








 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2021/0746
Address	7 Prospect Road SUMMER HILL NSW 2130
Proposal	Change of use to Green Living Centre, Reverse Garbage and Bower repair centre with ancillary retail and office purposes
Date of Lodgement	23 August 2021
Applicant	Naomi Brennan
Owner	Inner West Council - Ashfield
Number of Submissions	One (1)
Value of works	\$80,000.00
Reason for determination at Planning Panel	The development application relates to a site that is owned by Inner West Council as such Council Officers do not have the delegation to approve the application.
Main Issues	Deferred Commencement
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
	
LOCALITY MAP	
Subject Site	  
Notified Area	 
Objectors	 
Supporters	

1. Executive Summary

This report is an assessment of the application submitted to Council for Change of use to Green Living Centre, Reverse Garbage and Bower repair centre with ancillary retail and office purposes at 7 Prospect Road SUMMER HILL NSW 2130.

The application was notified to surrounding properties and one (1) submission was received in response to the initial notification.

The main issues that have arisen from the application include:

- Potential acoustic impacts on surrounding residential neighbours

The potential impacts to the surrounding environment have been considered as part of the assessment. Any potential adverse impacts from the development are considered manageable via the recommended conditions. Further, these manageable impacts are considered commensurate with the site's zoning and previous use.

Subject to the adherence of the recommended conditions of consent, including Deferred Commencement (DC) conditions relating to acoustic amenity and contamination, the proposal will comply with the aims, objectives and design parameters contained in the relevant planning controls. As such, the application is recommended for Deferred Commencement approval, subject to conditions included in Attachment A.

2. Proposal

The current application submitted to seeks consent for Change of use to Green Living Centre, Reverse Garbage and Bower repair centre with ancillary retail and office purposes. In particular the following uses/works are proposed:

Uses

- Green Living Centre - Green Living Centre (GLC) is an Inner West Council initiative that provides community workshops on waste, re-use, circular economy and sustainability initiatives. GLC will conduct the workshops in Building 4. Two Inner West Council staff and two volunteers will be present on the site for up to 20 hours per week.
- Reverse Garbage - Reverse Garbage (RG) is a not-for-profit organisation that repurposes used items including fabric, furniture, haberdashery, books, CDs, homewares (one off shop clearance), building materials such as doors and windows, pictures and frames. It also includes education workshops and ancillary office and retail uses. RG will occupy an open roofed structure on the northern side of Nottle Street (Building 8/9), concrete storage bays and a covered concrete area (Buildings 6 and 7) and an office (Building 5).
- The Bower- The Bower is a not-for-profit organisation that re-purposes and repairs used furniture, electrical and building materials. It also includes education workshops and ancillary office and retail uses. The Bower will occupy the former workshops, storage and office buildings on the southern side of Nottle Street (Buildings 1, 2 and 3).

Building Works

- The proposal seeks consent for minor internal fit-out works to the existing buildings including pallet racking for storage.
- The open roofed structure (Building 8/9) will contain prefabricated temporary dismountable site offices, access ramps and pallet racking.
- A new shade canvas awning will be erected above the garden area in the western part of the site.

3. Site Description

The subject site is located on the western side of Prospect Road, between Prospect Road, Carlton Crescent and Liverpool Road. The site consists of one (1) allotment and is irregularly shaped with a total area of 6,358 sqm and is legally described as 7 Prospect Road SUMMER HILL NSW 2130.

The site has a frontage to Prospect Road of 23 metres and a secondary frontage of 9.36 metres to Liverpool Road. The site supports several industrial and commercial buildings/structures including unused mechanic workshops, garages, office spaces, storage spaces (including the storage of building materials) and amenities. The site has been used as a Council depot since the 1970s. It ceased being used as a Council depot in early 2020 and is currently utilised for a drive through COVID testing clinic.

Nottle Street extends through the site providing vehicular access between Prospect Road to the east and Liverpool Road to the north. The northern end of Nottle Street is blocked by gates and no through site access is available to Liverpool Road.

The adjoining properties support a range of building typologies including residential flat buildings, single dwellings, semi-detached dwellings and manor houses.

The subject site is not listed as a heritage item and is not located within a conservation area.

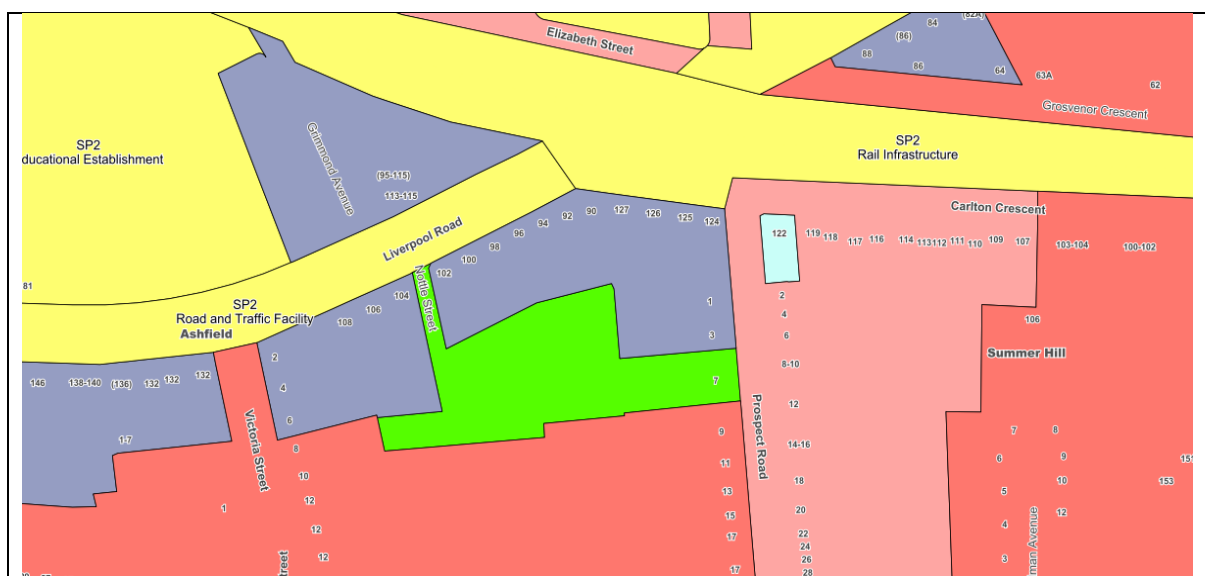


Figure 1: Zoning Map (subject site identified by green)

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
006.1980.41.001	Council Depot	Approved – 26/9/1980

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
15 September 2021	Council Officers contacted the applicant and requested the submission of additional information addressing the following: <ul style="list-style-type: none"> - An amended acoustic report assessing the noise impacts resulting from the operation of power tools, cumulative impact of power tools, machinery and manual tools and provide recommendations and measure to limit potential impacts. - Submission of an amended waste management plan outlining how waste is to be collected from the site.
5 October 2021	The requested additional information was submitted to Council.
11 October 2021	Council Officers contacted the applicant and outlined that the provided acoustic report did not address a number of concerns raised previously by Council's Environmental Health Team. A revised acoustic was again requested at this time.
26 October 2021	A revised acoustic report was submitted to Council.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. IWCDCP 2016 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has been used in the past for activities which could have potentially contaminated the site. It is considered that the site will require remediation in accordance with *SEPP 55*.

A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) have been provided to address the management of contaminated groundwater onsite and the treatment and/or disposal of any contaminated soils and contamination issues prior to determination. The contamination documents have been reviewed and found that the site can be made suitable for the proposed use after the completion of the RAP. To ensure that these works are undertaken, it is recommended that conditions are included in the recommendation in accordance with Clause 7 of *SEPP 55*.

A review of the provided remediation action plan has highlighted a recommendation for a long-term Environmental Management Plan to be prepared and submitted to Council for enforcement. As such Council has recommended the imposition of a deferred commencement condition requiring the submission of this Environmental Management Plan, prior to the issuing of an operational consent. It is considered that the site can be made suitable for the proposed use subject to the submission of the Environmental Management Plan and suitable operational conditions of consent.

5(a)(ii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)***Development with frontage to classified road (Clause 101)***

The site has a frontage to Liverpool Road, a classified road. Under Clause 101 (2) of *SEPP Infrastructure 2007*, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The application does not propose to enter or exit on to Liverpool Road and continues an existing arrangement. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

5(a)(iii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application does not seek the removal of vegetation from within the site or on Council land.

The proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions, which have been included in the recommendation of this report.

5(a)(iv) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the following relevant clauses of the *Ashfield Local Environment Plan 2013*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned RE1 – Public Recreation under the *ALEP 2013*. The *ALEP 2013* defines the development as community facility and information and educational facility. Under the *ALEP 2013* these uses are defined as:

community facility - means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

&

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the RE1 zone.

As stated above the current proposal also seeks consent for the establishment of ancillary office and retail uses on site. These ancillary uses have been assessed against the Department of Planning's Circular PS-13-001 'How to characterise development'. This assessment has determined that the proposed office and retail uses are ancillary to the main uses being community facility and information and education facility.

The proposed office and retail uses are in small locations throughout the buildings and enable day to day administration and operation. These uses exist to enable re-use of items which have recently gone through the re-purpose process each organisation specialises in. This re-purpose and on-sell is a small aspect of the overall functions of these premises, which is to minimise waste and educate the community on how to minimise waste. The retail component is not able to operate as standalone use.

Under the *ALEP 2013* the subject site does not have a maximum height limit or a maximum floor space ratio. The current application proposes only minor internal alterations, which do not result in an increase to the sites current floor space ratio (FSR).

The proposal seeks consent for the installation of a new sunshade which will replace an existing awning. The proposed shade structure is acceptable, subject to suitable conditions of consent regarding future details. The proposed shade structure will not have unreasonable amenity impacts on neighbours and is expected to replace an existing structure within the same locality, therefore bulk/scale impacts are expected to be negligible.

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
7 - Access and Mobility	Yes
8 - Parking	See assessment below
14 - Contaminated Land	Yes
15 - Stormwater Management	Yes

The following provides discussion of the relevant issues:

Acoustic Impacts

Council Officers reviewing the current proposal have undertaken a comprehensive review of the proposed uses and potential acoustic impacts resulting from these uses. During the assessment Council Officers requested numerous revisions to the provided acoustic report to demonstrate that acoustic impacts on neighbouring residential receivers would be minimal. On the 26 October 2021 the applicant provided a final copy of an acoustic report which was reviewed by Council Officers and determined to be acceptable. This revised acoustic report undertakes a comprehensive assessment of the proposed uses, combined impacts on neighbouring residential receivers and provides numerous recommendations to limit impacts on neighbours. These recommendations include:

- requirements for rollers door to the Bower workshop to be kept closed,
- staff not to access site before 7:00am,
- acquisition of mobile acoustic barriers to be placed behind noise generating machinery
- A requirement for review of measures once the premises is operational to ensure targets are being met

The proposed recommendations are considered to be sufficient to ensure minimal amenity impacts for neighbouring sites and the proposal is recommended for approval, subject to a DC condition requiring the submission of a noise management plan (as recommended by the acoustic report) and operational conditions of consent, including acoustic testing after 60 days of operation.

Parking

The IWCDCP 2016 does not contain provisions for parking rates for the proposed use. In accordance with the requirements of the DCP should the specific land use not be outlined within the DCP then the RMS Guidelines for Traffic Generating Development are to be relied upon. However, the RMS Guidelines also does not have a parking rate for this particular land use. As such the applicant has undertaken a survey analysis of the use's current premises in Marrickville. The applicant has outlined that the surveys were undertaken during the following times (which were identified as peak visitor times):

12:00pm-4:00pm on Thursday 15th April 2021

11:00am-3:00pm on Saturday 17 April 2021

These surveys concluded that the peak parking demand for patrons and staff is 18 spaces. The development is proposing to provide a total of 28 car parking spaces, consisting of 22 visitor parking spaces and six (6) staff spaces at the subject site. This provision will accommodate all parking demands within the site and will not result in increased parking demands for the surrounding locality. The proposed rate of parking has been reviewed by Council's Engineers who outlined no objection, subject to suitable conditions of consent.

Hours of Operation

The proposal seeks consent for the following hours of operation:

8:00am to 8:00pm – seven (7) days a week.

Within these hours the proposed uses will be operating at varying times, with staff and visitors arriving and leaving throughout the day. The proposed hours of operation are acceptable subject to compliance with the recommendations of the above-mentioned acoustic report. The proposed hours enable day to day operations of the premises and are in-line with that of a depot which has been operating from the site previously. The proposed hours of operation are unlikely to impact neighbouring amenity and are recommended for support.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 21 days to surrounding properties. As a result, one (1) submission was received in response to the initial notification.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Acoustic Impacts

Comment: Throughout the assessment process the applicant has supplied an amended acoustic report. This report sufficiently addresses the potential noise generation from the proposed uses and provides recommendations to minimise impacts on neighbours. The proposed acoustic report is sufficient to ensure minimal impacts on neighbouring residential receivers.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Development Engineering
- Fire
- Environmental Health
- Waste Management Commercial

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions or 7.12 levies are not payable for the proposal, as the proposed cost of works is less than \$100,000.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is in the public interest.

The application is considered suitable for the issue of a Deferred Commencement consent subject to the imposition of appropriate terms and conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/0746 for Change of use to Green Living Centre, Reverse Garbage and Bower repair centre with ancillary retail and office purposes at 7 Prospect Road SUMMER HILL NSW 2130 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

A. Environmental Management Plan

A long-term Environmental Management Plan must be prepared and submitted to Council in accordance with Section 11.4 Validation Requirements contained within Report on Remediation Action Plan prepared by Douglas Partners Pty Ltd Project 202662.00 Revision 0 dated August 2021 and include:

- a) Details of the extent of contaminated soils that are present at the site;
- b) A description of the expected conditions at the site;
- c) Details of the contaminated soil being managed on site;
- d) The management and maintenance protocols for the soil capping system;
- e) The protocols for future works below the capping layer (if required); o The hazards associated with the contaminated soil capped at the site and the corresponding management controls;
- f) The long-term groundwater monitoring; and
- g) The responsibilities of the appropriate parties in relation to implementing the Plan.

B. Noise Management Plan

A Noise Management Plan must be prepared and submitted to Council in accordance with Section 5.1.1 of Acoustic report prepared by Acoustic Dynamics Document 5188R001.LB.211025 Revision 2 dated 25 October 2021.

C. Sunshade Structure

Prior to the issue of an operational consent, Council is to be provided with elevational plans of the proposed sunshade structure.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Sheet 01/05	Propose Site Plan	14/07/2021	Old but still good
Sheet 02/05	Proposed Reuse Centre	14/07/2021	Old but still good
Sheet 03/05	Proposed Ground Floor Plan	14/07/2021	Old but still good
Sheet 04/05	Proposed Ground Floor - Green Living Centre & Reverse Garbage	14/07/2021	Old but still good
Sheet 05/05	Proposed Ground & First Floor Plan - Bower	14/07/2021	Old but still good

As amended by the conditions of consent.

FEES

2. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

3. Stormwater Drainage System – Simple

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the Council's pipe system. Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works, the drainage system must be upgraded to discharge by gravity to the Council's pipe drainage system.

An audit shall be carried out by a qualified engineer/scientist to quantify water pollutants leaving the site. If required, the proposed works shall include water quality measures to ensure the treatments measures proposed to meet Council's water quality targets.

4. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RVMP) in accordance with the relevant Development Control Plan.

5. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

6. Car Parking

The development must provide and maintain within the site:

- a. A total of 28 car parking spaces must be paved and line marked
- b. 6 staff car parking spaces must be provided and marked as staff car parking spaces.

7. Contamination – Remedial Action Plan (No Site Auditor Engaged)

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Douglas Partners Pty Ltd, reference Project 202662.00 Revision 0 dated 17 August 2021, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

8. Noise – Consultant’s Recommendations

The recommendations contained in the acoustic report prepared by Acoustic Dynamics, reference 5188R001.LB.211025 Revision 2 dated 25 October 2021 must be implemented.

PRIOR TO ANY DEMOLITION**9. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

PRIOR TO CONSTRUCTION CERTIFICATE**10. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

11. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

12. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program 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.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

DURING DEMOLITION AND CONSTRUCTION**13. Documentation of Demolition and Construction Waste**

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

14. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

15. Contamination – Retention of Ground Slab

This consent only permits the fit-out and use of the premises with the retention of the existing ground slab. Intrusive ground excavations and/or works that may compromise the integrity of the existing ground slab covering the site are not approved, and existing ground slabs and hardstand areas must be retained and maintained in their original form.

Should any ground slab or hardstand area be damaged or disturbed, an appropriately qualified Environmental Consultant must inspect the site immediately and determine whether any potential contaminants have been disturbed. If preventative works need to be undertaken, a written statement prepared by a qualified Environmental Consultant must be provided to Council detailing the outcome of this investigation and associated works.

16. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

PRIOR TO OCCUPATION CERTIFICATE

17. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street

parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

18. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

ON-GOING

19. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

20. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

21. Bin and Re-usable Item Storage

All bins are re-usable items such as pallets are to be stored within the site.

22. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

23. Hours of Operation

- a. The hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Sunday	8:00am to 8:00pm

24. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

25. Noise – Acoustic Report

During the first sixty (60) days of commencement of operations, an operational noise validation report shall be conducted and submitted to Council. The validation report shall incorporate the following:

- a. A suitably qualified acoustic consultant must be appointed to:
 - i. measure and verify the noise emanating from the premises; and
 - ii. The report must demonstrate and certify that noise emission from development satisfies the conditions of this development consent; and
 - iii. The validation assessment must be conducted at representative sensitive receiver locations and during worst-case noise emission scenario(s) (i.e. capacity operations and during the most sensitive time period); and
 - iv. Any recommendations contained in the validation report (e.g. additional management measures, noise controls, facade upgrades, acoustic screening or barriers, etc.) must be implemented in accordance with the report; and

- v. if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
- b. The validation report must be submitted to Council within four (4) weeks of testing.

26. Plan of Management - Operation

The operation of the premises complying at all times with the approved Noise Management Plan. The Noise Management Plan is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Noise Management Plan and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

ADVISORY NOTES

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and

- ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;

- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660

		To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au
		Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

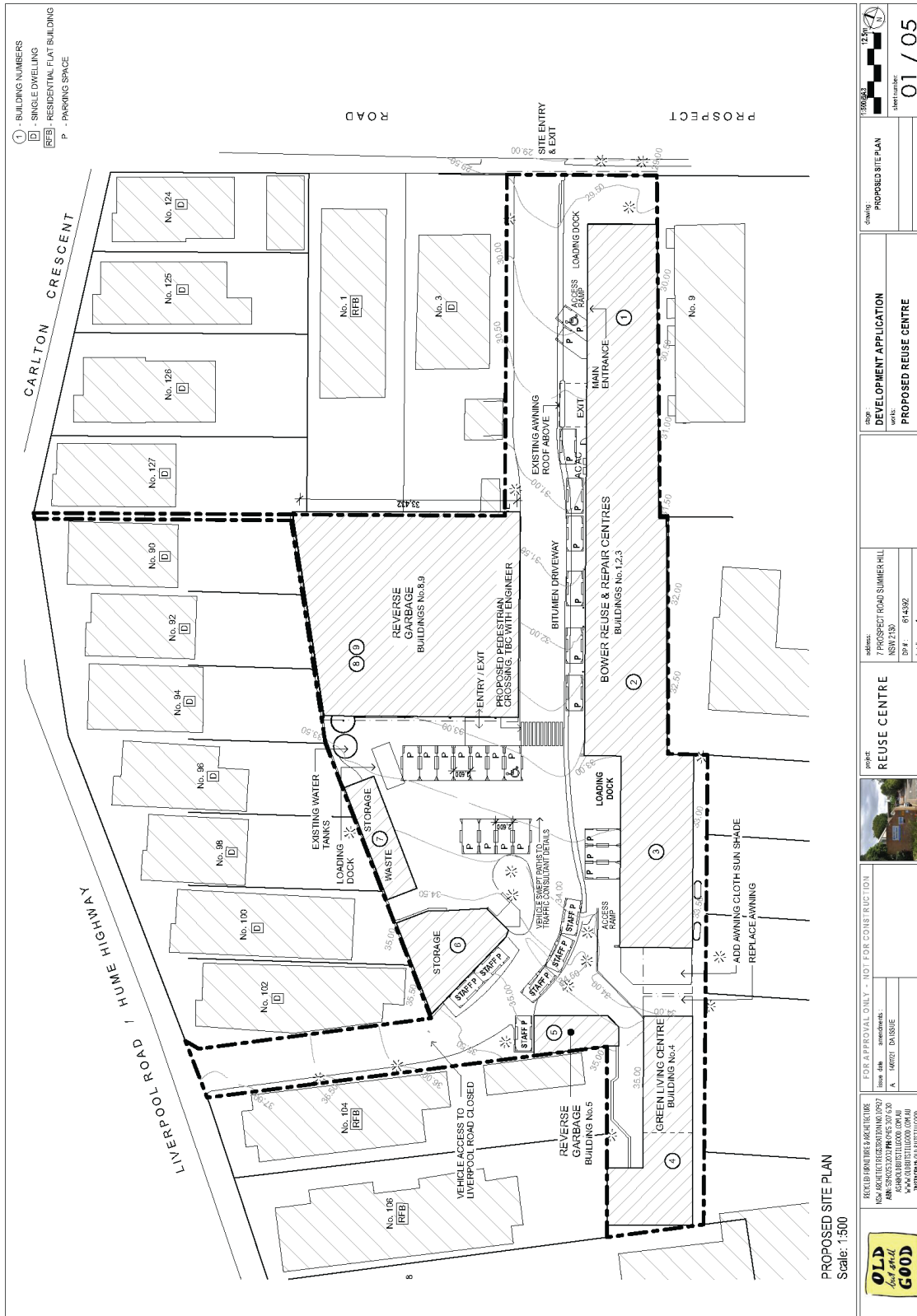
A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

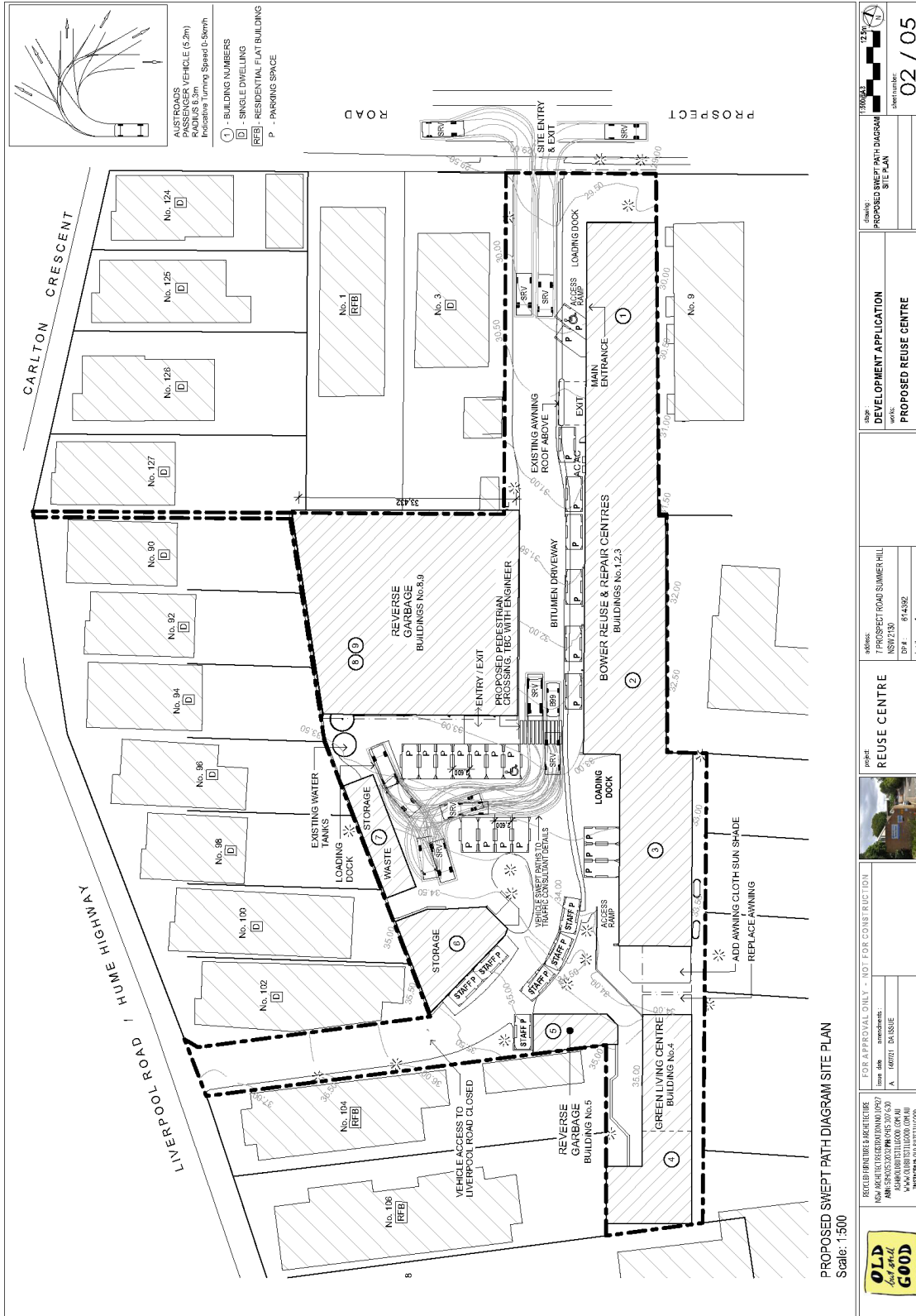
All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

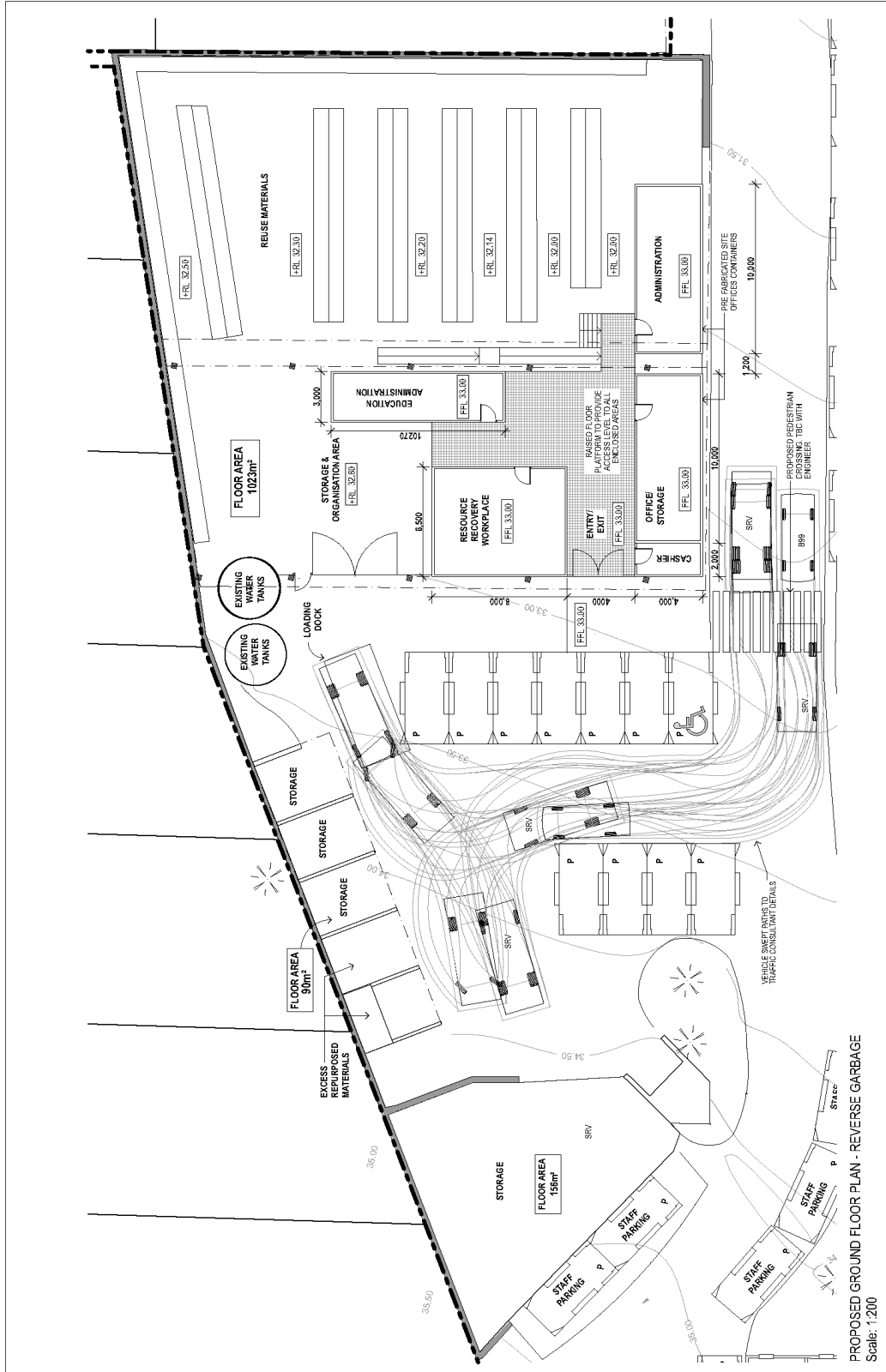
Attachment B – Plans of proposed development



PROPOSED SITE PLAN
Scale: 1:500

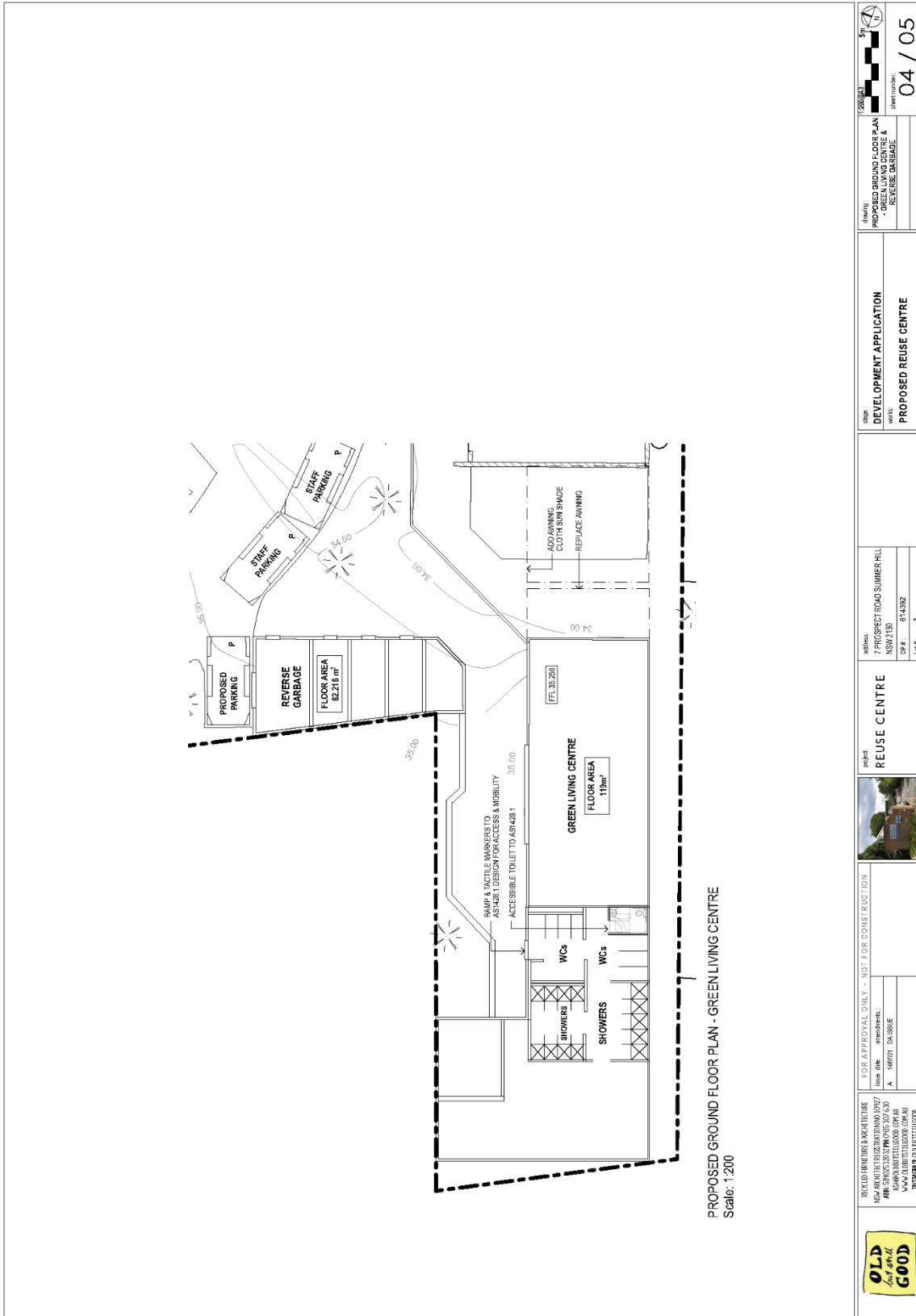
		SHEET NUMBER: 01 / 05	
DRAWING: PROPOSED SITE PLAN		SCALE: DEVELOPMENT APPLICATION DATE: PROPOSED REUSE CENTRE	
PROJECT: REUSE CENTRE		ADDRESS: 7 PROSPECT ROAD SUMMER HILL NSM 7130 DP #: 614392 Lot #: 1	
FOR APPROVAL ONLY - NOT FOR CONSTRUCTION Issue date: amendments: A PARTIAL DRAWSHEET		RECYCLED PAPER AND INK NSW ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE ARCHITECTURE	
		DESIGNER: OLD AND NEW GOOD	



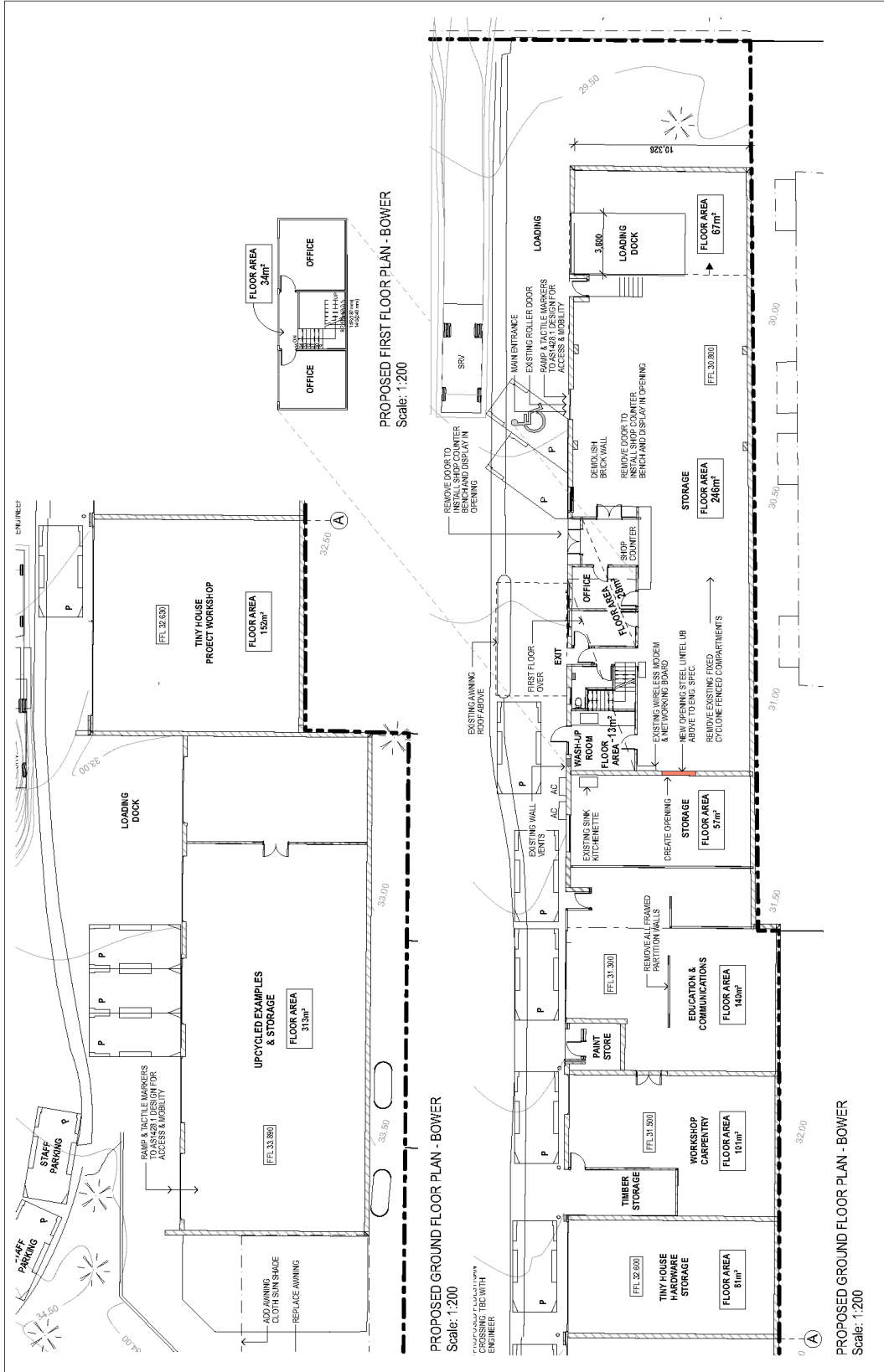


PROPOSED GROUND FLOOR PLAN - REVERSE GARBAGE
Scale: 1:200

	
drawing: PROPOSED GROUND FLOOR PLAN - REVERSE GARBAGE	
sheet number: 03 / 05	
stage: DEVELOPMENT APPLICATION	
works: PROPOSED REUSE CENTRE	
address: 7 PROSPECT ROAD SUMMER HILL NSW 2130	
DPA #: 814392	
Lot #: 1	
project: REUSE CENTRE	
	
FOR APPROVAL ONLY - NOT FOR CONSTRUCTION	
REVISED DRAWING DATE AND TIME	ISSUE DATE
NSW ARCHITECTURE REGULATIONS	A
AM: 2000/2003/2007/2016/2019/20	DA ISSUE
NSW ARCHITECTURE REGULATIONS	DA ISSUE
AM: 2000/2003/2007/2016/2019/20	DA ISSUE
NSW ARCHITECTURE REGULATIONS	DA ISSUE
AM: 2000/2003/2007/2016/2019/20	DA ISSUE
DRAWN BY: [Name]	
CHECKED BY: [Name]	
DATE: [Date]	
SCALE: 1:200	
	



	LOCAL BUSINESS & ACTIVITIES NSW STATE GOVERNMENT (NSW) NSW STATE GOVERNMENT (NSW) NSW STATE GOVERNMENT (NSW) NSW STATE GOVERNMENT (NSW) NSW STATE GOVERNMENT (NSW)	FOR APPROVAL ONLY - NOT FOR CONSTRUCTION Issue date: 12/06/2024 A: 100771 04/05	PROJECT REUSE CENTRE	ADDRESS 7 PROSPECT ROAD SUMMERHILL NSW 1585 EPA#: 674392 Lot#: 1	TITLE DEVELOPMENT APPLICATION PROPOSED REUSE CENTRE	DRAWING NUMBER 04 / 05
	PROPOSED GROUND FLOOR PLAN GREEN LIVING CENTRE & REVERSE GARAGE					



		RECALIPITRE ARCHITECTURE NSW ARCHITECTURE BOARD (NSW) ARCHITECTURE NO. 150 15/05/2017 WWW.OLDLOCALANDGOOD.COM.AU PHONE: 02 81231100		FOR A PROVAL ONLY - NOT FOR CONSTRUCTION issue date: amendments: A 16/07/17 DA ISSUE		project: REUSE CENTRE		address: 7 PROSPECT ROAD SUMMER HILL NSW 2150 DPF # 814392 Lot # 1		stage: DEVELOPMENT APPLICATION works: PROPOSED REUSE CENTRE		drawing: PROPOSED GROUND & FIRST FLOOR PLAN - BOWER sheet number: 05 / 05	
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