



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	M/2019/8
Address	5 White Street, LILYFIELD NSW 2040
Proposal	Modification of Development Consent D/2017/250 seeking various changes, including an increase in height of lift overruns, materials and finishes changes and installation of additional basement carpark ventilation grilles.
Date of Receipt	24 January 2019
Applicant	Gledhill Constructions
Owner	The Trustees of The Society St Vincent De Paul NSW
Number of Submissions	NIL
Reason for determination at Planning Panel	SEPP 65 development (4 storeys)
Main Issues	Building Height; Streetscape Appearance
Recommendation	Approval
Attachment A	Recommended conditions
Attachment B	Original notice of determination (as previously amended)
Attachment C	Proposed plans



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for modifications to Development Consent No. 2017/250 which approved demolition of existing warehouse, site remediation and construction of affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works, at 5 White Street, Lilyfield. The application was notified to surrounding properties and no submissions were received.

The main issue that has arisen from the assessment of the application involves:

- Increase to building height relating to the lift overruns
- Streetscape appearance

Notwithstanding the above, the proposal is acceptable given the existing pattern of surrounding development and its acceptable amenity impacts, and therefore, the application is recommended for approval.

2. Proposal

This application seeks consent to modify Development Consent No. 2017/250 pursuant to the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 in the following way:

- Increases to building height of 0.55m and 0.57m relating to the lift overruns only;
- New ventilation openings along the southern elevation of the lower ground level carpark; and
- Changes to external materials and finishes from brick to painted render relating to the north, south and east elevations of the lower ground level carpark.

No changes to the approved provision of affordable rental housing, number of dwellings, unit mix, floor levels, gross floor area, car parking or landscaping are proposed under this application.

The original Development Application determined on 18 October 2017 by the Sydney Eastern City Planning Panel gave approval for 'demolition of existing warehouse, site remediation and construction of affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works' at 5 White Street, Lilyfield.

The original application was accompanied by a Certificate of Site Compatibility issued by the NSW Department of Planning dated 23 May 2017 for affordable renting housing.

In accordance with the terms of the Certificate of Site Compatibility, the approved development provides all of the units for the purpose of affordable rental housing to be managed by a registered community housing provider for a minimum of 30 years.

3. Site Description

The subject site is located on the eastern side of White Street, and the closest cross streets are Moore Street and Ilka Street. The rear boundary to the west is bounded by Whites Creek Lane. The site consists of one (1) allotment and is generally rectangular shaped with a total area of 1,416sqm and is legally described as Lot 2 DP 434069.

The site has a frontage to White Street of approximately 17.4 metres and a secondary frontage of approximately 17.4m to Whites Creek Lane. The site is affected by a Sydney Water Stormwater drainage easement running along the southern boundary.

The site currently supports a warehouse. The adjoining properties support mix of residential development (including Class 2 and Class 1 dwellings) and a warehouse to the immediate south at No. 1 White Street.

The property is identified as a flood prone lot. The site is zoned *IN2 Light Industrial* pursuant to Leichhardt Local Environmental Plan 2013, but subject to a Certificate of Site Compatibility issued by the NSW Department of Planning dated 23 May 2017.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
M/2018/162	Modification of Development Consent D/2017/250 seeking to delete the reference to 'Deferred Commencement' Consent conditions in Condition 26(a).	Approved 28/9/2017
D/2017/250	Demolition of existing warehouse and construction of affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works.	Approved 18/10/2017

Surrounding properties

No relevant application history.

4(b) Application history

Not applicable

5. Assessment

Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 requires the following matters to be assessed in respect of all applications which seek modifications to approvals.

The proposed modification is of minimal environmental impact.

The proposal seeks minor changes to development detailing and 0.55m to 0.57m increases to the height of the lift overruns, which are generally centrally located within the site. The proposed modifications will not result in any adverse amenity, traffic or streetscape impacts and as such, this test is satisfied.

The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).

The proposal as modified involves a minor changes to development detailing and lift overruns. Therefore, it is considered that this test is satisfied.

The application has been notified in accordance with the regulations, if the regulations so require, or a development control plan, if council's development control plan requires the notification or advertising of applications for modification of a development consent.

The application was notified in accordance with Council's Policy for a period of 14 days to surrounding properties.

Consideration of any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan.

No submissions were received by Council.

Section 4.55(3) of the Environmental Planning and Assessment Act, 1979 requires the following matters to be assessed in respect of all applications which seek modifications to approvals.

Consideration of any of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Refer to Section 4.15(1) discussion below. The proposed modifications do not alter the original reasons given for the grant of consent.

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 No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (State and Regional Development) 2011
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The proposal complies with the relevant requirements of the above Environmental Planning Instruments and the proposed modifications do not result in any adverse streetscape or amenity impacts and do not alter the conclusions of the original assessment.

5(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment)

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation

details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
Suburb Profile	
	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.14 Adaptable Housing	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes

Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	Yes
Part D: Energy	
Section 1 – Energy Management	Yes

C3.3 Elevation and Materials

The proposal is considered to provide acceptable an acceptable streetscape appearance with satisfactory variety in materials and finishes. It provides for low reflectivity, strong vertical elements complementing the predominant surrounding dwellings in a contemporary design that contributes to the street scape.

C3.12 Acoustic Privacy

In terms of noise, the development would not produce any more noise than considered reasonable in a residential setting. The proposed ventilation openings on the southern

elevation of the lower ground level are adjacent to an existing warehouse building within the IN2 Light Industrial zone and are not anticipated to give rise to any undue adverse acoustic amenity impacts.

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 IN2 Light Industrial. 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 Policy for a period of 14 days to surrounding properties. No submissions were received.

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:

- Engineering

Council's Engineering Section raised no objections to the proposal.

6(b) External

The application was referred to Sydney Water and no objections were raised in relation to the proposed modifications.

7. Section 7.11 Contributions

The proposed modifications do not necessitate any adjustment to the applicable contributions.

8. Conclusion

This application has been assessed under Section 4.55 of the Environmental Planning and Assessment Act, 1979 and is considered to be satisfactory. Therefore the application is recommended for approval subject to the amendments listed below.

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to Section 4.55 of the Environmental Planning and Assessment Act, 1979 modify Development Consent No. 2017/250 as outlined in Attachment A.

Attachment A – Recommended conditions of consent

A. AMEND THE FOLLOWING CONDITIONS TO READ:

Condition 1

Development must be carried out in accordance with Development Application No. D/2017/250 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan– A1000 Issue K	Prescott Architects	24/7/2017
Basement Level – A2000 Issue K	Prescott Architects	24/7/2017
Ground Floor Plan – A2001 Issue K	Prescott Architects	24/7/2017
Level 2 Plan – A2002 Issue K	Prescott Architects	24/7/2017
Level 3 Plan – A2003 Issue K	Prescott Architects	24/7/2017
Roof Plan – A2004 Issue N	Prescott Architects	12/11/18
North & East Elevation– A3100 Issue N	Prescott Architects	12/11/18
South & West Elevation– A3101 - Issue N	Prescott Architects	12/11/18
Inner Elevations– A3102 Issue K	Prescott Architects	24/7/2017
Section AA & BB– A3200 Issue K	Prescott Architects	24/7/2017
Section CC & Detail– A3201 Issue K	Prescott Architects	24/7/2017
Section DD & EE– A3202 Issue K	Prescott Architects	24/7/2017
Section FF & GG– A3203 Issue K	Prescott Architects	24/7/2017
BASIX Certificate	Drawn By	Dated
817479M_03	AENEC	21/7/2017

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

(Condition modified under M/2019/8 on INSERT DATE)

Attachment B – Original Notice of Determination (as amended)

**INNER WEST COUNCIL**

Contact: Christian Hemsley
Phone: 9392 5706

2 October 2018

The Planning Hub
Lachlan Rodgers
Suite 4 Level 4
35 Buckingham St
SURRY HILLS NSW 2010

**NOTICE OF DETERMINATION OF A MODIFICATION OF
DEVELOPMENT CONSENT**
Issued under the Environmental Planning & Assessment Act 1979
Section 4.5(1a)

Modification No. M/2018/162

Applicant Name: The Planning Hub

Applicant Address: Lachlan Rodgers, Suite 4 Level 4, 35 Buckingham St,
SURRY HILLS NSW 2010

Land to be Developed: **Lot 2 DP 434069**
5 White Street, LILYFIELD NSW 2040

Development Consent No.: D/2017/250

Approved Development: Delete the reference to 'Deferred Commencement' Consent
conditions in Condition 26(a).

Modification: Modification of Development Consent D/2017/250

Determination: Approved

Date of Determination: 28 September 2018

It is advised that Council has approved your application to modify Development Consent No. D/2017/250

A revised copy of the Development Consent is attached.

PO Box 14 Petersham 2049 | P 02 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | **Petersham** 2-14 Fisher Street | **Leichhardt** 7-15 Wetherill Street | **Ashfield** 260 Liverpool Road

Have you made a political donation?

If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at www.leichhardt.nsw.gov.au/Political-Donations.html. If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.



Iain Betts

Team Leader Development Assessment**Right of Appeal**

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date of this Notice of Determination.

Right of Review

Alternatively, you may request a review of this determination under Section 8.2 of the Act. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods.



INNER WEST COUNCIL

Contact: Christian Hemsley
Phone: 9392 5706

2 October 2018

The Planning Hub
Lachlan Rodgers
Suite 4 Level 4
35 Buckingham St
SURRY HILLS NSW 2010

**NOTICE OF DETERMINATION OF
DEVELOPMENT APPLICATION NO: D/2017/250
Issued under the Environmental Planning & Assessment Act 1979
(Section 81(1)(a))**

Annotated Modification Copy M/2018/162

Applicant Name:	Amelie Housing
Applicant Address:	PO BOX 5 PETERSHAM NSW 2049
Land to be Developed:	LOT 2 DP 434069 SUBJ TO DRAINAGE EASEMENT 5 White Street, LILYFIELD NSW 2040
Proposed Development:	Demolition of existing warehouse, site remediation and construction of affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works.
Determination:	Approved
Date of Determination:	18 October 2017
Consent to Operate From:	18 October 2017

The following conditions have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment.

PO Box 14 Petersham 2049 | P 02 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road

CONDITIONS OF CONSENT INCORPARATING SCPP DETERMINATION

1. Development must be carried out in accordance with Development Application No. D/2017/250 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan– A1000 Issue K	Prescott Architects	24/7/2017
Basement Level – A2000 Issue K	Prescott Architects	24/7/2017
Ground Floor Plan – A2001 Issue K	Prescott Architects	24/7/2017
Level 2 Plan – A2002 Issue K	Prescott Architects	24/7/2017
Level 3 Plan – A2003 Issue K	Prescott Architects	24/7/2017
Roof Plan – A2004 Issue K	Prescott Architects	24/7/2017
North East Elevation– A3100 Issue K	Prescott Architects	24/7/2017
South West Elevation– A3101 - Issue K	Prescott Architects	24/7/2017
Inner Elevations– A3102 Issue K	Prescott Architects	24/7/2017
Section AA & BB– A3200 Issue K	Prescott Architects	24/7/2017
Section CC & Detail– A3201 Issue K	Prescott Architects	24/7/2017
Section DD & EE– A3202 Issue K	Prescott Architects	24/7/2017
Section FF & GG– A3203 Issue K	Prescott Architects	24/7/2017
BASIX Certificate	Drawn By	Dated
817479M_03	AENEC	21/7/2017

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

2. Consent is granted for the demolition of the following currently existing on the property, subject to strict compliance with the following conditions:

Elements	Location
Warehouse building and associated structures	5 White Street Lilyfield

- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
- i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.

- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of

WorkCover and Leichhardt Council.

- v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.
3. A Detailed Site Contamination Investigation must be undertaken by an independent appropriately qualified environmental consultant and submitted to Council prior to the commencement of works on site.

The report is to be carried out in accordance with Council's Local Environment Plan 2013 and relevant NSW EPA Guidelines for Contaminated Sites. Also as detailed in the Planning Guidelines SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of land contamination.

Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion of the report must clearly state that 'the land is suitable for its intended land use' posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear jurisdiction for the statement.

Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant Health Based Investigation Level, a Remediation Action Plan (RAP) will be required to be submitted to and approved by Council prior to commencing remediation works. The RAP is to be prepared in accordance with the relevant Guidelines or approved by NSW Environmental Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites. This RAP is to include procedures for the following:

- Excavation of Hydrocarbon-contaminated soil;
 - Site management planning;
 - Validation sampling and analysis;
 - Prevention of cross contamination and migration or release contaminants;
 - Groundwater remediation, dewatering, drainage, monitoring and validation;
 - Unexpected finds.
4. Amended plans are to be submitted to Council incorporating the following amendments:
 - a) Any window to the bedroom of units 2 and 11 shall contain obscure glazing below 1.5m measured from the finish floor level.
 - b) All windows on the southern boundary adjoining 1 White Street are to be acoustically treated to minimise the operational activity from the adjoining warehouse.
 - c) Adequate storage being provided for the dwellings in the development in accordance with Apartment Design Guide requirements.
 - d) The roller door to the basement carpark must be set back a minimum

6000mm from the eastern boundary to allow for a vehicle to store within the property while waiting for the door to open

- e) All breezeway lighting shall be located at a low level, be low lux level and have sensor(s) form intermittent lighting.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to Council's satisfaction.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 5. An engineering design of the proposed relocation of the Sydney Water stormwater pipeline along the southern boundary of the property must be prepared by a qualified practicing Civil Engineer and approved by Inner West Council and Sydney Water prior to the Issue of a Construction Certificate.

The design must address the following requirements:

- a) The stormwater pipeline must be designed to convey the flows generated by a 20 year Average Recurrence Interval (ARI) storm event.
 - b) The stormwater pipeline must extend for the length of the property between White Street and the rear laneway, with connection to the existing Sydney Water Whites Creek stormwater culvert adjacent to the eastern frontage of the property.
 - c) The design must include the provision of additional/ upgraded stormwater inlet pits in White Street to maximise inflow into the pipeline.
 - d) A structural design must be provided for the connection to the existing Whites Creek stormwater culvert, including closure of the existing connection in accordance with Sydney Water requirements.
- 6. The entire basement level must be set back a minimum of 3 metres from the southern property boundary to provide a consistent and unobstructed flowpath for flood waters along this side of the property, between White Street and the rear lane. This will require the Plant and Pump Rooms and Waste Storage areas to be redesigned/ reconfigured. This may also require deletion of Parking Space 1. Details are to be provided prior to the issue of a Construction Certificate.
 - 7. A structural engineering design of the proposed bridging structure over the Sydney Water Whites Creek stormwater culvert to provide vehicle access to the site from Arguimbau Street must be provided to and approved by Inner West Council and Sydney Water prior to the Issue of a Construction Certificate.

The design must be prepared by a suitably qualified Structural Engineer and must address the following:

- a) The design must accommodate all vehicles up to and including the B99 design vehicle.
- b) The plans must demonstrate that the driveway is structurally independent of

the stormwater channel, and does not impose any loading onto the culvert structure.

- c) Any support piers required within Council land must be clearly detailed in plan and section views.
 - d) The design must address any requirements of Sydney Water.
8. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

9. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

10. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
11. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

12. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
 - a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

13. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy 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. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

14. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
15. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage

- b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

16. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater—Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
- a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.
 - h) Materials are not tracked onto the road by vehicles entering or leaving the site.
 - i) Details of drainage to protect and drain the site during works.

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

17. The approved plans must be submitted to a Sydney Water Quick Check agent 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. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

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

18. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
 - a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
 - c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
 - d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to

be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.

- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

19. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:

- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
- b) On site material storage areas during construction.
- c) Material and methods used during construction to minimise waste.
- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

20. Excavation / Demolition

Where there are extensive excavations the following conditions shall be applied.

- a) If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- b) Must preserve and protect the adjoining building from damage.
- c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or

demolished.

- d) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

NB: In this condition, the allotment of land includes public property.

21. A Certificate prepared by an appropriately qualified and 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 must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without resulting in demolition of elements marked on the approved plans for retention.

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

22. Prior to issue of the Construction Certificate the applicant shall have a Geotechnical / Civil Engineering report prepared which addresses (but is not limited to) the following:
 - a. The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
 - a. The appropriate means of excavation/shoring in light of point (i) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
 - b. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
 - c. The existing groundwater levels in relation to the basement structure, where influenced.
 - d. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydrogeological Engineer with previous experience in such investigations and reporting.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Principal Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

23. The applicant has obtain Ausgrid approval for electrical connection and supply for the building.
24. A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
25. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
26. A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prepared / prior to the issue of a Construction Certificate. The Plan must be prepared / amended to make provision for the following:
 - a) The plan must be generally in accordance with the recommendations of the Flood Risk Management Report prepared by Kozarovski and Partners dated 23 July 2017., ~~amended to address the design changes under Deferred Commencement Conditions 1 and 2.~~
 - b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
 - i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iii) Flood warning signs/depth indicators for areas that may be inundated
 - iv) A flood evacuation strategy.

- v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.
(Condition modified under M/2018/162 on 28 September 2018)

27. The approved Architectural plans must be amended to address all relevant recommendations of the Flood Risk Management Plan prepared under Conditions of this consent. The plans addressing the requirements of this condition must be provided prior to the issue of a Construction Certificate. The design must be prepared to make provision for the following:
- a) Specification of materials
 - b) Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans shall occur except as identified by this condition. Any changes to such must be subject to separate approval in accordance with Section 96 of the Environmental Planning and Assessment Act.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

28. Engineering design plans prepared by a qualified practicing Structural Engineer must be prepared and incorporate the recommendations of the Flood Risk Management Plan prepared under Condition No **CCFLD1**. The design must be prepared to make provision for the following:
- a) Structural integrity of all structures from immersion and/or impact of velocity and debris.
 - b) Waterproofing works, where applicable.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

29. Any footings or excavation to be located or undertaken in the vicinity of the relocated Sydney Water stormwater pipeline located adjacent to the southern boundary must be designed to address the following requirements:
- a) All footings and excavation must be located outside of the easement boundaries.
 - b) Footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

The design must be prepared by a qualified practicing Structural/Civil Engineer and be provided to the Certifying Authority prior to the issue of a Construction Certificate.

30. A stormwater drainage design, incorporating on site stormwater detention (OSD), on-site retention/ re-use (OSR), and water quality improvement measures, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must make provision for the following:
- a) The design must be generally in accordance with the Stormwater Drainage Plan on Drawing No. C-3332-03 and C-3332-04 prepared by Kozarovski and Partners dated 23 July 2017.
 - b) Comply with Council's Stormwater Drainage Code.
 - c) All external courtyards and their associated drainage systems must be designed in accordance with the following criteria:
 - i) The finished surface level of the courtyard(s) must be not less than 150mm below the adjacent internal floor level(s).
 - ii) For the external courtyards without provision of an overland flowpath, the sag pit(s) and associated pipe drainage system draining the courtyard(s) must be designed to capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlets and 50% blockage of the pipes. The design must cater for any potential overflow from the roof gutters or downpipes in the vicinity of the courtyard.
 - iii) The inlets for the sag pit(s) draining the courtyard(s) must be designed in accordance with Clause 5.4.10.1 of Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage to ensure that the maximum ponding level over the sag pit(s) is not less than 150mm below the adjacent internal floor level(s).
 - d) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
 - e) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
 - f) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
 - g) The proposed on-site retention tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

31. An application must be made to Council for the issue of a Levels Certificate. The certificate, issued by Council, must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The certificate specifies the surface levels in the road reserve adjacent to the property that must be used as the basis for the design of vehicle or pedestrian accesses, finished floor levels, fences, vents and any structures in the vicinity of the property boundary.

The architectural & engineering plans must be updated to reflect the information in the levels certificate and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The overall height of the external form must not alter from that depicted within the approved plans and/specified by this consent.

The levels certificate may specify that levels in the adjacent road reserve are required to be changed.

32. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to AS/NZS 2890.1-2004 *Parking Facilities - Off-Street Car Parking*, AS/NZS 2890.6-2009 *Off-street parking for people with disabilities* and AS 2890.3-1993 *Parking Facilities - Bicycle parking facilities*. The following specific issues must be addressed in the design:

- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those obtained in the Levels Certificate issued by Council. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
- b) The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004* for a B99 design vehicle.
- c) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any dedicated accessible parking space(s) and adjacent Shared Area(s). Note that the headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, services, ducts, etc. The headroom at any door opening must be measured to the lowest point of the open door.

Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of *AS/NZS 2890.1-2004*.

- e) The vehicular access ramp must comply with the ramp grade requirements of Section 3.3 of *AS/NZS2890.1-2004*.

- f) Longitudinal sections must be provided along each outer edge of all ramps within the parking facilities demonstrating compliance with the above requirements. The longitudinal sections at the entry/exit access ramp(s) must extend to the centreline of the connecting road carriageway.
- g) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of AS/NZS2890.1-2004.
- h) Bicycle parking facilities must be provided in accordance with the numerical and dimension requirements of Sections C1.11 Parking and C1.11.3 & C1.11.6 tables within DCP 2013.
- i) The external form & height of the approved structures must not be altered from that depicted on the approved plans to address this condition. If the applicant seeks a design that would require such, the approved plans must be modified in accordance with Section 96 of the Environmental Planning and Assessment Act 1979.

The design must be certified by a suitably qualified Civil Engineer and provided to the Principal Certifying Authority prior to the issue of the issue of a Construction Certificate.

33. An engineering design of stormwater drainage and roadworks in White Street and Arguimbau Street, must be prepared by a qualified practicing Civil Engineer. The design must be prepared/amended to make provision for the following:
- a) Relocation and upgrade of the existing Sydney Water stormwater drainage pipeline between White Street and the Whites Creek stormwater culvert in the rear lane, including installation of new kerb inlet pits in White Street in accordance with the design approved under Deferred Commencement Condition 1.
 - b) Construction of a concrete vehicle crossing at the Arguimbau Street (rear lane) frontage of the site, including a bridging structure over the Whites Creek stormwater culvert in accordance with the design approved under Deferred Commencement Condition 2
 - c) Closure of redundant vehicle crossing and construction of kerb and gutter and footpath for the full width of the White Street frontage.
 - d) Reconstruction of the surface layer of asphalt pavement between the western end of Arguimbau Street and the proposed vehicle access.
 - e) Relocation of parking/ traffic signs as required.
 - f) Video inspection must be carried out of completed stormwater drainage works and a copy provided to Council to support the certification of the works.
 - g) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards.

- h) The applicant must consult with Council's Manager – Urban Design & Project Management in relation to the design of all works in the public road reserve.

Development Consent does NOT give approval to undertake any works on Council property. **An application must be made to Council and a Roadworks Application issued under Section 138 of the Roads Act 1993 prior to the construction of these works.**

The application must be accompanied by an engineering design of the above. The Roadworks Permit will only be issued when the design has been approved by Council. A copy of the Roadworks Permit must be obtained from Council prior to the issue of a Construction Certificate.

The design may need to be submitted to and approved by Council's Local Traffic Committee prior to Council issuing an approval.

The applicant must bear the cost of construction of all works, including the cost of any required adjustment or relocation of any public utility service. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an Occupation Certificate.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

- 34. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued (whichever occurs first), a security deposit as set out below must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Works	Security Deposit
Roadworks (ROADWB)	\$ 61,300
Total	\$ 61,300

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. A request for release of the security may be made to the Council after all construction work has been completed. 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.

Video inspection must be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification

of the works.

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.

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.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

- 35. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below 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.

Security Deposit (FOOT)	\$9,522.00
Inspection fee (FOOT)	\$225.00

Payment will be accepted in the form of cash, bank cheque or 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 & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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.

- 36. Should works require any of the following on public property (footpaths, roads,

reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)

- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
- b) A concrete pump across the roadway/footpath. – A Standing Plant permit
- c) Mobile crane or any standing plant – A Standing Plant Permit
- d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
- e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

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.

PRIOR TO THE COMMENCEMENT OF WORKS

37. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site;

38. The site must be 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 property 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. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

39. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt 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.
40. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
41. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
42. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

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

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

43. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

44. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

45. The site must be appropriately secured and fenced at all times during works.
46. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

47. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm 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 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 shall be limited to:

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

The Proponent shall not undertake such activities for more than three continuous hours and shall 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.

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.

48. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
49. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
50. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
51. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's

upon request.

52. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing 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, it must be upgraded.

53. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

54. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

55. Upon the completion of any remediation works stated in the RAP, the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites*.

56. During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- a) Ascertain the exact location of the Sydney Water stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
- b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.

- c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited clear of stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 57. A contribution pursuant to the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* for the services detailed in column A and for the amount detailed in column B must be made to Council prior to the issue of an Occupation Certificate.

Column A	Column B
Community Facilities	\$46,055.00
Open Space	\$341,262.00
Local Area Traffic Management	\$2937.65
Light Rail	\$244.47
Bicycle	\$319.84

The total contribution is: \$390,818.76

Payment will only be accepted in the form of cash, bank cheque or EFTPOS / Credit Card (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for Section 94 Contributions. Contribution Plans may be inspected on Council's website www.leichhardt.nsw.gov.au or a copy purchased at the Citizen Service in Council's Administration Centre, 7-15 Wetherill Street, Leichhardt, during business hours.

- 58. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- 59. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
- 60. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
- 61. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved

Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

62. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.
63. To ensure the development is constructed in accordance with the approved plans, a Check Survey prepared by a registered surveyor to Australian Height Datum (AHD) shall be prepared on completion of the building works. The survey shall be submitted to the Principal Certifying Authority who must be satisfied that the following are consistent and no higher or closer than that depicted on the approved plans prior to the issue of an Occupation Certificate.
- a) Level of the floor in relation to the levels on the site (all levels are to be relative to Australian Height Datum);
 - b) Maximum ridge height of the building/s subject of this application.
 - c) Height and location (in relation to boundaries) of the wall and gutters

Where there is a difference in the above RL's / dimensions /degree between that of the survey and the approved plans and the survey indicates the constructed development is larger/higher/closer than the approved development, an application under Section 96 of the Environmental Planning and Assessment Act 1979 shall be submitted to Council for consideration of the amendments.

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

64. Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction before the issue of an Occupation Certificate.
65. (a) For a period of at least 30 years from the date of the issue of the Occupation Certificate:
- (i) All of the dwellings provided in the development scheme must be used for the purpose of affordable housing as defined in Part 1 Clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009; and
 - (ii) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered

community housing provider agreement shall be provided to Council prior to occupation of the premises.

- (b) A positive covenant being created under Section 88E of the Conveyancing Act, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of the Inner West Council. The covenant shall be registered before the issue of an Occupation Certificate.

66. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer this condition has been complied with must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

67. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property, where applicable:

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land.
- c) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

68. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site detention and on-site retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD") and on-site retention/re-use facilities ("OSR").
- b) The Proprietor shall have the OSD and OSR inspected annually by a

competent person.

- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD and OSR or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with the NSW Land and Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate / Subdivision Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

69. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council Roadworks Permit.

Works-as-executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the works have been constructed in accordance with the approved design and relevant Australian Standards, must be provided to Council prior to the issue of an Occupation Certificate.

Video inspection must be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the plans approved with the Roadworks Permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

Written notification from Council that the works approved under the Roadworks Permit have been completed to its satisfaction and in accordance with the conditions of the Permit, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

70. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principle Certifying Authority stamped Construction Certificate plans.

71. Car Parking provided shall only be used in conjunction with the units and tenancies contained within the development in the case of Strata subdivision, and shall be individually allocated to residential units as part of their unit entitlement.
72. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the [on site detention and/or on-site retention/re-use] facilities. The Plan must set out the following at a minimum:
 - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

ONGOING CONDITIONS OF CONSENT

73. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
74. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
75. All residential accommodation established on the site is to be made available for affordable rental housing for a minimum of 30 years from the date of the issue of any occupation certificate.
76. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. affordable housing without the prior consent of the Council.
77. All vehicles must enter and exit the site in a forward direction.

78. Any basement car parking space must not be individually enclosed without prior development consent.
79. Driveways and parking spaces must not be used for manufacture, storage or display of goods, materials and equipment. The spaces must be available at all times, for all vehicles associated with the development.
80. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. The owner of the dwelling must advise in writing all intending owners, tenants and occupiers of the dwelling, at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.

Signs reading "all owners, tenants and occupiers of this building are advised that they are not eligible to obtain Resident Parking Scheme parking permits from Council", must be located in prominent places such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.
81. The Operation and Management Plan for the on site detention and/or on-site retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
82. The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
83. The Operation and Management Plan for the basement pump-out system, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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, or
 - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
3. 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.
4. 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 96 of the *Environmental Planning and Assessment Act 1979*.
5. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
6. 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.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
7. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.



Iain Betts

Team Leader Development Assessment

Attachment A – Fire safety schedule

FIRE SAFETY SCHEDULE
 Issued pursuant to *Section 168*
 Environmental Planning and Assessment Regulation 2000

APPLICATION DETAILS	
Application No.	D/2017/250
Address Of Property:	5 White Street, Lilyfield
Owners Name:	The Trustees of The Society St Vincent De Paul NSW
Owners Address:	5 White Street Annandale
Date of Issue:	18 October 2017

This Fire Safety Schedule specifies the fire safety measures (both existing and proposed) that shall be implemented in the whole of the building premises. A tick (✓) indicates an applicable measure.

Essential Fire Safety Measures	Existin g	Propos ed	Standard of Performance <i>Design & Installation Standard</i>
Access panels, doors and hoppers to fire resisting shafts			BCA Part C3.13 & C3.15;
Automatic fail-safe devices (electromagnetic devices, door releases)			BCA Part D2.21, D2.22 & Spec C3.4
Automatic fire detection and alarm systems			BCA Part C2.3, C3.5, C3.6, C3.7, C3.8, C3.11, Spec. C3.4, Spec. E2.2a, Spec G3.8; AS1670.1-2004
Automatic fire suppression/sprinkler system			BCA Part E1.5 and Spec. E1.5; AS 2118.1-1999, AS 2118.4-2012, AS 2118.6-2012.
Emergency Lighting			BCA Part E4.2, E4.4, AS2293.1-2005
Emergency Lifts			BCA Part E3.4
Exit signs (illuminated)			BCA Part E4.5, E4.6, E4.8; AS2293.1-2005
Fire alarm monitoring (Alarm Signalling Equipment)			BCA Spec. E2.2a Clause 7; AS1670.3 – 2004
Fire blankets			BCA Part E1.6 AS2444-2001
Fire control room / centre			BCA Part E1.8, Spec E1.8
Fire dampers			BCA Part C3.15; AS1668.1-1998
Fire doors (and self-closing devices)			BCA Part C3.4, C3.5, C3.7, C3.8, C3.10, C3.11 Spec C3.4; AS1905.1-2005
Fire hose reel system			BCA Part E1.4; AS2441-2005
Fire hydrant system			BCA Part E1.3; AS2419.1-2005
Fire safety & emergency evacuation procedure			AS3745-2002
Fire seals (protecting openings in fire-resisting components of the building ie fire stopping, collars etc)			BCA Part C3.12, C3.15, Spec. C3.15; AS4072.1-2005, AS1530.4-2005
Fire shutters			BCA Spec. C3.4; AS1905.2-2005, AS1530.4-2005

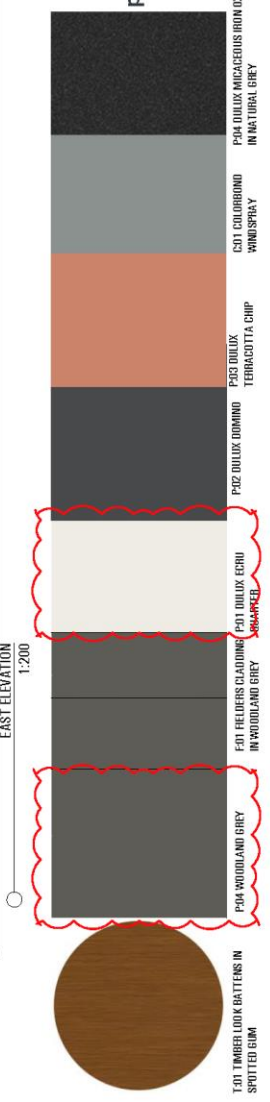
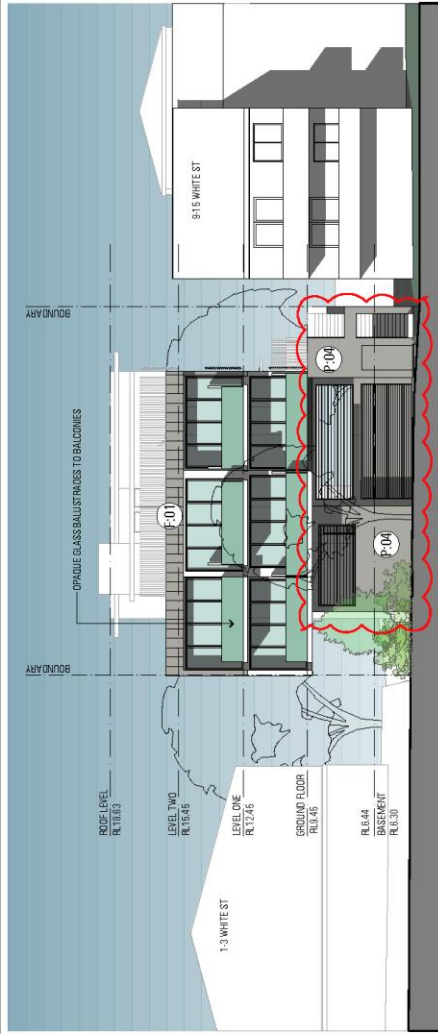
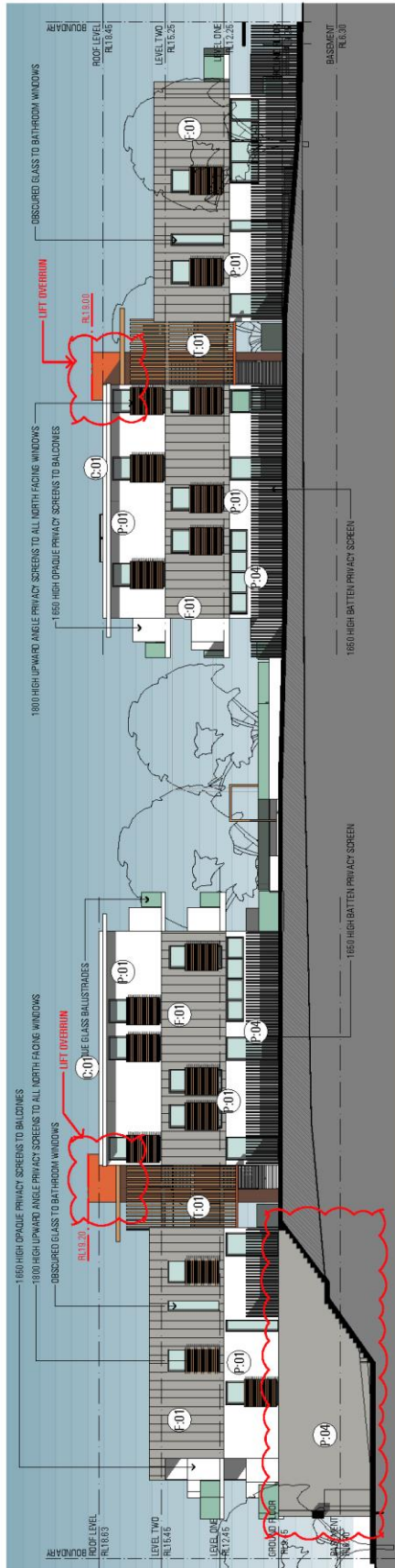
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Essential Fire Safety Measures	Existing	Proposed	Standard of Performance <i>Design & Installation Standard</i>
Fire windows			BCA Spec C3.4
Lift landing doors (fire rated landing doors)			BCA Part C3.10(a); AS1735.11-1986
Lightweight construction (ie fire rating of walls, ceilings, column/beam protection etc)			BCA Part C1.8, Spec. C1.8; AS1530.4-2005
Mechanical air handling system (ie operating as a Zone Smoke Control System, or Smoke Exhaust System, or an Automatic Air Pressurisation System for fire-isolated exits)			BCA Part E2.2, Spec E2.2a, Spec E2.2b; AS1668.1-1998
Perimeter vehicle access for emergency vehicles (ie open space surrounding large isolated buildings)			BCA Part C2.3 and C2.4
Portable fire extinguishers			BCA Part E1.6, Table E1.6; AS2444-2001
Paths of travel for stairways, passageways and ramps			Clause 183-186 of the Environmental Planning & Assessment Regulation 2000
Required (automatic) exit doors			BCA Part D2.19(b)(iv)
Required exit doors (exit latches)			BCA Part D2.19, D2.20, D2.21
Safety curtains in proscenium openings (ie between stage and auditorium in a theatre, public hall etc)			BCA NSW Part H101.5.3, H101.7(b)(i)(B), H101.10; AS4100-1998
Smoke alarms and heat alarms			BCA Table E2.2a, Spec. E2.2a Clause 3; AS3786-1993
Smoke and heat vents			BCA Part C2.3, E2.2, Table E2.2b, Spec E2.2c, NSW H101.22; AS2665-2001
Smoke dampers			BCA Part C2.5, E2.2; AS1668.1-1998
Smoke detectors and heat detectors			BCA Table E2.2a, Spec. E2.2a Clause 4; AS1670.1-2004
Smoke doors			BCA Part C2.5, C2.14, D2.6, Spec. C3.4 Clause 3;
Solid core doors (and self-closing devices)			BCA Part C3.11;
Sound Systems and Intercom Systems for Emergency Purposes			BCA Part E4.9; AS1670.4-2004
Stand-by power systems (ie Emergency generator backup)			BCA Part C2.12 (fire separation), Spec. E1.8 (remote switching); AS2419.1-2005
Window / Wall-wetting sprinkler and drencher system			BCA Part C3.2, C3.3, C3.4, C3.11(g)(v)(A), D1.7(c), G3.4(b), H101.5; AS2118.2-1995

Essential Fire Safety Measures	Existing	Proposed	Standard of Performance <i>Design & Installation Standard</i>
Warning and operational signs			BCA Part D2.23, E3.3 (relates to lifts only)
Alternative Solution – Fire Engineered Solution Report			

On completion of the work, the owner of the building shall cause the Council to be furnished with a "Final Fire Safety Certificate" in relation to each essential fire or other safety measure included in this schedule. The certificate shall meet with the requirements of Part 9 Division 4 of the Environmental Planning and Assessment Regulation 2000.

Attachment C – Proposed Plans



Project
5-7 WHITE STREET
LILYFIELD

Drawing
NORTHEAST ELEVATION

Project no
2_14_02

Drawing no
A3100

Scale
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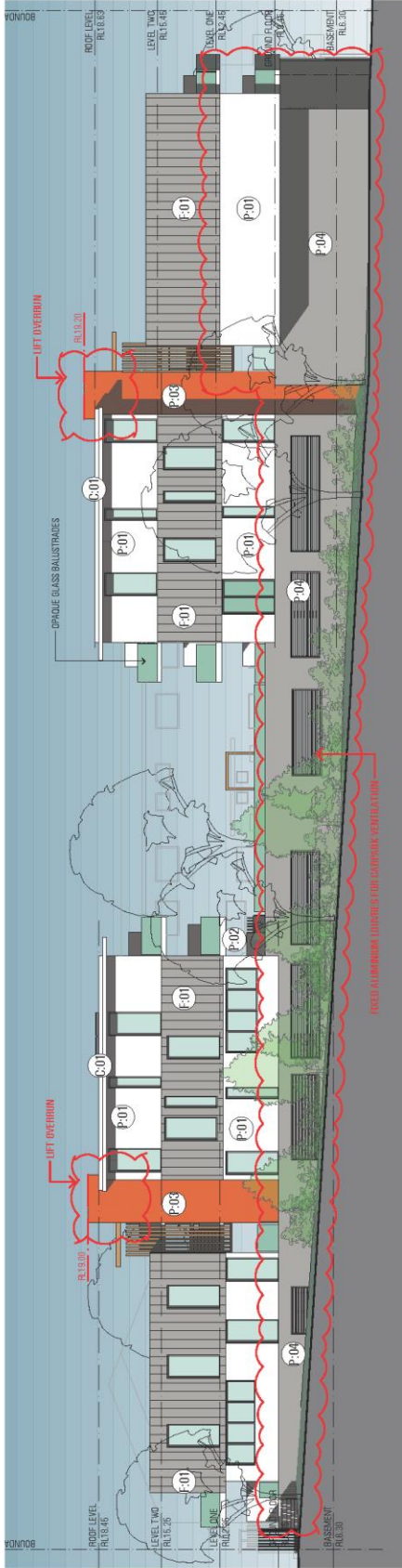
prescottarchitects
Prescott Architects Pty Ltd
Level 9, Northwood Plaza
400 Northwood Street
Northwood NSW 1585
Phone 02 9618 3022
Facsimile 02 9618 3088
nos@prescottarch.com.au
www.prescottarch.com.au

drawn
M.A.S.P.

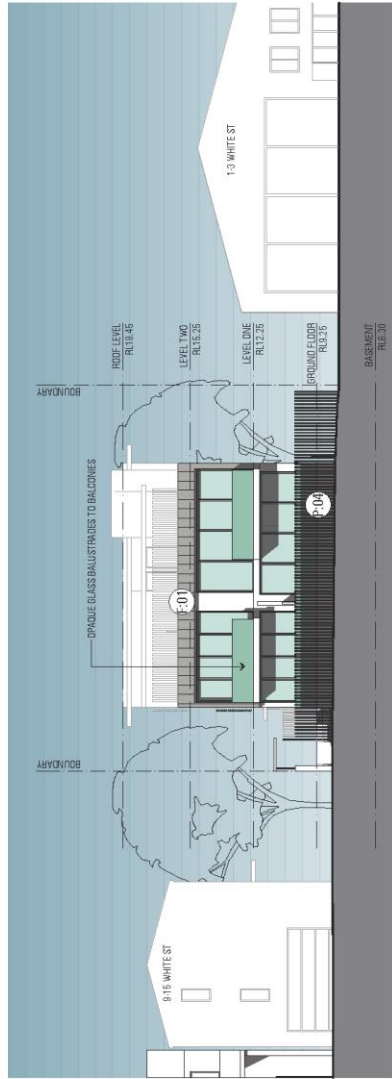
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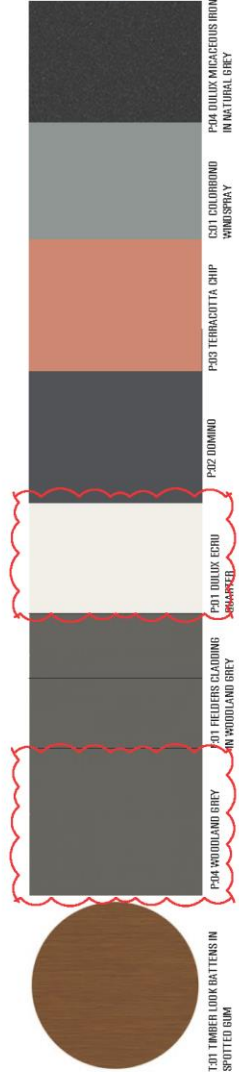
Issue	Amendment	Date
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B	ISSUE B	01.06.17
C	ISSUE C	23.08.17
D	ISSUE D	23.08.17
E	ISSUE E	24.05.17
F	ISSUE F	24.05.17
G	ISSUE G	01.08.17
H	ISSUE H	17.11.17
I	ISSUE I	17.11.17
J	ISSUE J	12.11.18



SOUTH ELEVATION
1:200



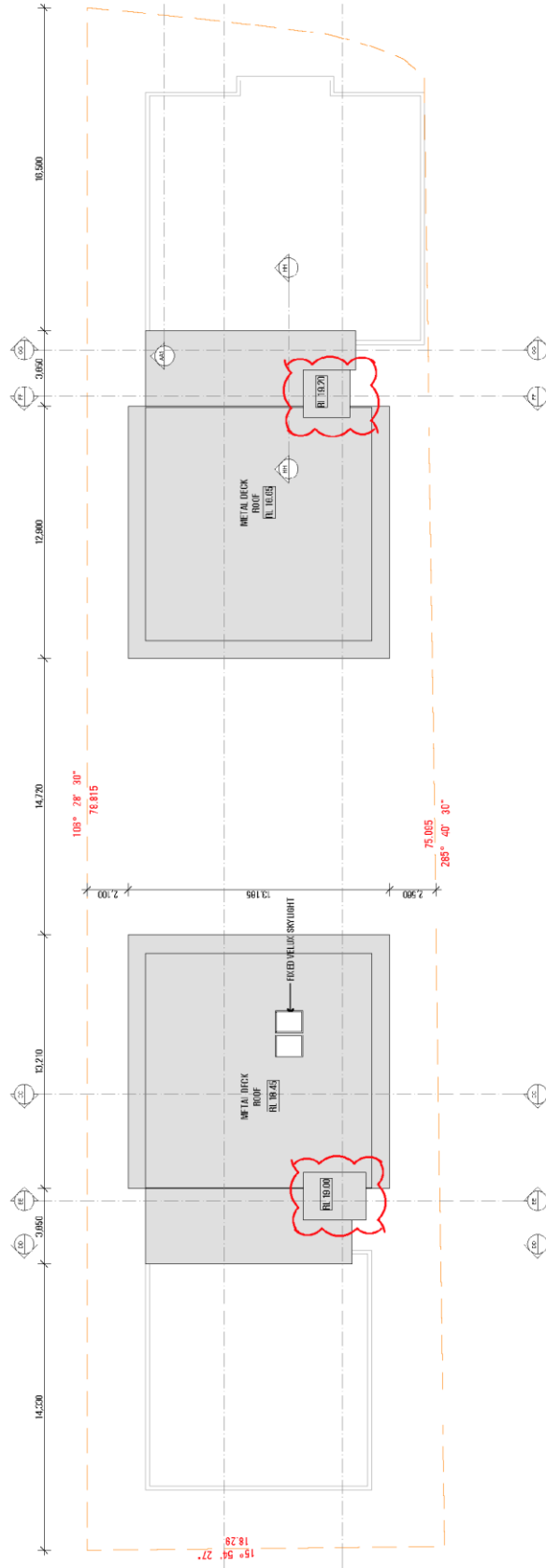
WEST ELEVATION
1:200



Issue	amendment	date
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D	ISSUE D	23.08.17
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Project: 5-7 WHITE STREET LILYFIELD
 Drawing: SOUTH WEST ELEVATION
 Project no: 2_14_02 A3101 N
 Drawing no: 1:100 @ A1
 Date: 12.11.18
 Scale: 1:200 @ A3
 1:100 @ A1



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PROJECT: 6-7 WHITE STREET
 LOCATION: ULTHIELD
 DRAWING: ROOF PLAN
 PROJECT NO: 2_14_02
 DRAWING NO: A3004
 DATE: 12.11.18

DESIGNED BY: J. B. BROWN
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 DATE: 12.11.18

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