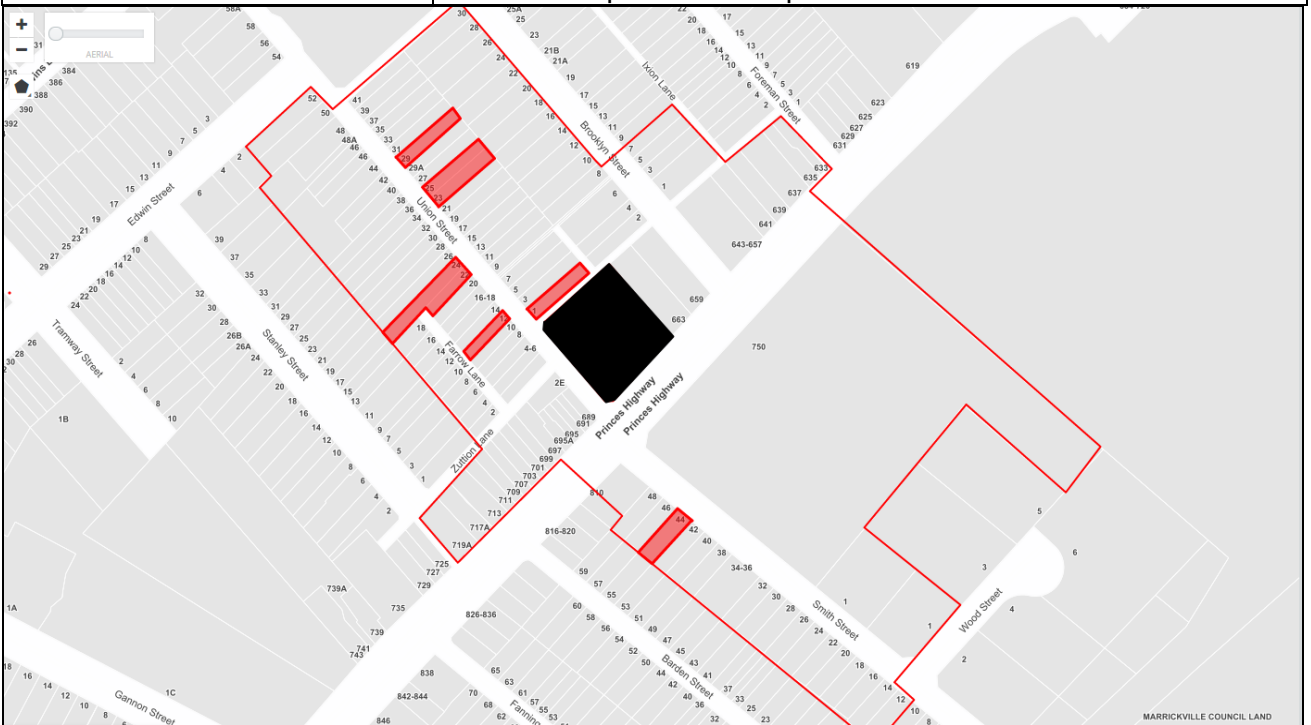




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201800274
<b>Address</b>	667-669 Princes Highway Tempe
<b>Proposal</b>	To carry out alterations and additions to the existing premises to be used for the purpose of a vehicle body repair workshop and vehicle repair station
<b>Date of Lodgement</b>	27 June 2018
<b>Applicant</b>	Grand View Projects P/L
<b>Owner</b>	Stephanie Stone P/L
<b>Number of Submissions</b>	13 submissions
<b>Value of works</b>	\$35,000
<b>Reason for determination at Planning Panel</b>	Number of submissions received exceeds officer delegation
<b>Main Issues</b>	Hours of operation; residential amenity; site history
<b>Recommendation</b>	Deferred Commencement Consent
<b>Attachment A</b>	Recommended Conditions of Consent
<b>Attachment B</b>	Plans of Proposed Development



<b>Subject Site:</b>		<b>Objectors:</b>	
<b>Notified Area:</b>		<i>Some objectors are outside map area</i>	

## 1. Executive Summary

This report is an assessment of the application submitted to Council to carry out alterations and additions to the existing premises to be used for the purpose of a vehicle body repair workshop and vehicle repair station at 667-669 Princes Highway, Tempe.

The application was notified to surrounding properties and 13 submissions were received.

The main issues that have arisen from the application include:

- The proposal presents excessive hours of operation for the proposed use which would result in adverse amenity impacts on surrounding residential properties;
- The application includes limited traffic management measures to ensure that vehicles entering and exiting the site do not result in adverse traffic or safety impacts to Union Street;
- The Plan of Management submitted with the application lacks detail; and
- The history of the site as an unauthorised taxi exchange base which has resulted in ongoing amenity impacts for residents presents concerns for surrounding residents with regard to the proposed use.

A previous development application (DA201700187), involving the 24 hour use of the premises as a taxi changeover base was issued a deferred commencement consent by the Inner West Local Planning Panel on 13 October 2017. The deferred commencement matters were required to be satisfied within 3 months of the determination and the entire determination was limited to 12 months. The deferred commencement matters were not addressed in the timeframe provided and that consent has now lapsed.

The application that is the subject of this report now seeks to use the premises as vehicle body repair workshop and vehicle repair station and does not propose activities commensurate with a taxi changeover base. Notably, Council's Development Compliance Section investigated the unauthorised use of the site as a taxi change over base and issued an infringement notice on 27 February 2018 requiring the unauthorised use to cease. Council's Development Compliance Section has since confirmed a taxi changeover base is no longer operating at the site.

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development can be adequately managed or mitigated by appropriate conditions of consent and are considered to be acceptable given the context of the site and the desired future character of the precinct.

However, amended plans are required to ensure appropriate vehicle movements are managed throughout the site and an updated and more detailed Plan of Management to ensure the ongoing management parameters of the premises are clear, prior to an active consent being issued.

The application is therefore recommended for a deferred commencement consent.

## 2. Proposal

Approval is sought to carry out alterations and additions to the existing premises to be used for the purpose of a vehicle body repair workshop and vehicle repair station and includes the following works:

- Construction of a car washing bay at the rear of the vehicle repair station; and
- Installation of a spray booth within the vehicle body repair workshop.

The key elements of the business which the application seeks consent for are:

- A vehicle repair station within the larger two storey building centrally located within the site which includes a car wash bay;
- A vehicle body repair workshop within the single storey building at the northern most side of the site which includes a spray booth;
- A car parking area to serve both uses containing 31 designated spaces and a car stacking area for 35 vehicles. All vehicles are proposed to enter the site from Union Street and exit the site via the Princes Highway; and
- An area on the first floor of the vehicle repair station for an office providing administration functions supporting the vehicle repairs.

The proposed operational details are as follows:

### *Hours of Operation*

Use	Proposed Hours of Operation
Vehicle Repair Station	7.00am to 11.00pm daily
Vehicle Body Repair Workshop	7.00am to 10.00pm Mondays to Saturdays 7.00am to 5.00pm Sundays
Carwash Bay	9.00am to 3.00pm daily
Office	7.00am to 7.00pm daily

### *Staffing Details*

Use	Number of Staff
Vehicle Repair Station	5 employees
Vehicle Body Repair Workshop	5 employees
Carwash Bay	1 employee
Office	5 employees

## 3. Site Description

The site is known as 667-669 Princes Highway, Tempe and is located on the northern side of Princes Highway, between Union Street and Brooklyn Street, Tempe. A laneway adjoins the site along its north-western boundary. The site comprises Lot 1 in Deposited Plan 864315 and is approximately 2,595 square metres in area.

The site currently accommodates two attached brick and metal clad buildings. The westernmost building is 2 storeys in height with a large awning on the northern side of the building and the first floor provides an office and storage area whilst the easternmost building is single storey in height. Vehicular entry to the site is from both Union Street for the westernmost building and from Princes Highway for the easternmost building (from the



easternmost crossover). Vehicles exit the site via the existing vehicular crossing off Princes Highway (from the westernmost crossover).

The surrounding development consists mainly of enterprise corridor uses and residential dwellings. The site adjoins a R2 low density residential zone to the north.

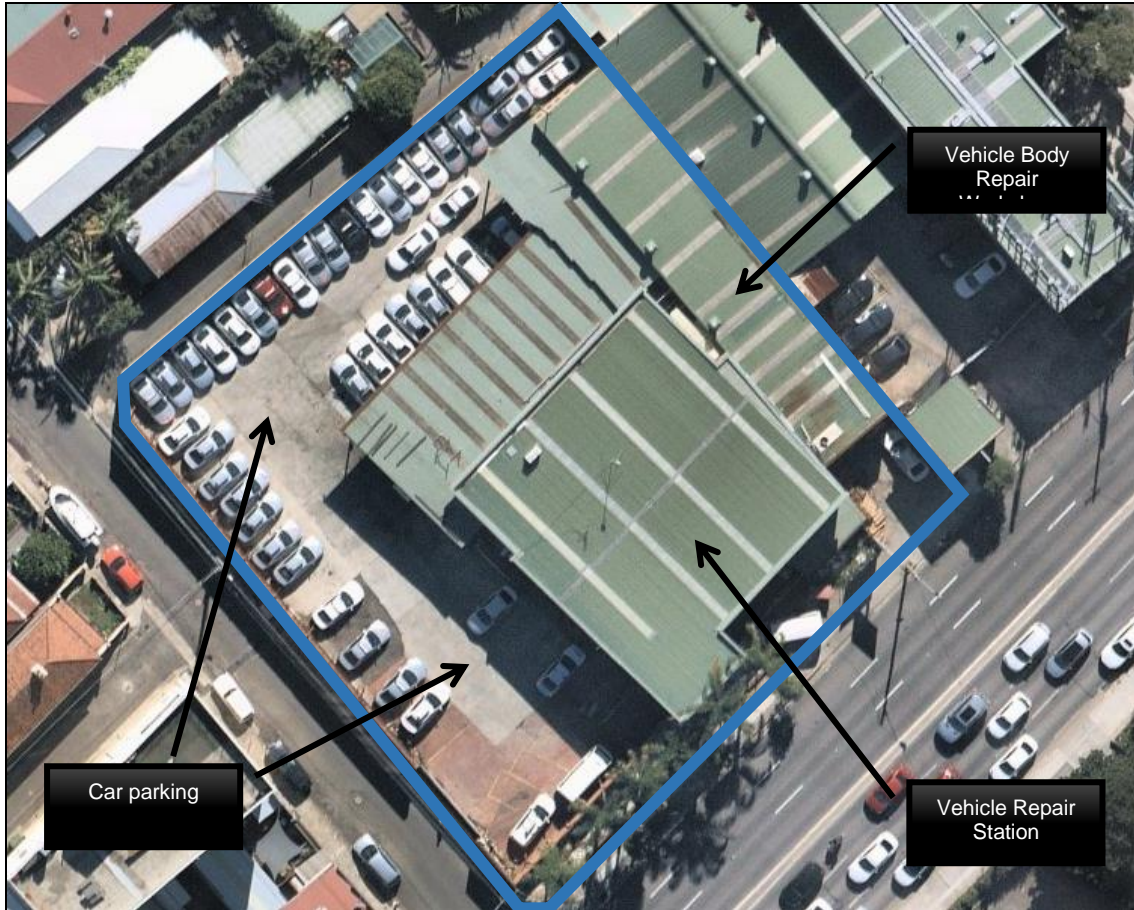


Image 1: Aerial image of the site



Image 2: The Site as viewed from Princes Highway



Image 3: The Site as viewed from Union Street



Image 4: View of the rear of the Site at Zutton Lane

## 4. Background

### 4(a) Site history

The following table outlines the relevant development history of the subject site.

Application	Proposal	Decision & Date
DA201700187	To carry out alterations and additions to the existing premises to be used as a 24 hour taxi changeover base 7 days a week for approximately 25 taxis, a	Deferred Commencement on 13 October 2017 by Inner West Local Planning Panel



	vehicle body repair workshop and vehicle repair station	(this determination was not activated and has lapsed)
DA201600399	To carry out alterations and additions to the existing building and use the premise as a 24 hour taxi changeover base 7 days a week for approximately 50 taxis, a vehicle body repair workshop and vehicle repair station.	Refused on 28 November 2016 under delegated authority.
DA200200565	To carry out alterations to increase the height of the fence along the Union Street alignment of the property	Approval on 23 October 2016 under delegated authority
13/95	To use the existing factory building as a car repair station	Approval on 3 March 1995 by Council
526/93	To use the factory building as a car repair station	Approval on 11 January 1994 under delegated authority

The subject site has had a recent history of unauthorised operations as a taxi changeover base. The use of the premises as a taxi changeover base and the associated hours of operations were in breach of the relevant development consents.

While Determination No. 201700187 dated 13 October 2017 issued a deferred commencement consent for the use of the site as a taxi changeover base, this consent was never made active and the use remained unlawful.

From 2015 to 2018, Council's Development Compliance Section carried out ongoing investigations surrounding the unauthorised use of the site and unsuccessful attempts were made to obtain development consent. Following a number of regulations actions, an infringement notice was issued by Council on 27 February 2018 requiring the unauthorised use of the site to cease.

The subject application was referred to Council's Development Compliance Section in light of the sites' history and the following comments were provided:

*"Compliance has had prior involvement with this site in so far that it was operating previously as a taxi change over base without consent. Regulatory actions were taken to address this unauthorised land use. This application is for a vehicle repair station and as such it should assessed on its merits. Compliance followed through with the actions to ensure that the taxi base operation had ceased as required."*

Given the above, Council is satisfied that the site is no longer operating as a taxi changeover base and the unauthorised use has ceased. Site inspections conducted during the assessment of the subject application also confirmed this as the taxi's that were present on the site appeared to be attending the site for legitimate repair.

As such, the subject application has been assessed in on its merits and based on the information submitted with the application. The proposal seeks consent to use the site as a vehicle body repair workshop and vehicle repair station and the application is assessed accordingly.

## 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; and
- Marrickville Local Environmental Plan 2011 (MLEP 2011).

The following provides further discussion of the relevant issues:

### **5(a)(i) State Environmental Planning Policy No 55 - Remediation of Land**

The proposed development does not involve any works that would be likely to disturb contaminated land.

### **5(a)(ii) State Environmental Planning Policy (Infrastructure) 2007**

#### *Development with frontage to classified road (Clause 101)*

The site has a frontage to Princes Highway, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) 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.

Vehicular access to the property is provided from Union Street and as such is provided by a road other than the classified road. There are currently 2 driveway crossovers on the Princes Highway, one will serve the vehicle repair station and one will serve the vehicle body repair workshop, both as an exit points. The crossovers to the Princes Highway are existing and there is no ingress to the property via the Princes Highway, the development is considered suitable and will not impact the ongoing efficiency and operation of the classified road.

The application is considered to be acceptable with regard to Clause 101 of the SEPP Infrastructure.

### **5(a)(iii) Marrickville Local Environmental Plan 2011**

The application was assessed against the following relevant clauses of the Marrickville Local Environmental Plan 2011:

- Clause 2.3 – Zone objectives and Land Use Table;
- Clause 4.3 – Height of buildings;
- Clause 4.4 – Floor space ratio;
- Clause 4.5 – Calculation of floor space ratio and site area; and
- Clause 6.1 – Acid sulfate soils

The following table provides an assessment of the application against the development standards:

Standard (maximum)	Proposal	% of variation	Compliances
<b>Floor Space Ratio</b> Required: 0.95:1 2465.25sqm	0.43:1 1076sqm	n/a	Yes

The following provides further discussion of the relevant issues:

(v) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned B6 – Enterprise Corridor under the provisions of MLEP 2011. The development comprises a vehicle body repair workshop and vehicle repair station, all of which are permissible with consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the B6 - Enterprise Corridor zone. In particular, the proposed development would promote the following objectives of the B6 – Enterprise Corridor zone:

- *To promote businesses along main roads and encourage a mix of compatible uses;*
- *To provide a range of employment uses; and*
- *To maintain the economic strength of centres by limiting retailing activity.*

(vi) Height (Clause 4.3)

There is no maximum building height applying to the land on the Height of Buildings Map that accompanies MLEP 2011. Nevertheless, it is noted that there is no change sought to the height of the existing structures on site.

(vii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.95:1 applies to the land under MLEP 2011. The development has a gross floor area (GFA) of approximately 1,076sqm which equates to a FSR of 0.43:1 which complies with the FSR development standard.

(viii) Acid Sulfate Soils (Clause 6.1)

The site is identified as being land affected by Class 5 acid sulfate soils. The application does not propose any works that may potentially disturb acid sulfate soils. No further concerns are raised in this regard.

**5(b) Draft Environmental Planning Instruments**

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 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 LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.



### 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes – subject to conditions
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes – subject to conditions
Part 2.16 – Energy Efficiency	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 6 – Industrial Development	Yes – subject to conditions
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

#### (ii) Acoustic and Visual Privacy (Part 2.6) & Noise and Vibration Generation (Part 6.2.2)

Part 2.6.3(C7)(viii) of MDCP 2011 states all applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.

In addition to the above, Part 6.2.2 of MDCP 2011 sets out controls and objectives aimed at minimising the impact of noise and vibration on surrounding development.

The applicant submitted an acoustic report with the application in accordance with the requirements listed in the abovementioned controls. This report makes the following conclusions (in summary):

- The assessment involved measurements by an unattended noise logger at the nearest residential receiver. These were supplemented by attended measurements conducted during the previous unauthorised operation of the premises;
- The high masonry walls on the boundary of the site provide shielding of noise emission from the site to the nearby residences;
- Princes Highway is the dominant source of ambient noise throughout the day and night, often exceeding the sleep disturbance criterion; and
- Measurable noise events from the subject premises gave rise to maximum levels less than 15 dB(A) above the night time RBL and as a result, the operation satisfies the sleep disturbance criterion. Consequently, the proposed use of the premises would comply with the intrusive and amenity noise targets.

On the basis of the above, the submitted acoustic assessment demonstrates that the proposed uses are acceptable with regard to the likely noise generation for nearby properties.

It is noted that concerns relating to unacceptable noise impacts associated with the use were raised in submissions from surrounding residential properties, particularly in relation to the operation of the carwash, possibility of tow trucks attending the site and the extended trading hours proposed.

In light of the concerns raised by surrounding residents and the industrial nature of the use which has a direct resident interface, the hours of operation have been restricted by conditions of consent to hours commensurate with traditional industrial use business hours in the area. It is considered that a reduction in the operating hours is necessary to preserve residential amenity of nearby properties and such a reduction will limit the impact of potentially noisy activities associated with the use. The issue of hours of operation is further discussed later in this report.

(iii) Parking (Part 2.10)

*Parking matters*

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. MDCP 2011 sets out the following car parking rates that are of relevance to the development:

- Vehicle Repair Station – 1 space per 40sqm GFA
- Vehicle Body Repair Workshop – 1 space per 40sqm GFA

On the basis of the above, a total of 16 spaces would be required for those components of the development. The application was supported with a Parking Plan (Drawing no. A.104 Issue A) showing 31 car parking spaces and a car stacking area of 225sqm which holds 35 vehicles. As such, the proposal complies with the car parking provisions applicable to the site.

*Traffic matters*

Vehicular movements and on-street parking of vehicles associated with the site have been raised as concerns throughout the submissions. In particular, concern has been raised with vehicles being parked in Union Street. Additionally multiple submissions have raised concern that vehicles will exit the site from the Union Street driveway, and rather than drive north along Union Street, unlawfully drive south along Union Street (in the wrong direction) to access the Princes Highway, raising safety concerns.

To address the above concerns, the applicant proposes to communicate any traffic issues to ongoing customers, which has referenced in the Plan of Management. The applicant also proposes an entry only to the site from Union Street with all vehicles exiting the site to the Princes Highway, in an effort to ensure customers cannot drive the wrong way down Union Street when exiting.

The application was referred to Council's Development Engineer who raises no concern with the proposal subject to the following traffic and parking measures being implemented:

- Access spikes must be installed at the Union Street entry to prevent egress from Union Street. The spikes to be used shall be approved by Council before installation;
- Directional line marking to be installed within the confines of site to ensure the restricted vehicle movements are clear to users of the site; and
- All vehicles associated with the use of the site shall be parked on the property and not the adjacent local road network.

In addition to the above, to ensure vehicle entry is only from Union Street, a deferred commencement condition is included in the recommendation requiring the existing gate and redundant vehicle crossing to the site from Brooklyn Lane be removed and replaced with a solid wall, consistent with the existing rear boundary wall.

In light of the concerns surrounding traffic movements at the site, it is considered appropriate to impose a deferred commencement, subject to the submission of amended plans and details addressing the traffic matters discussed above. Conditions are included in Attachment A.

(iv) Plan of Management (Part 6.2.1)

A Plan of Management (PoM) was submitted with the application which describes how the ongoing operation of the site will be managed to reduce its impact on the amenity of surrounding properties. The submitted PoM details the following matters:

- Location and operational details;
- Hours of operation;
- Staffing details;
- Guidelines for staff using facilities and equipment;
- Deliveries for loading and unloading;
- Managing customers;
- Security details;
- Complaint recording and handling process;
- The review process and continuous improvement; and
- Waste management.

The submitted PoM contains sufficient detail, is well considered and generally satisfies the MDCP 2011 requirements. Compliance with this document would minimise the potential for any adverse amenity impacts for surrounding properties. A condition has however been incorporated into the recommendation which requires the PoM to be updated to reflect:

1. Reduced hours of operation;
2. Use of Union Street as an entry point only;
3. No tow truck operations to be undertaken from the site after hours; and

(v) Hours of Operation (Part 6.2.4)

The proposed hours of operation are detailed below:

Use	Proposed Hours of Operation
Vehicle Repair Station	7.00am to 11.00pm daily
Vehicle Body Repair Workshop	7.00am to 10.00pm Mondays to Saturdays 7.00am to 5.00pm Sundays
Carwash Bay	9.00am to 3.00pm daily
Office	7.00am to 7.00pm daily

The hours proposed for the vehicle body repair workshop and the vehicle repair station are considered excessive given the residential interface of the site and are not commensurate with operating hours of similar uses within the area. It is considered that late night trading and early morning weekend trade are not characteristic of a vehicle repair station use which generally operates within traditional business hours to minimise noise and amenity impacts that can be associated with such a use.

The neighbouring property of 663 Princes Highway also operates a vehicle repair station with approved operating hours restricted to 8.00am to 5.00pm Mondays to Fridays, 8.00am to 12.00pm Saturdays and no operation on Sundays, which are considerably more conservative than the hours proposed as part of this application.

The currently active consent for the use of the site, being Development Application No. 13/95 dated 3 March 1995, provides operating hours of 8.30am to 4.30pm Mondays to Fridays and 8.30am to 1.00pm Saturdays with no operation on Sundays, which is generally in alignment with the neighbouring use.

A number of submissions received raised concern of potential amenity impacts to nearby residents as a result of noise and vehicle movements and the property has a poor history of operation, having resulted in amenity impacts previously while operating as a taxi change over base with associated vehicle repair.

The poor operating history of the site, coupled with the conservative operating hours currently applicable to the site and nearby properties, and the residential interface indicates the proposed extended trading hours are not suitable and should be reduced.

In order to ensure consistency with the operating hours of industrial uses in the locality and protect the amenity of nearby residents, the hours of operation are recommended to be restricted to the following:

Use	Proposed Hours of Operation
Vehicle Repair Station, Vehicle Body Repair Workshop and Office	7.00am to 6.00pm Mondays to Fridays 8.00am to 5.00pm Saturdays and Sundays
Carwash Bay	9.00am to 3.00pm daily

Conditions restricting the operation to the above hours are included in Attachment A

(vi) Vehicle body repair workshops and vehicle repair stations (Part 6.4.1)

The proposal satisfies the requirements of Part 6.4.1 of MDCP 2011 in that:

- A condition has been incorporated into the recommendation stating that no vehicles waiting to be serviced, repaired or collected may stand, or otherwise be stored, on any adjoining road;
- The applicant has submitted details of the proposed spray painting booth to confirm it conforms to the relevant Australian Standards;
- All vehicles are capable of entering and exiting the site in a forward direction;
- The areas to be used for a repair workshop and station are limited to those identified on the submitted drawings;
- Storage of scrap body panels and motor parts would not be visible from the public domain having regard to the particular characteristics of the site; and
- The vehicle body repair workshop and repair station are sited in such a way where they will not cause a nuisance for surrounding properties.

5(d) **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(e) The suitability of the site for the development

The site is zoned B6 – Enterprise Corridor. 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(f) Any submissions

The application was notified in accordance with Council's Notification Policy for a period of 14 days to surrounding properties. A total of 13 submissions were received.

The following issues raised in submissions have been discussed in this report:

- Vehicles travelling the wrong way down Union Street which is a one way street – see Section (5)(c)(ii)
- Additional traffic impacts and traffic safety – see Section (5)(c)(ii)
- Users of the site utilising on-street parking in Union Street – see Section (5)(c)(ii)
- Acoustic Impacts – see Section (5)(c)(i)
- Hours of Operation – see Section (5)(c)(iv)
- Previous unauthorised operation and poor compliance record – see Section 4(a)

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: BCA Upgrades

Comment: Conditions are included in the recommendation to ensure any required BCA upgrades to the existing building take place.

Issue: Inadequate reports – referencing use as taxi base

Comment: While some reports did mention a taxi exchange, the reports were suitable to undertake a full and proper assessment of the proposal and the application is not proposing use of the premises as a taxi exchange.

Issue: Potential for fumes associated with use

Comment: Conditions are included in the recommendation to ensure any potential emissions are controlled and conform with the relevant Australian Standards.

### 5(g) 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 Engineer
- Development Compliance

## 7. Section 94A Contributions

Section 94A contributions are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. Subject to the imposition of stringent conditions, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape.

The application is considered suitable for the issue of a deferred commencement consent

## 9. Recommendation

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 a deferred commencement consent for Development Application No. 201800274 to carry out alterations and additions to the existing premises to be used for the purpose of a vehicle body repair workshop and vehicle repair station at 667-699 Princes Highway Tempe subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### Attachment A – Recommended conditions of consent

#### PART A - DEFERRED COMMENCEMENT CONSENT

This Consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matter(s):

1. Amended plans are to be submitted to and approved by Council indicating the masonry block wall at the rear of the site being extended across the entire length of the Brooklyn Lane property boundary
2. Amended plans and details are to be submitted to and approved by Council indicating directional line marking to be installed within the confines of site to ensure the restricted vehicle movements are clear to users of the site
3. Amended plans and details are to be submitted to and approved by Council indicating access spikes being installed at the Union Street entrance to prevent egress to Union Street
4. An amended Plan of Management is to be submitted to and approved by Council which includes the following:
  - a) Hours of operation consistent with any hours of operation in Part B of this Determination;
  - b) Clearly stating the use of Union Street as an entry point only;
  - c) Clearly stating no tow truck operations to be undertaken from the site after hours, with tow trucks limited to dropping vehicles off to the site;
  - d) Limiting the number of vehicles on the site consistent with vehicle number restrictions in Part B of this Determination; and
  - e) Reflecting any other relevant matters imposed by condition in Part B of this Determination

Evidence of the above matters must be produced to Council or its delegate within 6 months of the date of the Determination otherwise the Consent will lapse.

#### PART B – CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

##### GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
A.102, Issue A	Floor Plans	19.06.2018	Grand View Projects	27.06.2018
A.103, Issue A	Elevations and Sections	19.06.2018	Grand View Projects	27.06.2018
A.104, Issue A	Parking Plan	19.06.2018	Grand View Projects	27.06.2018
A.105, Issue A	Carwash Bay Details	19.06.2018	Grand View Projects	27.06.2018
Version 1.0	Plan of	May 2018	-	27.06.2018

	Management			
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and details submitted to Council on 27 June 2018 with the application for development consent as amended by the matter referred to in Part A of the Determination and as amended by the following conditions.

2. The hours of operation are limited to the following:

Use	Hours of Operation
Vehicle Repair Station	7.00am to 6.00pm Mondays to Fridays 8.00am to 5.00pm Saturdays and Sundays
Vehicle Body Repair Workshop	7.00am to 6.00pm Mondays to Fridays 8.00am to 5.00pm Saturdays and Sundays
Office	7.00am to 6.00pm Mondays to Fridays 8.00am to 5.00pm Saturdays and Sundays
Carwash Bay	9.00am to 3.00pm daily

3. The following traffic and parking measures shall be maintained at all times in relation to the use of the property:
- i. All traffic associated with the site shall ingress via Union Street and egress from the Princes Highway;
  - ii. Directional signage within the site shall be provided to show access routes and egress points;
  - iii. Access spikes must be installed at the Union Street entry to prevent egress from Union Street. The spikes to be used shall be approved by Council before installation;
  - iv. All vehicles associated with the use of the site shall be parked on the property and not the adjacent local road network;
  - v. All workers associated with the use are to be educated on the one-way street network in the area (e.g. Union Street) and are to be strictly advised in writing that all vehicles entering the site must enter from Union Street via the Princes Hwy and must exit the site via the Princes Hwy; and
  - vi. A sign being erected in a prominent position on the site providing the 24 hour per day contact details for emergencies and the lodgement of complaints.
4. The operation of all uses on the site complying at all times with the approved Plan of Management. The Plan of Management as approved is not to be amended without the prior written approval of Inner West Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.
5. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths must be designed to cater for the one hundred (100) year A.R.I. storm.
6. A complaints register is to be maintained and shall detail the following:
- a) All complaints made to the premises are to be recorded in an incident book and note the: date and time of incident, nature of complaint, address and contact details, and any actions proposed to deal with the complaint, and whether it has been or needs to be followed up;
  - b) The incident register is to be reviewed by the operator to ensure that complaints are being dealt with; and



- c) That a copy of the complaint/incident register be available to Council at their request.
7. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
  8. The LA10 noise level emitted from the premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises.

The LA10 noise level emitted from the premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises.

Notwithstanding compliance with the above clauses, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

9. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
10. The entire premises must be used as a single occupancy for the use approved in this development consent with the first floor area being used exclusively in association with the approved use and not being sublet or used for any other purpose.
11. All vehicles associated with the use (including staff vehicles) must be accommodated wholly within the property and must not be parked on the adjoining roads or footpaths.
12. No vehicle awaiting repair must be stored in the street.
13. All vehicle repairs must be carried out exclusively from the workbays within the building with no repairs to vehicles being carried out elsewhere on the property.
14. No tow truck operations to be carried out from the premises other than for the provision of vehicles dropping off damaged vehicles during operating hours.
15. 31 off-street car parking spaces must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 – Parking and stacked parking in the designated area on the plans is to be maintained on-site.
16. All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
17. The design and construction of air venting systems for spray booths must conform with: AS4114.1:2003 Spray painting booths - Design, construction and testing and AS4114.2: 2003 Spray painting booths - Installation and maintenance; and the Environment Protection Authority's Environment Protection Manual - Spray Painting and Surface Coating, WorkCover requirements and The Protection of the Environment Operations Act 1997 (NSW) Regulations. A copy of the Environment Protection Authority's guideline, Spray Painting and Surface Coating must be located on site.

18. Exhaust gases must be discharged via a ventilation system installed in accordance with AS 1668.2-1991 - The Use of Mechanical Ventilation and Air-conditioning in Buildings.
19. Air emissions from any trade, industry or process and any fuel burning equipment or industrial plant must not exceed levels as specified by Part 4 or the Protection of the Environment Operations (Clean Air) Regulation 2002 within The Protection of the Environment Operations Act 1997 (NSW). A report certifying the operation meets the required Regulations must be prepared by an appropriately qualified person and must be submitted to the Principal Certifying Authority as well as being lodged with Council.
20. All spray painting must be carried out in a spray booth, approved by WorkCover NSW and ventilated and operated in accordance AS 1668.2-1991 - The use of Mechanical Ventilation and Air-conditioning in Buildings. Air emissions must not exceed levels as specified by Protection of the Environment Operations (Clean Air) Regulation 2002 within The Protection of the Environment Operations Act 1997 (NSW).
21. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent.
22. All machinery must be installed in accordance with the manufacturer's specifications and must be maintained at all times if in use.
23. No retailing must be carried out from the premises.
24. All loading and unloading in connection with the use must be carried out wholly within the property during the approved hours of operation..
25. Not more than 16 persons must be employed in connection with the use being on the premises at any one time without the prior approval of Council.
26. No storage of goods or equipment external to any building on the site being permitted.
27. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### **BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

28. No work shall commence until:
  - a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
  - b) A minimum of two (2) days written notice given to Council of the intention to commence work.
29. A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

30. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.

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

31. A rigid and durable sign shall be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign is to include:
- a) The name, address and telephone number of the PCA;
  - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
32. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
33. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
34. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
35. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.
36. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
37. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall 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
  - 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.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). 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.

**BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

- 38. Evidence of payment of the building and construction industry Long Service Leave Scheme shall be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NB:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.  
[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

- 39. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the applicable requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
- 40. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit	\$5,200.00
Inspection fee	\$225.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.



Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). 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.

41. Plans detailing the existing and proposed site drainage network including plans and longitudinal sections of pipeline, the location of pits, pipe invert and pit surface levels, junction details, size and class of pipes, trench conditions and details of surface flow paths together with hydrologic and hydraulic calculations that detail the drainage network and the capacities of the various surface flow regimes being submitted to and accepted by Council before the issue of a Construction Certificate. Where flows are in excess of 100 litres/second, then a hydraulic grade line analysis will be required.
42. Before the issue of a Construction Certificate, amended plans must be submitted to Council's satisfaction indicating continuous grated box drains of minimum dimensions 200mm wide by 150mm deep being constructed across the full width of all driveway entrances on the property boundary.

#### **SITE WORKS**

43. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.
44. All demolition work being carried out in accordance with the following:
  - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
  - b) all works involving the demolition, removal, transport and disposal of asbestos cement is to be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
  - c) all building materials arising from the demolition are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Recycling and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
  - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications are to be disconnected in accordance with the requirements of the responsible authorities;
  - e) the generation of dust and noise on the site must be controlled;
  - f) the site must be secured to prohibit unauthorised entry;
  - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
  - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;
  - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
  - j) no waste collection skips, spoil, excavation or demolition material from the site being deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
  - k) the person acting on this consent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

45. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stage inspections are:
- a) After excavation for, and before the placement of, any footings;
  - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
  - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
  - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

46. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
47. A clear unobstructed path of travel of not less than 1,000mm is to be provided to all exits and paths of travel to exits.

#### **BEFORE OCCUPATION OF THE BUILDING**

48. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
- a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections; and
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
49. Occupation of the building shall not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
  - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
  - c) An Occupation Certificate has been issued.
50. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, shall:
- 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 twelve (12) months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

51. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
52. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
53. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
54. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
55. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
56. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
57. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
58. Before the issue of the Occupation Certificate written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels. In addition certification shall be provided for the carwash bay and oil separator/grease trap confirming that they comply with Sydney Water's Trade Waste requirements.
59. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

**ADVISORY NOTES**

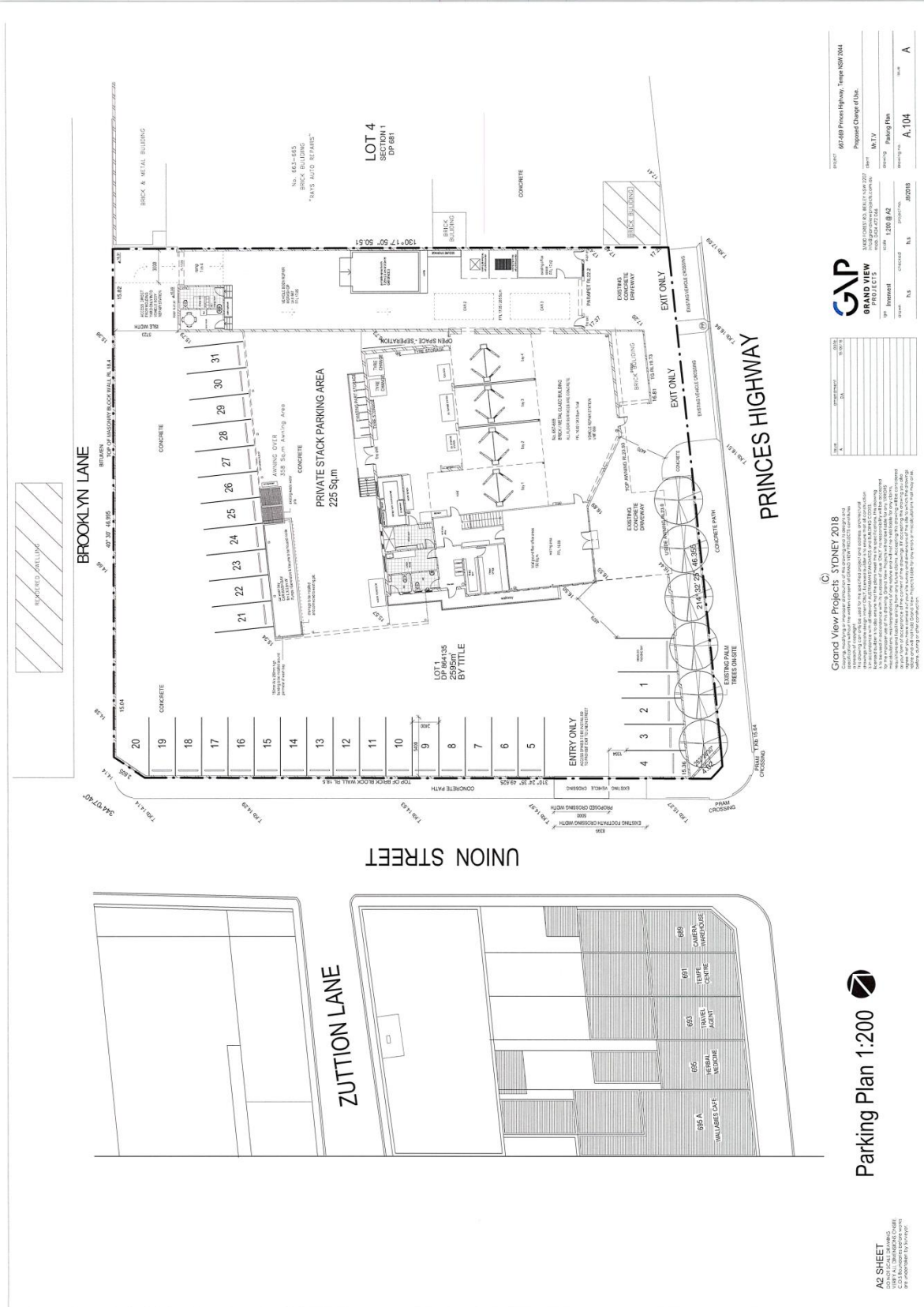
- A complete Building Code of Australia assessment of the application has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.











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 20/10/2018  
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 or as indicated by a project

Parking Plan 1:200

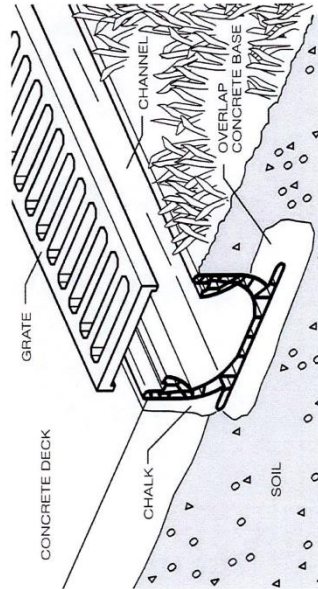
Grand View Projects SYDNEY 2018  
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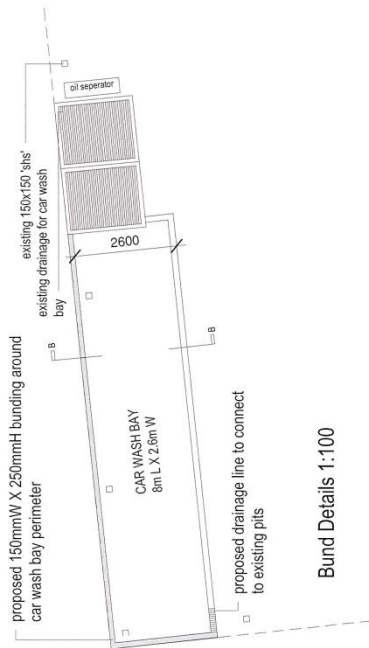
PROJECT	682 689 Princes Highway, Temp NSW 2044
PROPOSED CHANGE OF USE	Proposed Change of Use
DATE	13/09/2018
SCALE	1:200 @ A2
DRAWN BY	W. J. W.
CHECKED BY	W. J. W.
DATE	13/09/2018
PROJECT NO.	202018
DATE	13/09/2018
SCALE	A 104



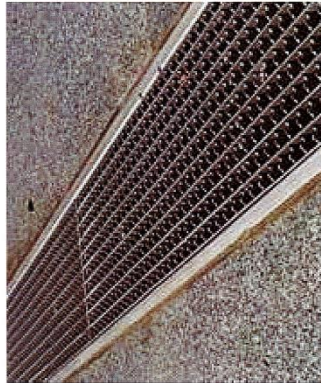
Proposed Rubber Bunding Barrier



Proposed U Drain / grate top to drain to existing pits.



Bund Details 1:100



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Table with 3 columns: Date, Description, Date. Row 1: A, DA, 19/09/2018.



Project: 657-698 Princess Highway, Tempe NSW 2044
Client: Mr.T.V
Drawing: Car Wash Bay / Bunding Plan
Drawing no.: A.105
Project no.: JB2018

