

**COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	<b>PPSSEC-32</b>
<b>DA Number</b>	<b>2017/064/03</b>
<b>LGA</b>	<b>Strathfield</b>
<b>Proposed Development</b>	<b>Modification Application to existing waste transfer station by reducing extent of building and available parking.</b>
<b>Street Address</b>	<b>Nos. 63-65 Cosgrove Road, Strathfield South</b>
<b>Applicant/Owner</b>	<b>Ingham Planning Pty Ltd c/- Brett Brown</b>
<b>Date of DA lodgement</b>	<b>15 November 2019</b>
<b>Number of Submissions</b>	<b>Nil.</b>
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	<b>Waste facilities that are Designated Development</b>
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <b>relevant environmental planning instruments:</b> <ul style="list-style-type: none"> <li>○ SEPP (Infrastructure) 2007</li> <li>○ SEPP 55 – Remediation of Land;</li> <li>○ SEPP No. 33 – Hazardous and Offensive Development;</li> <li>○ Strathfield Local Environmental Plan 2012;</li> </ul> </li> <li>• <b>proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority:</b>  N/A</li> <li>• <b>relevant development control plan:</b> <ul style="list-style-type: none"> <li>○ Strathfield Consolidated Development Control Plan 2005 <ul style="list-style-type: none"> <li>- Part D – ‘Industrial Development’;</li> <li>- Part H – ‘Waste Management’;</li> <li>- Part I – ‘Provision of Off-Street Parking Facilities’;</li> <li>- Part J – ‘Advertising Signs and Structures’;</li> <li>- Part N – ‘Water Sensitive Urban Design (WSUD)’; and</li> <li>- Part L – ‘Notification’.</li> </ul> </li> </ul> </li> <li>• <b>relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:</b>  N/A</li> <li>• <b>coastal zone management plan</b></li> </ul>

	<p><b>relevant regulations e.g. Regs 92, 93, 94, 94A, 288:</b></p> <ul style="list-style-type: none"> <li>○ Section 92(b) of the Environmental Planning and Assessment Regulation 2000; and</li> <li>○ Schedule 3 of the Environmental Planning and Assessment Regulation 2000</li> </ul>
<b>List all documents submitted with this report for the Panel’s consideration</b>	Attachment 1 – Plans
<b>Report prepared by</b>	<b>Louise Gibson – Senior Planner</b>
<b>Report date</b>	<b>30 April 2020</b>

**Summary of s79C matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **SUMMARY**

<b>PROPERTY:</b>	Nos. 63-65 Cosgrove Road, Strathfield South – Lot 1 in Deposited Plan 202168
<b>DA NO.:</b>	2017/064/03
<b>APPLICATION TYPE:</b>	Modification to approved Designated Development and Integrated Development
<b>DEVELOPMENT PROPOSAL:</b>	Section 4.55(2) Modification Application to existing waste transfer station by reducing the extent of building and available parking.
<b>REPORT BY:</b>	Louise Gibson
<b>RECOMMENDATION:</b>	APPROVAL
<b>SUBMISSIONS:</b>	Nil.
<b>ZONING:</b>	IN1 General Industrial
<b>DATE APPLICATION LODGED:</b>	15 November 2019
<b>APPLICANT:</b>	Cracknell & Lonergan Architects c/- John Potts
<b>OWNER:</b>	Robert Younan & Elias Haddad

## **EXECUTIVE SUMMARY**

On 19 December 2017, development consent was granted to Development Application No. 2017/064 for 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. The application is classified as designated development under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

The current application seeks to modify Development Consent No.2017/064 under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The proposed modifications seek to resolve a conflict in the plans between the approved building footprint and the overhead electricity transmission powerlines which traverses the northern portion of the site. The proposed modifications involve further design modifications including provision of a new mezzanine office area, reduction in off-street parking spaces, the provision of a second additional weighbridge and relocation of areas through the site.

The application was notified in accordance with Part L of Council's SCDCP. No submissions were received during this time.

The application was referred to NSW Environmental Protection Authority (EPA), Transport for NSW (TFNSW) and Ausgrid. No objections were raised subject to conditions.

The proposed development generally satisfies the requirements within *SEPP (Infrastructure) 2007*, *SEPP 55 – Remediation of Land*, *SEPP No. 33 – Hazardous and Offensive Development*, *Strathfield Local Environmental Plan 2012* and *Strathfield Consolidated Development Control Plan 2005*

Accordingly, the application has been recommended for approval, subject to conditions.

## **BACKGROUND**

The background of the site is as follows:

19 December 2019	Development consent was granted to Development Application No. 2017/064 for 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.
30 July 2019	A Section 4.55(2) Modification Application (DA2017/064/01) was lodged with Council seeking provision of a mezzanine office area, reduction in parking from 20 to 11 spaces and minor external alterations.
12 September 2018	Correspondence received by Ausgrid identifying a conflict between the approved building footprint and overhead location of power lines.
28 February 2019	Briefing to Sydney Eastern City Planning Panel was held for the application.
7 June 2019	The application was formally withdrawn due to substantial redesign required to address Ausgrid's concerns.
15 November 2019	The subject application was lodged with Council.
3 December 2019	The subject application was placed on public notification. No submissions were received during this time.
– 15 January 2020	
27 February 2020	

The Applicant lodged amended plans to Council to include:

- An additional door near weighbridge 2 (added due to escape distances).
- The addition of two ambulant toilets shown on the ground floor plan; and
- The addition of a garbage room (as requested in consent).

23 March 2020

Correspondence was sent to the Applicant advising that the proposed stormwater plan was not supported by Council's Development Engineer. A revised design was requested to include provision of an OSD tank on the site.

31 March 2020

Amended stormwater plans were submitted to Council demonstrating provision of an OSD tank as requested by Council's Development Engineer.

31 March 2020

A briefing was held with the Sydney Eastern City Planning Panel regarding the proposed application. The following issues were discussed:

- Proximity of Electricity Transmission Infrastructure;
- Car Parking and Traffic Report;
- Noise Impacts and Noise Report;
- Inconsistencies of truck movements in original report and current report;
- Clarification required for inconsistencies in the latest Statement of Environmental Effects;
- Clarification on employee numbers, particularly waste collection staff;
- Amended plans are unclear as to changes proposed; and
- Clarification on tree removal.

14 April 2020

Amended plans with supporting statement was submitted to Council to provide further clarification surrounding the matters raised by the panel at the briefing.

**DESCRIPTION OF THE SITE AND LOCALITY**

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 number of buildings and structures associated with the use.

An aerial photograph of the site is provided below.



**Figure 1:** Aerial photograph of subject site.



**Figure 2:** Looking towards the norther end of the subject site from Cosgrove Road.



**Figure 3:** Looking towards the southern end of the subject site from Cosgrove Road.

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for modifications to the existing waste transfer station by reducing the extent of building and available parking. Specifically, the proposal involves:

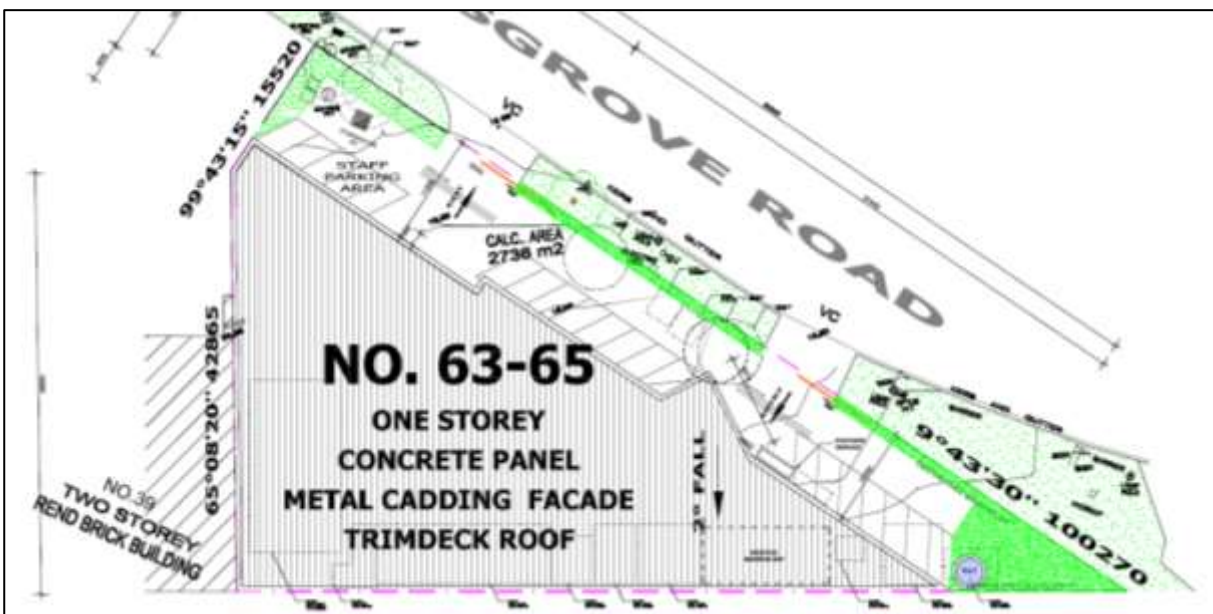
### Internal Modifications

- Increase in floor space from 0.69:1 (1,784.5m<sup>2</sup>) to 0.70:1 (1,900.6m<sup>2</sup>);
- Introduction of mezzanine level to include offices and breakout space;
- Introduction of workshop, lunch room, garbage room and toilets to the ground floor;
- Relocation of trommel station from western side boundary of the sit to the southern side boundary; and
- Relocation of tipping area from far northern portion of the building to the far western portion of the building.

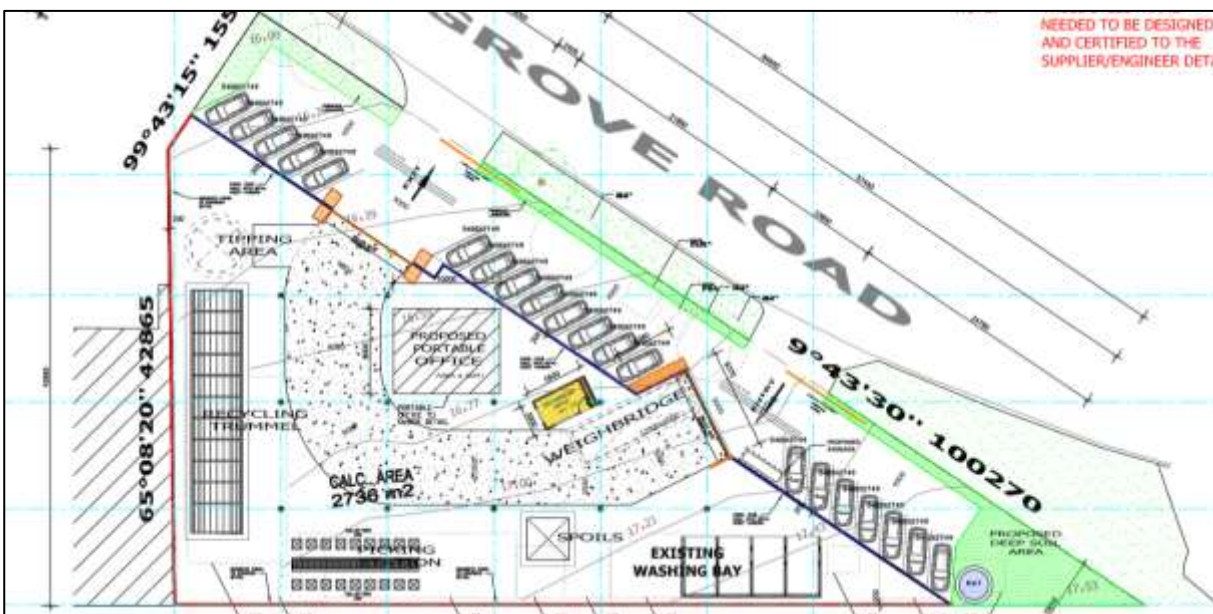
### External Modifications

- Amendments to the Cosgrove Road façade to relocate the massing of the northern portion of the building (below the powerlines) elsewhere the site;
- Reduction in the overall building height from 12m to 6m-11.5m;
- Reduction in overall off-street parking spaces from 20 to 13;
- Re-allocation of off-street parking spaces from Cosgrove Road frontage to northern portion as well as eastern portions of the site;
- Introduction of a second weighbridge at the northern exit;
- Retention of trees 6 and 7 which were previously approved for removal;
- Incorporation of additional deep soil landscaped spaces throughout the front and northern setbacks of the site; and

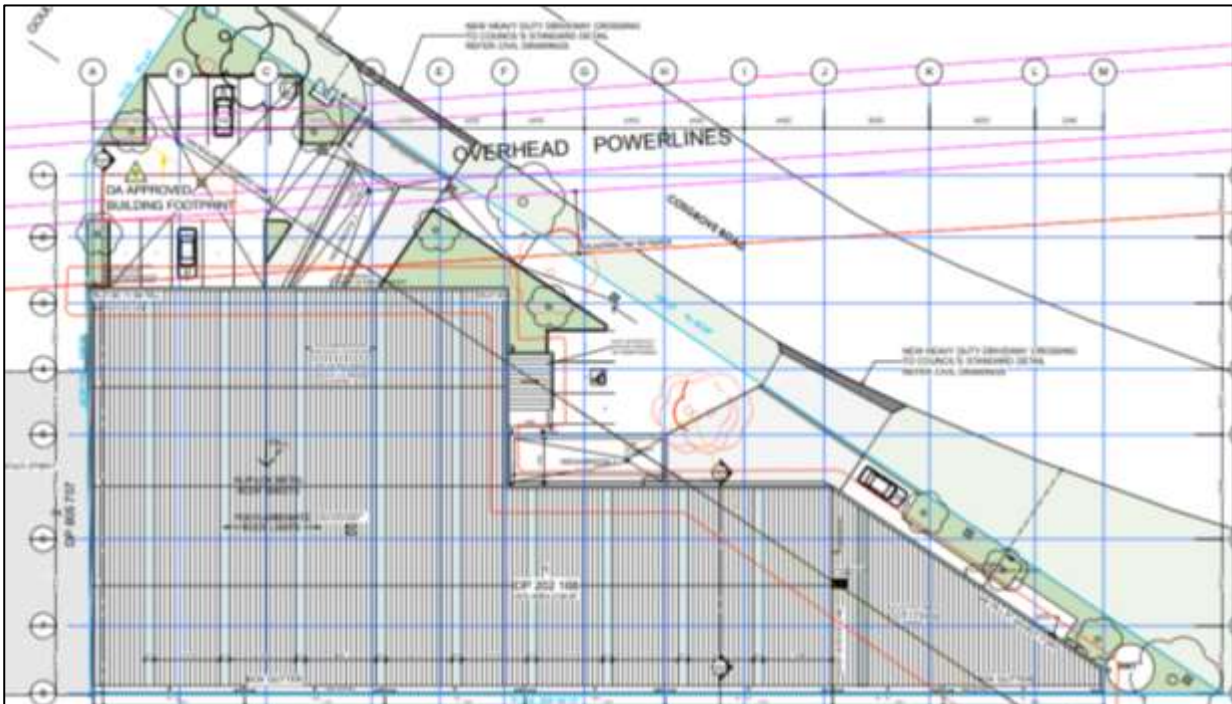
- Relocation of business identification signage to south-eastern and north-eastern elevations of the building fronting Cosgrove Road. The signage will be 3mx 1.2m comprised of vitrapanel signs providing the business name “Waste360”;
- Introduction of access doorway to north-eastern elevation of the building;
- Slight reduction in size of office area adjacent weighbridge 1. The office will no longer be constructed as a portable office and will remain as a permanent structure forming part of the front eastern elevation of the building; and
- Revised external colours and finishes from grey coloured metal sheeting to green metal cladding walls with cream colourbond roof.



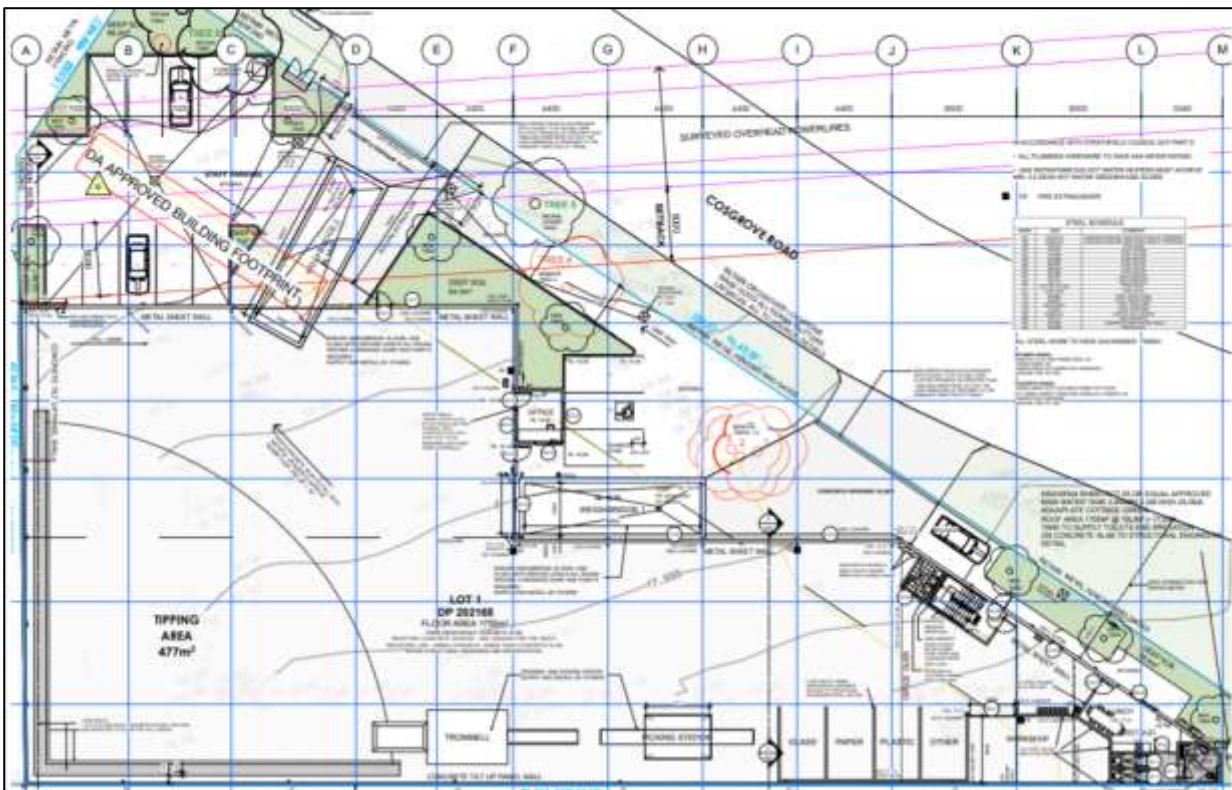
**Figure 4:** Site Plan of approved development.



**Figure 5:** Ground floor plan of approved development.



**Figure 6:** Site plan of proposed modified development.



**Figure 7:** Ground floor plan of proposed modified development.

**SECTION 4.55 OF THE EP&A ACT 1979**

Section 4.55 of the Environmental Planning and Assessment states as follows:

**“4.55 Modifications of consents – generally**

**(2) Other modifications**

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

- (3)** *The consent authority must also take into consideration the reason given by the consent authority for the grant of the consent that is sought to be modified.*

As regards subclause ‘a’, Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all). The development remains for the purposes of a waste transfer station capable of processing up to 30,000 tonnes per annum.

The modified building design (whilst altered to achieve a substantial distance from the northern portion of the site), will continue to present a similar, if not slightly lesser mass, bulk and scale to that which was originally approved. The overall height of the building has resulted in a slight reduction in overall height by 500mm to 11.5m. The far southern portion of the site has been further reduced to 6m in

height. The development will still comprise a tipping area, trommel and picking station and office spaces with off-street parking available.

The number of truck deliveries and hours of operation will remain unchanged to what was approved under the parent consent.

The proposal involves the introduction of a second weighbridge in the north-eastern portion of the site. Notwithstanding this, the concrete driveway slab 2 located in this portion of the site was approved to be retained and accordingly is of minimal impact. Furthermore, the proposal introduces a new mezzanine level comprised of office spaces located in the rear south-eastern portion of the site. This is considered acceptable as the office spaces will remain ancillary to the development and will be provided within the existing building footprint so as not to result in any perceived increase in bulk, height or scale to the development as viewed from the street.

With regard to subclause (b), the application was referred to EP&A, Ausgrid and RMS for comment. Their comments have been discussed in further detail in the referrals section of this report.

With regard to subclause (c) and (d), the application was notified in accordance with Part L of the SCDCP 2005 with no submissions received.

As regards subclause (3), consent for the approved development was granted on 19 December 2017. In accordance with Clause 4.55(3), the resolution has been taken into consideration.

*“The proposed development provides a much-needed waste transfer station for the processing of metals, plastics, masonry, paper and cardboard, timber and general waste. The site is well located and connected by two arterial roads and is distant from residential use. Moreover, other properties in the industrial area have no limit on their operation.*

*Although the majority of the Panel notes the concerns raised regarding noise and vibration impacts on the adjoining neighbouring activities, special conditions by the Environmental Protection Authority are included in the Conditions of consent and the activities require a license by the Environmental Protection Authority with a requirement for an Annual Report.”*

The subject modification application continues to provide a waste transfer station on the site with a number of modest amendments proposed. The proposed modifications constitute a substantially

lesser impact than that which was originally approved now achieving a safe distance away from overhead electricity transmission lines and providing a scale, height and bulk which appears substantially less than its original form. Accordingly, the proposed modifications satisfy the requirements of Clause 4.55(2) of the *Environmental Planning and Assessment Act 1979* and are considered acceptable.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

*"I have reviewed the amended stormwater plans prepared by C&M Consulting Engineers rev 02 drawing no. 01776\_C100, 01776\_C201, 01776\_C601, 01776\_C701 and 01776\_C702 dated 14.11.2019 and can advise the following:*

- In accordance with section 4.2 of the stormwater code, all developments other than single residential dwelling are required OSD.*

*Based on issue highlighted above, the amended stormwater plans is not feasible and cannot be supported in its current format."*

Amended stormwater plans were later submitted to Council 31 March 2020 proposing an on-site OSD tank over the northern portion of the site. Council's Development Engineer raised no further objection to the proposal, subject to the imposition of recommended conditions of consent.

#### Traffic Comments

The reduction of on-site parking provision by eight spaces is considered acceptable, given the direct link between parking demand and staff number. Due to the decrease of staff number and on-site parking, the traffic generation associated with the site is anticipated to reduce accordingly.

Council's Traffic Engineer raised no objection to the proposal, subject to the imposition of recommended conditions of consent.

#### Environmental Health Comments

The application was forwarded to Council's Environmental Health Officer for consideration. The following comments were made:

“While this referral can only consider the impacts of the modification which are negligible, Environmental Services does not recommend approval for any new waste transfer stations within Strathfield Council. The information attached did not demonstrate the premises would not cause noise or air pollution.

- 1. Applicant submitted a Noise and Air Quality Impact Assessment Report No 16271 with background readings that were not taken and assessed in accordance with the Noise Policy for Industry 2017. Periods excluded due to weather impacts were not replaced.*
- 2. Applicant submitted a Noise and Air Quality Impact Report 16271 that did comply with the requirements of Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales 2016.*
- 3. The Phase 1 & Phase 2 Environmental Site Audit and Status of Site Environmental Conditions were completed 3 or more years ago and don't consider contamination from the current occupancies.”*

Special conditions have been recommended to ensure the owner/operators of the site are responsible for maintaining a clean and litter free site which includes logging of patrols. Further, a plan of management for dust mitigation is required to be prepared and adhered to which incorporates the control measures contained in the submitted Noise and Air Quality Impact Assessment Report.

## **EXTERNAL REFERRALS**

### **Transport for NSW (TFNSW)**

The application was referred to TFNSW for comment given that the application is defined as Traffic Generating Development. No objections were raised to the development. Furthermore, TFNSW did not provide any conditions.

### **Environmental Protection Authority (EPA)**

The application was referred to EPA for comment. The EPA issued General Terms of Approval dated 20 June 2017 under the parent application. The subject modification application was referred to EPA for comment. The following comments were made:

“The EPA has reviewed the Modification Application and the accompanying information. The EPA notes the proposed modification will have minimal impact on the Licence currently held by Waste 360. Given this, the EPA has no objections or further comments in relation to the Modification Application” Accordingly, no objection was raised for the proposal subject to submission of a licence variation to the EPA to amend the Licence for the site. This is included in the conditions of consent.

### **Ausgrid**

The application was referred to Ausgrid for comment. Ausgrid has consented to the proposal and has issued conditions of consent to ensure the development does not interfere with the overhead powerlines on the site.

## **SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979**

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

### **4.15(1)(a) the provisions of:**

- (i) any environmental planning instrument**

### **SEPP (INFRASTRUCTURE) 2007**

The proposed development was referred to RMS in accordance with the requirements of Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)* as the proposal is classified as traffic generating development given the proposal waste transfer station.

Concurrence for the parent application was received by RMS in correspondence dated 19 June 2017. Whilst no modifications are sought to the expected volume of trips on and off the site, RMS (TFNSW) was referred in regard to the subject modification application. Correspondence received by RMS dated 5 December 2019 with no concerns raised for the proposal. No conditions have been recommended.

The proposal has been assessed against the relevant provisions of the *SEPP Infrastructure* and is considered satisfactory.

Pursuant to Clause 121(2) of the *SEPP*, the application is a permissible use within the IN1 Zone despite being prohibited under the *Strathfield LEP 2012*.

### **SEPP 55 – REMEDIATION OF LAND**

A combined Phase 1 and Phase 2 Environmental Site Assessment prepared by Aecom dated 24 August 2015 was submitted as part of the parent application. The report concluded that no soil contamination was identified and the site is considered to be suitable for on-going commercial/industrial land use.

Accordingly, the site is suitable for the proposed development and no further assessment is required.

The provisions of *SEPP 55* have been satisfied.

### **SEPP NO. 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT**

The proposal will not involve any modifications which would cause it to pose potential hazards or adverse impacts to adjoining properties beyond which was previously approved under the parent consent. A Preliminary Hazard Analysis was prepared under the parent application which concluded that subject to appropriate measures in place to deal with storage and disposal of materials, the proposal involves minimal use of hazardous materials on site. Furthermore, the Environmental Protection Authority (EPA) was consulted as a licence is required for this proposed use. The EPA raised no objections to the proposed modification subject to compliance with previously imposed conditions of consent.

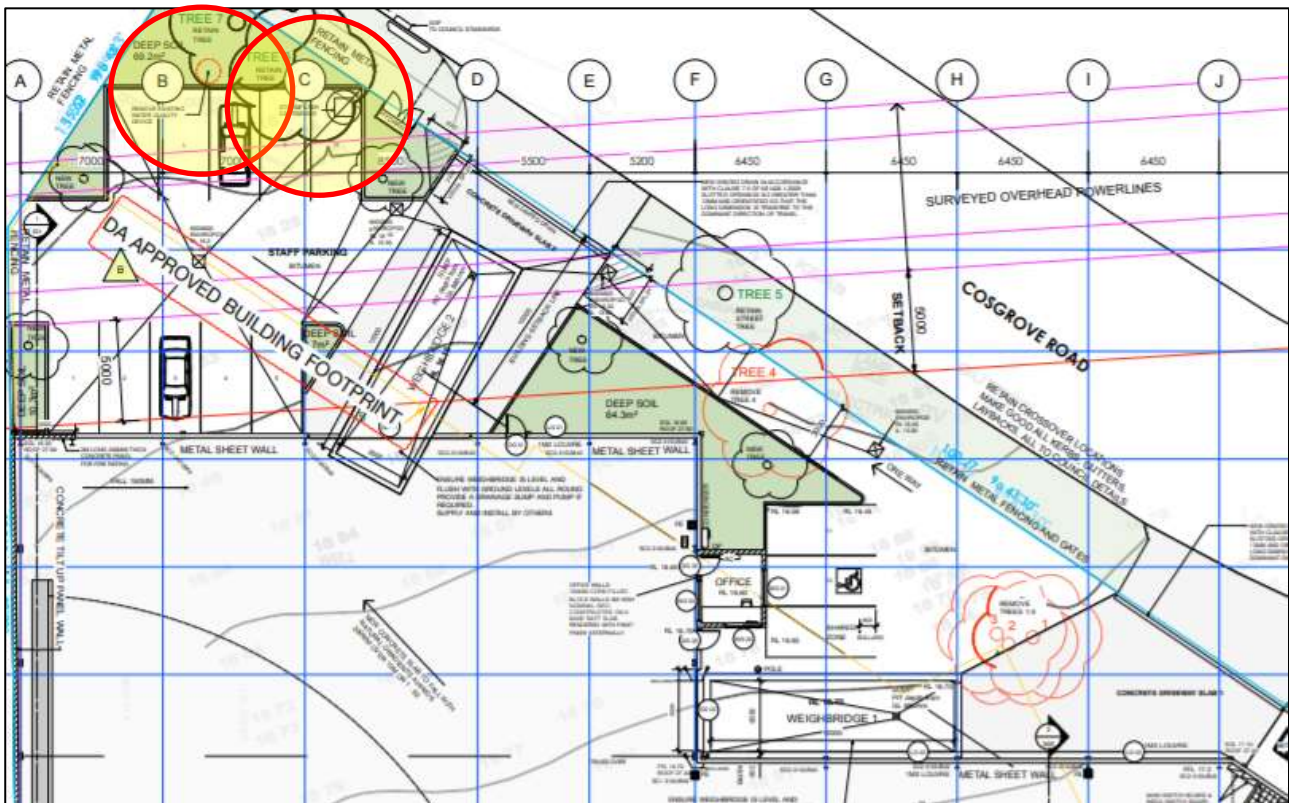
The surrounding area is still currently zoned General Industrial and Infrastructure and presently used for the purpose of industry and infrastructure. There are no current plans to change the land use surrounding the proposed development.

Accordingly, the provisions of *SEPP 33* have been satisfied.

### **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

Conditions were recommended under the parent consent requiring the protection of street trees surrounding the site. The subject modification application enables the retention of trees 6 and 7 which were previously approved for removal. Conditions of consent have been modified to ensure the retention and protection of such trees. Refer to Figure 6 below depicting location of Trees 6 and 7 which are now proposed for retention.



**Figure 8:** Ground Floor plan depicting trees through the site. The trees highlighted in yellow and red are proposed for retention.

### STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

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

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

<b>(h)</b>	<i>To minimise risk to the community by identifying land subject to flooding and restricting incompatible development</i>	<b>Yes</b>
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**Comments:** The proposed development is considered appropriate for the site providing new opportunities for economic growth. The modified design will continue to integrate well with other industrial development surrounding the site.

### Permissibility

The subject site is zoned IN1 - General Industrial under Strathfield Local Environmental Plan (SLEP) 2012. The development remains for the purposes of a 'waste or resource transfer station'. Whilst this use is prohibited in the IN1 zone, a waste or resource transfer station is permissible pursuant to Clause 121(2) of *SEPP (Infrastructure) 2007*.

### Zone Objectives

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

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

**Comments:** The waste or resource transfer station continues to satisfy the zone objectives.

## Part 4: Principal development standards

### 4.3 Height of building

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Approved</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.3</b>	<i>Height of building</i>	12m	12m	11.5	<b>Yes</b>

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

**Comments:** The modified proposal will provide a maximum overall building height of 11.5m which complies with the maximum 12m building height control within the *SLEP*.

#### 4.4 Floor space ratio

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Approved</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.4</b>	<i>Floor space ratio</i>	1:1 (2,736m <sup>2</sup> )	0.69:1 (1,784.5m <sup>2</sup> )	0.70:1 (1,900.6m <sup>2</sup> )	<b>Yes</b>
<b>Objectives</b>					<b>Complies</b>
<b>(a)</b>	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>				<b>N/A</b>
<b>(b)</b>	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>				<b>N/A</b>
<b>(c)</b>	<i>To minimise the impact of new development on the amenity of adjoining properties</i>				<b>Yes</b>
<b>(d)</b>	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>				<b>N/A</b>
<b>(e)</b>	<i>In relation to Strathfield Town Centre:</i>				<b>N/A</b>
	<i>i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i>				
	<i>ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>				
<b>(f)</b>	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>				<b>N/A</b>

**Comments:** The proposed development complies with the maximum floor spaces ratio control prescribed for the site by Clause 4.4 of the SLEP 2012.

#### Part 6: Local Provisions

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

##### 6.2 Earthworks

Appropriate conditions of consent were imposed under the parent consent to ensure compliance with the sediment, erosion control plan.

##### 6.6 Erection or display of signage

The application proposes two (2) building identification signs both 3m length x 1.5m height at the south-eastern and north-eastern elevations of the building. The signage is considered is simplistic in its design featuring the text “Waste360”. The signage is located in a suitable location and would provide effective communication. The sign is flush with the wall and will not be visually dominating and also would be of high-quality design and finish. The signage is consistent with the desired amenity and visual character of the area and accordingly, is considered acceptable as proposed.

#### **4.15(1)(a)(ii) any draft environmental planning instruments**

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

#### **4.15(1)(a)(iii) any development control plan**

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

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

### **PART D – INDUSTRIAL DEVELOPMENT**

An assessment of the proposal against the objectives and development controls contained within Part D of SCDCP 2005 is included below:

#### **1.2: Objectives of Part D**

<b>1.2</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To improve the quality of industrial development within the Strathfield Municipality</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure the orderly development of industrial sites to minimise their environmental impact while maximising their functional potential</i>	<b>Yes</b>
<b>C.</b>	<i>To ensure development is consistent with the principles of Ecologically Sustainable Development</i>	<b>Yes</b>
<b>D.</b>	<i>To encourage high quality building design and industrial streetscape aesthetics</i>	<b>Yes</b>
<b>E.</b>	<i>To ensure that new industrial development is of a type, scale, height, bulk and character that is compatible with the streetscape characteristics of the surrounding area</i>	<b>Yes</b>
<b>F.</b>	<i>To promote high quality landscape areas which complement the overall development of the site and which assist in enhancing streetscape quality</i>	<b>Yes</b>
<b>G.</b>	<i>To ensure that development will not unreasonably impact upon the amenity of any residential area in the vicinity;</i>	<b>Yes</b>
<b>H.</b>	<i>To ensure that traffic generated by industrial development does not adversely impact upon local or regional traffic movements</i>	<b>Yes</b>
<b>I.</b>	<i>To ensure that each development has adequate on-site parking and manoeuvring areas for vehicles</i>	<b>Yes</b>
<b>J.</b>	<i>To encourage employee amenity within industrial developments.</i>	<b>Yes</b>

#### **2.5: Density, Bulk and Scale**

<b>2.5</b>	<b>Objectives</b>	<b>Satisfactory</b>
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<b>A.</b>	<i>To ensure the density, bulk, scale and design of industrial development enhances the streetscape and visual quality of the Strathfield Municipality.</i>	<b>Yes</b>
<b>2.5</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
<b>.1.</b>	<i>Height</i>	
	1 Wall height of more than 10m above natural ground level.	<b>No acceptable on merit.</b>
<b>.2.</b>	<i>Floor Space ratio</i>	
	1 The maximum floor space ratio is 1:1.	<b>Yes</b>
<b>.3.</b>	<i>Office and Showroom Requirements</i>	
	1 All office and showroom activities shall be ancillary to the main industrial activity approved for the site.	<b>Yes</b>

**Comments:** The proposed modifications result in a minor reduction in the overall building height from 12m to 11.5m. The far southern portion of the building has been further reduced from 9.45m to 6m in building height. Notwithstanding, the proposal presents a minor encroachment beyond the maximum 10m wall height permitted as above. The intent of this control is to avoid large expanses of unbroken building walls which fail to provide any meaningful articulation to the development. The proposed modifications result in a reduced bulk and scale with improved articulation throughout the front eastern and northern side elevations of the structure. Furthermore, the building is setback considerably from the northern side boundary of the site further reducing the appearance of the development from the street.

## 2.6: Setbacks

<b>2.6</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure setbacks for industrial buildings provide adequate space for landscaping to soften the built form and enhance the amenity of the streetscape</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure setbacks from watercourses and bushland are adequate to provide protection to those areas and an opportunity for the restoration/establishment of native vegetation</i>	<b>Yes</b>
<b>C.</b>	<i>To reduce the visual and/or acoustic impacts of industrial development on surrounding non-industrial land uses</i>	<b>Yes</b>
<b>D.</b>	<i>To ensure frontage setbacks are consistent with surrounding industrial development</i>	<b>Yes</b>
<b>2.6</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>

1	A minimum setback of 10m from the front boundary applies.	<b>No</b>
4	If nearby existing industrial buildings have setbacks less than the above, a variation on setback requirements may be considered.	<b>Yes</b>
5	Side and rear boundary setbacks for proposals adjoining non-industrial uses shall be subject to an individual merit based assessment.	<b>Yes</b>
6	Side and rear boundaries adjoining industrial development may not require a setback; this will depend on the individual situation.	<b>Yes</b>
7	Setbacks shall not contain any buildings or storage areas but may contain car parking and manoeuvring areas (and landscaping).	<b>Yes</b>
8	Refer to Section 2.10.6 - 2.10.9 for landscaping requirements within setbacks.	<b>Yes</b>

**Comments:** The proposal results in modifications to the approved front and side setbacks on the site. The uniform 10m setback approved along the eastern side boundary of the site has been modified to provide a varied setback ranging between 3.65m to 18.9m. The northern side setback has now been increased from a nil side setback to 23m. Whilst the proposal is contrary to the minimum 10m front setback required to be provided for the site, the proposal achieves improved building articulation. This consequently results in a further reduction in the apparent bulk and scale of the structure as viewed in the street notwithstanding its reduced front setback from the street. It is further acknowledged that the proposed modifications will enable the retention of two (2) trees on the site with additional landscaped areas provided along the front setback to assist in softening the built form. The non-compliance is therefore considered acceptable in this regard.

## **2.7: Building Requirements and Materials**

<b>2.7</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure that industrial development is of a high standard of design and appearance so as to contribute to the enhancement of the Strathfield Municipality;</i>	<b>Yes</b>
<b>B.</b>	<i>To encourage innovative industrial development within the Strathfield Municipality</i>	<b>Yes</b>
<b>C.</b>	<i>To encourage design and building materials that complement and enhance the surrounding environment.</i>	<b>Yes</b>
<b>2.7</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
1	Front walls and walls visible from any public place are faced with brick, stone, concrete, glass (non-reflective) or like materials, but not cement render.	<b>Yes</b>
2	Walls/surfaces that are easily accessible to public places are to be treated to discourage graffiti.	<b>Yes</b>

3	No service plumbing or pipes, other than downpipes for the conveyance of roof water, shall be external to the building where visible from any public place.	<b>Yes</b>
4	Long blank walls on street frontages are to be avoided.	<b>Yes</b>
5	On corner sites, the proposed building shall aim to address both frontages.	<b>Yes</b>
6	Building materials and colours used on facades facing the street shall be compatible with those of adjoining industrial buildings.	<b>Yes</b>
7	Non-industrial aspects of the development shall face the street.	<b>Yes</b>
	Buildings must be designed to:	<b>Yes</b>
	(i) Architecturally express the structure of the building	<b>Yes</b>
	(ii) Visually reinforce entrances, office components and stairwells of units to create rhythm on long facades and a reduction of perceived scale.	<b>Yes</b>
	(iii) Introduce variation in unit design within building groups	<b>Yes</b>
8	(iv) Introduce solid surfaces, incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations.	<b>Yes</b>
	(v) Achieve a balance between masonry and vertical walling which contain large areas of glass. Solid surfaces of rendered and painted masonry dominate the overall building facade. Where glazing is used, it is modulated with vertical or horizontal members between the lights of a window to provide visually recognisable patterns, rhythm and texture to the overall design. Such glazing is non-reflective.	<b>Yes</b>
9	Development application plans indicate building materials and colours proposed.	<b>Yes</b>

**Comments:** The proposed modifications involve a revised schedule of finishes from grey coloured cladding and timber cladding framing around the garage to green coloured metal cladding with a cream coloured roof. The proposed finishes are considered appropriate to the industrial nature of the streetscape which also demonstrate block coloured warehouse developments in similar-type external finishes.

## 2.8: Energy Efficiency and Water Conservation

<b>2.8</b>	<b>Objectives</b>	<b>Satisfactory</b>
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<b>A.</b>	<i>To orientate buildings so they maximise the use of solar energy to keep buildings cool in summer and warm in winter</i>	<b>Yes</b>
<b>B.</b>	<i>To encourage the use of building materials that assist in achieving energy efficient buildings</i>	<b>Yes</b>
<b>C.</b>	<i>To conserve water and reduce stormwater by the use of rainwater tanks and AAA rated water saving appliances and fittings</i>	<b>Yes</b>
<b>D.</b>	<i>To encourage the use of energy efficient appliances and fittings and where possible the use of renewable energy sources to reduce greenhouse gas emissions</i>	<b>Yes</b>
<b>E.</b>	<i>To encourage the use of recycled building materials where appropriate.</i>	<b>Yes</b>

<b>2.8</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
1	New buildings are orientated so that they make best use of solar energy to lower heating and cooling costs.	<b>Yes</b>
2	Glazing on north facing facades to maximise solar access in winter and glazing to the west minimised to reduce summer solar access.	<b>Yes</b>
3	Building materials and insulation used to assist in thermal performance and maintain internal comfort levels of the building.	<b>Yes</b>
4	A rainwater tank included in industrial development to be used for landscape watering and other supplies of non-domestic water. The size of the tank(s) required will be based on 10 litres/m <sup>2</sup> of roof area proposed. Automatic landscape irrigation systems shall be connected to and utilise the rainwater tank. A tank or tanks with a total volume of up to 10,000 litres can be installed without consent (Refer to Appendix 3).	<b>Yes</b>
5	Developments are fitted with appliances and plumbing hardware which have a "AAA" Australian Standards Water Conservation Rating and meet the manual of Assessment Procedure for Water Efficient Appliances SAA MP64-1995 which aim to reduce water consumption.	<b>Yes</b>
6	Hot water heaters are greenhouse gas friendly systems that achieve a minimum 3.5 SEDA Hot Water Greenhouse Score.	<b>Yes</b>
7	The use of top star rated energy smart appliances and lighting.	<b>Yes</b>
8	All external lighting and common areas are lit utilising renewable energy resources generated on site. Larger developments (buildings exceeding 4,000m <sup>2</sup> in area) must investigate the viability of utilising renewable energy resources for all lighting on site and a statement included with the development application addressing this requirement for the consideration of Council.	<b>Yes</b>

**Comments:** The development has been provided with a rainwater tank and various openings to the eastern and northern side elevation of the structure to enable natural solar access and reduce its reliance upon artificial lighting.

**2.9: Parking, Access and Manoeuvring**

<b>2.9.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure sufficient car parking spaces are provided on-site for employees and visitors;</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure the effective design of car parking areas;</i>	<b>Yes</b>
<b>C.</b>	<i>To encourage the provision of parking areas that will integrate with proposed the building(s) and be suitably landscaped to reduce large expanses of hard paving</i>	<b>Yes</b>
<b>D.</b>	<i>To ensure car parking areas are accessible for persons with a disability and safe for all pedestrians to use</i>	<b>Yes</b>

<b>2.9</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>	
<b>.1.</b>	<i>Parking</i>		
	1	The design of off-street parking areas meet the requirements of Australian Standard (AS) 2890.1-1993 – Off-street car parking, AS2890.2-1989 – Commercial vehicles and Strathfield Part I - Provision of Off-Street Parking Facilities.	<b>Yes</b>
	2	Provision of spaces:  (i) Industry: 1 space per 50m <sup>2</sup> GFA where any office component is under 20%. If the office component is greater than 20% that additional area will be assessed at a rate of 1 space per 40m <sup>2</sup> GFA.	<b>Yes</b>
	3	Car parking areas located in the front setback for easy access.	<b>Yes</b>
	4	Loading/unloading and parking areas are separated so as not to cause conflict.	<b>Yes</b>
	5	Car parking areas are suitably landscaped which should include trees for shading. (Refer to Section 2.10.13 and 2.10.14 for landscaping requirements)	<b>Yes</b>
	6	No parking shall be located within any proposed buildings (not including underground car parking).	<b>Yes</b>
	7	Pedestrian thoroughfares provided to separate vehicular from pedestrian traffic in large parking areas.	<b>Yes</b>

<b>2.9.2</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure that provision is made for safe vehicular ingress and egress having regard to the nature of vehicles likely to patronise the site;</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure satisfactory on-site manoeuvring for vehicles, including the loading/unloading of goods;</i>	<b>Yes</b>

<b>C.</b>	<i>To minimise potential for congestion or hazard on adjoining roads at points of ingress/egress;</i>	Yes
<b>D.</b>	<i>To ensure that traffic generated by industrial development does not adversely affect local or regional traffic movements</i>	Yes
<b>E.</b>	<i>To ensure that any traffic generated by the development will not impact unreasonably upon the amenity of any residential areas in the vicinity</i>	Yes

<b>2.9</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
<b>.3.</b>	<i>Access and Driveways</i>	
	1 Access to the proposed development is via a non-residential street, unless the proposed development:	<b>Yes</b>
	2 The location of driveways is in accordance with AS2890.1-1993 – Off-street car parking, Section 3 – Access driveways to off-street parking areas and queuing areas.	<b>Yes</b>
	3 Separate driveways for ingress and egress provided if expected traffic volumes indicate a possible conflict for vehicles using the site.	<b>Yes</b>
	4 Redundant driveways shall be closed off and/or removed and justification provided if more than one access point and one egress point is proposed for a development.	<b>Yes</b>
	5 Driveway areas visible to the street shall have a featured surface.	<b>Yes</b>
<b>.4.</b>	<i>Site Design</i>	
	1 All vehicles are to enter and leave the site in a forward direction	<b>Yes</b>
	2 Driveways and manoeuvring areas are designed so that all vehicles entering and leaving the site can do so with minimum interference to traffic on adjoining roads.	<b>Yes</b>
	3 Where specific service vehicles are proposed to visit the site, the design/layout of a site provides access for loading and unloading of such vehicles.	<b>Yes</b>
	4 All servicing, including waste collection, is carried out wholly within the site with suitable collection points at convenient locations.	<b>Yes</b>
	5 Entrance and exit points and car parking areas are designed in order to ensure safety for pedestrians within and outside the site.	<b>Yes</b>
6 Vehicular manoeuvring not permitted within any buildings.	<b>Yes</b>	
<b>.5.</b>	<i>Unloading and Loading</i>	

1	All loading and unloading shall take place within the curtilage of the site.	<b>Yes</b>
2	If loading areas are undercover, no stormwater pits shall be located in the area and all surface drainage shall be diverted away from the area.	<b>Yes</b>
3	The design considerations for service vehicles set out in Appendix C of Part I - Provision for Off-street Parking Facilities, applies to all loading and unloading facilities.	<b>Yes</b>
4	All loading and unloading facilities screened from the street (refer to section 2.10 for landscaping requirements).	<b>Yes</b>

**Comments:** The proposal continues to provide separate ingress and egress for the site which will enable trucks to continue to enter and exit the site in a forward motion. The revised design is considered an improvement to the original design as the weighbridge 1 is located further away from the front site boundary preventing trucks from queuing off-site and onto the street. Parking will be provided separately and externally from the building throughout the northern and eastern portions of the site. As previously discussed, the proposed modifications will enable two trees (tree 6 and 7) which were required for removal to be retained.

The proposal will achieve increased landscaped spaces throughout the front setback of the site which will soften the appearance of hardstand spaces and loading/unloading facilities required for the site. To further improve the provision of deep soil zone through the site, a special condition of consent has been recommended to delete the hardstand parking space immediately adjoining the garbage room along the eastern elevation of the building and reinstate the space with deep soil zone. This will enable a continuous buffer of deep soil zone to be provided along the far eastern frontage of the site.

The application was forward to Council’s Traffic Engineer for comment. No concerns were raised subject to imposition of revised conditions of consent.

## **2.10: Landscaping and Fencing**

<b>2.10</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To provide landscaping within developments that enhances the surrounding neighbourhood and streetscape aesthetics and character of the Council area;</i>	<b>Yes</b>
<b>B.</b>	<i>To provide landscaping within developments that softens and screens the visual impact of industrial structures, infrastructure, storage areas and large expanses of hard paved surfaces;</i>	<b>Yes</b>
<b>C.</b>	<i>To provide robust and low maintenance landscaping within developments that contributes to biodiversity, sustainability, water efficiency and reduction of airborne pollutants;</i>	<b>Yes</b>

<b>D.</b>	<i>To promote landscape and outdoor amenity within developments particularly for employees in terms of views, aesthetics, microclimate and recreational outdoor areas</i>	<b>Yes</b>
<b>E.</b>	<i>To protect and maintain existing trees including street trees and trees on private land and reserves within the Council area</i>	<b>Yes</b>

<b>2.10</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
<b>.1.</b>	<i>Landscaping</i>	
	1 All landscaping shall be in accordance with the Strathfield Landscaping Code.	<b>Yes</b>
	<i>Existing vegetation</i>	
	3 All existing street trees are retained. A minimum 2m setback provided from the base of the trunk of any street tree to any driveway including allowance for layback.	<b>Yes</b>
	4 All existing trees on site over 4m in height (or with a trunk girth greater than 500mm) are retained.	<b>Yes</b>
	5 Adequate excavation and structural free setback zones are provided to all trees to be retained. Tree setbacks determined depending on tree species, age, size, condition, health, location etc.	<b>Yes</b>
	<i>Setbacks</i>	
	6 A continuous deep soil landscape area of a minimum of 2m in width is required across all street frontages or a minimum area equivalent to the length of all frontages multiplied by 2m.	<b>No – acceptable on merit</b>
	(i) The planting design for this area creates a continuous tree canopy and coverage of shrubs and/or groundcovers.	<b>Yes</b>
	7 Continuous deep soil landscape areas of a minimum of 1.2m in width are provided adjacent to all common boundaries forward of the building line. A continuous coverage of evergreen shrubs interspersed with tree planting is provided within this landscape area.	<b>No – acceptable on merit</b>
8 Continuous deep soil landscape buffer zones of a minimum of 2m in width are provided adjacent to any common boundaries shared with public reserves, drainage corridors, transport corridors, residential developments and any other non-industrial land uses.	<b>No – acceptable on merit</b>	
(ii) Continuous evergreen screen/buffer planting consisting of shrub and tree planting is provided within these landscape areas to screen tall and bulky structures, create visual privacy and provide an environmental buffer to the common boundaries.	<b>No – acceptable on merit</b>	

**Comments:** As previously discussed, the proposed modifications enable improved landscaped areas to be provided in the front setback of the site. Whilst the site requires the retention of the 2 x 9m wide driveways on the site, the remnant areas within the frontage of the site have been reserved for deep soil landscaping where possible. The proposal includes a number of canopy trees which will reduce the appearance of built upon structures on the site and soften the built form. The landscaped areas proposed for the site are considered appropriate and acceptable in this instance subject to the imposition of Special Condition 6 requiring the deletion of the hardstand space and reinstatement of deep soil zone in the front eastern elevation of the site.

### 2.11: Signage

2.11 Objectives		Satisfactory
A.	To ensure adequate identification of all industrial premises whilst preventing the proliferation of advertising signs or structures	Yes
B.	To encourage signage which complements the character of an area	Yes

2.11 Guidelines and Requirements		Complies
1	To ensure that any signage proposed does not dominate the building(s) or the streetscape, signage is of an appropriate scale and location.	Yes
2	Bright or fluorescent colours is not be accepted other than those associated with logos.	Yes

**Comments:** Refer to Part J assessment of report.

### 2.12: Site Drainage and Water Management

2.12 Objectives		Satisfactory
A.	To ensure that potable water use and stormwater quantities are reduced whilst stormwater quality is improved.	

2.12 Guidelines and Requirements		Complies
1	A stormwater drainage concept plan (SDCP) has been submitted demonstrating the feasibility of the proposed drainage system(s) within the site and connection to Council's system. This plan shows the surface flow path treatment, extent of roof and paved areas, any easements required, on site detention (OSD) storages as well as existing and proposed piped systems.	Yes
3	Excess roof stormwater runoff (after being directed to the rainwater tank(s)) and stormwater runoff from all paved surfaces has been connected to the proposed (OSD) system and then discharged by means of a gravity pipe system to Council's drainage system.	Yes

	7	In accordance with Council's Stormwater Management Code, temporary measures shall be provided and regularly maintained during construction to prevent sediment and polluted waters discharging from the site.	<b>Yes</b>
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**Comments:** An amended stormwater concept plan was submitted to Council 31 March 2020 to demonstrate provision of an OSD tank in the front north-eastern portion of the site. No further concerns were raised by Council's Development Engineer subject to compliance with conditions of consent.

### 2.14: Air Noise and Water Pollution

<b>2.14</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To ensure industrial developments do not create a pollution problem by the discharge of an unacceptable level of air, noise and/or water emissions.</i>	<b>Yes</b>

<b>2.14</b>	<b>Guidelines and Requirements</b>	<b>Complies</b>
	<i>General</i>	
<b>.1.</b>	1 The emission of any air impurities including offensive odours, the discharge of any waste into any waters or the emission of noise associated with any development shall not contravene the Protection of the Environment Operations Act 1997.	<b>Yes</b>
	<i>Noise</i>	
	2 The proximity of the proposal to residential areas will influence the type of land use or machinery that will be permissible.	<b>Yes</b>
<b>.2.</b>	3 The proposed building(s) are designed to inhibit the transmission of noise. Note: Council may require an acoustic report from a suitably qualified acoustic consultant where a proposed development may create excessive noise.	<b>Yes</b>
	4 The use of the premises including plant and equipment will be subject to strict compliance with the NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2000.	<b>Yes</b>

**Comments:** Conditions of consent were imposed under the parent application to ensure the development complies with the relevant NSW Environmental Protection Authority's Environmental Noise Control Manual and the Industrial Noise Policy 2007.

**PART I – PROVISION OF OFF-STREET PARKING FACILITIES**

An assessment of the proposal against the objectives and development controls contained within Part I of SCDCP 2005 is included below:

**2.0: Part B – Main Provisions**

<b>2.0</b>	<b>Provisions</b>	<b>Complies</b>
<b>I</b>	<i>Parking Dimensions</i>	
	(a) The minimum dimensions set out in Appendix A of Part I shall apply to all off-street parking areas.	<b>Yes</b>
<b>II</b>	<i>Plans</i>	
	(a) The provisions of off-street car parking, loading/unloading and service areas shall be clearly defined and dimensioned on the submitted plan.	<b>Yes</b>
<b>III</b>	<i>Paving / Drainage</i>	
	(a) All stormwater run-off from the roof and hardpaved areas associated with the proposed development is to be collected and piped by means of a gravity induced system to an adequate Council drainage system.	<b>Yes</b>
	(b) A physical barrier at least 150mm high and 150mm wide is to be constructed along the street frontage and paved areas, with the exception of vehicular access driveways and pedestrian access points, to prevent the discharge of surface water onto the road reserve.	<b>Yes</b>
	(c) Full width grated drains shall be constructed across the vehicular access crossing(s) at the street alignment for the collection of surface water; such drains are to be connected to the proposed drainage system.	<b>Yes</b>
<b>IV</b>	<i>Location of Parking Areas</i>	
	(a) Parking areas is at the front of the building, is clearly visible from the public street and has been designed so that vehicles, including service vehicles, can enter and leave the site in a forward direction.	<b>Yes</b>
<b>VI</b>	<i>Landscaping</i>	
	(a) A 2m wide landscaped strip shall be provided along the road frontage where open car parking is proposed between the building and the street alignment. If a corner allotment is involved then a 1m wide strip shall be provided along the secondary frontage.  Large expanses of paved parking area shall be suitably screened and provided with interspersed planting to reduce their harsh appearance and to provide shaded areas.	<b>Yes</b>

	<i>Crossovers/Access</i>	
<b>VII</b>	(a) Crossovers which are to be sited across public footpaths as a consequence of new developments will be constructed by Council at the applicant's expense. An appropriate deposit has been lodged with Council before the commencement of work. Buildings and off-street parking spaces shall be easily accessible and vehicles should be able to pass each other and enter and leave the site in a forward direction.	<b>Yes</b>
	<i>Service Loading Facilities</i>	
<b>X</b>	(a) Off-street loading and unloading facilities will be required for certain uses. In such instances, the criteria outlined in Appendix C of the DCP will apply.	<b>Yes</b>
	<i>Special Requirements</i>	
<b>XI</b>	(a) Uses not referred to in Part C (Parking Schedule) shall be determined by Council. The provision of parking shall be proportional to the parking demand generated by the proposal.	<b>Yes</b>

**Comments:** The proposed modifications will not result in any changes to the movements of trucks through the site. Trucks will continue to enter the site via the southern driveway (weighbridge 1) and will exit via the northern driveway (utilising weighbridge 2). The width of the crossovers at both property boundaries will remain unchanged. Refer to further discussion in the following section.

### 3.8: Industry

<b>3.8</b>	<b>Development Controls</b>	<b>Complies</b>
	Parking	
	(i) 1 space per 55 m2 gross floor area (where the office component is less than 20% of the floor area); or 1 space per 2 employees whichever provides the greater number of spaces.	<b>Yes - 8 spaces required to accommodate 8 staff</b>
(a)	(iii) With some types of industrial developments, a lower parking rate might seem appropriate initially. However, provision shall be made for any additional future use by setting aside space for carparking.	<b>Yes – refer below</b>
	(iv) On-site parking for staff is located in places readily accessible to the principal staff entrances to buildings.	<b>No – acceptable on merit</b>
	(v) The number of on-site truck parking spaces provided is on the basis of 1 space for each vehicle present at any one time, excluding those vehicles in loading docks.	<b>Yes</b>

		Under no circumstances is the parking of trucks on continuous public streets acceptable.	
		<b>Driveways</b>	
(b)	(i)	Driveways is designed in accordance with not only the type of road frontage and number of parking spaces and service bays served, but also with regard to the type of vehicles which will enter the premises. Where direct access is allowed on to major roads, driveways are designed so that vehicles can enter from or exit to the kerbside lane. On any road, all vehicles are able to complete their turning manoeuvres without crossing the road centre line.	<b>Yes</b>
	(ii)	Separate driveways each of 8m minimum width, with a minimum separation of 1m	<b>Yes</b>
		<b>Site Design</b>	
(c)	(i)	Minimum carriageway width of 6.5m for two-way operation and 4.5m for one-way operation for internal roads on which parking is not permitted. Where parking is permitted, these widths are increased by 2.4m for each lane of car parking and by 3m for each lane of truck parking. For every small developments, a two-way internal road of width 4.5m with no parking permitted might be acceptable if visibility is adequate, if passing bays are provided for each 30m length and if it can be shown that such an arrangement will not cause queuing back onto the public road.	<b>Acceptable on merit - existing 9m wide driveways provided for the site.</b>
		<b>Service Requirements</b>	
(d)	(i)	Provision made for the loading/unloading of service vehicles as set out in Appendix C.	<b>Yes</b>
	(ii)	Consideration given to the type of service vehicles requiring access and their geometric movement requirements. In addition, provision has also been made for the movement and parking of coaches if their use is anticipated.	<b>Yes</b>

**Comments:** The proposal results in a reduction in overall off-street parking provided on the site from 20 to 13. The proposal indicates that the original provision of 16 parking spaces required under the parent consent was incorrectly based on 16 employees on the site. A revised statement prepared and submitted to Council confirms that car parking spaces are not critical for the operation of the business and that only 8 car parking spaces are required for the 8 staff working on the site. The trucks used by the business are only 4 tonne and small and no heavy trucks are used or required for business operations. The Applicant anticipates that the 4 tonne trucks will make between 30-50 movements

per day in total. This is on average 3.3 vehicle movements per hour between the hours of 7am-10pm and is unlikely to adversely impact the surrounding road network.

Staff will be driving their trucks to and from home. Accordingly, no trucks are parked on site when business is closed. The proposal further acknowledges that the site will not be open to the public and therefore visitors to the site will be limited.

Based on the requirements above, the 13 spaces proposed to be provided for the site are considered acceptable and greater than the minimum 8 spaces required to be provided. As previously discussed, the 13<sup>th</sup> space located in the front eastern setback of the site adjoining the garbage room is proposed for deletion. Having regard for the above, 12 spaces are considered ample to adequately service the needs of occupants on the site.

**PART J – ERECTION AND DISPLAY OF ADVERTISING SIGNS AND STRUCTURES**

An assessment of the proposal against the objectives and development controls contained within Part A of SCDCP 2005 is included below:

**1: Part A- General**

<b>1.3</b>	<b>Objectives</b>	<b>Satisfactory</b>
1.	<i>To encourage signage which complements the dominant urban character of an area, including the built and landscape character</i>	<b>Yes</b>

**2.4: Industrial Areas**

	<b>Aims</b>	<b>Satisfactory</b>
(i)	<i>Permit advertisements and advertising structures only where the applicant shows a justifiable need.</i>	<b>N/A</b>
(ii)	<i>Ensure the amenity of the area will not be detrimentally affected</i>	<b>Yes</b>

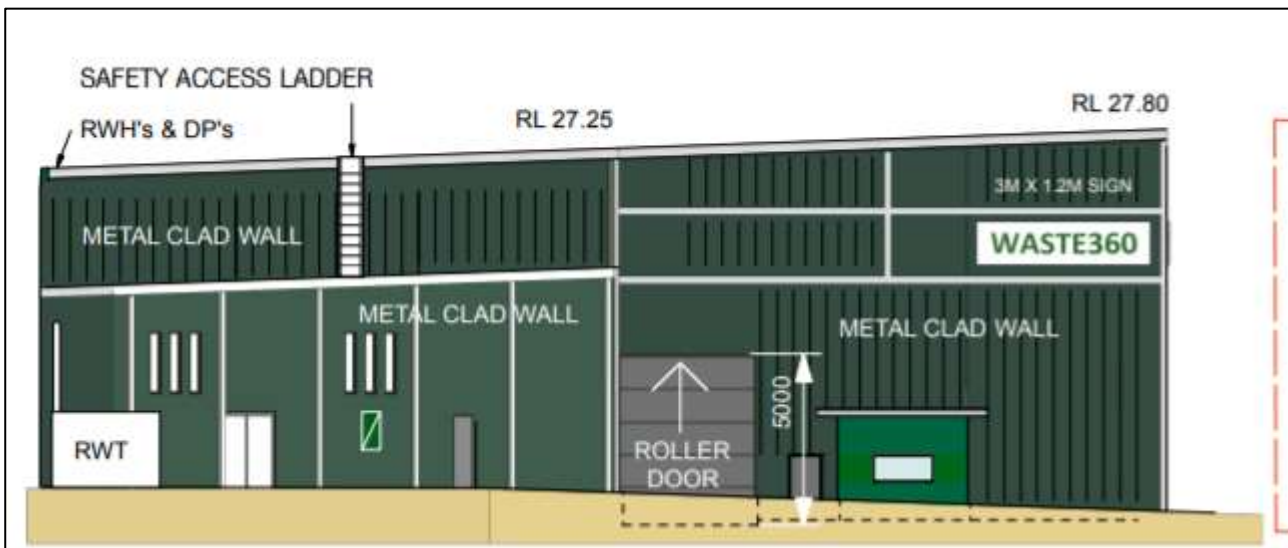
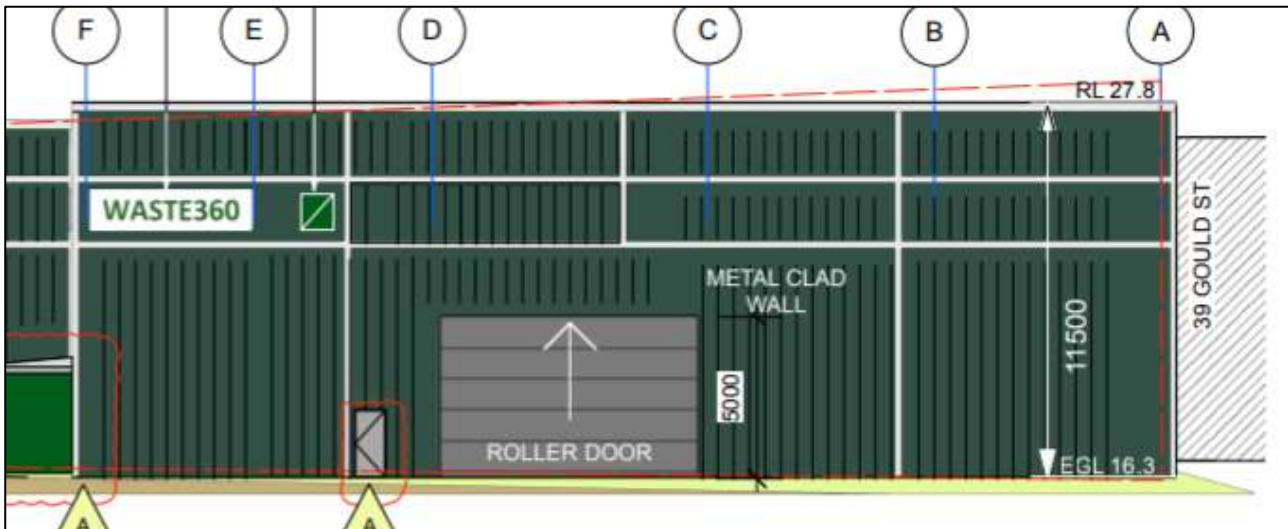
	<b>Performance Criteria</b>	<b>Complies</b>
(i)	Council permits the erection of advertising structures and signs on open space land only where it has frontage to a classified road, the distance between the classified road and any part of the advertising structure is not greater than 5 metres and the distance between advertising structures is not less than 100 metres.	<b>N/A</b>
(ii)	All signs in Special Use and Open Space zones will be considered on their merits relative to these aims.	<b>N/A</b>

**ITEM 6- Flush wall signs**

<i>Development Controls</i>		<i>Complies</i>
(a)	Where it is illuminated, the flush wall sign is not less than 2.6m above the ground	<b>Refer below</b>
(b)	The flush wall sign does not extend laterally beyond the wall of the building to which it is attached	<b>Yes</b>
(c)	The flush wall sign does not project above the top of the wall to which it is attached more than - (i) 2.4m; or (ii) 50% of its height, whichever is the lesser	<b>Yes</b>
(d)	Where of a skeleton letter type, the flush wall sign does not have an advertising area greater than 4.6 times the distance (to the nearest whole metre) between the lowest part of the sign and the ground	<b>Yes</b>
(e)	Where not of a skeleton letter type, the flush wall sign does not have an advertising area, in square metres, greater than three times the distance (to the nearest whole metre) between the lowest part of the sign and the ground.	<b>Yes</b>

**Comments:** The proposal involves installation of two (2) flush wall business identification signs on the south-eastern and north-eastern elevations of the building. The signage will be 3m length x 1.5m height. The signage will contain the details of the business only. The signage is considered appropriate to the scale and style of the development. The signage is commensurate with surrounding industrial premises surrounding the site and will integrate harmoniously with existing development in the streetscape.

No details have been provided as to whether the signage will be illuminated. A condition of consent was imposed under the parent consent (Condition 12) restricting the type of lighting so that it does not result in any unacceptable glare to motorists or adjoining premises.



**Part N – ‘Water Sensitive Urban Design (WSUD)’**

Part N of the Strathfield Consolidated Development Control Plan 2005 requires new development to meet the water conservation and stormwater quality targets established for Strathfield LGA. The proposal incorporates a 25KL rainwater tank, gross pollutant traps and StormFilter Cartridges to reduce pollutant loadings and minimise potential risk to water quality. The revised stormwater design was referred to Council’s Development Engineer for comment. As previously discussed, concern was raised for the deletion of the OSD tank on the site which was not supported by Council’s Development Engineer. A revised stormwater design was later submitted to Council 31 March 2020 including an OSD tank in the north-eastern portion of the site. Subject to conditions imposed under the parent consent, the proposed development satisfies Part N of the SCDCP.

**Part H – WASTE MANAGEMENT**

A revised construction Waste Management Plan was submitted as part of the subject application. The plan specifies the types and quantities of waste expected to be removed off site. The Operational Waste Management Plan (OWMP) which details the ongoing management of the waste transfer facility was approved under the parent consent. Conditions of consent were imposed under the parent consent to ensure full compliance with this plan.

**PART Q – URBAN DESIGN**

An assessment of the proposal against the urban design objectives and development controls contained within Part Q of SCDCP 2005 is included below:

**Objectives of the DCP**

<b>1.4</b>	<b>Objectives</b>	<b>Satisfactory</b>
1.	<i>To establish built form guidelines that encourage high quality urban design outcomes for all development types.</i>	<b>Yes</b>
2..	<i>To encourage best practice sustainable urban transformation.</i>	<b>Yes</b>
3.	<i>To strengthen the relationship between people, places and buildings.</i>	<b>Yes</b>
4.	<i>To make the public environment safer, attractive and more liveable.</i>	<b>Yes</b>
5.	<i>To create more efficient, sustainable and inspiring places to live that support the social, cultural, economic and environmental well-being of the community.</i>	<b>Yes</b>
6.	<i>To deliver the highest standard of architectural, urban and landscape design.</i>	<b>Yes</b>

<b>1.6</b>	<b>Objectives</b>	<b>Satisfactory</b>
1.	<i>To deliver the highest standard of architectural, urban and landscape design.</i>	<b>Yes</b>

<b>2.11</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>a.</b>	<i>a. To ensure that development adjacent to the Public Domain complements the landscape character, public use and enjoyment of that land.</i>	<b>Yes</b>
<b>b.</b>	<i>b. To enhance the quality of the Public Domain.</i>	<b>Yes</b>
<b>c.</b>	<i>c. To ensure the Public Domain is attractive, safe, interesting, comfortable, readily understood and easily accessed.</i>	<b>Yes</b>

1) All development applications involving substantial external changes that are visible from or effect public space, or have significant land use implications, must be designed in accordance with this DCP Part Q to ensure a positive contribution to the public environment. **Yes**

2) Development is to be designed to address elements of the public domain, including the building interface between private and public domains, circulation patterns and access ways, gateways, nodes, edges, landscape features, heritage items, ground floor activity and built form definition to the street.

**2.1.2** 3) Public access to the public domain is to be maximised.

4) Development is to be located to provide an outlook to the public domain, without appearing to privatise that space.

5) Development is to provide passive surveillance to the public domain. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces.

6) Continuous lengths of blank walls and fences at the public domain interface are to be avoided.

<b>2.2.1</b>	<p>a. To ensure that all development contributes positively to the street and locality.</p> <p>b. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</p> <p>c. To increase the legibility of streetscapes and urban spaces so that the interrelationship between development and the Public Domain is visually coherent and harmonious.</p> <p>d. To maximise opportunities for buildings to define the Public Domain. e. To encourage attractive street frontages and improve pedestrian amenity.</p>	<b>Yes</b>
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**2.2.2** 1) Building height at the street frontage and building alignment must maintain a compatible scale with adjacent development, whilst having regard to this Plan's height controls; and

2) Buildings and fences must be designed to complement and/or visually improve existing streetscapes.

3) Development must respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area **Yes**

4) Building design and landscaping must be in harmony with the form, mass and proportions of the streetscape.

5) New buildings must recognise and reinforce the elements of facades within the street. Designs must have regard to the horizontal and vertical proportions of building elements which create the visual scene.

6) Building setbacks from the street boundary must be consistent with prevailing setbacks of adjoining and nearby buildings

7) Buildings on corner sites must be designed and articulated to address each street frontage and must define corners

8) Development adjoining land use zone boundaries must provide a transition in form, height, scale, appearance, materials and setbacks with adjoining development and the Public Domain.

9) Buildings must be constructed of suitably robust and durable materials which contribute to the overall quality of the streetscape.

10) The use of security devices, such as roller shutters or grilles on shopfronts, shall not compromise natural surveillance of streets and public places. Solid roller shutters will not be permitted as security devices on shop fronts (windows and doors).

11) Where side setbacks are an important part of the local streetscape character, these are to be maintained.

<b>2.3</b>	Siting	
	<p>Development must achieve high quality urban form that is cohesive. The arrangement of buildings affects the Public Domain, amenity of spaces, the quality of space between buildings, visual and acoustic privacy and solar access to private and shared open spaces. Appropriate building separation is required to maximise light, air and outlook. Good site planning can reinforce an area's character, or make an important contribution to the future character of an area undergoing change. Appropriate building configuration and site planning will be informed by the surrounding built environment, street conditions and any vision statements adopted for individual areas.</p>	<b>Yes</b>
<b>2.3.1</b>	Building configuration and site planning essential criteria	
	<p>1) Development must respond to the scale of surrounding buildings and definition of the street networks and public spaces.</p> <p>2) The distinctive and valued character of the surrounding area, particularly those elements that contribute to a sense of place and identity, must be protected and enhanced.</p> <p>3) Building forms (including heights and massing) are to be arranged to reinforce the future desired structure and character of the area.</p> <p>4) Buildings must address the street, laneway, new through-site link or open space.</p> <p>5) Street edges must be defined with low rise buildings or appropriately scaled podiums to create a pedestrian scale and active frontages at street level.</p> <p>6) Appropriate building separation must be provided to protect privacy and solar access to private property and the Public Domain.</p> <p>7) Building corners on key streets must be emphasised to signify key intersections and enhance Public Domain legibility.</p> <p>8) Possible future development on adjoining sites must be considered as part of any design.</p>	<b>Yes</b>
<b>2.4</b>	Building Envelope	
	Building envelopes should allow for a 'loose fit' and room for articulation and modulation	<b>Yes</b>

2.4.1	a. To ensure the scale and bulk of future development is compatible with site conditions, surrounding development and the existing and desired future character of the streetscape and locality	<b>Yes</b>
2.4.2	<p>1) The bulk and scale of any development must reflect the existing and future character of the existing street and surrounding locality.</p> <p>2) The bulk and scale of any development must be compatible with the amenity of the immediately and surrounding locality.</p> <p>3) Buildings must not be designed to be outside the building envelope even if they do not achieve 100% of the permissible Gross Floor Area (GFA) or maximum height permitted.</p>	<b>Yes</b>
2.5	Building massing and scale	
2.5.1	<p>a. To ensure buildings are compatible in form relative to the spatial characteristics of the local area.</p> <p>b. To ensure building mass and form reinforces, complements and enhances the visual character of the street.</p> <p>c. To ensure the building height and mass preserves and enhances the Public Domain, neighbourhood amenity, and site characteristics.</p> <p>d. To ensure that where changes in building scale, mass and/or height is proposed, it occurs in a manner that is sensitive to amenity issues of surrounding or nearby development.</p>	<b>Yes</b>
2.5.2	<p>1) Buildings must be of a height that responds to the topography and shape of the site.</p> <p>2) Buildings, or their individual elements, must be appropriately scaled to reinforce the surrounding character.</p> <p>3) Building heights are to be reduced and setbacks increased to provided appropriate transitions to heritage buildings and places or sensitive uses such as public recreation areas and schools.</p> <p>4) The proportion and massing of buildings must relate favourably to the form, proportions and massing of existing and proposed building patterns in the street.</p> <p>5) Building height and mass must not result in loss of amenity to adjacent properties, open space or the Public Domain.</p> <p>6) The form and massing of buildings must provide a transition between adjoining land use zones and building types.</p> <p>7) Building form and massing must support individual and communal entries.</p>	<b>Yes</b>
2.7	Building frontages to Public Domain	
2.7.1	<p>a. To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.</p> <p>b. To encourage contemporary designs which integrate with the appearance of the streetscape.</p> <p>c. To provide attractive building facades which establish identity and contribute to the streetscape.</p>	<b>Yes</b>
2.7.2	Essential Criteria	

- 1) Building design and architectural style must interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings.
- 2) Demonstrated design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; the location and proportion of windows and doors.
- 3) Building facades must be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture.
- 4) Alterations and additions must be compatible with design elements of the existing building.
- 5) Building frontages and entries must provide a sense of address and visual interest from the street. Stairwells must not be located at the front and in view of the Public Domain.
- 6) Where security grilles/screens, ventilation louvres and car park entry doors are proposed, they must be integrated into facade designs. Solid security shutters will not be permitted.
- 7) New buildings and facades must not result in glare that causes discomfort or threaten the safety of pedestrians or motorists. A Reflectivity Report that analyses the effects of potential glare from the proposed new development on pedestrian and motorists may be required by Council
- 8) Large areas of blank walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey.
- 9) New business and industrial buildings shall be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.
- 11) For commercial and mixed-use development: – ground floor activities must activate the adjoining Public Domain to create a vibrant streetscape and promote a sense of community. Buildings shall be carefully designed to ensure active frontages contributes to the liveliness, interest, comfort and safety of the street for those who use it; and – awnings or colonnades for weather protection and shade must be provided along active frontages.
- 12) Site services and related enclosures (such as for waste disposal and recycling, mail and deliveries, water and energy metering and emergency services) are to be integrated into the design of the development and not detract from the streetscape.
- 13) Development must respond to the positive attributes of an area by incorporating dominant patterns, textures and compositions into the built form.
- 14) Development must provide a sense of address and visual interest from the street through the use of insets and projections that create interest and, where relevant, the appearance of finer grain buildings. Recesses that undermine the safety of the Public Domain are to be avoided.
- 15) Building materials, finishes and colours must be of a high quality and compatible with those qualities that are dominant in and contribute to the streetscape and locality.

**Yes**

	16) The reflectivity of external materials and finishes (including roofs and walls) must be minimal in accordance with industry standards. The use of reflective glass and curtain walling as a facade treatment is not generally favoured by Council. Council may require the lodgement of manufacturer's specifications of certain materials and finishes to demonstrate adequately low levels of glare and reflectivity from external surfaces in certain circumstances.	
<b>2.8</b>	<i>Roof Forms</i>	
<b>2.8.1</b>	<p>a. To treat roof spaces and forms as an important element of the overall building appearance.</p> <p>b. To encourage roof forms that provide continuity and consistent character in the streetscape.</p> <p>c. To encourage roof designs that integrate with the building composition and form.</p>	<b>Yes</b>
<b>3.1.1</b>	<p>a. To improve pedestrian access and connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.</p> <p>b. To encourage pedestrian through-site links that are designed to promote safety and amenity.</p>	<b>Yes</b>
<b>3.1.2</b>	<p>1) Pedestrian links must be provided where possible through large development sites to improve connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools. Where Council considers it appropriate to have through site links, it will consider the public benefit that is derived from this in terms of potential loss of development potential.</p> <p>3) Public, communal and private areas must be clearly delineated within the site.</p> <p>5) Existing through-site pedestrian links are to be retained by all types of development, except where alternative access can be provided to Council's satisfaction.</p>	<b>Yes</b>
<b>3.2</b>	<i>Building Entries</i>	
<b>3.2.1</b>	<p>a. To create street entrances with a strong identity that provide a transition from the street to residential interiors.</p> <p>b. To ensure car park entries do not detract from the street.</p>	<b>Yes</b>
<b>3.2.2</b>	<p>2) Strong visual and physical connections must be provided between the street and lobby spaces. Entries and foyers must be designed to be comfortable, sheltered, safe, convenient and visible at all times of day and night.</p> <p>4) Pedestrian access must be incorporated with car park entrances to reduce the visual impact of the car park entrance. Car park entrances must be carefully designed to avoid unattractive or extensive gaps in street frontages.</p> <p>5) New commercial and industrial buildings must be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.</p>	<b>Yes</b>

<b>3.3</b>	Visual and Acoustic Privacy	
<b>3.3.1</b>	<p>a. To ensure that development does not cause unreasonable overlooking of habitable rooms and principal private open spaces of dwellings.</p> <p>b. To ensure that visual privacy is provided both within a development and between a development and its neighbours.</p> <p>c. To ensure that the siting and design of development minimises the impacts of noise transmission between properties.</p>	<b>Yes</b>
<b>3.3.2</b>	<p>1) New development must ensure adequate visual and acoustic privacy levels for neighbours and residents.</p> <p>2) Development must be located, oriented and designed to maximise visual and acoustic privacy between buildings.</p> <p>8) Appropriate building materials shall be used to provide acoustic privacy.</p> <p>9) Consideration to the relationship between residential and non-residential components of mixed use development with regard to noise attenuation and privacy must be demonstrated in the design of the development.</p>	<b>Yes</b>
<b>3.4</b>	Acoustic amenity and air quality	
<b>3.4.1</b>	<p>a. To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses.</p> <p>b. To ensure that new commercial or industrial development does not unreasonably diminish the amenity of nearby residential uses by noise intrusion.</p> <p>c. To ensure mitigation measures such as building layout and design and building materials are taken into consideration where poor air quality is likely to affect inhabitants.</p>	<b>Yes</b>
<b>3.4.2</b>	<p>3) New non-residential development must not adversely affect the amenity of adjacent residential development in terms of noise, odour, poor air quality, hours of operation and/or service deliveries.</p> <p>4) Noise generating developments particularly those adjacent residential developments and residential developments adjacent to noise generating sources such as busy roads and rail corridors, must submit an Acoustic Report prepared by a suitably qualified acoustic consultant with a development application.</p> <p>5) The provisions of State Environmental Planning Policy (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration, to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as schools, child care centres, places of public worship and health services facilities when designing a development proposal.</p>	<b>Yes</b>
<b>3.5</b>	Solar access and cross ventilation	
<b>3.5.1</b>	<p>a. To provide thermal comfort for occupants.</p> <p>b. To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.</p> <p>c. To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.</p>	<b>Yes</b>

- d. To ensure sufficient volumes of fresh air circulate through buildings to create a comfortable indoor environment and to optimise cross ventilation.  
e. To ensure that sunlight access is provided to the Public Domain.

<b>3.5.2</b>	<p>1) Development must be designed and sited to minimise the extent of shadows that it casts on: - private and communal open space within the development; - private and communal open space of adjoining dwellings; - significant areas of the Public Domain, such as main streets, open space and plaza areas, main pedestrian links etc; - solar collectors of adjoining development; and - habitable rooms within the development and in adjoining developments. Note: Building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings. Building heights may also need to be stepped to maximise solar access.</p> <p>5) Landscaping must provide shade in summer without reducing solar access in winter.</p> <p>6) Buildings must have narrow cross sections, providing dual aspect for dwellings to allow for cross ventilation.</p> <p>7) Buildings must be orientated to benefit from prevailing breezes.</p> <p>8) All rooms must contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided.</p> <p>9) Natural cross ventilation shall be achieved by locating window openings in opposing walls and in line with each other.</p> <p>10) Building elements such as operable louvres and screens, pergolas, blinds etc shall be used to modify environmental conditions where required, such as maximising solar access in winter and sun shading in summer.</p>	<b>Yes</b>
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**Comments:** The proposal has been designed having consideration for the orientation, size and location of the site. The front setback across the building façade to Cosgrove Road has been modified from 10m to a varied frontage depth ranging from 3.65m to 18m. This successfully reduces the apparent bulk and scale of the development as viewed from the street. The building height also achieves improved variation from a uniform 12m to a variation between 5m to 11.5m. This further reduces the perceived bulk and scale of the development as viewed from the street. Additionally, the revised building footprint achieves greater building separation from the northern adjoining industrial site as well as from the overhead transmission powerlines traversing the northern portion of the site. This improves the building separation provided between development and further reduces the apparent scale and massing of the development.

The proposal enables additional areas of deep soil planting in the front setback and northern side setback of the site to what was originally approved. This is a result of the varied front and side setbacks now proposed particularly along the Cosgrove Road frontage. These areas are to be

embellished with canopy trees (retained and proposed) and shrub planting which will soften the appearance of hardstand surfaces as well as the overall built form.

The metal cladding exterior finish proposed to the development is considered compatible with existing warehouse developments in the streetscape which also feature bold, block colour exterior finishes. The building entry is clearly defined and seamlessly incorporated into the building design. The modified design provides a new mezzanine office space with breakout areas which will provide improved amenity for occupants of the site. A separate lunch area is also proposed immediately adjoining the office space for the enjoyment of staff.

The modified design was supported by an amended Acoustic Report which identifies the single axle tip truck, front-end loader and trommel/conveyors to generate the most significant noise emissions from within the site. It is anticipated that these activities will generate a maximum 108dBA. The assessment predicts that the most affected by the ongoing operational noise levels generated by these activities are the adjoining industrial property at 34-48 Cosgrove Road reaching 67dBA and 57 Cosgrove Road reaching 48dBA. The NSW Industrial Noise Policy sets a maximum permitted amenity criteria of 70dBA and thus the development complies with this requirement. The closest residential receivers will anticipate a predicted level of between 21-40dBA which satisfies the maximum permitted 45dBA criteria. Accordingly, the revised design will unlikely adversely detract from the amenity of both the adjoining residential and industrial land uses.

Overall, the proposed modifications is considered a significant design improvement to what was originally approved. The proposal not only achieves improved internal amenity for occupants of the site but an improved overall external appearance for the development which will integrate nicely with other existing warehouse development in the streetscape.

#### ***4.15(1)(a)(iv) matters prescribed by the regulations***

##### Environmental Planning and Assessment Regulations 2000 – 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 32 - 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.

Environmental Planning and Assessment Regulations 2000 - Clause 92:

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

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

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

**4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

### Noise, Vibration and Air Quality

A revised Noise and Air Quality Impact Assessment was prepared by Wilkinson Murray dated November 2019. The assessment report was prepared in accordance with the following guidelines:

- NSW Industrial Noise Policy (INP) (EPA, 2000);
- NSW Road Noise Policy (RNP) (DECCW, 2011);
- Interim Construction Noise Guideline (ICNG) (DECC, 2009);
- Assessing Vibration: A technical guideline (DEC, 2006); and
- Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016).

The report identifies that the main concerns for noise vibration and air quality will result from the trucks, the front end loader, trommel and the processing of materials by this equipment within the site. The revised report concludes that the noise emissions associated with the construction and ongoing operation of the facility and the increase in road traffic is predicted to comply with the relevant noise criteria. Further, the vibration levels produced by the activities on the site have been determined to be minimal and have a negligible impact on surrounding receivers. The risk of air quality impact is low considering the proper air quality management strategies required by the consent. This includes the installation of a dust suppression sprinkler/mister system.

Conditions of consent were previously imposed under the parent consent to restrict the hours of operation from 7am to 1pm as recommended by the EP&A. No change is proposed to these approved hours of operation.

### **Tree Management**

The development proposes to retain Trees 6 and 7 on the site due to the proposed redesign of the building. Revised conditions of consent have been recommended to ensure the retention and protection of these trees during the construction of and the ongoing operation on the site.

### **Visual Impacts**

The proposal results in a modified built form resulting in a reduced building height, improved articulation throughout the front and side setbacks of the site as well as increased landscaped areas throughout the front and northern side boundaries of the site. The proposal includes a revision of external finishes whereby green exterior metal cladding with cream coloured roofing has replaced the grey coloured cladding and roofing finishes approved for the building. This is considered acceptable in the streetscape which feature various warehouse buildings constructed in bold block colours of similar finishes.

Overall, the proposal's reduction in building height and scale will not result in any visual impacts to the streetscape to what was originally approved. The development is compatible with surrounding industrial development in the site and will integrate nicely with existing industrial warehouse buildings along Cosgrove Road which are of similar bulk, height, scale and form. Accordingly, the proposal is considered acceptable in this regard.

#### **4.15(1)(c) *the suitability of the site for the development***

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 to two arterial roads. Overall, the proposed development for the purposes Waste Transfer Facility is suitable for the subject site.

#### **4.15(1)(d) *any submissions made in accordance with this Act or the regulations***

The application and plans were notified in accordance with Part L of the Strathfield Consolidated DCP 2005 from 3 December 2019 to 15 January 2020. No submissions were received during this time.

#### 4.15(1)(e) *the 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.

### SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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

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.

### CONCLUSION

The application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the *Strathfield Local Environmental Plan 2012* and the *Strathfield Development Control Plan 2005* and is considered to be satisfactory for approval.

### RECOMMENDATION

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. 2017/064/03 for involving reducing the extent of building and available parking at 63-65 Cosgrove Road, Strathfield South be **APPROVED**, 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(1A) application (DA2017/064/03) as follows:
  - Insert Special Condition 4;
  - Insert Special Condition 5;

- Insert Special Condition 6;
- Modify Condition 4 (Plans and Reference Documentation)
- Modify Condition 10 (Trees Permitted to be removed);
- Condition 39 (Tree Bonds);
- Condition 49 (Tree Protection Measures);
- Modify Condition 68 (Staff Restriction); and
- Insert Condition 69, 70 and 71.

Accordingly, Development Consent No. DA2017/064/03 is approved as following:

## **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***

**L1.1** 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 between 7am - 10pm Monday to Sunday.

**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

## **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.

### **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**

**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**

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
8138/16	(Concept) Site Plan	Moshonis Building Designers & Engineers	-	August 2016
8138/16	(Concept) Floor Plan	Moshonis Building Designers & Engineers	-	August 2016
8138/16	South East Elevation, North Elevation, West Elevation	Moshonis Building Designers & Engineers	-	August 2016
TX.03	Swept Path Assessment – Staff Vehicles reversing in to southern spaces and reversing out of northern spaces entering/exiting site in a forward direction	TRAFFIX	B	25-Jul-17
8138/16	(Concept) Landscape Plan	Moshonis Building Designers & Engineers	-	August 2016
8138/17	Streetscape	M-Groupe		July 2017
01776_C100	Cover Sheet, Drawing Index, General Notes & Locality Sketch	C & M Consulting Engineers	01	08.05.2017
01776_C201	General Arrangement Plan	C & M Consulting Engineers	02	03.08.2017
01776_C601	Catchment Plan	C & M Consulting Engineers	01	08.05.2017
01776_C621	Bio-Retention Plan, Section & Details	C & M Consulting Engineers	01	08.05.2017

01776_C701	Sediment & Erosion Control Plan	C & M Consulting Engineers	01	08.05.2017
01776_C702	Sediment & Erosion Control Details	C & M Consulting Engineers	01	08.05.2017
-	Operational Waste Management Plan	Cheapeast Load of Rubbish		May 2017
16274	Noise and Air Quality Impact Assessment	Wilkinson Murry	G	12 April 2017
-	Waste Management Plan	Younan		26.04.2017
<b>100</b>	<b>Site Plan</b>	<b>Cracknell &amp; Lonergan Architects</b>	<b>Issue B dated 14 April 2020</b>	<b>Received by Council 14 April 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>103</b>	<b>Ground Floor Plan</b>	<b>Cracknell &amp; Lonergan Architects</b>	<b>Issue B dated 14 April 2020</b>	<b>Received by Council 14 April 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>107</b>	<b>First Floor Plan</b>	<b>Cracknell &amp; Lonergan Architects</b>	<b>Issue B dated 14 April 2020</b>	<b>Received by Council 14 April 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>110</b>	<b>Roof Plan</b>	<b>Cracknell &amp; Lonergan Architects</b>	<b>Issue B dated 14 April 2020</b>	<b>Received by Council 14 April 2020</b>

				<b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>201</b>	<b>Elevations</b>	<b>Cracknell &amp; Lonergan Architects</b>	<b>Issue B dated 14 April 2020</b>	<b>Received by Council 14 April 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>301</b>	<b>Section Plan</b>	<b>Cracknell &amp; Lonergan Architects</b>	<b>Issue B dated 14 April 2020</b>	<b>Received by Council 14 April 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>110</b>	<b>Roof Plan</b>	<b>Cracknell &amp; Lonergan Architects</b>	<b>Issue B dated 14 April 2020</b>	<b>Received by Council 14 April 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>L 100</b>	<b>Landscape Plan</b>	<b>A Total Concept Landscape Architects</b>	<b>Issue B</b>	<b>Received by Council 15 November 2019</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>C201</b>	<b>Stormwater Plan - General Arrangement Plan</b>	<b>C&amp;M Consulting Engineers</b>	<b>Revision 04</b>	<b>Received by Council 31 March 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>C501</b>	<b>Onsite Stormwater</b>	<b>C&amp;M Consulting Engineers</b>	<b>Revision 01</b>	<b>Received by Council 31 March 2020</b>

	<b>Site Detention System</b>			<b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>C601</b>	<b>Catchment Plan</b>	<b>C&amp;M Consulting Engineers</b>	<b>Revision 02</b>	<b>Received by Council 31 March 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>C701</b>	<b>Sediment and Erosion Control Plan</b>	<b>C&amp;M Consulting Engineers</b>	<b>Revision 02</b>	<b>Received by Council 31 March 2020</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>

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		30.05.2016
Status of Site Environmental Conditions	EI Australia	-	7 February 2017
Phase 1 and 2 Environmental Site Assessment	Aecom	-	24 Aug 2015
Traffic Impact Assessment	Traffix	16-371r01v04	02.05.2017
<b>Traffic and Parking Assessment</b>	<b>Traffix</b>	<b>Dated 7 November 2019</b>	<b>Received by Council 15 November 2019</b>  <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
Stormwater Management Plan	C & M Consulting Engineers	Rev A	May 2017

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		9.11.2016
Comments to Public submissions	Ingham Planning		29 August 2017
<b>Landscape Maintenance Strategy</b>	<b>A Total Concept Landscape Architects</b>	<b>2019-09-16</b>	<b>Received by Council 15 November 2019</b> <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>Stormwater Management Plan</b>	<b>C&amp;M Consulting Engineers</b>	<b>Revision B</b>	<b>Received by Council 31 March 2020</b> <b>MODIFIED: DA2017/064/03 – 30 APRIL 2020</b>
<b>Noise and Air Quality Impact Assessment</b>	<b>Wilkinson Murray</b>	<b>Revision D dated November 2019</b>	<b>Received by Council 15 November 2019</b> <b>MODIFIED: DA2017/064/03 – 30 APRIL 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.)

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

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, 4, 6 and 7 as identified within the Arborist Assessment prepared by Urban Tree Care dated 1 February 2017.~~

**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.***

(Reason: To ensure appropriate tree removal.)

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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)

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)

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

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

26. 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	\$0.00
Provision of Major Open Space	\$72,253.72
Provision of Local Open Space	\$16,359.33
Provision Roads and traffic Management	\$0.00
Administration	\$1,363.28
<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**

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**

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 \$6,600.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.~~

**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 prior to works in accordance with AS 4970-2009 Protection of trees on development sites.~~

**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.)

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**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)**

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 – CONVENANT 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

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
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.

(Reason: Ensure industry operates between approved hours.)

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

**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.)**

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**69. VEHICULAR ACCESS (OU)**

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

**(Reason: To ensure traffic safety.)**

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**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.**

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