



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2019.109.1
Address	164 Frederick Street, Ashfield
Proposal	Demolition of existing structures and construction of a 3 storey serviced apartment building with 33 rooms, basement car parking, signage and associated landscape works.
Date of Lodgement	18 July 2019
Applicant	Sonar Australian PTY LTD
Owner	Sonar Australian PTY LTD
Number of Submissions	Two (2)
Value of works	\$4 935 695.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Non-compliance with development standards, streetscape impacts, amenity impacts to neighbours and traffic/parking
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Conditions of Consent



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1 Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures and construction of a 3 storey serviced apartment building with 33 rooms, basement car parking, signage and associated landscape works at 164 Frederick Street, Ashfield. The application was notified to surrounding properties and two submissions one of which included a petition with 27 signatures was received.

The main issues that have arisen from the application include:

- Non-compliance with clause 4.3 Height of Buildings Development Standard. The proposal results in a height of 9.6m, a 1.1m or 12.9% variation.
- A clause 4.6 variation request to justify the non-compliance to the development standard was not provided as part of the application.
- Non-compliance with clause 6.2 – Flood Planning – as the proposal is likely to result in the displacement of flood waters onto neighbouring sites.
- The proposal is non-compliant with the requirements of Chapter A Part 2 – Good Design - of the Comprehensive Inner West Development Control Plan 2016 the proposal does not provide high quality amenity through physical, spatial and environmental design and does not respond to the existing/ emerging streetscape.
- The proposal is non-compliance with the DCP requirements for car parking and it is expected that the current rate of parking proposed would result in a loss of on-street parking for the immediate area
- The development is not accompanied by a plan of management and fails to outline how a serviced apartment will operate 33 rooms with no on-site manager to police or look after incidents that may occur at the premises. There is insufficient information to satisfy Council that the premises will operate in accordance with any conditions of consent or operate in a manner respectful to neighbouring residents.

The non-compliances are not acceptable and therefore the application is recommended for refusal.

2. Proposal

Pursuant to Clause 4.12 of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks consent for the demolition of existing structures and construction of a serviced apartment building which is three (3) storeys in height. The proposed serviced apartment building incorporates 33 rooms, basement car parking, signage and associated landscape works.

In particular each level of the development is to incorporate the following:

- Basement – The basement is to accommodate up to 12 parking spaces and three (3) bicycle parking spaces.
- Ground Floor – The ground floor is to accommodate 9 rooms, a kitchen, reception,

bathroom and a café seating area measuring 53sqm.

- First Floor – This floor is to accommodate 14 rooms
- Second Floor – This floor is to accommodate 10 rooms

3. Site Description

The subject site is located on the northern side of Frederick Street, bounded by Henry Street to the west and Parramatta Road to the east. The site area is approximately 761.2 square metres. The site consists of one (1) allotment and is generally rectangular shaped. The site is legally described as Lot 10 in DP 786474.

The site has a frontage to Frederick Street of 38.9 metres and a secondary frontage of approximate 17.9 metres to an unnamed lane along the eastern boundary. The site is affected by a number of covenants which relate to building materials and value.

An existing single storey shed is located on the site within the north west corner, the remainder of the site is currently vacant and is utilised as a storage yard.

The subject site is not listed as a heritage item and is not located within a conservation area. However the site is directly adjoining a heritage conservation area known as C37 – The Ranch, within the Inner West Comprehensive Development Control Plan 2016. The property is identified as a flood prone lot.



Picture 1 Aerial Photo with site identified

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
09.2018.36	PRE DA: Demolition of existing structures. Construction of a mixed use development comprising commercial uses and serviced apartments, with basement parking.	Advice issued: 23 August 2018

Surrounding properties

Application	Proposal	Decision & Date
10.2019.110	Demolish existing structures and construct a 4 storey mixed use building with ground and mezzanine level commercial and 20 serviced apartments.	Currently under assessment

Note: DA 10.2019.110 – relates to 502 Parramatta Road (the site immediately adjacent from the current site) and is also proposed to be developed into serviced apartments. DA 10.2019.110 has been submitted at the same time as the current application and is subject to the same applicant, owner and architect. Previous discussions with the applicant have highlighted that it is the intention that the subject site and neighbouring site (502 Parramatta Road) be developed together and operate simultaneously with one another.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The following provides further discussion of the relevant issues:

2 *State Environmental Planning Policy No 55—Remediation of Land*

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

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

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

3 *State Environmental Planning Policy No. 64 - Advertising and Signage* (SEPP 64)

The following is an assessment of the proposed development under the relevant controls contained in *SEPP 64*.

SEPP 64 specifies aims, objectives, and assessment criteria for signage as addressed below. Schedule 1 of *SEPP 64* specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage is not considered satisfactory having regard to the assessment criteria contained in Schedule 1 of *SEPP 64*.

Signs and Advertising Structures

The application seeks consent for the erection of the following signage:

- 1 x wall sign measuring approximately 1.2m (width) by 5.3m (height) fronting Frederick Street reading “Sonar”

The proposed signage is not considered satisfactory having regard to the assessment criteria contained in Schedule 1 of *SEPP 64*. The proposed signage is expected to be a large a dominating feature of the locality and will not contribute to the visual interest, streetscape or landscape setting. It is considered that acceptance of the proposed signage will reduce the quality of vistas and should not be supported. The application does not incorporate key information regarding this signage such as any illumination and as such it has not been satisfactorily determined that the signage will not impact the locality or met the assessment criteria of the *SEPP*.

4 *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

5 State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Development with frontage to classified road (Clause 101)

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

The proposal has been designed not to have vehicular access off Frederick Street and instead relies upon the laneway running along the eastern boundary of the site. Utilisation of this laneway combined with the proposed basement design of forward entry and exit ensures that the development will not impact traffic flow to Frederick Street or Parramatta Road and that the requirements under clauses 101 have been satisfied should the application be approved.

Impact of road noise or vibration on non-road development (Clause 102)

Clause 102 of the *SEPP Infrastructure 2007* relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 40,000 vehicle. Under that clause, a development for the purpose of a building for residential use requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

Frederick Street and Parramatta Road has an annual average daily traffic volume of more than 40,000 vehicles. The applicant submitted a Noise Assessment Report with the application that demonstrates that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP. Conditions are provided should the application be otherwise supported.

6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

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

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions.

7 Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the following relevant clauses of the *Ashfield Local Environment Plan 2011*:

- Clause 1.2 - Aims of Plan
- Clause 1.9A – Suspensions of covenants, agreements and instruments
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area

- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks
- Clause 6.2 - Flood Planning

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

The site is zoned B6 Enterprise Corridor under the *ALEP 2013*. The applicant has lodged the application as a proposal for serviced apartments. Under the *ALEP 2013* serviced apartments are defined as:

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

An assessment of the application has determined that the current proposal does not meet this definition, as the rooms are not self-contained. The proposed rooms fail to detail kitchen or laundry facilities for each individual room, instead lodgers are reliant upon a communal kitchen located within the lobby (laundry facilities have not been identified under the current proposal). The proposal is therefore not compliant with the definition of serviced apartment.

The development is better characterised as a hotel or motel accommodation, which under the *ALEP 2013* is defined as:

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

The hotel and motel accommodation developments are permitted with consent within the land use table. The development is consistent with the objectives of the B6 Enterprise Corridor zone.

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 8.5 m	9.6m	1.1m or 12.9%	No
Floor Space Ratio Maximum permissible: 1.5:1 or 1141.8m ²	1.3:1 or 980.7m ²	N/A	Yes

(i) Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Clause 4.3 - Height of buildings

The development has a maximum building height of 9.6 meters and thereby exceeds the maximum building height of 8.5m prescribed under Clause 4.3 of ALEP 2013, this represents a variation of 12.9%.

Under Clause 4.6 development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The applicant seeks to vary the height of building standard by a maximum of 1.1m or 12.9%.

Plans provided by the applicant currently fail to represent the correct height of the proposed building as they incorporate an inaccurate 8.5m maximum height line. This has been analyzed against the proposed roof RL and existing natural ground RL which has highlighted the proposed height variation.

The applicant has not provided a clause 4.6 variation request for Council to consider and as such the proposed variation cannot be supported.

Despite the lack of clause 4.6 being submitted Council has still undertaken an assessment of the proposed variation and considers it to be unsupportable.

The Height of Buildings development standard was introduced to achieve high quality built form for all buildings, maintain satisfactory sky exposure and daylight to existing buildings/ public areas, provide transition in built form and land use intensity and maintain satisfactory solar access to existing buildings and public areas.

The proposed variation to the building height control results in a built form inconsistent with that of its immediate residential neighbours which are also only permitted to achieve a height of 8.5m. As seen below within figure 1 sites without a frontage to Parramatta Road are all zoned to only achieve an 8.5m height limit. Such a height limit is consistent with its predominately residential surroundings and assist to define the difference between the Parramatta Road Corridor and local neighbourhoods behind. Acceptance of the proposed height variation would result in a development of significantly greater intensity than that of its immediate residential neighbours and result in an outcome that does not enable adequate transition between the built form of the zones.

In this instance it is considered that there is insufficient planning merits to warrant a variation from the height of buildings development standards and that the public interest would be best served through maintaining compliance with the required development standard.



Figure 1 – Height of Buildings Development Standard with site identified

(ii) Flood Planning (Clause 6.2)

The applicant has failed to demonstrate/satisfy Council's Development Assessment Engineer as to compliance with clause 6.2 – Flood Planning within the Ashfield LEP 2013. Concerns are raised that the proposal is not compatible with the flood hazard of the land, that the development will significantly adversely affect flood behaviour and that the development will result in unsustainable social and economic costs to the community as a consequence of flooding.

The subject site is identified as being subject to high hazard flooding and is bound by Sydney Water Trunk drainage lines which traverse the side boundaries of the property and have insufficient flow capacities to accommodate the new development.

The subject site has been identified as being within the centre of a major overland flow path in a flooding event. The vacant nature of the site currently means that this overland flow path is generally unobstructed by buildings, however the proposed development will introduce a new and significant obstruction to this flow path and as such increases the risk of flood waters being diverted to Frederick Street, the public domain land and adjacent properties. In this instance Council's Development Assessment Engineer has reviewed the proposal and outlined that current information does not satisfactorily address concerns with flood water diversion and that the proposal will divert a majority of the surface water into adjacent properties.

The proposal is therefore recommended for refusal, on the grounds that clause 6.2 – Flood Planning, as the development has not demonstrated that it will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill / Leichhardt Development Control Plan 2013 / Marrickville Development Control Plan 2016.

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	No – see discussion
3 - Flood Hazard	No – see discussion
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	No – see discussion
10 - Signs and Advertising Structures	No – see discussion
14 - Contaminated Land	Yes
15 - Stormwater Management	Yes
B – Public Domain	
C – Sustainability	
3 – Waste and Recycling Design & Management Standards	No – see discussion
D – Precinct Guidelines	
Part 6 Parramatta Road – Area 2	Yes

The following provides discussion of the relevant issues:

Good Design

The proposal has been assessed against the performance criteria of Part 2 Good Design within the Inner West Comprehensive Development Control Plan. Part 2 of the DCP outlines that development must:

- *Contribute to its context*
- *Contribute to the quality and identity of the area*
- *Reinforce desirable elements of established street and neighbourhood character*
- *Suit the scale of the street and surrounding buildings*
- *Provides amenity through high quality physical, spatial and environmental design*
- *relates to the environment and context, particularly responding to desirable elements of the existing streetscape or, in areas undergoing substantial change, contributes to the desired future character of the area*

The proposal in its current form does not provide a built form that matches neighbouring sites in terms of bulk/scale, height and density. The Development Application was referred to

and reviewed by Council's Architectural Excellence Panel (AEP) who outlined a number of concerns with the current design. In particular the AEP outlined that:

- *The proposal does not relate to the area in its sitting, massing, form or their selection of materials.*
- *The development was recommended to be reconsidered with greater emphasis given to the neighbouring site at 502 Parramatta Road and the subject site being developed in conjunction with one another and amended designs presented which illustrate and extend positive features of the built form and wider context.*
- *The proposal should be amended to provided greater consideration of the developments relationship to the laneway and presentation to Frederick Street.*
- *The panel considers that in its current form the building provides a poor presentation of its front address to Frederick Street and that the proposed entrance creates a pinch point as a result of its location and change of height of the finished floor level relative to the ground level. The panel considers that any change of level should be omitted, or managed within the building rather than its external interface.*
- *The proposed communal open space to the rear does not provide an acceptable relationship with the ground floor*

The proposal does not meet the above performance criteria for good design and as such will not contribute to the overall context or quality/identify of the area. The current design does not take cues from neighbouring sites or the immediate context and results in a built form in stark contrast from the existing locality. The sites immediate relationship with the heritage conservation area known as "The Ranch", which is significant for single storey detached Inter-war California Bungalow style houses and a single 2-storey Inter-war Art Deco style residential flat building, (which demonstrate the discrete historical period of the area's development) place the current design at further odds with the locality and increase the likelihood of a stark and inconsistent built form.

The proposal is recommended for refusal based upon the non-compliance with the performance criteria requirements for good design as outlined with the DCP.

Flood Hazard

As discussed above Council's Development Engineers are not satisfied that the proposal is compliant with the flood planning requirements specified within the LEP and DCP and that the development would not result in greater impact for the immediate locality or neighbouring sites. The proposal is therefore recommended for refusal.

Parking

Clause DS3.4 of Part 8 within Chapter A Miscellaneous outlines that hotels must provide 1 parking space per unit, 1.5 spaces per staff member, 1 visitor space per 5 bedrooms and 1 space per 3 seats for restaurants etc open to the general public. This results in a requirement for 43 on-site parking spaces. The current proposal results in the construction of 12 on-site parking spaces and is deficient 31 parking spaces.

In this instance strict compliance with the parking rates outlined within the DCP is not considered to be necessary, however the proposed rate of 12 parking spaces for a development intensity of this size is considered to be inadequate to properly service the site. Acceptance of the proposed parking rate variation is expected to force reliance upon the surrounding streets and placing an unreasonable burden upon the public domain.

Pick Up/ Drop Off

The current development application does not detail an arrangement for pick up/drop off of patrons to the hotel. Instead the site is reliant upon the neighbouring development at 502 Parramatta Road for usage of their proposed pick up and drop off area. This arrangement is unsupportable as the development is reliant upon a site which could be sold separately on to a new owner who could not consent to such an arrangement. Should this situation occur then the subject site is unable to operate without impacting the flow of traffic within the laneway and immediate locality. The development must be able to operate separately from neighbouring sites without a reliance upon public land. Compliance with this requirement is yet to be demonstrated by the applicant and as such the proposal is recommended for refusal.

Fire Hydrant Boosters

Plans currently provided do not detail the proposed location of key services such as fire hydrant boosters or electrical substations. These services are required under the BCA and have significant potential to disrupt streetscape and good urban design outcomes if not appropriately treated/screened.

The proposal is recommended for refusal based upon the matters discussed within this report, however in the event that amended plans are submitted or that the development application is approved then it is recommended that a condition of consent requiring the display of such services upon the stamped plans be imposed.

Plan of Management

The application is not accompanied by a plan of management or sufficient information to satisfy Council on how the premises is proposed to be managed on a day to day basis. Key information such as staff numbers, potential delivery times, waste collection, complaints management and house rules, regulations are missing. The nature of the proposed development as a hotel has significant potential to impact the adjacent residential properties. Information such as staff numbers, cleaning times and other general hotel management information is considered to be vital to ensuring reasonable amenity for neighbouring sites. The current lack of information regarding these services results in the proposal being not supportable, as such the proposal is recommended for refusal.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

Impact to Streetscape

The proposed development is not in character with the local area or the existing streetscape, acceptance of the development will detrimentally impact the character of the streetscape and the predominant low-density residential character of the area, including the adjoining heritage conservation area and nearby Heritage Items.

Flooding

The proposal has not demonstrated compliance with Clause 6.2 – Flood Planning within the Ashfield LEP 2013. Concerns are raised that the proposal is not compatible with the flood hazard of the land, that the development will significantly adversely affect flood behaviour and that the development will result in unsustainable social and economic costs to the community as a consequence of flooding.

Traffic and Parking

The development has not demonstrated that impacts of traffic and parking can be/have been mitigated through the design of the new building. The proposal is expected to result in traffic and parking impacts for the immediate locality, with an unreasonable reliance upon the public domain for servicing of the site.

Neighbouring Amenity

The applicant has failed to adequately demonstrate that the proposal will not significantly impact the amenity of neighbouring sites. The application is not accompanied by information regarding the day to day running of the premises and means to minimise the potential amenity impacts to neighbouring residents.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(f) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 14 days to surrounding properties. A total of two (2) submissions were received, however one of these submissions incorporated a petition with 27 signatures.

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

Issue: Impact to Streetscape

Comment: The proposed building design has been assessed by Council against the good design controls within the DCP and the AEP panel. Both assessments have found the proposal to be out of context with the streetscape and have as such recommended refusal.

Issue: Safety concerns regarding the basement

Comment: The proposed basement entrance and exit and layout has been assessed by Council's Development Engineer, who outlined no objection to the proposed basement design. Should the proposal be approved then appropriate conditions regarding compliance with relevant Australian Standards will be recommended for the consent.

Issue: Inadequate Access and Parking

Comment: The proposed rate of parking and access for servicing has been assessed above. The current design is considered not to be supportable and is recommended for refusal.

Issue: Already sufficient amount of hotels/serviced apartments

Comment: The number of existing development types is not a matter for consideration under the EPA Act 1979 and as such cannot be considered during an assessment of an application.

Issue: Loss of Privacy and Amenity

Comment: The proposal is not accompanied by a plan of management and as such mitigation of potential amenity impacts resulting from the development have not been adequately addressed, this is one recommended reason for refusal. Privacy impacts resulting from the current design are considered to be minimal, with the development incorporating minimal glazing and a 3m side boundary setback. Such measure minimise potential overlooking/ privacy impacts, as such they not been listed as a reason for refusal.

Issue: Impact from construction works

Comment: The application is currently recommended for refusal, however should the application be approved then appropriate conditions regarding traffic management will be incorporated into the consent.

Issue: Impact to neighbouring heritage items and conservation areas

Comment: The impact to neighbouring heritage items and conservation areas has been assessed under the good design controls and via the AEP comments received during assessment,

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 contrary to the public interest and is therefore recommended for refusal.

6 Referrals

6(a) Internal

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

- Environmental Health – The application was referred to the Environmental Health Team, who outlined no objection to the proposal, subject to suitable conditions of consent. Should the proposal be approved these conditions will form part of the recommended conditions.
- Resource Recovery – The proposal was reviewed by Council's Resource Recovery Team who outlined that the proposed waste collection method and storage area was not acceptable. The proposal has been subsequently recommended for refusal based upon the current waste scheme and impacts to the locality.
- Development Engineer – The proposal has been reviewed by Council's Development Engineer who outlined that the current scheme is likely to impact flood waters and that the scheme is not supported. The proposal is recommended for refusal based on the impact to flood waters
- Architectural Excellence Panel (AEP) – The development was reviewed by the AEP who outlined numerous concerns with the buildings frontage to Frederick Street and overall design. The panel have recommended that the proposal be refused based on

design outcomes and the impact to the streetscape, this recommendation has been adopted by Council.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Ausgrid – The application was referred to Ausgrid for comments. Ausgrid have outlined no objection to the development application, so long as a condition regarding working within proximity to overhead wires is implemented on any consent issued. This condition has been incorporated into conditions of approval, should the application be approved.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

8. Conclusion

The proposal does not generally comply with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. 10.2019.109.01 for demolition of existing structures and construction of a 3 storey serviced apartment building with 33 rooms, basement car parking, signage and associated landscape works at 164 Frederick Street.

Attachment A – Reasons for Refusal

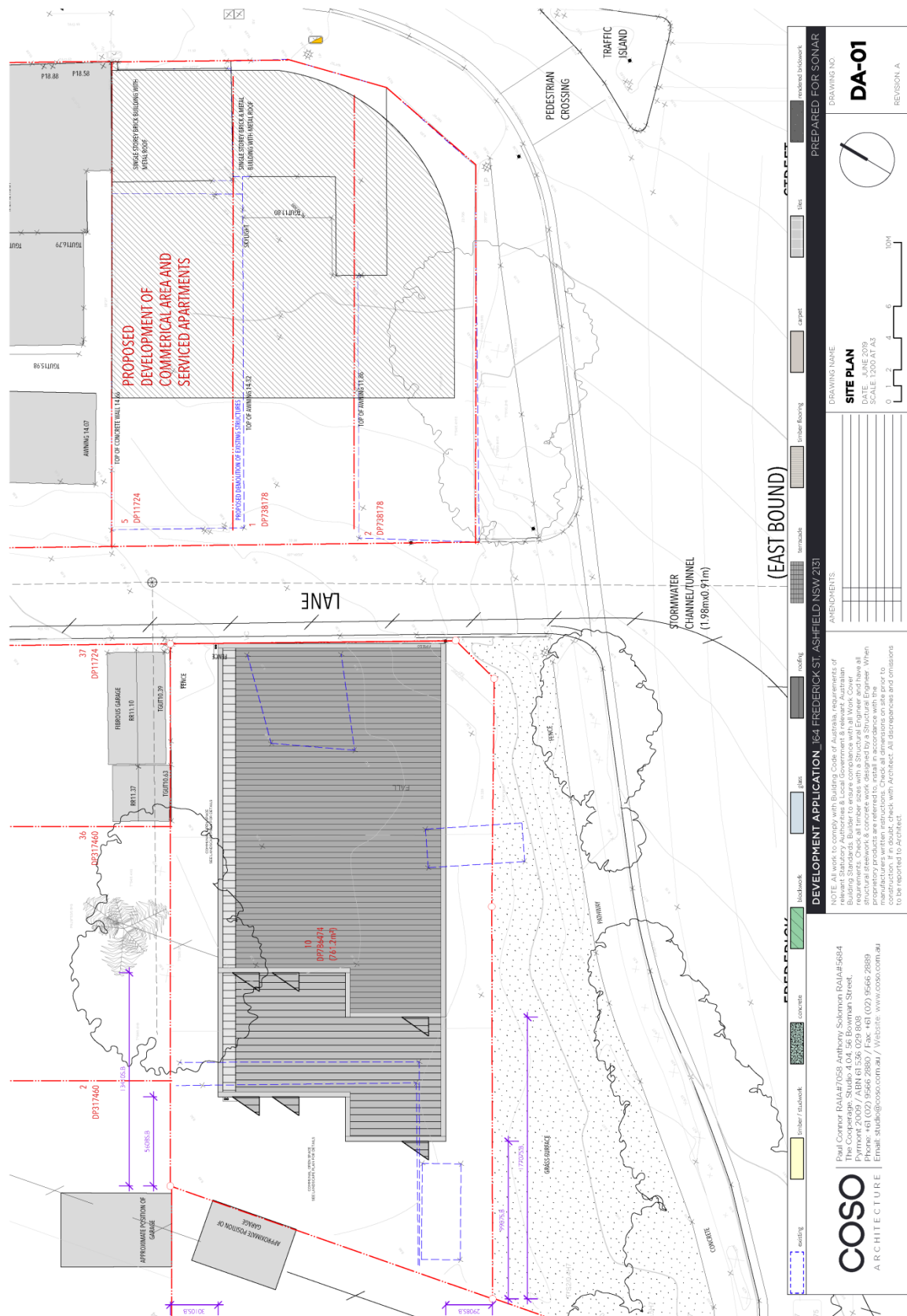
The Inner West Local Planning Panel, as the responsible authority, hereby refuses Development Application No. 10.2019.109.01 for demolition of existing structures and construction of a 3 storey serviced apartment building with 33 rooms, basement car parking, signage and associated landscape works at 164 Frederick Street for the following reasons:

1. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with clause 1.2 (g) – Aims of Plan of the *Ashfield Local Environmental Plan 2013*. The proposed development does not encourage the revitalisation of the Parramatta Road corridor in a manner that generates new local employment opportunities, improves the quality and amenity of the streetscape, and does not adversely affect adjacent residential areas.
2. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, a formal request under clause 4.6 – Exceptions to development standards to vary the Height of Buildings development standard has not been submitted.
3. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the objectives of the height of buildings control under Clause 4.3 of the *Ashfield Local Environmental Plan 2013*.
4. The proposal does not satisfy Clause 6.2 – Flood Planning of the *Ashfield Local Environmental Plan 2013*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
5. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the Comprehensive Inner West Development Control Plan 2016, A Miscellaneous as follows:
 - a. Part 2 – Good Design – the scale and form of the proposal does not adequately respond and contribute to its context and surrounding streetscape and is not considered acceptable.
 - b. Par 3 – Flood Hazard – the proposal has not demonstrated compliance with the requirements for new developments within areas identified as being flood prone. The proposal will result in additional flooding impacts for neighbouring sites through the displacement of water onto neighbouring land.
 - c. Part 8 – Parking – the proposed rate of parking is not sufficient to enable adequate servicing of the site and ensure minimal environmental impact for the locality
6. In accordance with Section 4.15(1)(b) of the *Environmental Planning and*

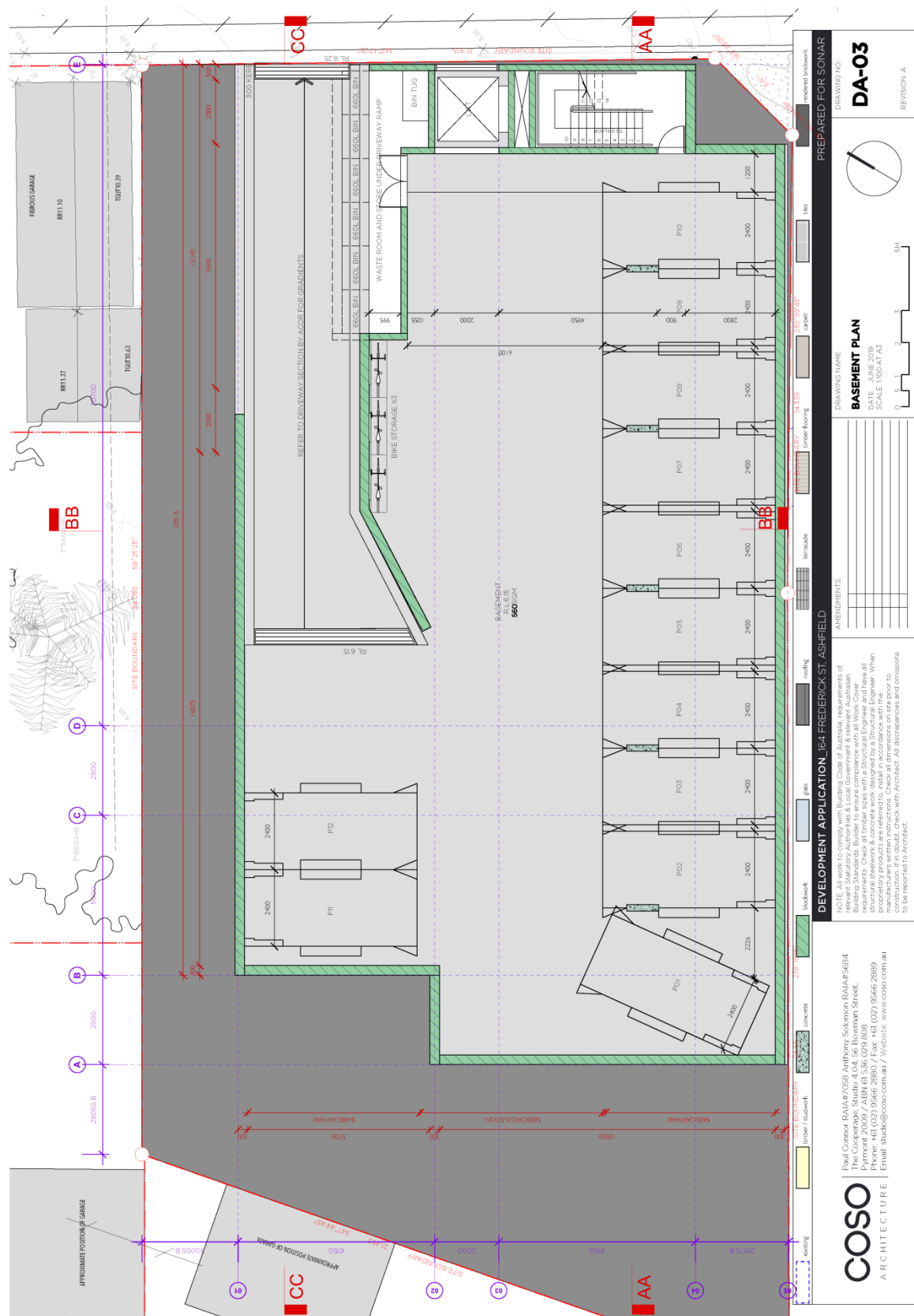
Assessment Act 1979, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

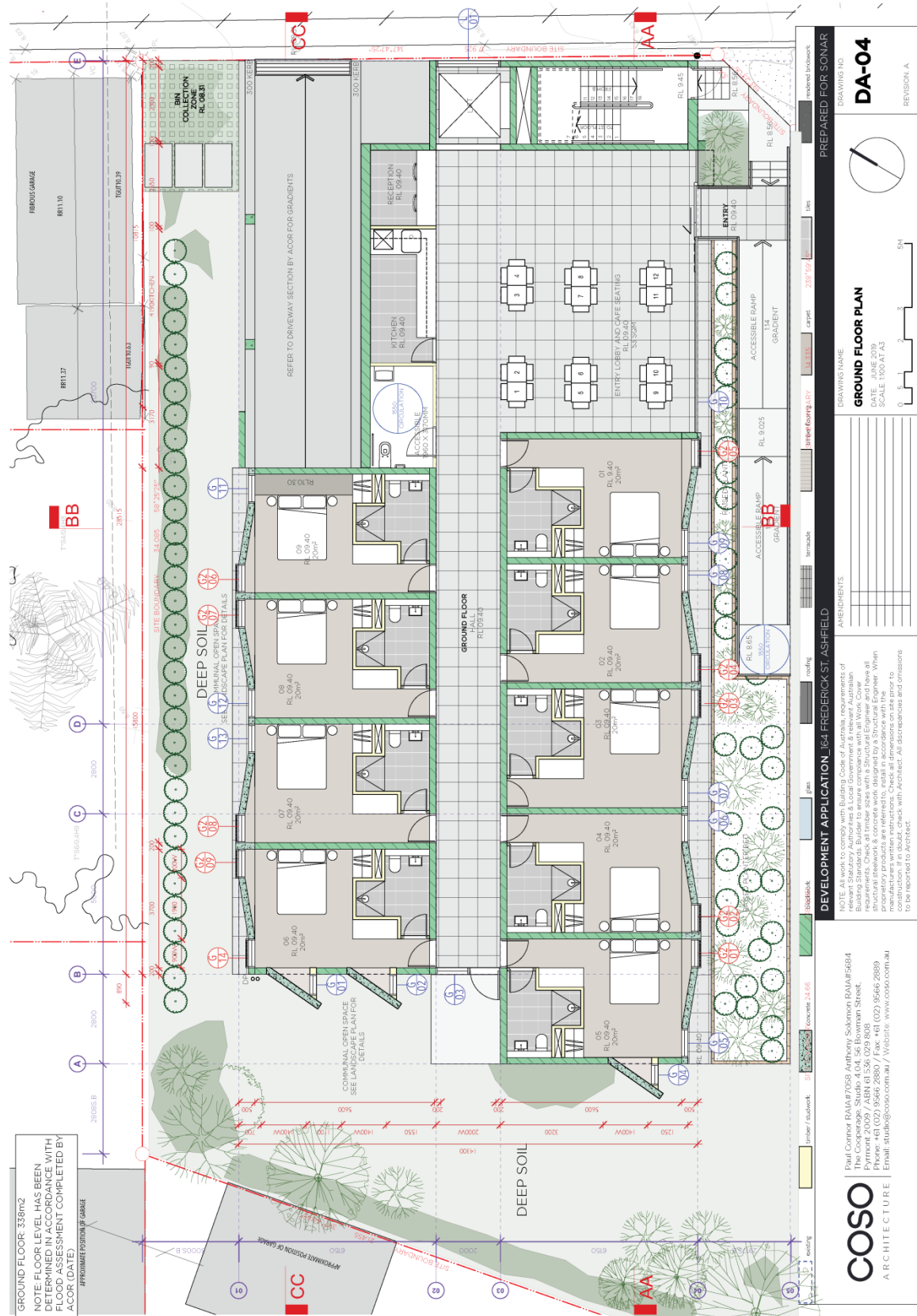
7. Pursuant to the provisions of Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposal would not be in the public interest.

Attachment B – Plans of proposed development

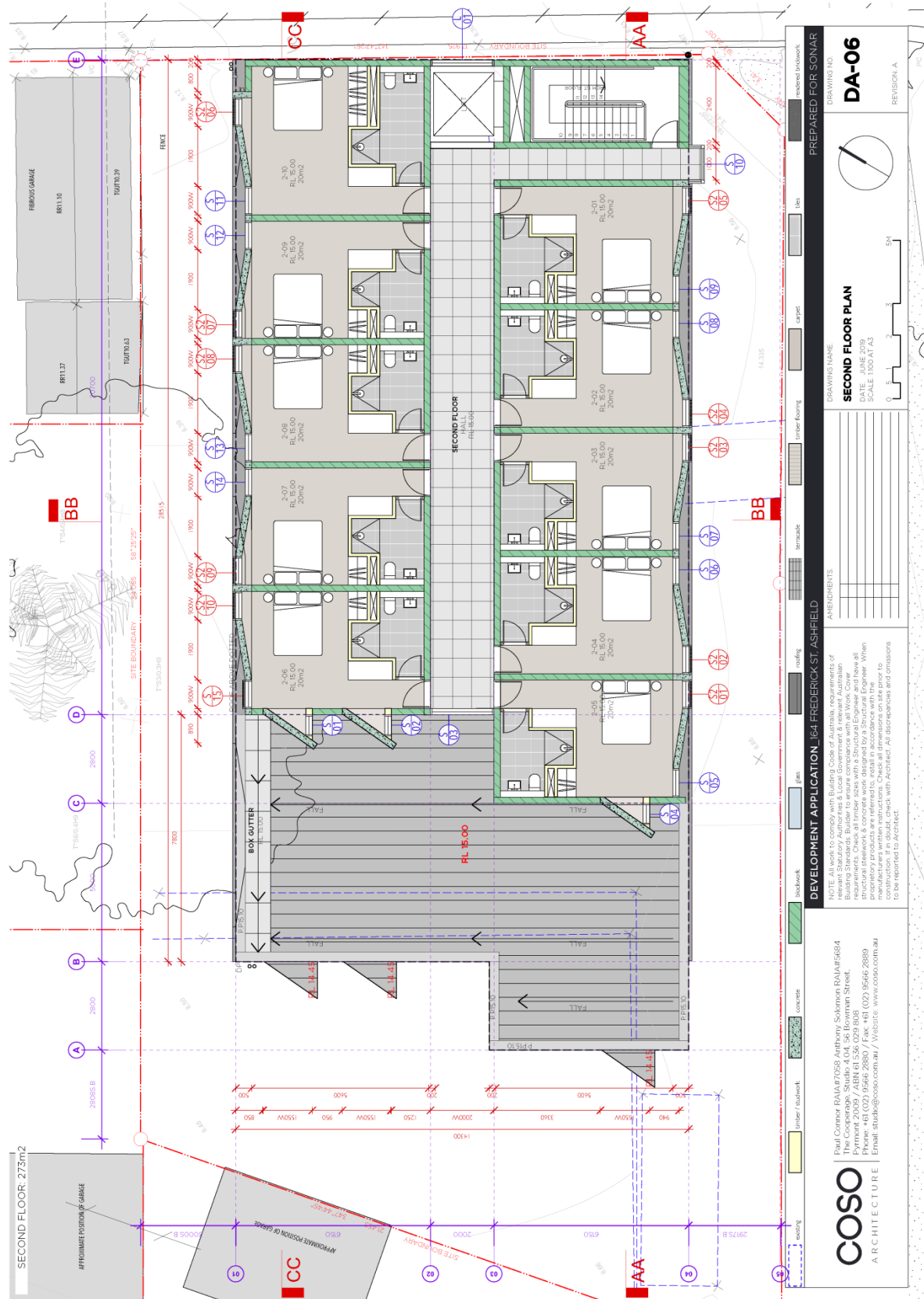




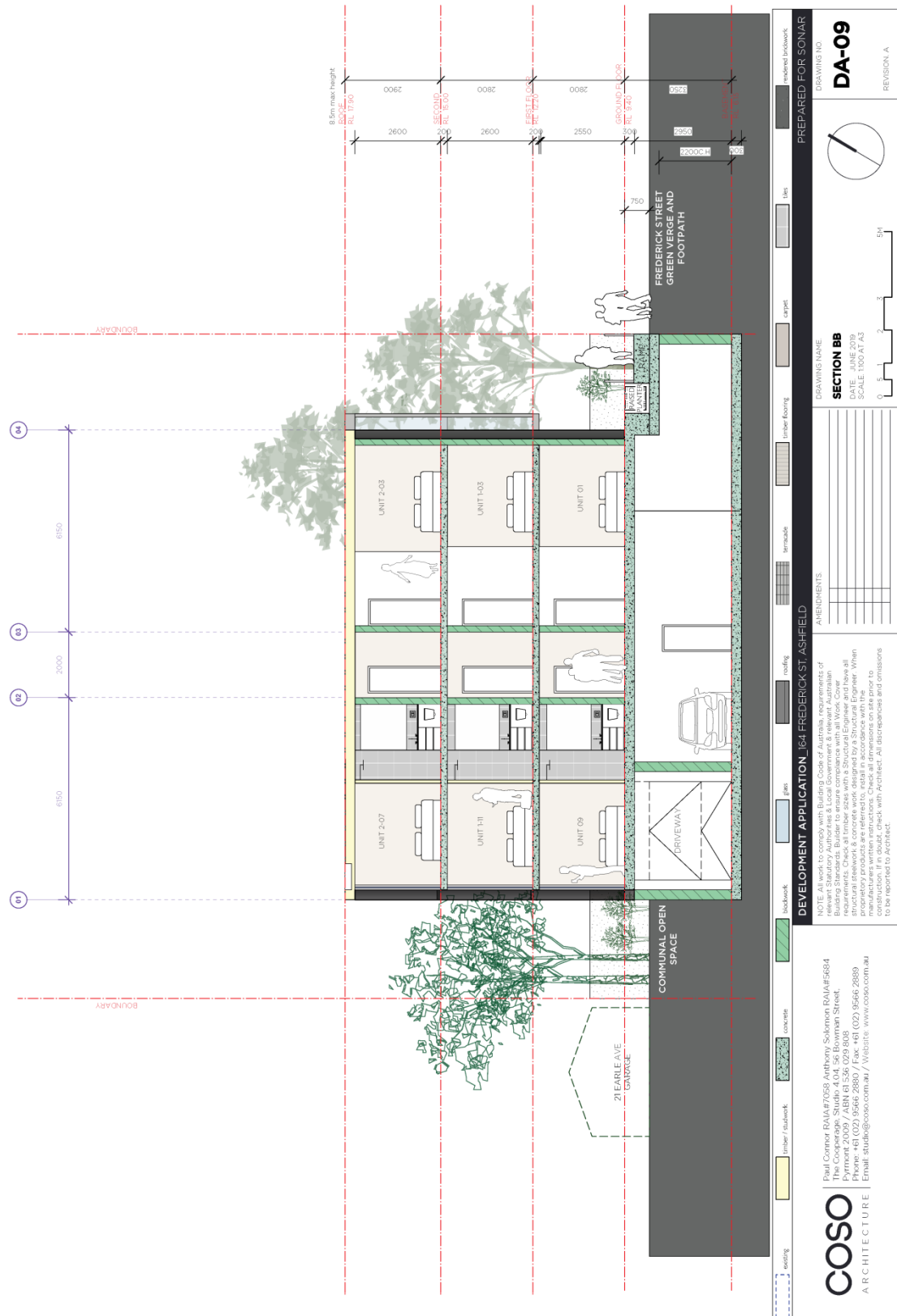


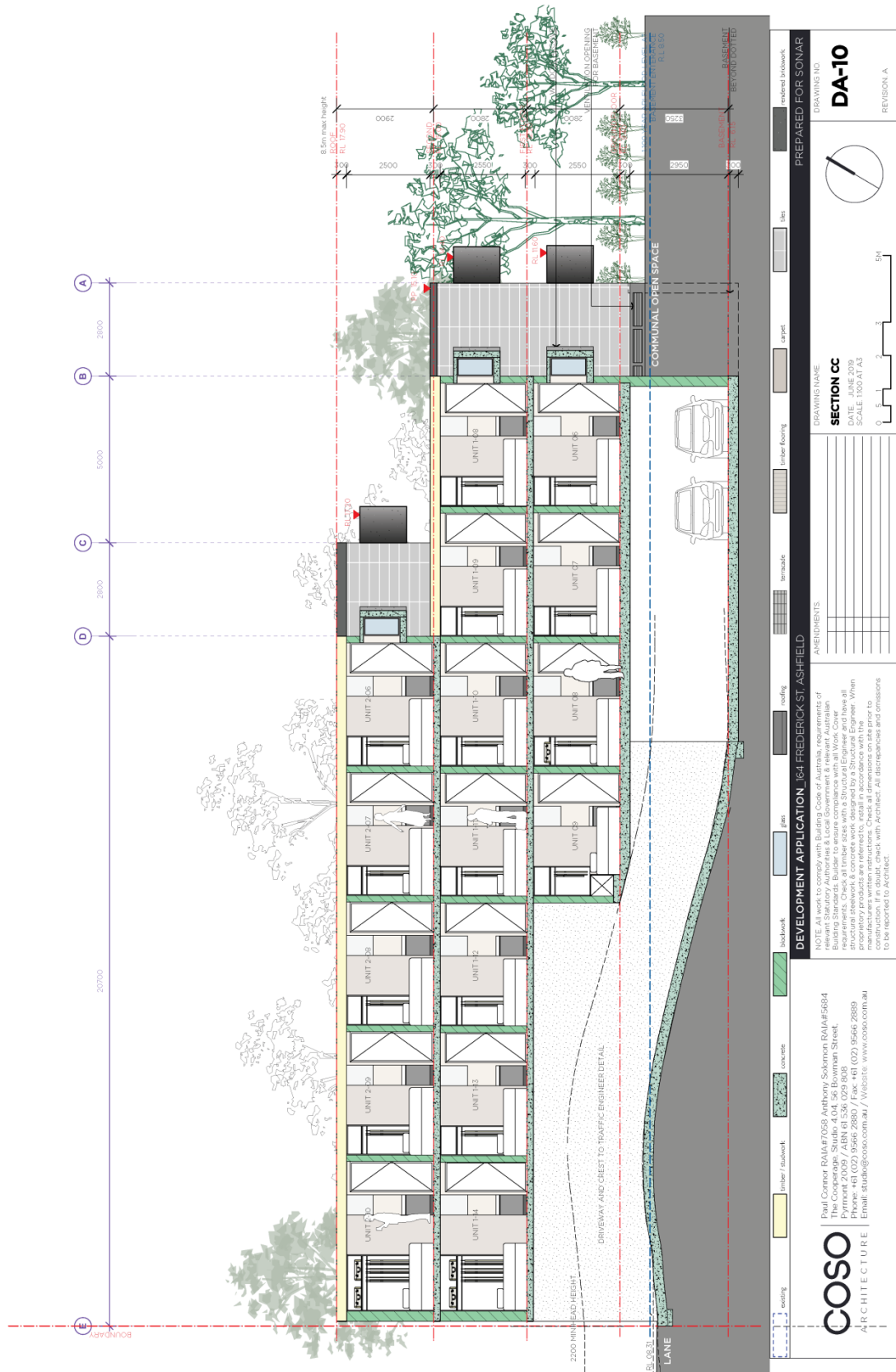


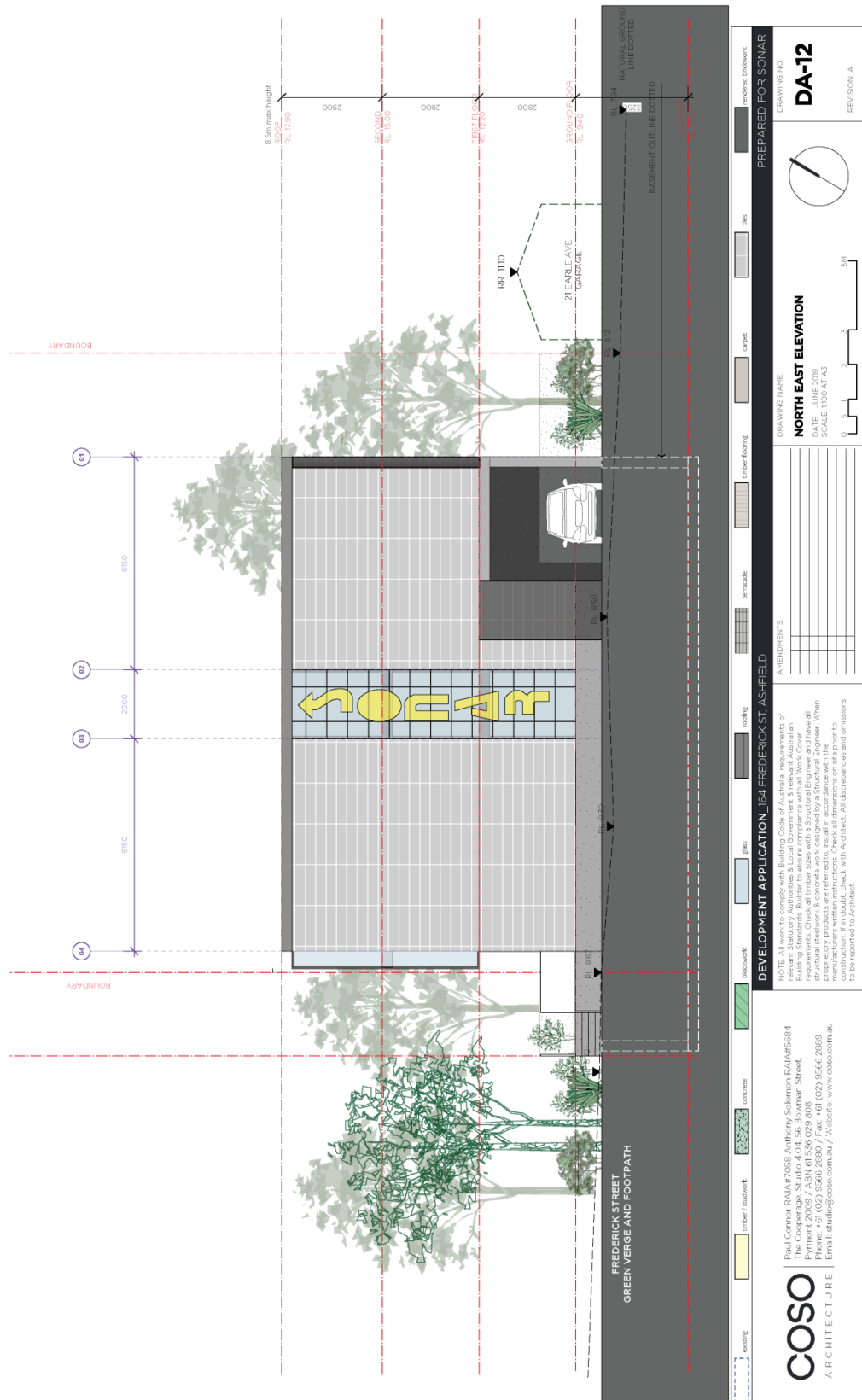


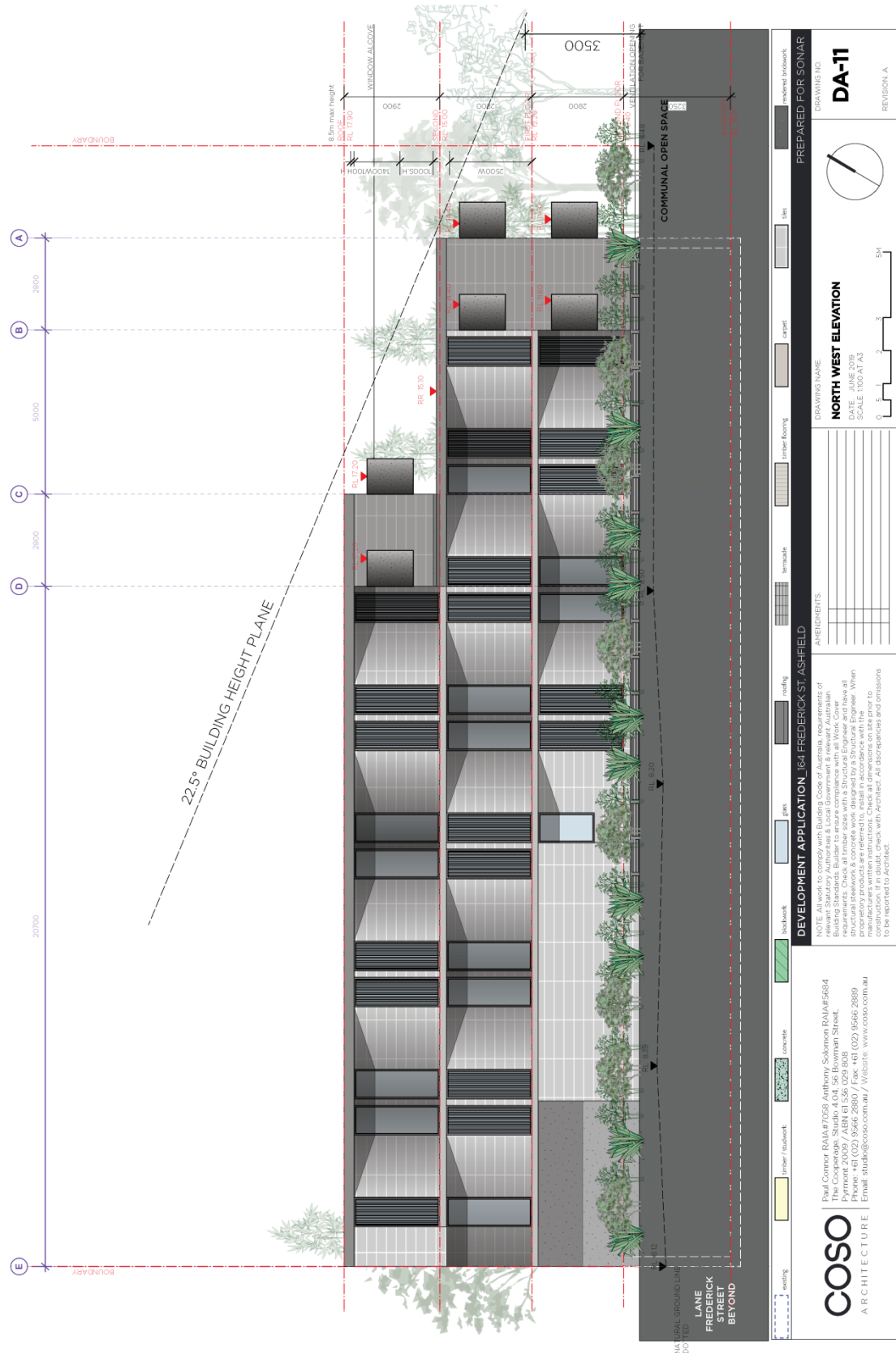


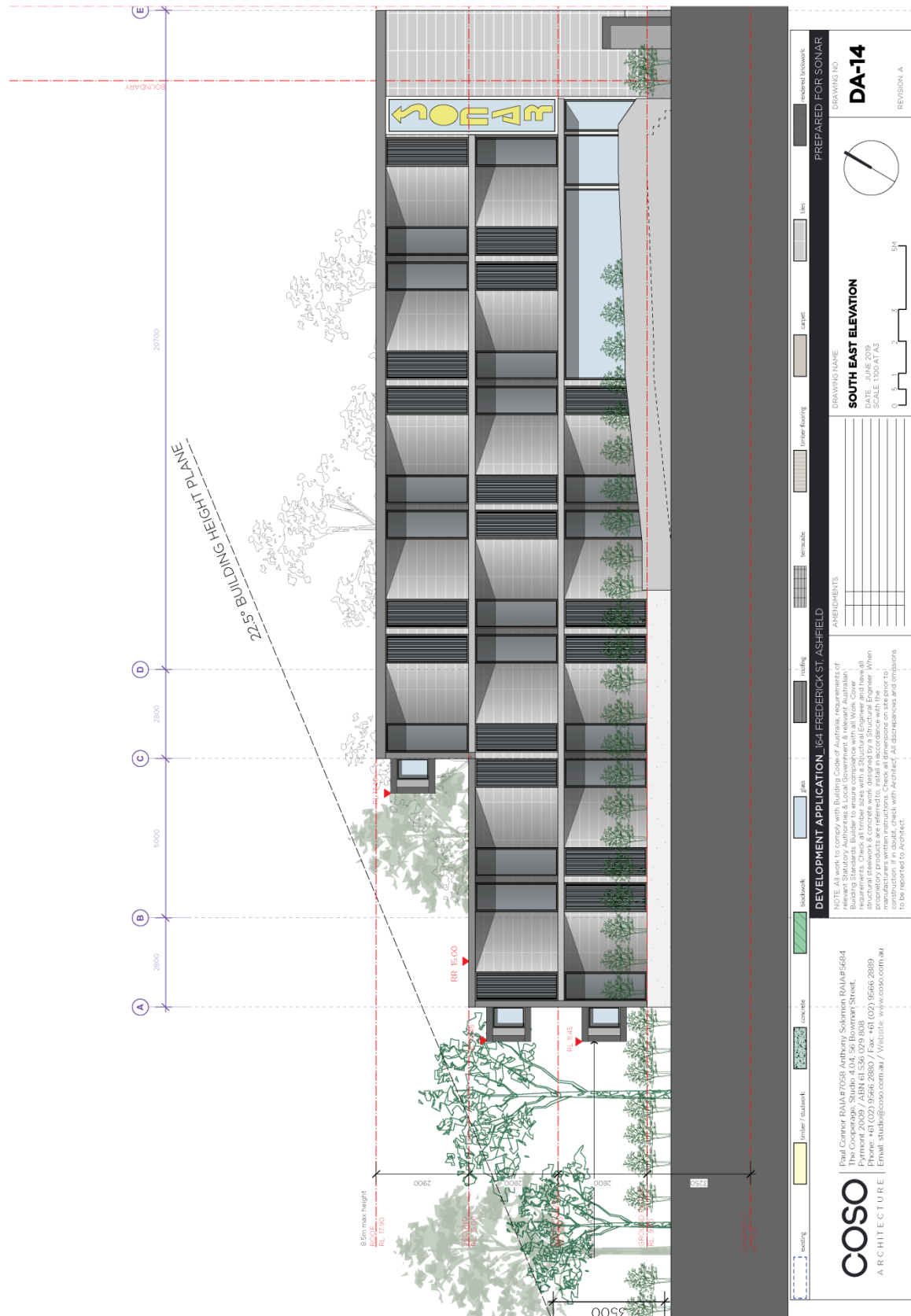










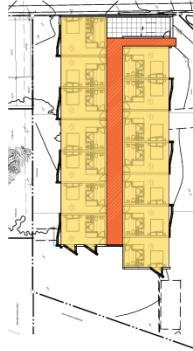




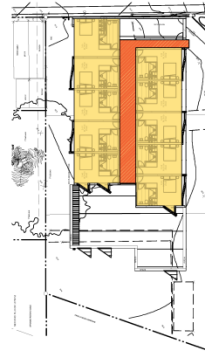
CALCULATIONS	
SITE AREA	761m ²
SITE COVERAGE	429m ² 56%
PRIVATE OPEN SPACE	332m ² 44%
COUNCIL FSR	1:5:1
PROPOSED FSR	1:3:1



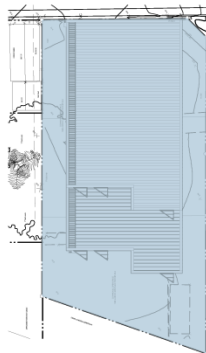
GROUND 338sqm
common area 106.35sqm



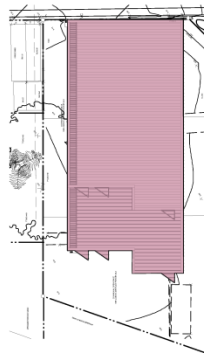
FIRST FLOOR 377sqm
common area 57.55sqm



SECOND FLOOR 273sqm
common area 41.95sqm



SITE AREA 761sqm



SITE COVERAGE 429sqm

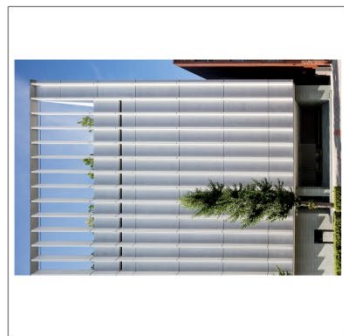


LANDSCAPING
GARDEN 211m2
LAWN 86m2

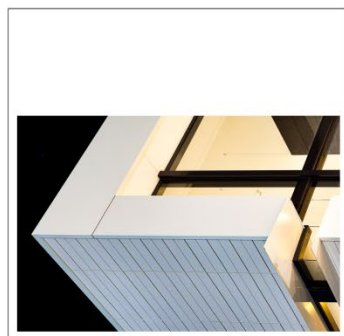
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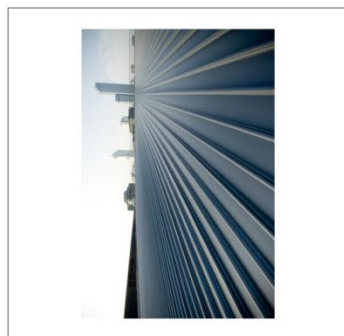
GLAZING
glass fin system with spider fixings
toughened glass with transparent finish.



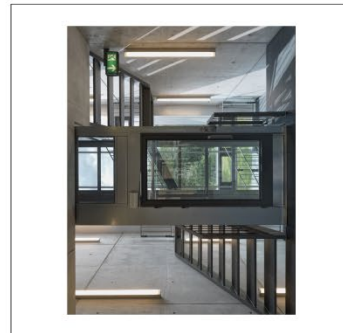
LANE ELEVATION FACADE
CONCEPT



FACADE
Blockwork with terracotta cladding
TN Glazed finish in brilliant white
1188 X 300 X 14



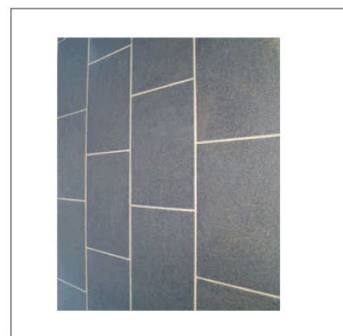
ROOF
Metal
Colourbond Klip-Lok 700mm
Hi Strength
Colour to be determined



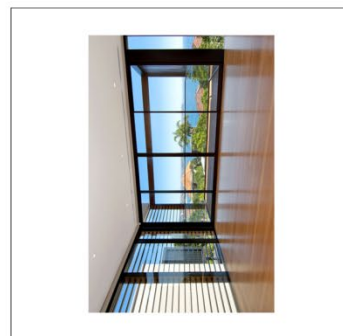
GLASS LIFT SYSTEM



OUTDOOR PLANTERS

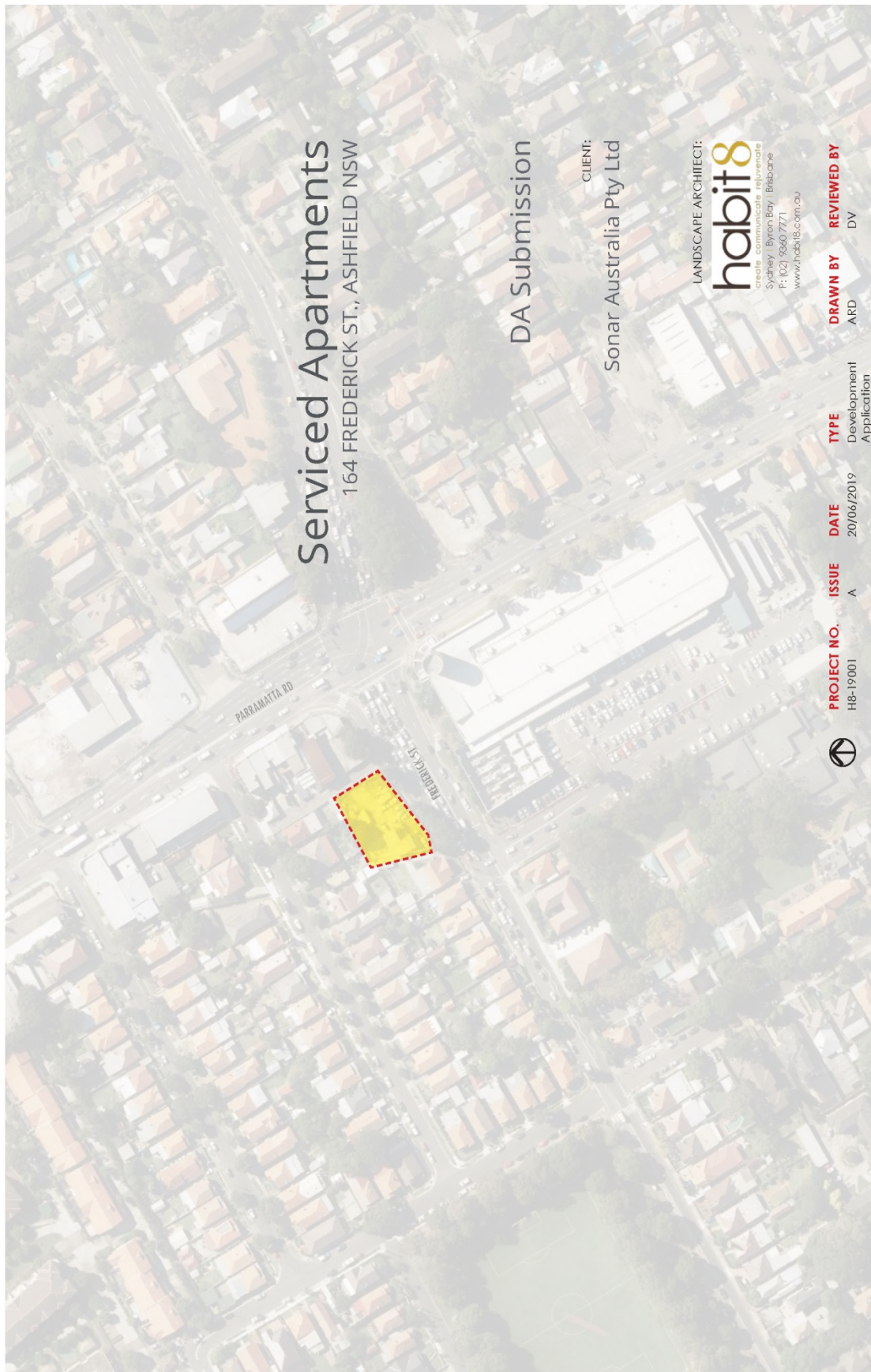


EXTERNAL PAVERS
Granite paving tiles in dark grey with a flamed (suitable for external application) finish



WINDOW FRAMING
Metal
Black Anodised Aluminium Frame

[illegible]



LANDSCAPE CONCEPT PLAN

Prepared for: Sonar Australia Pty Ltd

KEY PLAN



LEGEND

- 1 6m Screen trees (E.g. Blueberry Ash)
- 2 Stepping stone maintenance path
- 3 Lawn (deep soil)
- 4 Large native trees (8-10mts ht)
- 5 Garden edging (steel)
- 6 5m ht native trees (ex. Tuckeroo)
- 7 2m ht screening hedge (E.g. Syzygium sp.)
- 8 Raised planter box
- 9 Palms at entry
- 10 Bin collection zone



Client	SONAR	Project	SERVICED APARTMENTS	Project No.	H8-19001	Title	LANDSCAPE CONCEPT PLAN	Purpose	Development Application	Scale	1:200@A3	Issue	A	Date	20.06.2019	Drawn	ARD	Checked	DV	Page	2
<div>habiti8</div> <div>415 2 8880 7711</div> <div>Email: david@habiti8.com.au</div>																					

LANDSCAPE PLANTING STRATEGY

PLANTING PALETTE

PLANT SCHEDULE

TREES + PALMS

Archontophoenix cunninghamiana
Livistona australis
Strelitzia reginae
Cyathochaeta cooperi
Cupressus anacardioides
Dracaena draco
Magnolia grandiflora - little gum
Warburgia
Bambusa dolichomerithalia 'Silverstripe'
Plumeria rubra
Howea forsteriana

SHRUBS

Acacia smithii minor
Buxus microcarpa japonica
Philodendron xanadu
Cardinalis fruticosa rubra
Agave attenuata
Yucca elephantipes
Viburnum adamsianum
Metrosideros lili fire
Grevillea robusta garden
Callistemon white anzac
Syringum australe southern form
Dryanthes azevada
Strelitzia reginae
Beschermetia yuccoides
Bromeliad spp
Metrosideros thomsonii

GROUND COVERS

Trachelospermum jasminoides
Liriodendron evergreen giant
Clivia miniata
Carpenteria glauca
Phormium tenax baby
Convolvulus sabaeus
Viola baderacea
Dichandra silver falls
Lomandra tanika
Hardenbergia violacea
Myoporum parvifolium
Grevillea royal mantle



Prepared for: Sonar Australia Pty Ltd

DESIGN PRECEDENT IMAGES

habit8

412 880 771
Email: david@habit8.com.au

Page 3

Checked DV

Drawn ARD

Date 20.06.2019

Issue A

Scale N.A.

Purpose Development Application

Project Title LANDSCAPE PLANTING STRATEGY

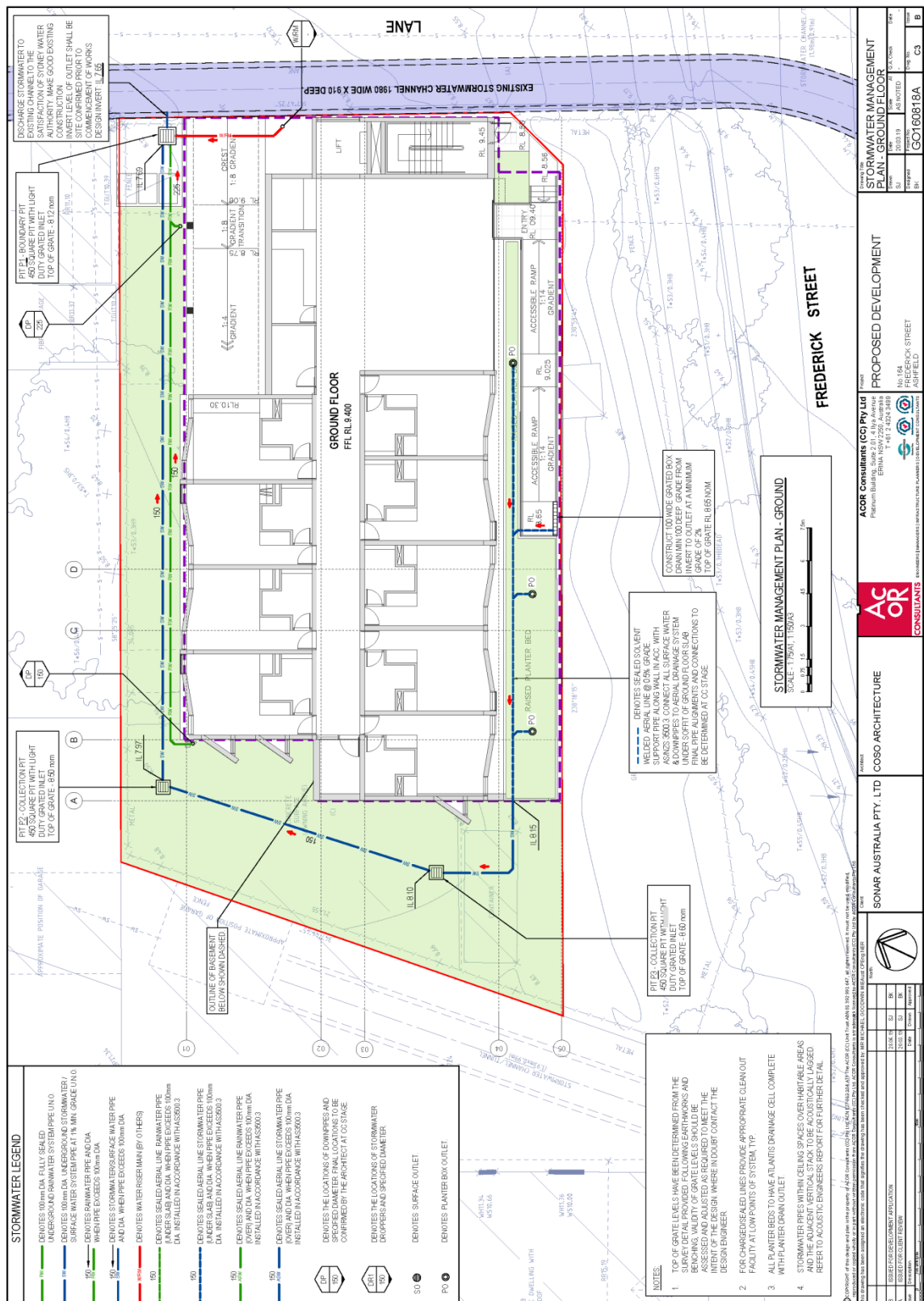
Project No. HB-19001

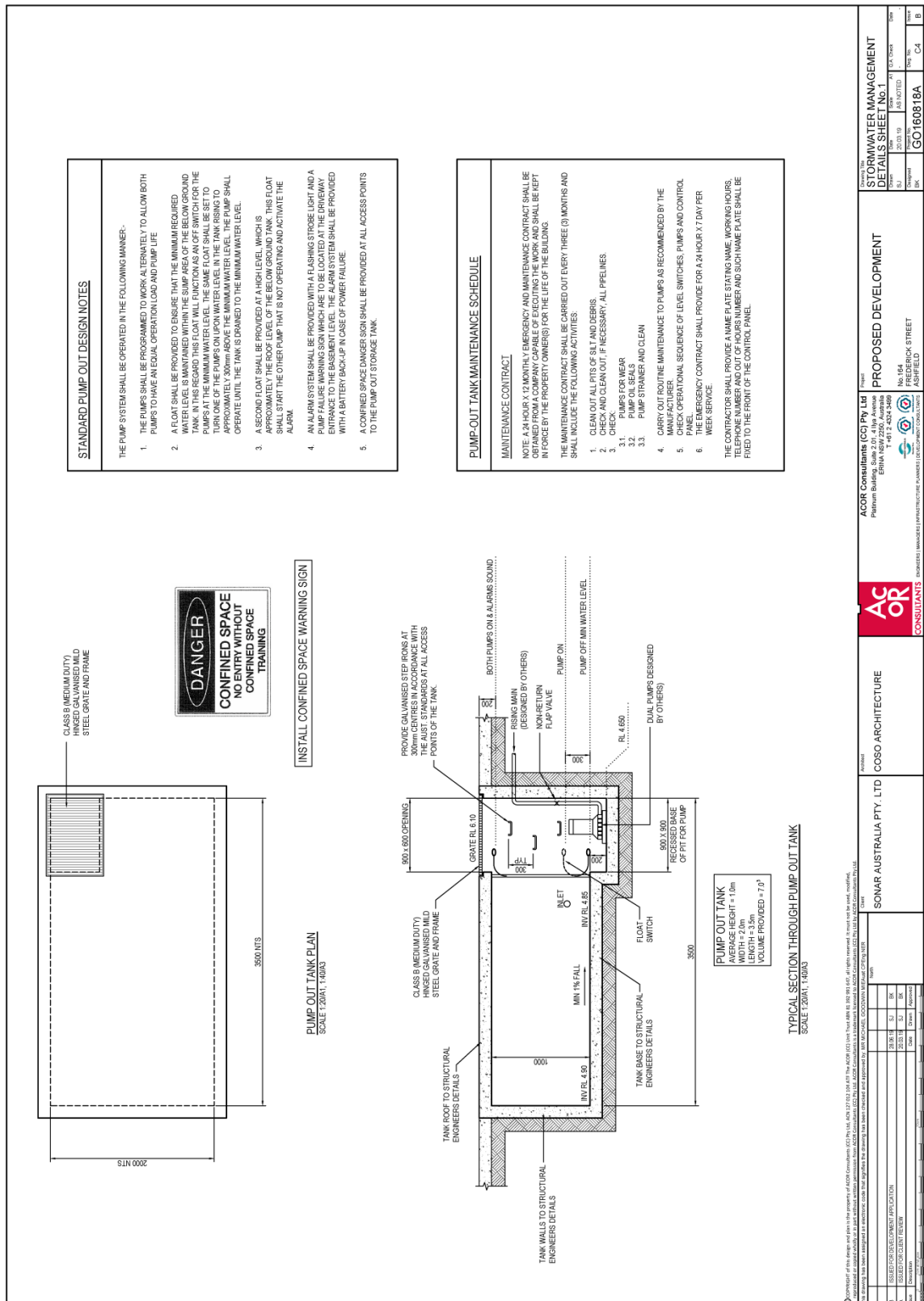
Project SERVICED APARTMENTS

Client SONAR

PAGE 498









PAGE 503

SD 6-7

SEDIMENT FENCE

CONSTRUCTION NOTES:

1. CONSTRUCT SEDIMENT FENCE AS CLOSE AS POSSIBLE TO THE BOUNDARY OF THE SITE.
2. FENCE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE HEIGHT.
3. FENCE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE WIDTH.
4. FENCE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
5. FENCE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
6. FENCE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.

SD 6-14

STABILISED SITE ACCESS

CONSTRUCTION NOTES:

1. STABILISED SITE ACCESS IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE HEIGHT.
2. STABILISED SITE ACCESS IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE WIDTH.
3. STABILISED SITE ACCESS IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
4. STABILISED SITE ACCESS IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
5. STABILISED SITE ACCESS IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.

SD 6-17

TEMPORARY CONSTRUCTION EXIT

CONSTRUCTION NOTES:

1. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE HEIGHT.
2. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE WIDTH.
3. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
4. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
5. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.

SD 6-9

GEOTEXTILE INLET FILTER

CONSTRUCTION NOTES:

1. GEOTEXTILE INLET FILTER IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE HEIGHT.
2. GEOTEXTILE INLET FILTER IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE WIDTH.
3. GEOTEXTILE INLET FILTER IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
4. GEOTEXTILE INLET FILTER IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
5. GEOTEXTILE INLET FILTER IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.

SD 4-1

STOCKPILES

CONSTRUCTION NOTES:

1. STOCKPILE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE HEIGHT.
2. STOCKPILE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE WIDTH.
3. STOCKPILE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
4. STOCKPILE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
5. STOCKPILE IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.

SD 9-1

UTILITY CONSTRUCTION

CONSTRUCTION NOTES:

1. UTILITY CONSTRUCTION IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE HEIGHT.
2. UTILITY CONSTRUCTION IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE WIDTH.
3. UTILITY CONSTRUCTION IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
4. UTILITY CONSTRUCTION IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
5. UTILITY CONSTRUCTION IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.

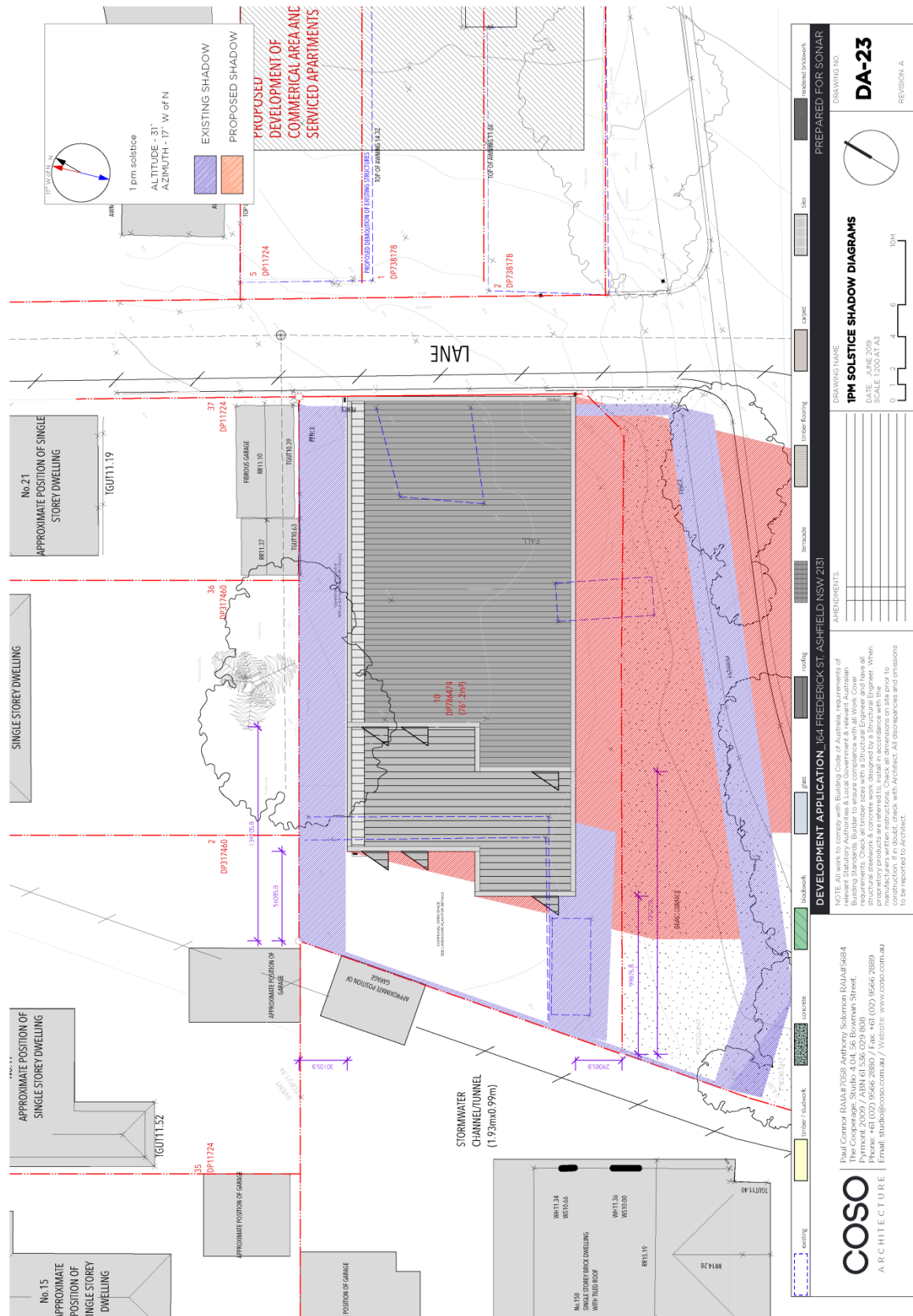
SD 10-1

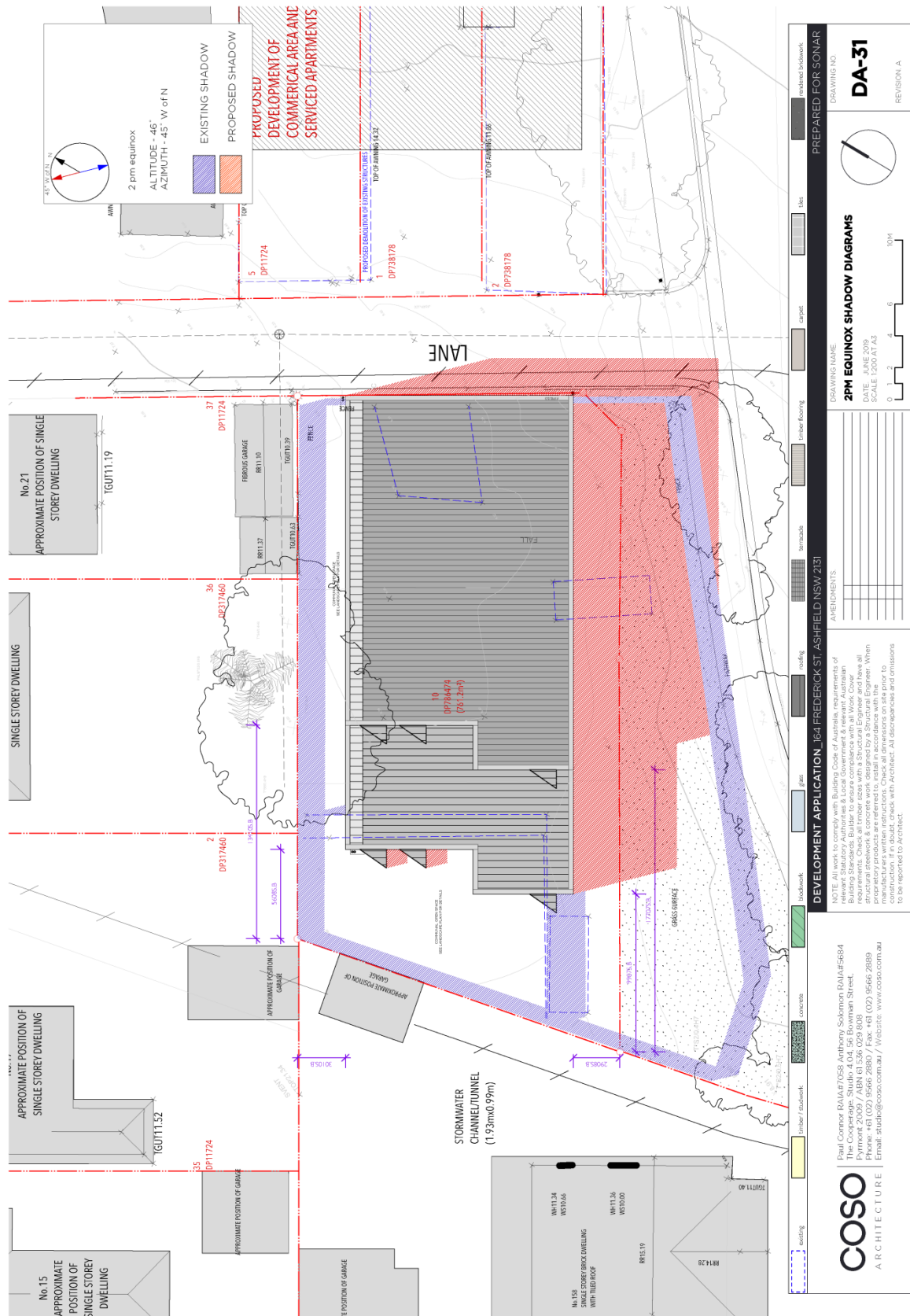
TEMPORARY CONSTRUCTION EXIT

CONSTRUCTION NOTES:

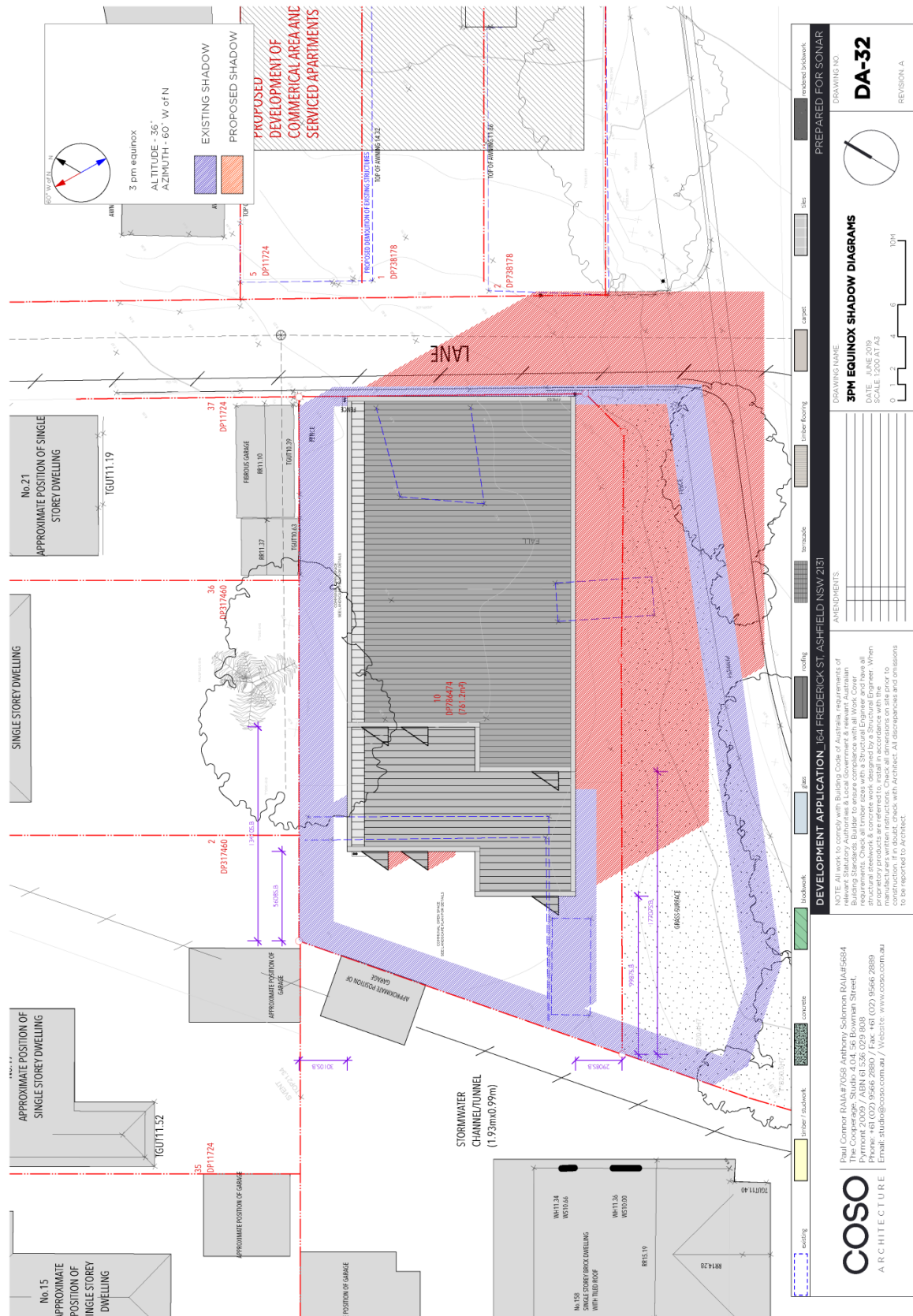
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3. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
4. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.
5. TEMPORARY CONSTRUCTION EXIT IS TO BE CONSTRUCTED TO A MINIMUM OF 1.0 METRE SPACING.

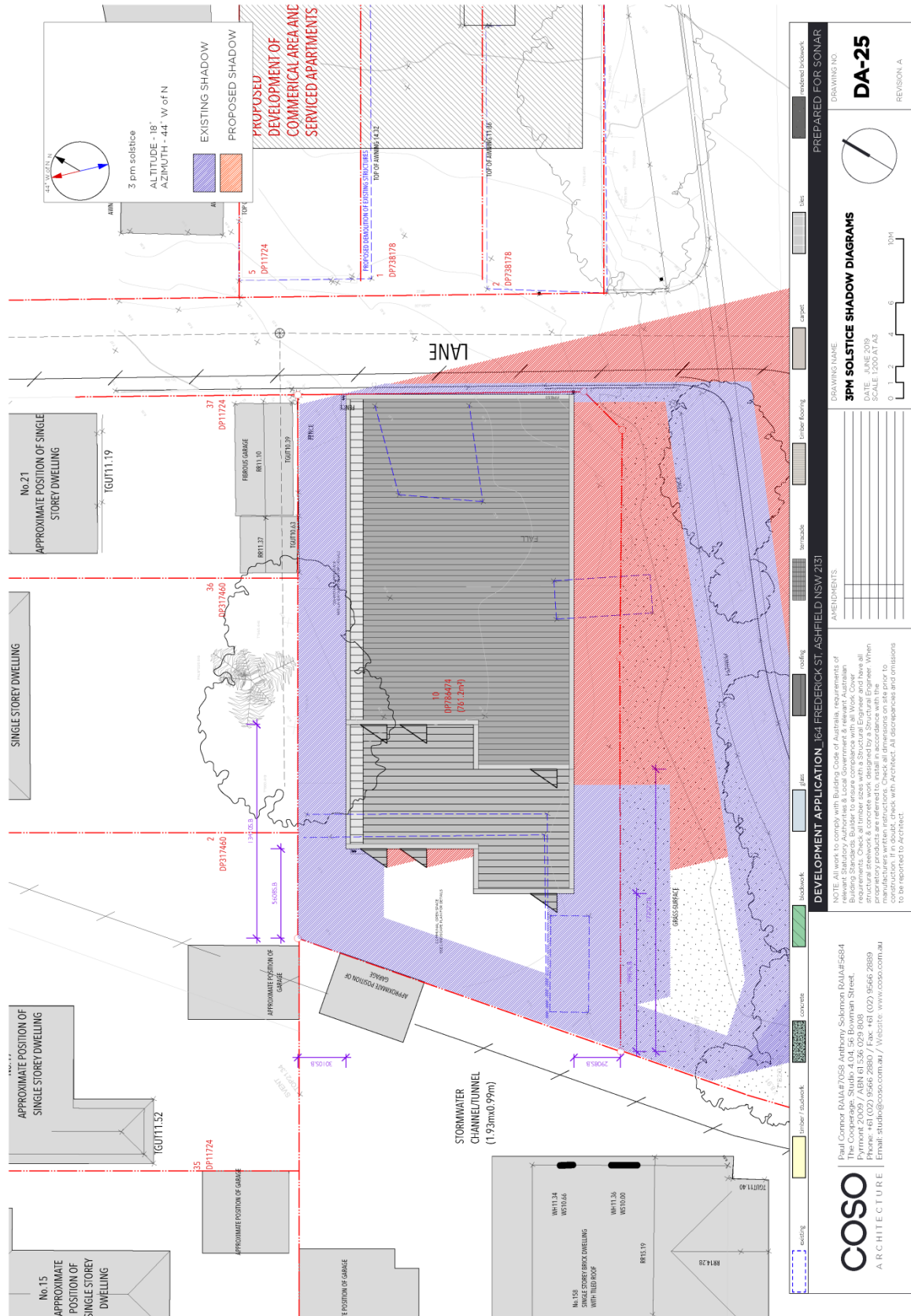




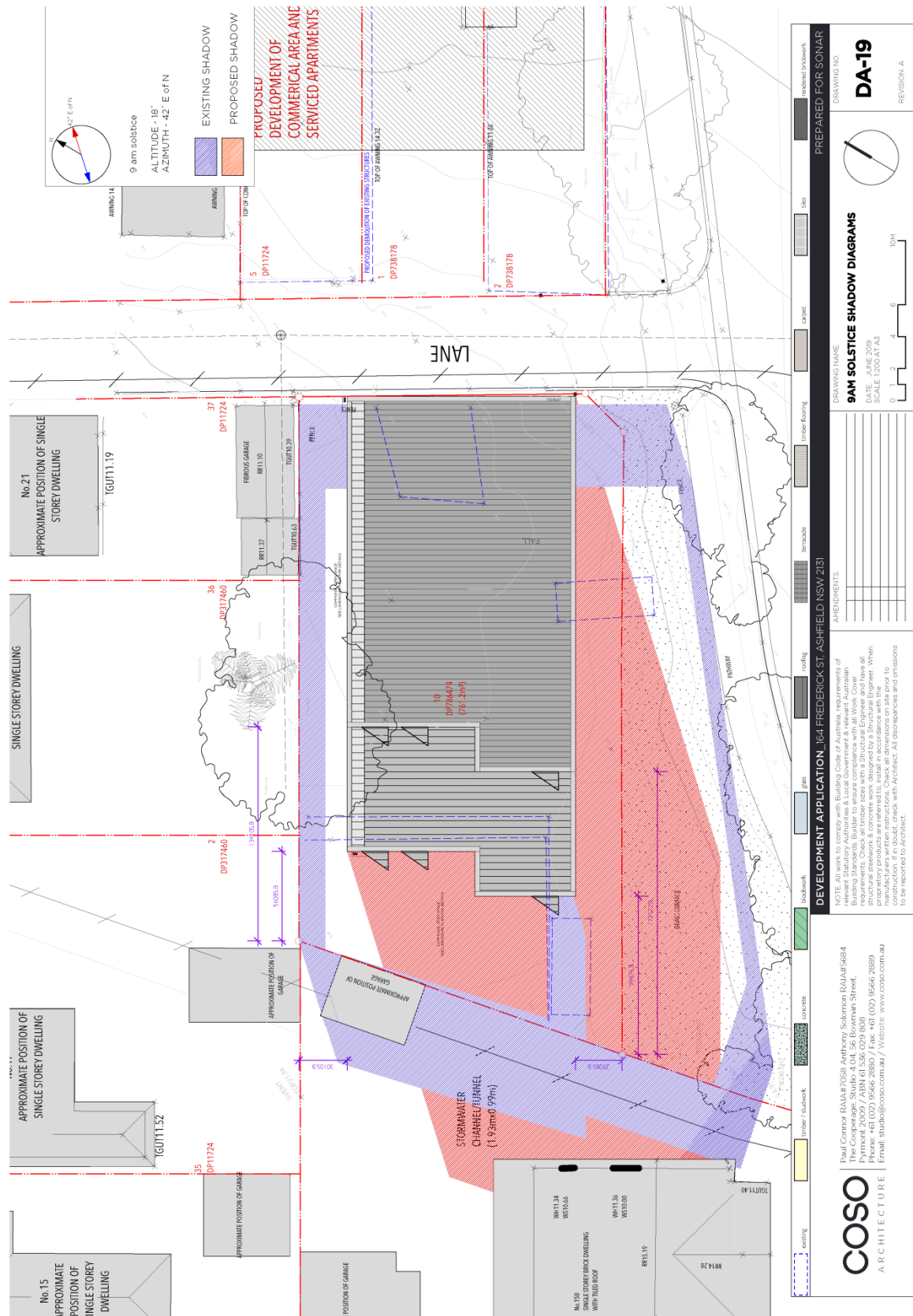


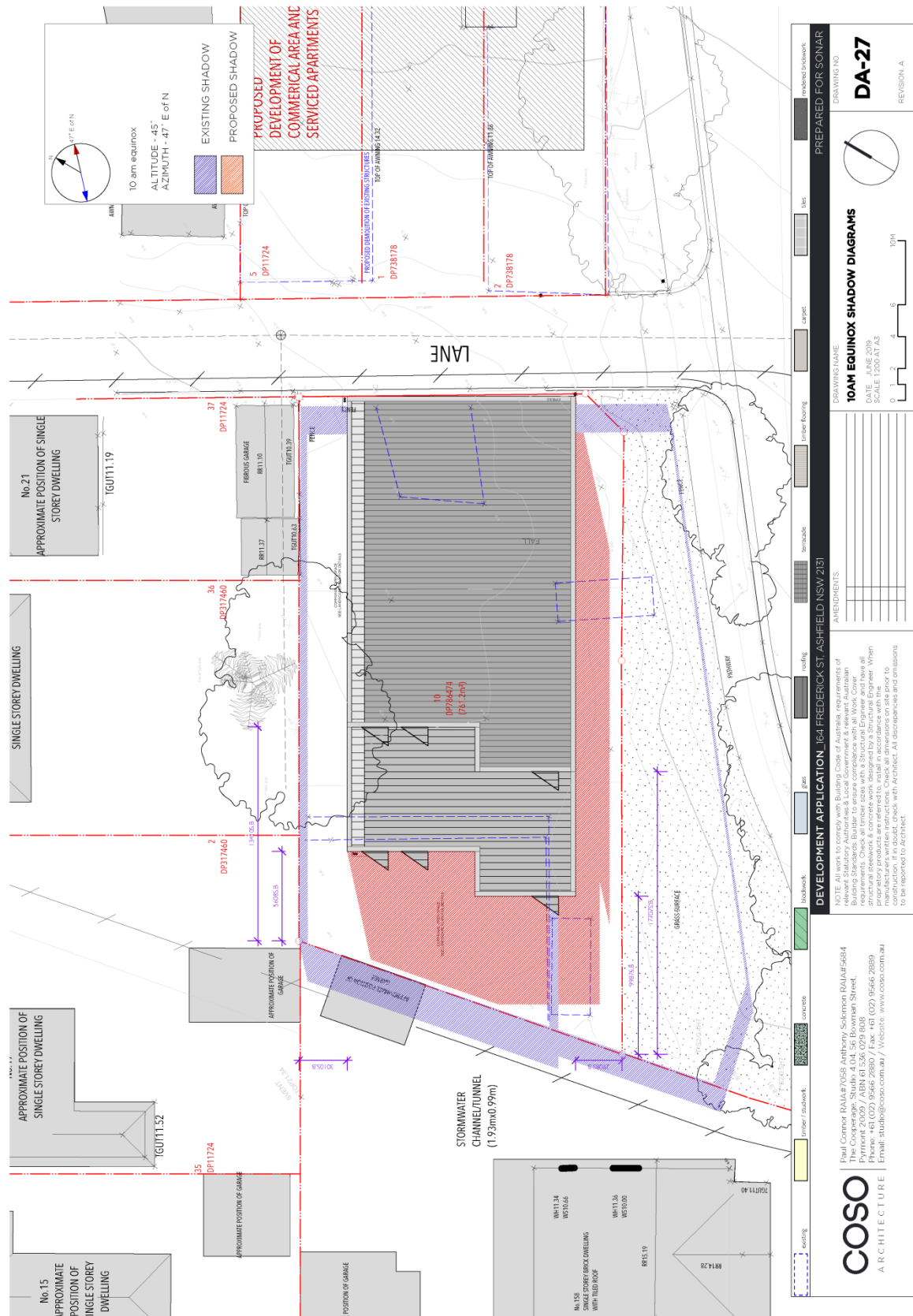


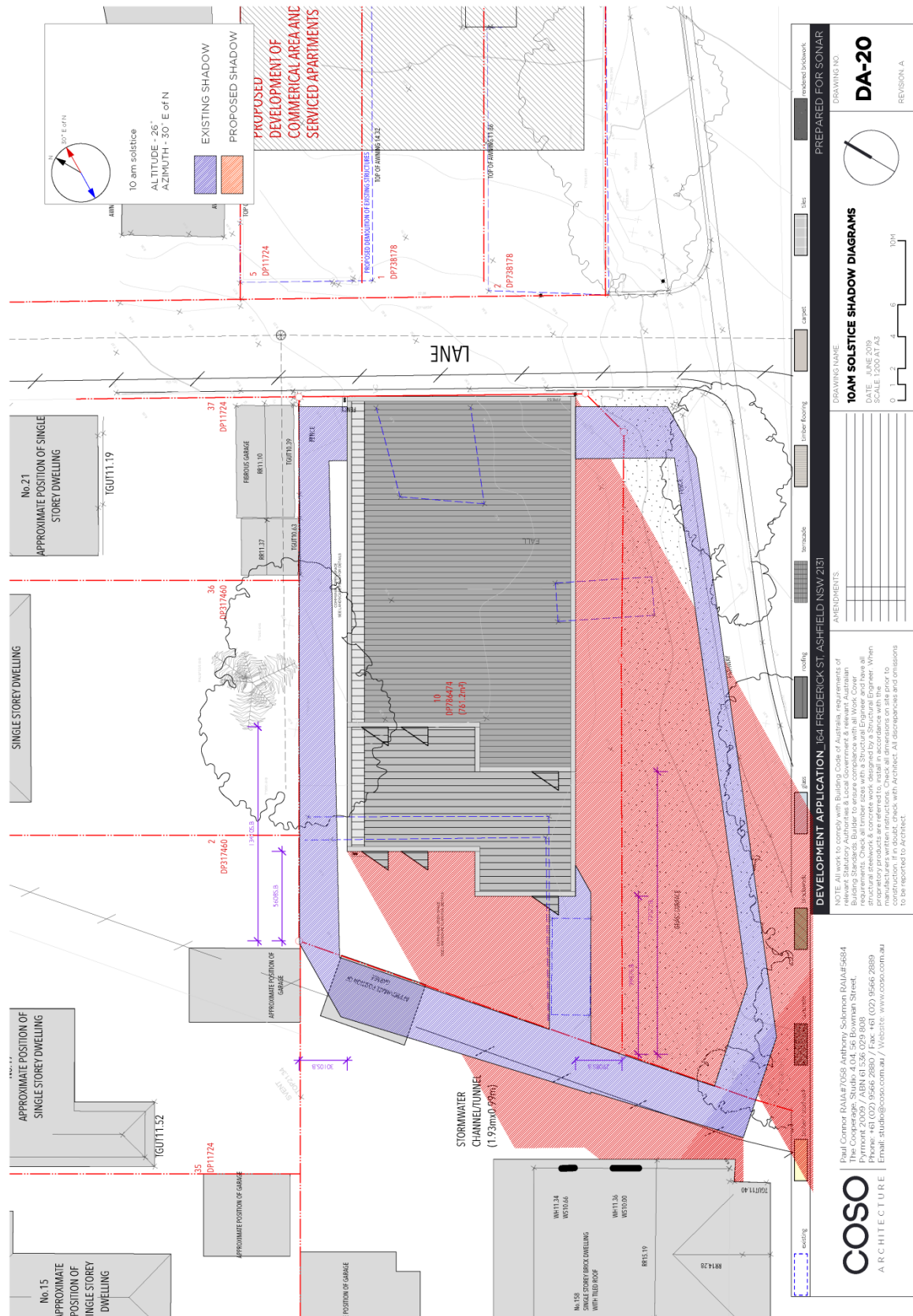


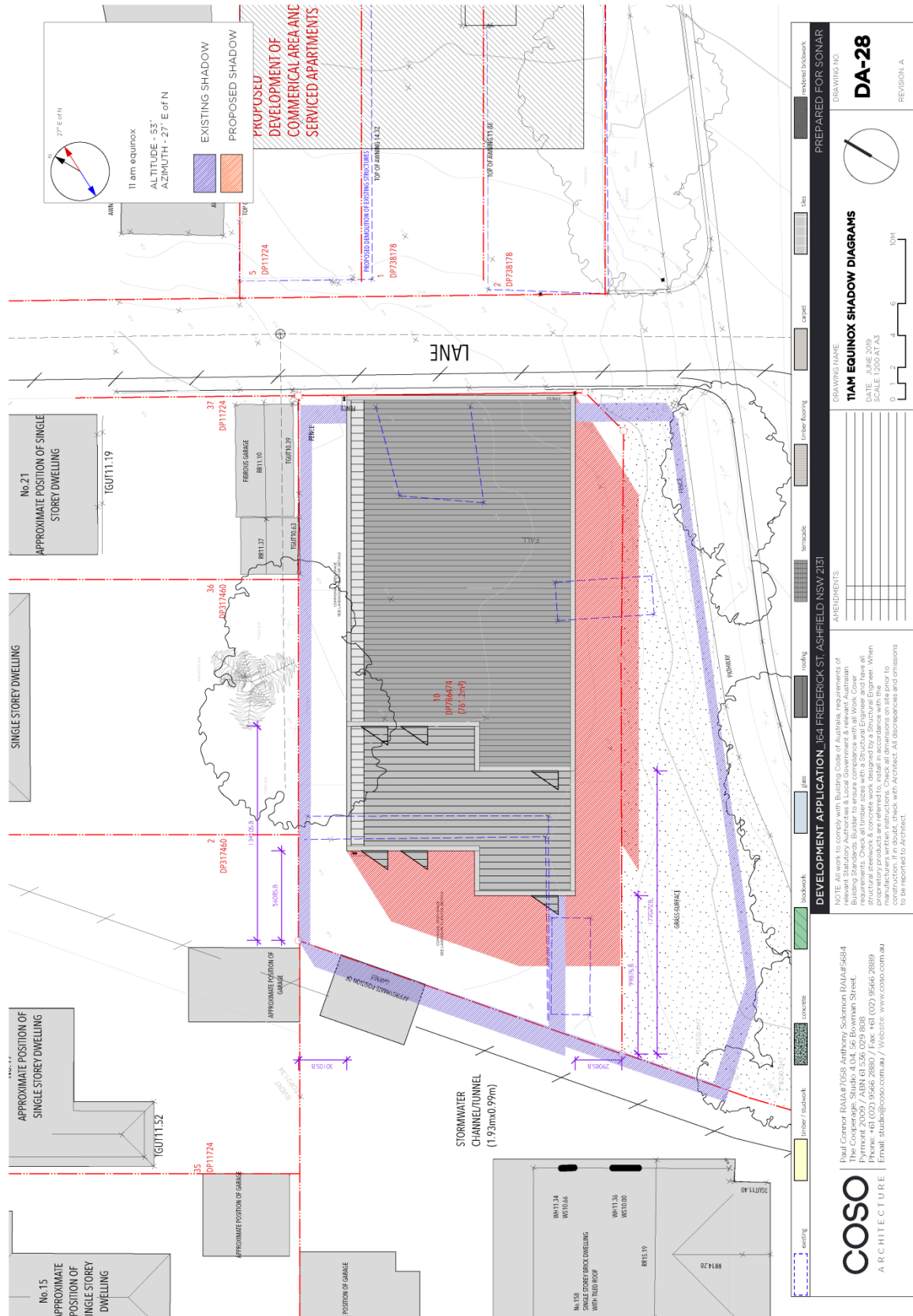


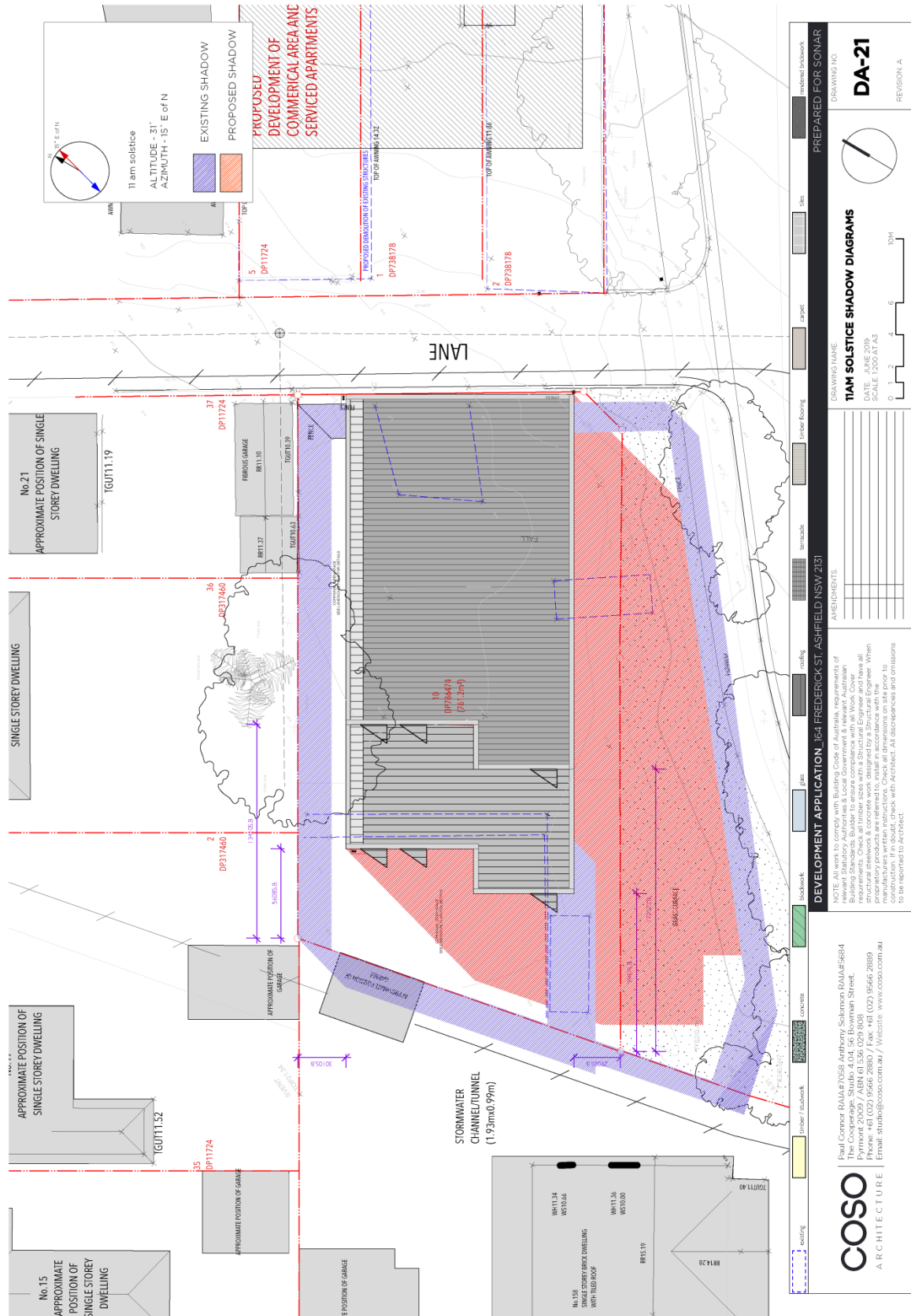


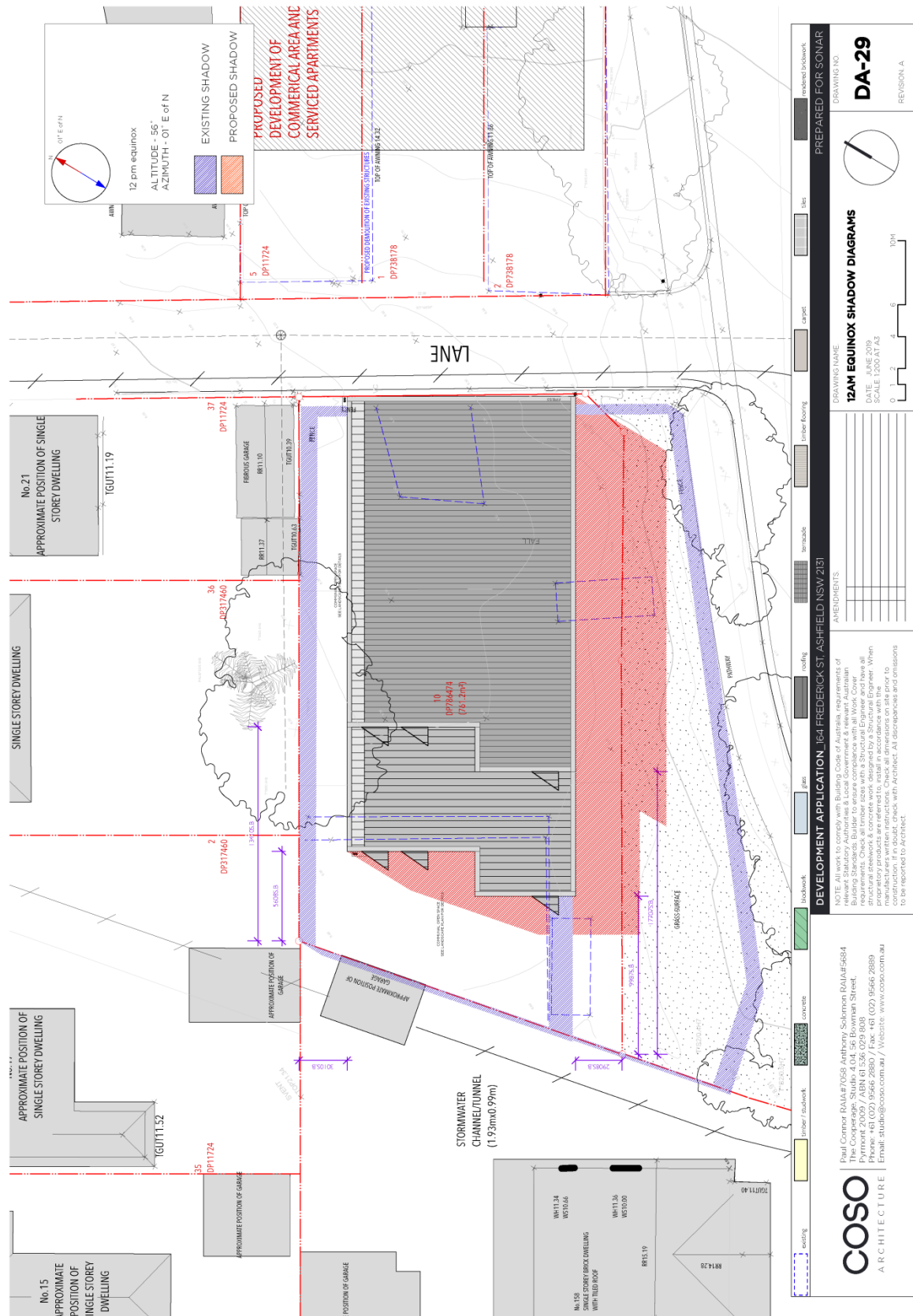


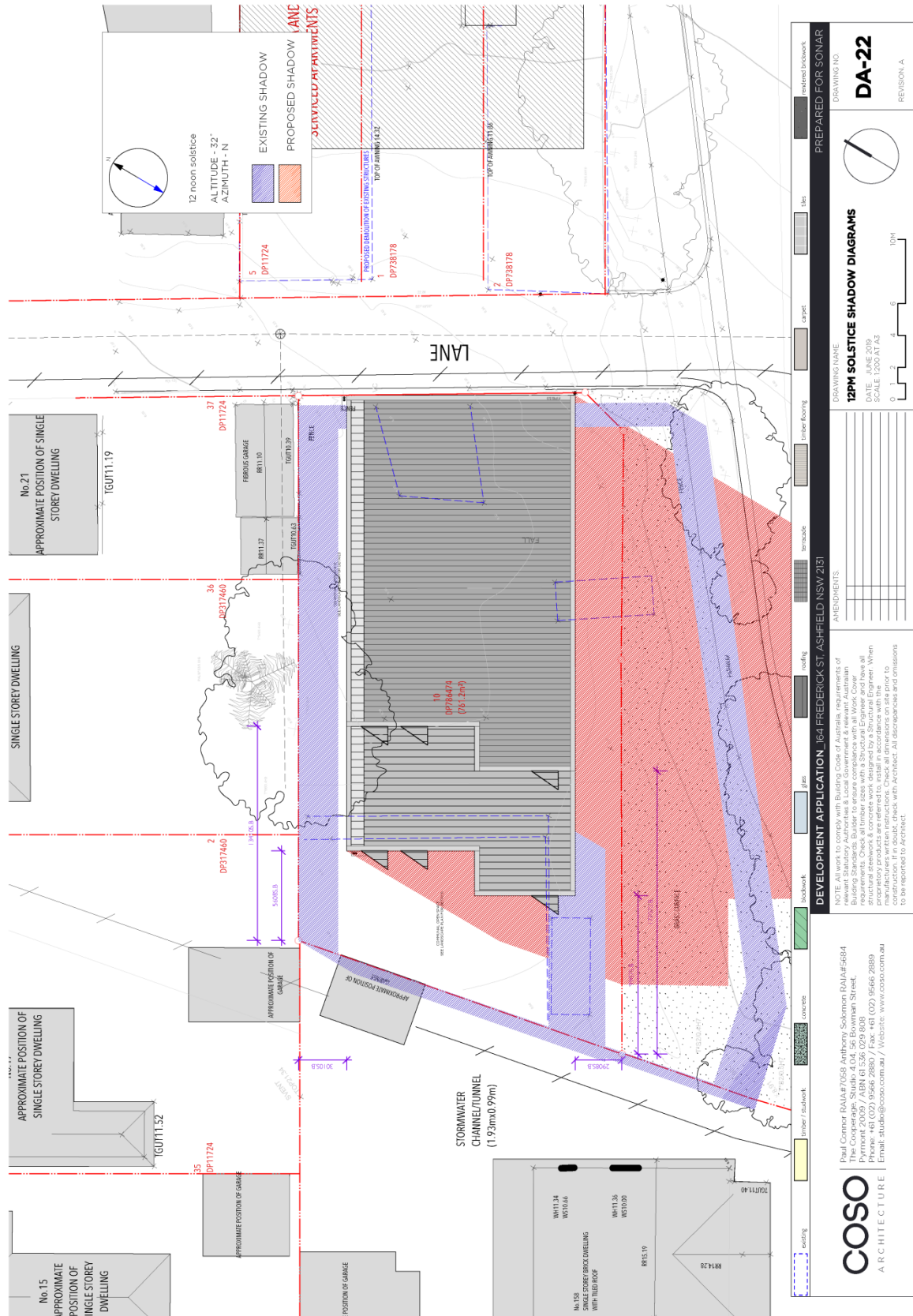












Attachment C- Conditions of Consent

Conditions of Consent

Deferred Commencement

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

A. Flooding

Flood Impact Assessment Report dated 28 June 2019 and prepared by Acor Consultants shall be revised in accordance with Ashfield Comprehensive DCP 2016 including addressing the following items and submitted to Council for assessment.

- a) The proposed development will not increase the flood hazard or risk to other properties including public roads.
- b) At the site, increasing the flood hazard from low and medium to high is not acceptable.
- c) The overland flow paths/floodway are not obstructed.
- d) Existing flood storage volume at the site is not lost by the proposed development.
- e) PMF (Probable Maximum Flood) event shall be considered for the flood evacuation plan.

Considering the whole site is affected by flood, detailed plans on the flood mitigation options satisfying the above items shall accompany the Flood Impact Assessment Report. Please note that Sydney Water trunk drainage lines traverse on either side of the property and have limited flow capacities. You are required to Contact Sydney Water for their requirements.

B. Stormwater Quality (WSUD)

The stormwater plans shall be amended satisfying the following requirements.

- a) Modelling for the determination of the pollution load reductions must be undertaken in MUSIC (the Model for Urban Stormwater Improvement Conceptualisation) and in accordance with Marrickville Council's WSUD Reference Guideline.

Stormwater quality load reduction controls are:

- 90% reduction in the post development mean annual load of Gross Pollutants (greater than 5mm).
 - 85% reduction in the post development mean annual load of Total Suspended Solids (TSS).
 - 60% reduction in the post development mean annual load of Total Phosphorus (TP).
 - 45% reduction in the post development mean annual load of Total Nitrogen (TN).
- b) A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. MUSIC model file (*.sqz file) must be included with the report;
- c) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.

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

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent. The submission of this additional information may result in new conditions being added to the consent.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$28,766.53 indexed in accordance with Ashfield Development Contributions Plan/ Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); has been paid to the Council.

The above contribution is the contribution applicable as at 4 November 2019.

***NB** Contribution rates under Ashfield Development Contributions Plan are indexed quarterly (for the method of indexation refer to Section 2.6 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Infrastructure Type:	Contribution \$
Local Roads	\$7,807.18
Local Public Transport Facilities	\$11,650.50
Local Public Car Parking	-
Local Open Space and Recreation	-
Local Community Facilities	-
Plan Preparation and Administration	\$9,308.85
TOTAL	\$28,766.53

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

The contributions have been calculated based upon the construction of a new hotel incorporating 33 beds.

2. Long Service Levy

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

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

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

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

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

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

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

General Conditions

4. Documents related to the consent

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

Plan, Revision and	Plan Name	Date Issued	Prepared by
-----------------------	-----------	----------------	-------------

Issue No.			
DP – 01 Revision A	Demolition Plan	June 2019	COSO Architecture
DA – 01 Revision A	Site Plan	June 2019	COSO Architecture
DA – 07 Revision A	Roof Plan	June 2019	COSO Architecture
DA – 03 Revision A	Basement Plan	June 2019	COSO Architecture
DA – 04 Revision A	Ground Floor Plan	June 2019	COSO Architecture
DA – 05 Revision A	First Floor Plan	June 2019	COSO Architecture
DA – 06 Revision A	Second Floor Plan	June 2019	COSO Architecture
DA – 08 Revision A	Section AA	June 2019	COSO Architecture
DA – 09 Revision A	Section BB	June 2019	COSO Architecture
DA – 10 Revision A	Section CC	June 2019	COSO Architecture
DA – 12 Revision A	North East Elevation	June 2019	COSO Architecture
DA – 11 Revision A	North West Elevation	June 2019	COSO Architecture
DA – 14 Revision A	South East Elevation	June 2019	COSO Architecture
DA – 13 Revision A	South West Elevation	June 2019	COSO Architecture
DA – 18 Revision A	Schedule of Materials and Finishes	June 2019	COSO Architecture

As amended by the conditions of consent.

5. Car Parking

The development must provide and maintain within the site:

- a) 12 car parking spaces must be paved and line marked.
- b) Any car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces.

6. Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

7. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

8. Dry-weather Flows

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater or Sydney Water Trunk Drainage system. Alternatively, the basement or any below ground structure must be designed to be "tanked" preventing the ingress of seepage or groundwater.

9. Works Outside the Property Boundary

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

10. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

11. Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

12. Waste Management Plan

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

13. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by CUNDALL, reference 1014582 dated 13 January 2017 must be implemented, including the following:

- a) Section 6 - Acoustic design recommendations.

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

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Douglas Partners, reference Project 85895.00 dated May 2017, the Contaminated Land Management Act 1997 and the State Environmental Planning Policy No 55.

15. Asbestos Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide an asbestos survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate asbestos removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

16. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

17. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

18. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

19. Works Outside the Property Boundary

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

20. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

21. Overhead Powerlines

There are existing overhead electricity network assets in the Lane next to the Proposed Development Site. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process.

It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

The proposed development may encroach the statutory clearances of near by power lines as per the requirements set out in AS7000 and Ausgrid Standard NS220. The developer is required to either:

- Engage an Accredited Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to the powerlines (this must include wind impacts). If the ASP3 determines that the proposed structure does encroach the statutory clearances,

suitable arrangements must be made to ensure that the structure will not encroach the powerline statutory clearance either by redesign of the encroaching structure or relocation of the powerlines away from the proposed structure.

- Make suitable arrangements to have powerlines relocated prior to the commencement of construction so that statutory clearances are not encroached.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Prior to any Demolition

22. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of the following identified properties:

- 21 Earle Avenue, Ashfield
- 19 Earle Avenue, Ashfield
- 17 Earle Avenue, Ashfield
- 158 Frederick Street, Ashfield

must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of any other adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

23. Hoardings

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

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered

inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

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

24. Construction Traffic Management Plan

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with RMS accreditation. The CTMP must be approved by the Certifying Authority prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

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

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);

- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;
- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

25. Advising Neighbors Prior to Excavation

At least 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.

26. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

Prior to Construction Certificate

27. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

28. Dilapidation Report – Pre-Development – Major

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a) Full width of Frederick Street and lane, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, in front of the property.
- b) Half-width of Frederick Street and Lane in front of adjacent properties, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.

The dilapidation report is to be prepared by a suitably experienced Civil and/or Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

29. Parking Facilities – Major (including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B99 design vehicle.
- b) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s).
- c) The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
- d) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces and aisles adjacent to walls or fences are increased in width by an additional 300mm;
 - ii. End spaces are provided with an additional 1m aisle extension; and
 - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- e) The relative surface levels of the internal access from the road being controlled so that:
 - i. The surface levels at the property boundary match "alignment levels";
 - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - iii. The maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - iv. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- f) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles.
- g) The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius.
- h) The vehicular access must be amended to provide clear sight lines (triangles) to pedestrians in street frontage in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- i) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.

- j) A bicycle storage area must be provided to accommodate the numerical requirements of DCP and be designed in accordance with relevant provisions of AS 2890.3-2015.
- k) Provision of a Watts' profile speed hump or similar device and associated stop sign and holding line on the vehicular access, near the boundary to the lane to ensure exiting vehicles stop and give way to pedestrian traffic on the footpath.

30. Flood Compatible Fence

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans demonstrating that the proposed gate/fence at the Street frontage must be flood compatible with vertical elements that are no wider than 50mm and separated by no less than 90mm to allow floodwaters to flow through unimpeded.

31. Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the works comply with the following specific requirements:

- a) All habitable floor levels and protection to the underground carpark must be set above the Flood Planning Level (100-year ARI flood level plus 500mm freeboard). All structures below Flood Planning Level must be constructed from flood compatible materials.
- b) Entry crest to any underground carpark must be set above the Flood Planning Level.
- c) All electrical equipment and wiring must be waterproofed or installed at or above Flood Planning Level.
- d) A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the Probable Maximum Flood (PMF) level.
- e) The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan.
- f) All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flow paths.

32. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). 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 Impact Assessment Report.
- 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 must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must 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) All works must be designed to comply with the ABCB Standard: Construction of Buildings in Flood Hazard Areas in accordance with the National Construction Code and the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below.
 - i. Building Code of Australia
 - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level
 - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood
 - iv. Flood hazard level (FHL) Flood Planning Level (FPL)

33. Amended Architectural Plans to Reflect Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations of the Flood Risk Management Plan. 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 must occur except as identified by this condition. Any changes to such must be subject to separate approval.

34. Engineering Design - Structural Engineer Plans and Certification

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared and certified by a suitably qualified and experienced Civil and/or Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that incorporate the following recommendations of the Flood Risk Management Plan.

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.

35. Stormwater Drainage System – (OSD is not required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a) The design must generally be in accordance with the Stormwater Management Plan on Drawing No. C2 to C7 prepared by Acor Consultants and dated 28 June 2019.
- b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the public drainage system.

- c) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d) Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- e) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks.
- f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- g) No nuisance or concentration of flows to other properties.
- h) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- i) An inspection opening, or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- j) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- k) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

36. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practising Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a) The basement must be fully tanked to prevent the ingress of subsurface flows.
- b) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.

- c) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years.
- d) All components of the basement, including footings and subsoil drainage, must be shown on the plans and be located entirely within the property boundary.
- e) No adverse impact on surrounding properties including Council's footpath and road.
- f) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.
- g) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- h) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

37. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer.
- c) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.

38. Sydney Water – Tap In

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

whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

39. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a) The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

40. Consolidation of Lots

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that any separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

41. Food Premises – Additional Sinks and Hand Wash Basins

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended scale plans confirming the position of all sinks and hand wash basins within the food premises in accordance with Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

42. Food Premises – Odour Emission Control

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that emission control equipment has been provided in the mechanical exhaust system that effectively minimises the emission of odours, vapours and oils.

43. Noise General – Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

44. Plan Of Management

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Plan of Management demonstrating compliance with operation and maintenance standards set out in Local Government (General) Regulation 2005.

45. Light Spill

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

During Demolition and Construction**46. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

47. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

Prior to Occupation Certificate**48. Smoke Alarms - Certification of upgrade to NCC requirements**

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

49. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a) Heavy duty concrete vehicle crossing at the vehicular access location.
- b) The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.
- c) The existing concrete footpath across the frontage of the site must be reconstructed.
- d) Other works subject to the Roads Act 1993 approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

50. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

51. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any damaged stone kerb has been replaced including all kerb outlets in stone kerb must be carefully core drilled.

52. Heavy Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing

and footpath specifications and AUS-SPEC#2-“Roadworks Specifications” has been constructed at the vehicular access locations.

53. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-“Roadworks Specifications”. Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

54. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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.

- 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).

55. Public Domain - Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

56. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey and structural condition which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

57. Flood Risk Management Plan - Certification

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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.

58. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. 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 Principal Certifying Authority stamped Construction Certificate plans.

59. Basement Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers

Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

60. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with an Operation and Management Plan has been prepared and implemented for the stormwater quality improvement device(s) and pump(s). 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.

61. No Weep Holes

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that any weep holes to Council road or footpath resulting from the building works have been removed.

62. Redundant Vehicle Crossing

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority must verify that all redundant vehicular crossings to the site must be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominately stone, the replacement kerb must also be in stone.

63. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

64. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

65. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

66. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009) and the Protection of the Environmental Operations Act 1997.

67. Contamination – Validation (No Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Certifying Authority and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

68. Trade Waste Agreement

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a copy of the Sydney Water Trade Waste Agreement for the disposal of wastewater from the premises.

On-going

69. Plan of Management – Hotel

The use of the premises as a boarding house must comply at all times with the following:

- a) The use must comply at all times with the approved Plan of Management;
- b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d) The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e) All tenancy/occupation agreements for rooms within the premises must be for a maximum period of three (3) months;
- f) The premises must not be adapted for use as backpacker's accommodation, boarding house or a residential flat building;
- g) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- h) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

70. Bin Storage

All bins are to be stored within the site. Bins are to be brought back onto the property within 12 hours of being emptied.

71. Flood Risk Management Plan

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

72. Operation and Management Plan

The Operation and Management Plan for the stormwater quality improvement devices and Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

73. Vehicles Leaving the Site

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

74. Noise General

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

75. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

76. No Food Preparation (Pre-Packaged Only)

The premises is not to be used for the preparation and processing of food and relates only to the sale of food sold and served in the supplier's original package.

Advisory notes

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Permits

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

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

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

Public Domain and Vehicular Crossings

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Insurances

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

Storage of Materials on public property

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

Subsurface drainage pump-out systems

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

Permits

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

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

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

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.

- b) Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Public Domain and Vehicular Crossings

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Insurances

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a) Application for any activity under that Act, including any erection of a hoarding.

- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

- a) in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,

b) in the case of work to be done by an owner-builder:

i. the name of the owner-builder, and

ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

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

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

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

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

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

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a) Food Shop - Food Act 2003

Food Premises Certification

The food premises design, construction and operation is in accordance with the:

- a) Food Act 2003
- b) Food Regulation 2010
- c) Australia and New Zealand Food Standards Code
- d) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- e) Australian Standard AS 1668 Part 1 – 1998
- f) Australian Standard AS 1668 Part 2 – 2012; and

Food Premises Waste Storage Area

To ensure adequate storage and collection of waste from the food premises, all garbage and recyclable materials must be stored in a designated waste storage area. The designated waste storage area must be designed and constructed in accordance with the Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

Mechanical Ventilation System Certification

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the:

- a) Australian Standard AS 1668 Part 1 – 1998,
- b) Australian Standard AS 1668 Part 2 – 2012,
- c) Australian Standard 3666.1 – 2011,
- d) Australian Standard 3666.2 – 2011; and
- e) Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Contamination – New Evidence

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

Storage of Hazardous and Dangerous Goods

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

Asbestos Removal

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

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Dial before you dig

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

Useful Contacts

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm

www.basix.nsw.gov.au

Department of Fair Trading	13 32 20	www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100	www.dialprior toyoudig.com.au
Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	

www.environment.nsw.gov.au

Sydney Water

13 20 92

www.sydneywater.com.au

Waste Service - SITA 1300 651 116

Environmental Solutions

www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW

13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.