24/7 operation was lodged with Council
<b>8 June 2023</b>	The application was publicly exhibited until the 23 June 2023
<b>3 July 2023</b>	<p>The following was requested on the NSW Planning Portal</p> <p>"A preliminary review of the application has occurred; the application form specifies that the development is neither integrated or designated development which is contradictory to previous applications. Could you please provide a statement from a suitably qualified planner on why the application is not integrated and designated development".</p>
<b>18 July 2023</b>	A letter was provided by Ingham Planning
<b>25 July 2023</b>	<p>A formal letter for additional information for the following was uploaded to the NSW Planning Portal</p> <p>The letter did not substantiate unequivocally the reason why the development is not to be considered as a Designated Development. Although the proposed development is a modification to change hours the development is still maintaining the existing throughput of the original application (which was Designated Development) and Council has resolved to process the current application as Designated Development. Updated application details will need to be provided</p>
<b>14 September 2023</b>	The application was re-notified in accordance with development that is designated development, previous submitters have been notified, a public notice added to

	the Strathfield website and notification period of 28 days till 12 October 2023.
<b>6 October 2023</b>	Council's Planner carried out a site visit
<b>24 October 2023</b>	A preliminary briefing with the Sydney Eastern Planning Panel was held

### 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)

#### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

**(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity & Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Strathfield Local Environmental Plan 2012;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 2: Summary of Applicable Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"><li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 7 of Schedule 6.</li></ul>	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"><li>• Section 4.6 - Contamination and remediation has been considered in the Contamination Report in the original development application and the proposal remains satisfactory subject to conditions.</li></ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"><li>• Section 2.122(4) - Traffic-generating development</li><li>• Section 2.153 – Development permitted with consent</li></ul>	Y
SLEP 2012	<ul style="list-style-type: none"><li>• Clause 2.3 – Permissibility and zone objectives refer to SEPP (Transport and Infrastructure) 2021</li></ul>	Y
SDCP 2005	<ul style="list-style-type: none"><li>• Part D Industrial Development</li></ul>	Y

Consideration of the relevant SEPPs is outlined below

***State Environmental Planning Policy (Biodiversity and Conservation) 2021***



The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site. The proposed development as modified does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

Accordingly, the aims and objectives outlined within the SEPP are considered to remain satisfied.

### ***State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')***

#### **Chapter 2: State and Regional Development**

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 7 of Schedule 6 of the Planning Systems SEPP as the proposal is development for waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45. Accordingly, the Sydney Eastern City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

### ***State Environmental Planning Policy (Resilience and Hazards) 2021***

#### **Chapter 4: Remediation of Land**

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP')* have been considered in the original assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') was prepared for the site in the original application finding no potential sources of contamination within the site.

The modification is for the extension of operating hours only and no excavation, demolition or construction works are to occur, the waste facility is currently operational. No remediation works are required in this application and thus the proposal is considered to be consistent with the SEPP.

### ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

Division 17 Roads and Traffic, Clause 2.122 Traffic Generating development is to consider the accessibility of the site, potential traffic safety, road congestion or parking implications of the development. The proposed development is for the extension of operational hours of the waste transfer facility. The extension of hours will not increase the amount of truck movements but will in turn spread movements over a longer period. Both Transport for NSW and Council's Senior Traffic and Transport Engineer reviewed the modification and had view that the proposed of hours is unlikely to have impact on traffic generation. It is considered that Clause 2.122 has been satisfied.

Division 23 Waste or resource management facilities, clause 2.153 states land that waste or resource transfer facilities are permitted with consent. The site is located within the E4 Zone

– General Industrial, and is a prescribed zone within clause 2.153(2)(a) making the development permissible in the zone.

### **Strathfield Local Environmental Plan 2012**

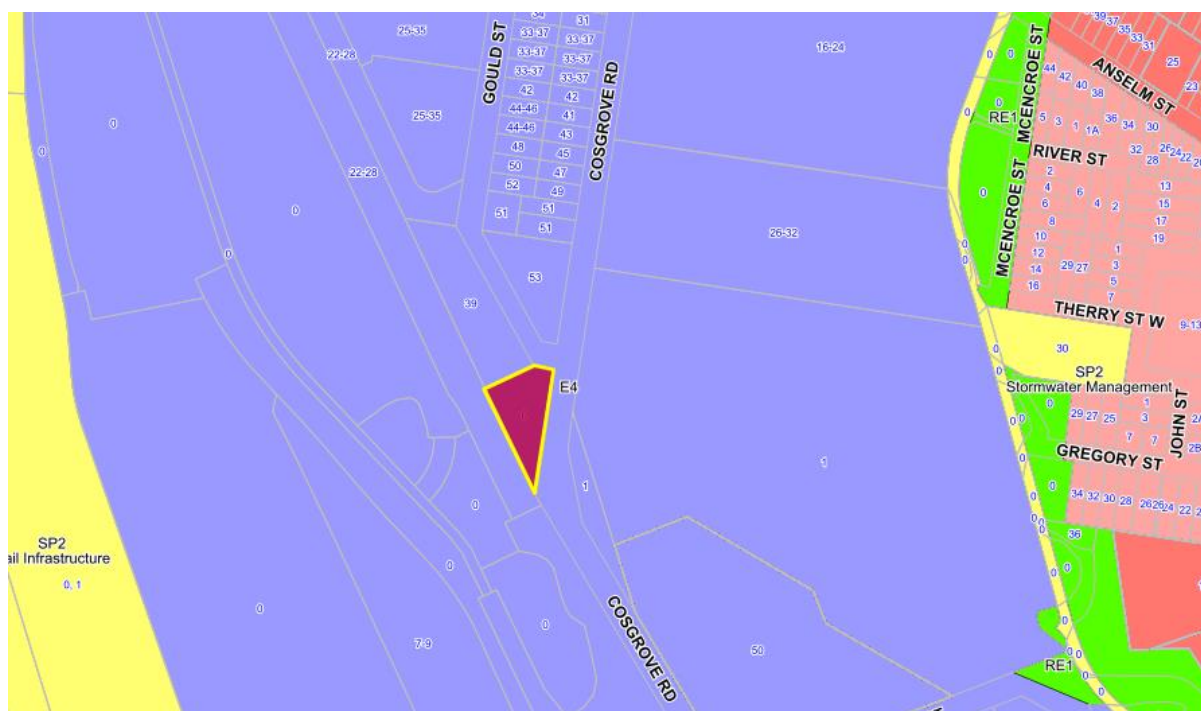
The relevant local environmental plan applying to the site is the *Strathfield Local Environmental Plan 2012* ('the LEP'). The relevant aims of the LEP include:

- (c) to promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community,
- (d) to provide opportunities for economic growth that will enhance the local community,

The proposal is consistent with these aims as the proposal is a modification to an existing consent to allow for the 24/7 operation of a waste transfer station.

### ***Zoning and Permissibility (Part 2)***

The site is located within the E4 Zone - General Industrial pursuant to Clause 2.3 of the Strathfield Local Environmental Plan 2012. The development remains for the purposes of a 'waste or resource transfer station'. Whilst this use is prohibited in the E4 zone, a waste or resource transfer station is permissible pursuant to Section 2.153 of the State Environmental Planning Policy (Transport and Infrastructure) 2021



**Figure 3: Zoning Map**

### ***General Controls and Development Standards (Part 2, 4, 5 and 6)***

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. Due to that the modification is for the extension of hours no further clauses are triggered within the LEP and all relevant clauses for the construction of the waste transfer station were satisfied in the original development application.

### **(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no draft or proposed planning instruments that are relevant to an assessment of the modified development on the subject site.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Strathfield Consolidated Development Control Plan 2005 ('the SCDCP') Part D 'Industrial Development'*

The modification triggers Section 2.9 Parking, Access and Manoeuvring and Section 2.14 Air, Noise and Water Pollution within Part D of SCDCP.

The objectives of Section 2.9 Parking, Access and Manoeuvring include to ensure safe vehicular ingress and egress, minimise the potential for congestion or hazard on adjoining roads and ensuring traffic generation due to the development will not impact local and regional traffic movements and impact residential areas. The operation will maintain the same service output therefore the 24/7 hour operation will allow for the spreading of truck movements throughout the day and into the night. This will help alleviate truck movements during critical peak times and reduce traffic impacts. Truck movements are within industrial areas and unlikely to impact on residential streets. The development is considered to satisfy the relevant objectives for Section 2.9 Parking, Access and Manoeuvring.

The objective of Section 2.14 Air, Noise and Water Pollution is to ensure industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions. The proposed modification does not change the output of the facility and will not likely impact on the level of air or water emissions of the site.

Due to the proposed 24/7 hour operation there is the potential for further noise impacts due to truck movements during irregular time periods. The development is within an industrial area and all truck movements will occur in an industrial area or on main thoroughfares and unlikely to impact on residential zones. The development will also be conditioned that all external doors (roller shutter doors and personnel doors) of the building must be kept closed between 10 pm and 7 am, except to allow ingress and egress of vehicles. This will also help in mitigating any noise impacts from the site. Overall, the development satisfies the objective of Section 2.14 Air, Noise and Water Pollution.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Direct Development Contributions Plan 2010 - 2030 – Strathfield LGA*

This section 4.55(2) does not result in any changes to the payment of Section 7.11 contributions which were levied under the parent consent.

**(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

### **(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

#### Environmental Planning and Assessment Regulations 2021 – Designated Development:

The proposed use is designated development pursuant to the EP&A Act and Regs. In this regard Schedule 3 of the EPA Regs indicates development that is designated and includes Clause 45 - Waste management facilities or works.

The proposal is considered to be designated development as it is a waste/resource transfer station with an intended capacity of more than 30,000 tonnes a year as referred to in (b) above. The proposal has been approved with a maximum capacity of 40,000 tonnes per year. The subject site is within 500m of a residential zone.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the conditions of consent (where necessary).

### **3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

The consideration of impacts on the natural and built environments includes the following:

- Access and Traffic
- Noise, Vibration and Air Quality

#### **Access and traffic:**

A traffic and parking assessment was prepared by Traffix (Traffic and Transport Planners) and identified that due to no net increase in the number of vehicles accessing the waste transfer facility that there are no net traffic impacts on the surrounding road network. Noting that there would be improvements:

*“the proposed changes to existing (approved) operating hours will result in a net reduction in traffic impacts during critical peak times given that up to eight (8) truck movements (arrivals or departures) will occur outside of core operating hours, thus reducing traffic impacts to the surrounding road network during critical network peaks.”*

The changes in hours were both reviewed both Transport for NSW and Council's Traffic Engineering officer who both provided no concern of the changes of hours. Overall the development is likely to improve traffic and access in the area due to the 24/7 nature of the proposal.

## Noise, Vibration and Air Quality

A noise and air quality assessment were prepared by RWDI Australia Pty Ltd dated April and May 2023. The assessment reports were prepared in accordance with the following guidelines:

- *Environmental Protection Authority (EPA) guideline entitled “Approved Methods for the Modelling and Assessment of Air Pollutants in NSW” (NSW EPA, 2022).*
- *Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) “Guidance on land-use planning and development control: Planning for air quality 2017 v1.2” (EPUK & IAQM, 2017).*
- *NSW Noise Policy for Industry (NPfI)(EPA,2017);*
- *NSW Road Noise Policy (RNP)(DECCW, 2011)*

The air quality report identifies that the dust impacts from the proposed extended operational hours is considered to have a negligible impact. Best practice management will also help in the reduction of dust impacts for the development.

The noise assessment report identified that there will be an increase of 0.2dB and 0.5dB during the day and night periods, respectively. This is below the 2 dB criterion limit established by NSW Road Noise Policy for existing residences and other sensitive land uses affected by additional traffic on existing roads generated by the developments. Overall, the increase in operational hours and additional noise from that will result in a negligible impact.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### 3.3 Section 4.15(1)(c) - Suitability of the site

No changes are proposed which would affect the development’s suitability for the site. The proposal remains located away from residential properties and continues to achieve appropriate separation from any adjoining industrial properties surrounding the site. The site is able to be serviced by the surrounding road network which connect by two arterial roads. Overall, the proposed development for the purposes Waste Transfer Facility is suitable for the subject site.

### 3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4 of this report.

### 3.5 Section 4.15(1)(e) - Public interest

The public interest is best served by the consistent application of relevant Environmental Planning Instruments, Development Control Plans and Council policies. As discussed throughout this report, the proposed development has been assessed against the relevant statutory provisions and is satisfactory. Accordingly, approval of the proposal would not be contrary to the public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for referral as required by the EP&A Act and outlined below in Table 5. Section 4.55(2)(b) under the Environmental Planning and Assessment Act 1979 requires the consultation of relevant approval bodies. The original application was integrated development and the application has been forwarded to the relevant bodies for comment and for any necessary changes to the General Terms of Approval (GTAs).

There are no outstanding issues arising from these referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 3: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Referral/Consultation Agencies</b>			
Transport for NSW	EP&A Regulation 2021, s38 (Amendment of development application)	TfNSW has no comment to provide, noting the modification to operating hours does not result in any change to approved production volume or net increase in traffic generation.	Y
Environmental Protection Authority	EP&A Regulation 2021, s38 (Amendment of development application)	<p>Following the review of the application and supporting information, the EPA understand the proposed modification seeks to extend the operational hours to 24 hours a day, 7 days a week. The relevant consent condition is:</p> <p style="padding-left: 40px;">L3.1 Activities at the premises may only be carried out between 7am - 10 pm Monday to Sunday</p> <p>The modification proposes to amend the Condition:</p> <p style="padding-left: 40px;">L3.1 Activities at the premises may be carried out at any time</p> <p>The EPA does not object to the proposal to modify these conditions contingent on the inclusion of the following condition.</p>	Y



		<p>The EPA recommends adding the following conditions to support the proposed modification:</p> <ul style="list-style-type: none"> <li>• All external doors (roller shutter doors and personnel doors) of the building must be kept closed between 10 pm and 7 am, except to allow ingress and egress of vehicles.</li> </ul> <p>Where approval is granted, an application to vary the EPL will be required to be submitted by the proponent to the EPA prior to the commencement of any activities associated with the modification.</p>	
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## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 4: Consideration of Council Referrals**

Officer	Comments	Resolved
Environmental Health	Council's Environmental Health Officer provided no response relating to this modification application.	Y
Traffic	Council's Traffic Engineering Officer reviewed the proposal and considered it not to have an adverse impact on the traffic network in the industrial area of Strathfield LGA.	Y

## 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 8 June 2023 until 23 June 2023. After determining the application was designated development the application was renotified in accordance with Council's Community participation Plan and Clause 106 of the Environmental Planning and Assessment Regulation 2021. The application was renotified from the 14 September 2023 to 12 October 2023.

No submissions were received for both periods of notification.

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

- Traffic
- Noise

Both issues have been dealt with in the body of this report and are considered acceptable and unlikely to have an impact on the environment. Thus, proposed modification to hours is considered to be appropriate in this circumstance.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, and that no submissions were provided, and key issues considered to have a negligible environmental impact, it is considered that the application can be supported.

## 7. RECOMMENDATION

That the Development Application DA No 2017.64.6 for the S4.55(2) Modification Application to extend working hours to enable 24/7 operation at 63-65 Cosgrove Road, Strathfield South be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to:

1. The original conditions of consent of Development Application No. (DA2017/064) as approved by Sydney Eastern Planning Panel on 19 December 2017 for demolition of existing structures and construction of a waste transfer station processing up to 40,000 tonne per annum;
2. As modified by the Section 4.55(2) application DA2017/064/03 approved by the Sydney Eastern Planning Panel on 30 April 2020;
3. As modified by the Section 4.55(1A) application DA2017/064/04 approved by Strathfield's Internal Development Assessment Panel on 15 January 2021;
4. As modified by the Section 4.55(2) application DA2017/064/06 as follows:
  - **Modified Condition L3.1 - (L3 Hours of operation)**
  - **Added Condition 02.4 – (02 Process and Management)**
  - **Modified Condition 64 – Hours of Operation**

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Noise Impact Assessment Report – 1 May 2023 – RWDI Australia Pty Ltd

- Attachment C: Air Quality Impact Assessment Report – 28 April 2023 – RWDI Australia Pty Ltd
- Attachment D: Traffic Report – 29 March 2023 – Traffix Traffic and Transport Planners
- Attachment E: Statement of Environmental Effects – September 2023 – Ingham Planning

## ATTACHMENT A

### **SPECIAL CONDITIONS (SC)**

#### **1. NSW ENVIRONMENTAL PROTECTION AUTHORITY – GENERAL TERMS OF APPROVAL (SC)**

##### **Administrative conditions**

**Note:** Mandatory conditions for all general terms of approval

##### **A1. Information supplied to the EPA**

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application no. 2017/062 submitted to Strathfield Council on 15 May 2017; and
- Any environmental impact statement Environmental Impact Statement Resource Transfer Station at 63-65 Cosgrove Road South Strathfield and associated appendices relating to the development.

##### **A2. Fit and Proper Person**

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

##### **Limit conditions**

##### **L1. Pollution of waters**

**L.1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the

Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

## **L2. Waste**

**L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L2.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

**L2.3** The maximum amount of waste received at the Premises must not exceed 40,000 tonnes per year.

## **L3. Hours of operation**

**L3.1** Activities at the premises may ~~only~~ be carried out at ~~between~~ any time 7am–10pm Monday to Sunday.

**MODIFIED      DA2021.175.7      25 January 2024**

**L3.2** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L3.3** The hours of operation specified in conditions L3.1 and L3.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## **L3. Noise Limits**

**L3.1** The project must be designed, built and operated in accordance with the Environmental Impact Statement and Proposed Waste Transfer & Recovery Facility- Noise & Air Quality Impact Assessment, dated April 2017.

#### **L.4 Odour**

**L4.1** No condition of the licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

#### **Operating conditions**

##### **01. Dust**

**01.2** Activities occurring at the premises must be carried out in a manner that will minimise the generation of dust.

**01.3** The premises must be maintained in a condition which prevents the emission of dust from the premises.

**01.4** The licensee must ensure that no material, including sediment or oil, is tracked from the premises.

**01.5** Trucks entering and leaving the premises that are carrying loads must be covered at all times except during loading and unloading.

##### **02. Process and Management**

**02.1** All activities must be carried out in a suitably enclosed shed and a concrete hardstand.

**02.2** Each type of waste stored on site for recovery/recycling must be stockpiled separately.



**02.3** Sampling and validation of waste must be undertaken in accordance with the conditions specified in the Environmental Protection Licence

**02.4** All external doors (roller shutter doors and personnel doors) of the building must be kept closed between 10 pm and 7 am, except to allow ingress and egress of vehicles.

**ADDED      DA2021.175.7      25 January 2024**

### **03. Emergency response**

**03.1** The licensee must prepare, maintain and implement as necessary, a current Pollution Incident Response

Management Plan (PIRMP) for the premises.

NOTE: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 (the POEO Act) and the POEO Regulations.

### **Monitoring and recording conditions**

#### **M1 Monitoring records**

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- In a legible form, or in a form that can readily be reduced to a legible form;
- Kept for at least 4 years after the monitoring or event to which they relate took place;and
- Produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- The time(s) at which the sample was collected;
- The point at which the sample was taken; and
- The name of the person who collected the sample.

### **Reporting conditions**

Note: Mandatory condition to be used on all general terms of approvals

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

### **Attachment- Mandatory Conditions for all EPA licences**

#### **Administrative conditions**

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Truck and other vehicle parking

#### **Operating conditions**

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner. This includes:

- a. The processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. Must be maintained in a proper and efficient condition; and
- b. Must be operated in a proper and efficient manner.

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- The date and time of the complaint;
- The method by which the complaint was made;
- Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

- The nature of the complaint;
- The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- If no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see them.

### **Telephone complaints line**

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

### **Reporting conditions**

#### **Annual Return documents**

#### **What documents must an Annual Return contain?**

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA

### **Period covered by Annual Return**

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the

Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. The transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. The new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on -

- a. In relation to the surrender of a licence- the date when notice in writing of approval of the surrender is given; or
- b. In relation to the revocation of the licence - the date from which notice revoking the licence operates.

## **Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

## **Notification where actual load can not be calculated**

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. The assessable pollutants for which the actual load could not be calculated; and
- b. The relevant circumstances that were beyond the control of the licensee.

## **Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

## **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.



A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### **Notification of environmental harm**

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### **Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. Where this licence applies to premises, an event has occurred at the premises; or
- b. Where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. The cause, time and duration of the event;

- b. The type, volume and concentration of every pollutant discharged as a result of the event;
- c. The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. Action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. Details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. Any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

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### **General conditions**

Copy of licence kept at the premises or on the vehicle or mobile plant.

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies. The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

(Reason: Ensure compliance with NSW EPA requirements)

## **2. SIGHT DISTANCE (SC)**

Sight distances from the proposed vehicular crossings to vehicles on Cosgrove Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

(Reason: Safety)

### 3. **E-WASTE (SC)**

As per the EPA's recommendation, no E-Waste is to be permitted to be treated on site. Accordingly all required documents are to remove the reference of E-Waste material.

(Reason: to satisfy EPA requirements)

### 4. **PLAN OF MANAGEMENT FOR DUST MITIGATION (SC)**

The applicant is to provide a Plan of Management for Dust Mitigation, incorporating control measures contained within the Noise and Air Quality Impact Assessment Report No 16271 Version D and dated November 2019. The Plan of Management must clearly specify:

- The environmental measurements (such as wind speed and how to gauge wind speed), and the environmental and operational conditions that trigger implementation of dust mitigation.
- A daily log must be kept documenting dust mitigation measures implemented and the triggers for implementation. The log must be kept daily for every day of operations and include "nil measures" if no measures implemented on any day.
- An up to date copy of the log must be kept at site and immediately made available for inspection upon request to any member of Council or the NSW EPA authorised under the Protection of the Environment Operations Act 1997
- Management is to undertake a documented monthly review of the daily logs to identify the operational practices leading to the need for dust mitigation. The review must identify and document solutions to the operational practices.
- Management must implement any feasible solution identified in the monthly review.

(Reason: Pollution Control)

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

**5. ILLEGAL DUMPING AND LITTER CONTROL (SC)**

The applicant or person taking up this is responsible for ensuring Cosgrove Road around the development (from Cleveland Street to Liverpool Road) is clean and free of litter and illegal dumps, and must:

- Undertake daily patrols of the area surrounding Cosgrove Road from Cleveland Street to Liverpool Road to identify litter, garbage and illegal dumps.
- Remove and legally dispose of litter, garbage and illegal dumps.
- Maintain a log of patrols, including date, time, person conducting patrol the litter, garbage and illegal dumps identified (including “nil identified”) and the corrective actions taken to remove litter, garbage and illegal dumps.
- The logs of patrols must be kept on site and immediately made available for inspection upon request to any member of Council or the NSW EPA authorized under the Protection of the Environment Operations Act 1997

(Reason: Pollution Control)

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

**6. DELETION OF CARSPACE ADJOINING GARBAGE ROOM (SC)**

The car space immediately adjoining the garbage room and internal stairwell to the south-east of the site shall be deleted and reinstated with deep soil zone. Details demonstrating compliance with this requirement shall be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: Reduce hardstand surfaces in front setback of site)

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

## GENERAL CONDITIONS (GC)

### 4. 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 Application No. 2017/064:

Drawing No.	Title/Description	Prepared by	Issue / Revision	Date
-	Waste Management Plan	Younan		26.04.2017
100	Site Plan	Cracknell & Lonergan Architects	<del>Issue B dated 14 April 2020</del> <b>Dated 14 September 2020</b>	<del>Received by Council 14 April 2020</del> <b>Received by Council 18 November 2020</b>
103	Ground Floor Plan	Cracknell & Lonergan Architects	<del>Issue B dated 14 April 2020</del> <b>Dated 14 September 2020</b>	<del>Received by Council 14 April 2020</del> <b>Received by Council 18 November 2020</b>
107	First Floor Plan	Cracknell & Lonergan Architects	<del>Issue B dated 14 April 2020</del> <b>Dated 14 September 2020</b>	<del>Received by Council 14 April 2020</del> <b>Received by Council 18 November 2020</b>
110	Roof Plan	Cracknell & Lonergan Architects	<del>Issue B dated 14 April 2020</del> <b>Dated 14 September 2020</b>	<del>Received by Council 14 April 2020</del> <b>Received by Council 18 November 2020</b>

201	Elevations	Cracknell & Lonergan Architects	<del>Issue B dated 14 April 2020</del> <b>Dated 14 September 2020</b>	<del>Received by Council 14 April 2020</del> <b>Received by Council 18 November 2020</b>
301	Section Plan	Cracknell & Lonergan Architects	<del>Issue B dated 14 April 2020</del> <b>Dated 14 September 2020</b>	<del>Received by Council 14 April 2020</del> <b>Received by Council 18 November 2020</b>
110	Roof Plan	Cracknell & Lonergan Architects	<del>Issue B dated 14 April 2020</del> <b>Dated 14 September 2020</b>	<del>Received by Council 14 April 2020</del> <b>Received by Council 18 November 2020</b>
L 100	Landscape Plan	A Total Concept Landscape Architects	Issue B	Received by Council 15 November 2019
C201	Stormwater Plan - General Arrangement Plan	C&M Consulting Engineers	Revision 04	Received by Council 31 March 2020
C501	Onsite Stormwater Site Detention System	C&M Consulting Engineers	Revision 01	Received by Council 31 March 2020
C601	Catchment Plan	C&M Consulting Engineers	Revision 02	Received by Council 31 March 2020
C701	Sediment and Erosion Control Plan	C&M Consulting Engineers	Revision 03	Received by Council 31 March 2020



**MODIFIED: DA2017/064/04****15 JANUARY 2021**

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Application No. 2017/064:

Title / Description	Prepared by	Issue/Revision	Date
Environmental Impact Statement	Ingham Planning	-	May 2017
Detail Survey	Cedar Surveying Services Pty Ltd		30 May 2016
Phase 1 and 2 Environmental Site Assessment	Aecom	-	24 August 2015
Traffic and Parking Assessment	Traffix	Dated 7 November 2019	Received by Council 15 November 2019
Arborist Assessment	Urban Tree Care		1 February 2017
Preliminary Hazard Analysis (PHA)	Ingham Planning	-	No date
Secretary's Environmental Assessment Requirements (SEAR) 1103	NSW Planning & Environment		9 November 2016
Comments to Public submissions	Ingham Planning		29 August 2017
Landscape Maintenance Strategy	A Total Concept Landscape Architects	2019-09-16	Received by Council 15 November 2019
Stormwater Management Plan	C&M Consulting Engineers	Revision B	Received by Council 31 March 2020
Noise and Air Quality Impact Assessment	Wilkinson Murray	Revision D dated November 2019	Received by Council 15 November 2019
<b>BCA Assessment Report</b>	<b>BCA Logic</b>	<b>Rev R3</b>	<b>Dated 24 February 2020</b>

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

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

**5. 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.)

**6. CONSTRUCTION WITHIN BOUNDARIES (GC)**

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

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

**7. DEMOLITION – GENERALLY (GC)**

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

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

**8. DEMOLITION - SITE SAFETY FENCING (GC)**

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

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

- a) 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
- b) 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.)

#### 9. **LANDSCAPING – CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). Ground covers should be planted in lieu of grass, to compliment the grevilleas. New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

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

The development consent only permits the removal of trees numbered 1, 2, 3 and 4 as identified within the ~~Ground Floor Plan Issue A dated 4 October 2019 prepared by Cracknell & Lonergan Architects.~~ **Arborist Assessment Report prepared by Urban Tree Care dated 1 February 2017.**

(Reason: To ensure appropriate tree removal.)

**MODIFIED: DA2017/064/04**

**15 JANUARY 2021**

**11. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULED (GC)**

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

(Reason: To ensure compliance with this consent.)

**12. LIGHTING (GC)**

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

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

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

**13. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

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

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

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

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

(Reason: Statutory requirement.)

**14. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS) (GC)**

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

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

recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.

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

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

#### 15. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

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

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

**16. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)**

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

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

(Reason: Compliance with Sydney Water requirements.)

**17. WASTE – TRACKABLE (GC)**

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2014 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 (CC)**

**18. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)**

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

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

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

#### 19. **ACCESS – DISABLED TOILETS (CC)**

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

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

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

#### 20. **ARBORIST REPORT – INITIAL (CC)**

The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and determine best practices (e.g. minimise compaction, soil build up and or excavation within the Tree Protection Zone) to ensure the longevity of the trees to be retained. The arborist is to prepare and submit, to the satisfaction of the Principal Certifying Authority, a report prior to the issue of a Construction Certificate, documenting the measures to be employed and certifying that they have been implemented.



(Reason: Qualified assessment of impact of proposed works on trees to be retained on the site.)

**21. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

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

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

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

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

**22. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)**

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

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

**23. CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and AS/NZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

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

**24. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED) (CC)**

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a 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 (CC)**

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

- a) Detailed information on any approvals required from other authorities prior to or during construction.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- g) 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.
- h) Asbestos management procedures:
- Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a

current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:

- ☐ The Work Health and Safety Act 2011;
  - ☐ The Work Health and Safety Regulation 2011;
  - ☐ How to Safely Remove Asbestos Code of Practice – WorkCover 2011; and
  - ☐ Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
- Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
  - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
    - ☐ the date and time when asbestos removal works will commence;
    - ☐ the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - ☐ the full name and license number of the asbestos removalist/s; and
    - ☐ the telephone number of WorkCover's Hotline 13 10 50
    - ☐ warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
    - ☐ appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

### a) Works Permit

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

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

b) Standing Plant Permit

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

c) Skip Bin Permit

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

d) Temporary Full or Part Road Closure Permit

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

e) Hoarding Permit

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

f) Work Zone Permit

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

g) Ground Anchoring Permit

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

State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement)

**27. EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

- a) Compliance with the approved Soil and Water Management Plan.
- b) 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).
- c) All uncontaminated run-off is diverted around cleared or disturbed areas.
- d) 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.
- e) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- h) 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.
- i) 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.)

**28. FIRE SAFETY SCHEDULE (CC)**

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

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

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

29. **HAZARDOUS GOODS AND WASTE (CC)**

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

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

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

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

(Reason: Health and safety.)

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

To ensure the survival of landscaping following completion of 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.)

### 31. **NOISE AND VIBRATION MANAGEMENT PLAN (CC)**

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 in compliance with:

- a) Construction noise management levels established using the Interim Construction Noise Guideline (DECC, 2009);
- b) Vibration criteria established using the assessing vibration: Technical guideline (DEC, 2006) (for human exposure); and
- c) The vibration limits set out in the German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage)

The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- i) identification of activities carried out and associated noise sources;
- ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- iv) noise and vibration monitoring, reporting and response procedures;
- v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;



- vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

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

## 32. **SECTION 94 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

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

Provision of Community Facilities	<b>\$0.00</b>
Provision of Major Open Space	<b>\$72,253.72</b>
Provision of Local Open Space	<b>\$16,359.33</b>
Provision Roads and traffic Management	<b>\$0.00</b>
Administration	<b>\$1,363.28</b>
<b>TOTAL</b>	<b>\$89,976.33</b>

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

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

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

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

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

**33. PUBLIC RISK INSURANCE (CC)**

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy also provided to Council.

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

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

A security (damage deposit) of **\$12,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to

Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

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

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

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

(Reason: Protection of Council infrastructure.)

**35.     STORMWATER - RAINWATER RE-USE (CC)**

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

(Reason: Compliance and amenity.)

**36.     STORMWATER - SILT ARRESTORS AND GROSS POLLUTANT TRAPS (CC)**

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.)

**37. WORKS WITHIN THE ROAD RESERVE (CC)**

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

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

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 63-65 Cosgrove Road, Strathfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.)

**38. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)**

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

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

- a) description of the demolition, excavation and construction works;
- b) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) 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;
- e) 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;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) proposed hours of construction related activities and vehicular movements to and from the site;
- h) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) measures to maintain public safety and convenience;
- k) any proposed road and/or footpath closures;
- l) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) 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;
- n) 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);
- o) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) 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
- s) 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.)

**39. TREE BONDS (CC)**

A tree bond of **\$10,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

**40. VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)**

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

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

**41. VENTILATION SYSTEMS – MECHANICAL (CC)**

The mechanical ventilation system is to comply with the following:

- a) The Building Code of Australia;
- b) Protection of the Environment Operations Act 1997; and
- c) Australian Standard AS1668-1991.

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

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

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

#### 42. **WASTE –WASTE STORAGE ROOMS (CC)**

Bulk waste storage and waste storage rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the waste room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The waste room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

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

#### 43. **WASTEWATER CONTROL (CC)**

The applicant shall contact Sydney Water, to determine the requirements for the disposal of wastewater and liquid trade waste (including grease traps or grease arrestors). The applicant must provide a copy of the Authority to connect to the sewer system prior to the issue of a Construction Certificate.

There is to be no discharge of wastewater to the stormwater system.

(Reason: To ensure suitable disposal of waste water.)

**44. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)**

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

(Reason: To promote Water Sensitive Urban Design.)

**45. WATER SUSTAINABILITY – GENERALLY (CC)**

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

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

(Reason: To promote sustainable water management practice.)

**46. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)**

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

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



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

(Reason: Council requirement.)

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

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

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

- a) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- b) 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.
- c) 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.
- d) 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.

- e) The person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

(Reason: Statutory requirement.)

#### 48. **NOTICE OF COMMENCEMENT (CW)**

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

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

(Reason: Statutory requirement.)

#### 49. **TREE PROTECTION MEASURES (CW)**

Tree protection measures must be erected around Tree 5, Tree 6 and Tree 7 prior to works in accordance with AS 4970-2009 Protection of trees on development sites.

(Reason: Tree protection.)

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

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

**50. FILL MATERIAL (DW)**

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

- a) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- b) 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.)

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

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

(Reason: To maintain public access and safety.)

**52. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

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

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

**53. WORKS NEAR TREES (DW)**

All required tree protection measures are to be maintained in good condition for the duration of the construction period in accordance with AS 4970-2009 Protection of trees on development sites.

(Reason: Tree Protection.)

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

##### **54. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)**

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

(Reason: Maintenance of public infrastructure.)

##### **55. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

(Reason: Maintenance and environment.)

**56. ENGINEERING WORKS (CERTIFICATION OF) (OC)**

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

- i) The stormwater drainage system; and/or
- ii) The car parking arrangement and area; and/or
- iii) Any related footpath crossing works; and/or
- iv) The proposed basement pump and well system; and/or
- v) The proposed driveway and layback; and/or
- vi) Any other civil works

have been constructed in accordance with the approved plans and any relevant Standards and Council policies/specifications.

For major works, such as subdivisions, works within the road reserve (requiring separate S138 approval) and as where specified by Council, a Part 4A Certificate will be required. It is strongly recommended that an Engineer supervise all engineering related works.

Where Council is not the Principal Certifying Authority, an electronic copy of the above documents is to be provided to Council, prior to the issue of any Occupation Certificate.

(Reason: Asset management.)

**57. LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)**

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them

as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- a) Methods of excavation or construction used to carry out the works;
- b) Any damage sustained by the tree/s as a result of the works;
- c) Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- d) Any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

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

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

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

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

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

(Reason: Statutory requirement.)

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

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

(Reason: Adequate stormwater management.)

**60.     STORMWATER – COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

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

**61.     VENTILATION SYSTEMS – MECHANICAL (OC)**

The mechanical ventilation system is to comply with the following:

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

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

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

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

**62.     VENTILATION SYSTEMS – NATURAL (OC)**

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

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

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

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

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

#### **63. FIRE SAFETY ANNUAL STATEMENT (OU)**

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

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

- a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- b) Prominently displayed in the building. (Reason: Fire safety)

#### **64. HOURS OF OPERATION (OU)**

~~The hours of operation of the approved 'waste transfer station' must not exceed the following, without the prior approval of Council:~~

Days	Approved hours of operation
<del>Mon-Friday</del>	<del>7am-10pm</del>
<del>Saturday</del>	<del>7am-10pm</del>
<del>Sunday and public holidays</del>	<del>7am-10pm</del>



~~The premises must not open for business on Sundays or Public Holidays.~~

The permitted operational hours are 24 hours a day, 7 days a week for the approved 'waste transfer station'.

~~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.)

**MODIFIED      DA2021.175.7      25 January 2024**

**65.      CARPARKING (OU)**

Any employee vehicles must be required to park on site at all times.

(Reason: To reduce off site car parking.)

**66.      NOISE – REQUIREMENTS FOR INDUSTRIAL (OU)**

The use of the premises shall comply with the requirements of the NSW Environment Protection Authority Industrial Noise Policy 2000 and shall not give rise to the transmission of offensive noise as defined in the Protection of the Environment Operation Act 1997 (NSW)

(Reason: Noise control and amenity.)

**67.      POLLUTION – COMPLIANCE WITH PEOA 1997 GENERALLY (OU)**

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

(Reason: Environmental protection.)

**68. STAFF RESTRICTION GENERALLY (OU)**

A maximum number of 8 staff are permitted to work on the premises at any one time. Any increase to this number requires a section 4.55 modification application be submitted to Council for approval.

(Reason: Environmental amenity.)

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

**69. VEHICULAR ACCESS (OU)**

All vehicles must enter and leave the site in a forward direction, at all times.

(Reason: To ensure traffic safety.)

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

**70. PROVISION OF OFF-STREET PARKING (OU)**

The owner and occupier, in compliance with AS2890 Series, must maintain unimpeded access to off-street parking as follows:

All day staff parking spaces 11

Disabled parking spaces 1

(Reason: This condition has been imposed to ensure adequate on-site parking is maintained.)

**MODIFIED: DA2017/064/03 – 30 APRIL 2020**

**SIGNED** on behalf of  
Strathfield Municipal Council

  
**GEOFF BAKER**  
**PUBLIC OFFICER**

**END CONDITIONS**

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## **ADVISORY NOTES**

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

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

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

ii. **Appeal Rights**

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

iii. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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

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

v. **Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

vi. **Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

vii. **Register your Swimming Pool**

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)