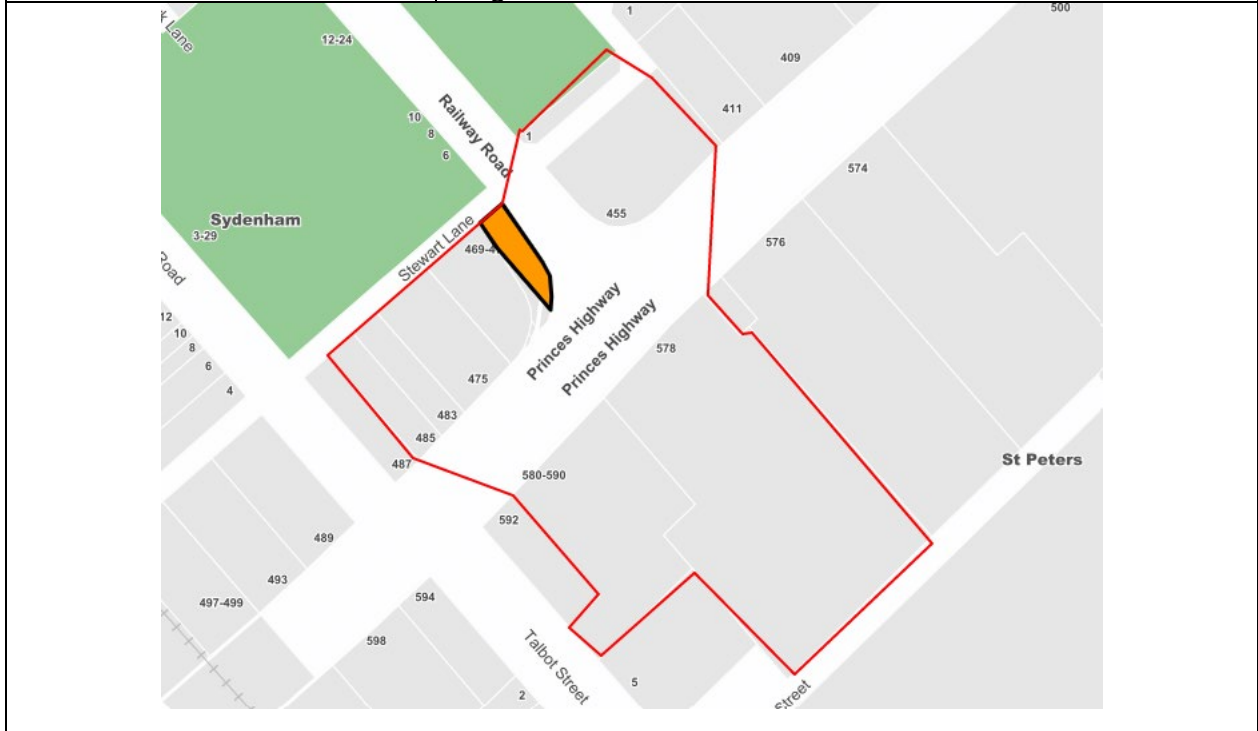




 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	MOD/2022/0274
<b>Address</b>	469R Princes Highway SYDENHAM NSW 2044
<b>Proposal</b>	Application under Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979, to modify Determination No. DA/2021/0899, dated 10 May 2022, to amend condition 11 relating to the time limit imposed on the consent from 5 to 15 years
<b>Date of Lodgement</b>	10 August 2022
<b>Applicant</b>	oOh!media Assets Pty Ltd
<b>Owner</b>	Mr Robert M Stone
<b>Number of Submissions</b>	Initial: 0
<b>Value of works</b>	\$803,000.00
<b>Reason for determination at Planning Panel</b>	Modification of condition imposed by the IWLPP
<b>Main Issues</b>	Power to impose condition having regard to provisions <i>State Environmental Planning Policy (Industry and Employment) 2021</i>
<b>Recommendation</b>	Approval
<b>Attachment A</b>	Original Determination- DA/2021/0899



**LOCALITY MAP**

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for application under to modify Determination No. DA/2021/0899, dated 10 May 2022, to amend condition 11 relating to the time limit imposed on the consent from 5 to 15 years at 469R Princes Highway, Sydenham.

The application was notified to surrounding properties and no submissions were received in response.

The main issues that have arisen from the application include:

- The power to impose a time limited condition of consent below 15 years having regard to the provisions of *State Environmental Planning Policy (Industry and Employment) 2021*

## 2. Proposal

The proposed modification seeks to amend condition 11 that imposes a time limited consent from the approved 5 years to 15 years.

Development application DA/2021/0899 sought to replace the existing static advertising sign with an electronic advertising sign, carry out associated landscaping and provide a new hardstand parking area.

Council officers had recommended a condition that stated:

***“11. Time Limited Consent***

*This consent is for a time limited period of 15 years from the date that the consent becomes operable (being the date of the consent appears on the NSW Planning portal).”*

At the IWLPP meeting on 10 May 2022 the IWLPP determined DA/2021/0899 for a deferred commencement consent subject to condition 11 being amended to read:

***“11. Time Limited Consent***

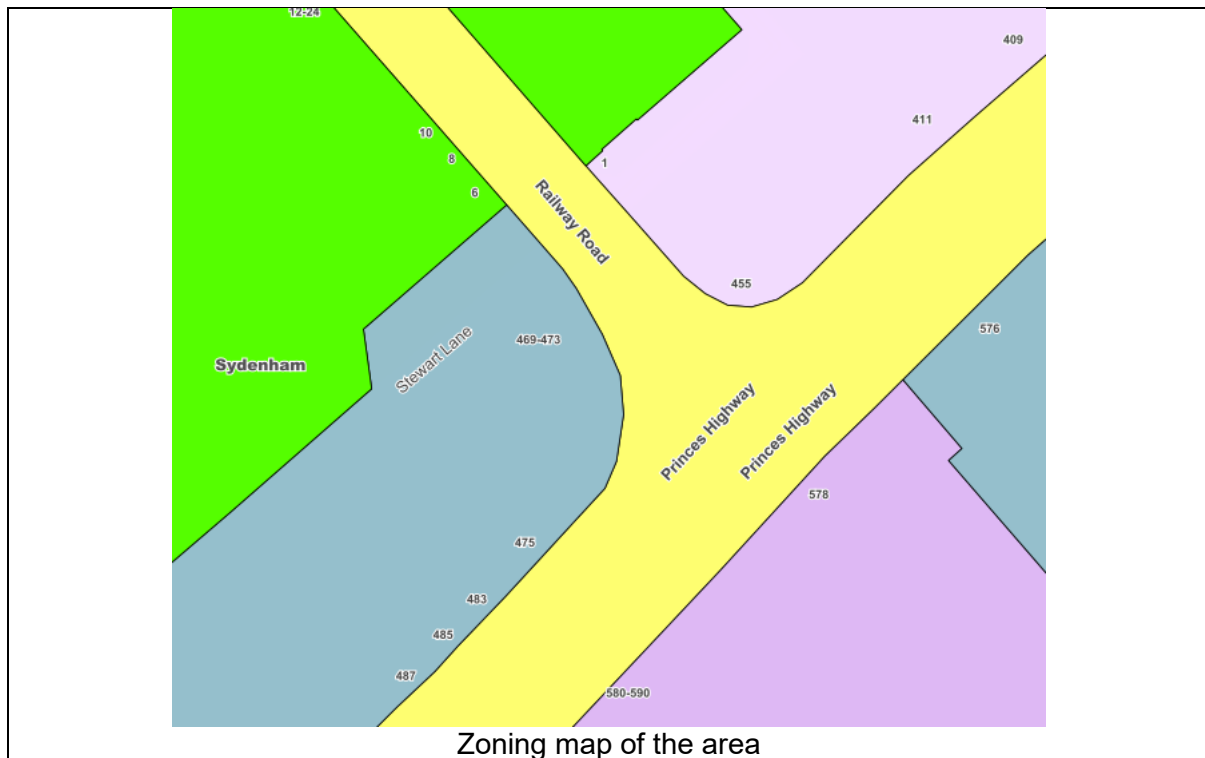
*This consent is for a time limited period of 5 years from the date that the consent becomes operable (being the date of the consent appears on the NSW Planning portal). A new application shall be lodged and approved to continue its use after the time limit.”*

## 3. Site Description

The subject site is located on the north-western side of the Princes Highway, between Railway Road and Park Road. The site consists of five lots and is generally irregular in shape with a total area of 549.3sqm and is legally described as 207-211 in DP 1244807.

The site is located on the corner of the Princes Highway and Railway Road and curves around the corner. The site has a rear boundary to Stewart Lane for a width of 19.43m. The site has boundary with an adjoining property to the south-west with a length of 35.205m.

The site to the south is a vacant commercial building. Development in the immediate vicinity includes a variety of commercial and industrial uses with a park located across Stewart Lane.



Zoning map of the area

## 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
D397/96	Replacement of advertising structure	Approved 19/11/1996
BA-B789/96	To enlarge advertising structure	Approved 10/02/1997
DA/2021/0899	To replace the existing static advertising sign with an electronic advertising sign, carry out associated landscaping and provide a new hardstand parking area	Deferred Commencement consent 10/05/2022

## 5. Assessment

The following is a summary of the assessment of the application in accordance with sections 4.55(1A) and 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 5(a) Modifications involving minimal environmental impact

The application seeks modification of consent pursuant to section 4.55(1A) of the *EPA Act 1979*. The application seeks to change conditions of consent that relate to the duration of the consent and as a result the consent authority can be satisfied that the modification results in minor environmental impacts and is substantially the same development as the development originally approved. The application was notified in accordance with the community engagement framework with no submissions received. The matters within section 4.15 of the *EPA Act 1979* have been addressed below.

### 5(b) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Industry and Employment) 2021*

The following provides further discussion of the relevant issues:

#### 5(b)(i) *State Environmental Planning Policy (Industry and Employment) 2021*

#### Chapter 3 Advertising and Signage

Section 3.12 of *State Environmental Planning Policy (Industry and Employment) 2021* ('SEPP IE') states:

##### **“3.12 Duration of consents**

- (1) *A consent granted under this Part ceases to be in force—*
  - (a) *on the expiration of 15 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or*
  - (b) *if a lesser period is specified by the consent authority, on the expiration of the lesser period.*
- (2) *The consent authority may specify a period of less than 15 years only if—*
  - (a) *before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or*
  - (b) *the area in which the advertisement is to be displayed is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed advertisement would be inconsistent with that change, or*
  - (c) *the specification of a lesser period is required by another provision of this Chapter.”*

Section 3.12(1)(a) of *SEPP IE* requires the consent authority to impose a time limited condition of consent for a period of 15 years. Section 3.12(1)(b) of *SEPP IE* allows a consent authority to impose a lesser period. Section 3.12(2) of *SEPP IE* limits the power to impose a lesser period under section 3.12(1)(b) of *SEPP IE* if certain prerequisites are met.

The consent authority has not adopted a policy in relation to applications for advertisements to grant consent for a lesser period and as a result the power to impose a lesser period is not enlivened by section 3.12(2)(a) of *SEPP IE*.

The area is not undergoing significant change that is identified within an environmental planning instrument that seeks to change the nature and character of the development, as such it is not necessary to consider if the signage would be inconsistent with the change because the *Marrickville Local Environmental Plan 2022* or any other current EPI does not anticipate significant change to the area. As a result, the power to impose a lesser period is not enlivened by section 3.12(2)(b) of *SEPP IE*.

There are no other provisions in the remainder of Chapter 3 of *SEPP IE* which enable the imposition of a lesser period. As a result, the power to impose a lesser period is not enlivened by section 3.12(2)(c) of *SEPP IE*.

As none of the prerequisites to impose a lesser period within section 3.12(2) of *SEPP IE* are met, there is no power under section 3.12(1)(b) of *SEPP IE* to impose a period of less than 15 years. As such, the modification which seeks a time limited of 15 years in accordance with section 3.12(1)(a) of *SEPP IE* is acceptable.

5(b)(ii) *Marrickville Local Environment Plan 2011 (MLEP 2011)*

The proposed modification does not alter the proposals compliance with the requirements of the *MLEP 2011*.

5(c) *Draft Environmental Planning Instruments*

The application has been assessed against the relevant draft environmental planning instruments listed below:

Draft Environmental Planning Instruments	Compliance
<i>Inner West Local Environmental Plan 2022</i> (now made and commenced 12 August 2022).	Yes

5(d) *Development Control Plans*

The proposed modification does not alter the sites compliance with the *MDCP 2011*.

5(e) *The Likely Impacts*

The proposed modification does not increase the impacts of the proposal.

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

The proposed modification does not impact the sites suitability for the development.

### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the initial notification.

### 5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. This is considered to have been achieved in this instance.

## 6 Referrals

Due to the nature of the modification no referrals were required.

## 7. Conclusion

The proposed modification is consistent with the requirements of *State Environmental Planning Policy (Industry and Employment) 2021* and does not alter the sites compliance with the *Marrickville Local Environmental Plan 2011* or *Marrickville Development Control Plan 2011*.

## 8. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to sections 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, Approve MOD/2022/0274 and grant *a modification of consent* to DA/2021/0899, dated 10 May 2022, to amend condition 11 relating to the time limit imposed on the consent from 5 to 15 years at 469R Princes Highway, Sydenham with Condition 11 amended as shown below;

### 11. Time Limited Consent

This consent is for a time limited period of ~~5~~15 years from the date that the consent becomes operable (being the date the consent appears on the NSW Planning portal). A new application shall be lodged and approved to continue its use after the time limit.

**(Condition modified under MOD/2022/0274 on 8 November 2022)**

**Attachment A – Original Determination-  
DA/2021/0899- 469R Princes Highway, Sydenham**



**DEFERRED COMMENCEMENT - APPROVAL**

*Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, in accordance with the provisions of section 4.16(3)*

<b>Development Application No.</b>	DA/2021/0899
<b>Applicant</b>	oOh!media Assets Pty Ltd
<b>Land to be developed</b>	469R Princes Highway SYDENHAM NSW 2044
<b>Approved development</b>	To replace the existing static advertising sign with an electronic advertising sign, carry out associated landscaping and provide a new hardstand parking area
<b>Cost of development</b>	\$803,000.00
<b>Determination</b>	The application was determined by Local Planning Panel and was granted a deferred commencement consent <b>subject to the conditions attached.</b>
<b>Other Approvals</b>	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
<b>Date of determination</b>	10 May 2022
<b>Consent is to operate from</b>	Not yet operational
<b>Consent will lapse on</b>	Five years from date consent becomes operational

**Reasons for conditions**

To protect the environmental amenity of the area and the public interest.

**Inner West Council**  
innerwest.nsw.gov.au  
02 9392 5000

council@innerwest.nsw.gov.au  
PO Box 14, Petersham NSW 2049

Document Set ID: 36351345  
Version: 1, Version Date: 23/05/2022

**Right of appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Glen Hugo** on **02 9392 5835** or [glen.hugo@innerwest.nsw.gov.au](mailto:glen.hugo@innerwest.nsw.gov.au)



Martin Amy

**Acting Manager of Development Assessment South**



**CONDITIONS OF CONSENT**

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

**A. Voluntary Planning Agreement**

In accordance with the offer contained within the Statement of Environmental Effects, the Applicant is to enter into a Planning Agreement under section 7.4 of the *Environmental Planning and Assessment Act 1979* with Council. A copy of the executed Planning Agreement must be submitted to Council.

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

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
DA.01 Issue 2	General Arrangement - Sheet 1	13/01/2020	ARCADIS
	Landscape Plan	3/2/2020	Urban Concepts
	Planting Plan	3/2/2020	Urban Concepts
12754-1	Plan showing general site detail and spot levels	10/11/2021	Geometra
	Statement of Environmental Effects	March 2020	Urban Concepts

As amended by the conditions of consent.

## **DESIGN CHANGE**

### **2. Tree Planting plan and landscape maintenance schedule**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

A detailed tree planting plan, drawn to scale, by an AQF5 consultant Arborist or Landscape Architect/ Designer, must be submitted to and approved by Council. The plan must include:

- a. Location of existing and proposed structures on the site including, but not limited to: existing and proposed trees, paved areas and planted areas;
- b. Details of any earthworks, changes to existing grade and soil depths including mounding and retaining walls and planter boxes (if applicable);
- c. Location, numbers, type and supply of trees, with reference to AS2303:2018—*Tree stock for landscape use* (if applicable);
- d. A minimum of one (1) new tree must be included in the design. The trees species must attain a minimum mature height of nine (9) metres and canopy spread of six (6) metres. The species must be one that will mature to a healthy tree in the environment of the site. Examples include - *Banksia integrifolia*, *Brachychiton acerifolia*, *Callistemon salignus*, *Elaeocarpus eumundi*. Trees listed on the Minor Works list in Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span are not acceptable in satisfaction of this condition;
- e. The tree/s must be in a minimum container size of 200 litres at planting.
- f. New trees must be planted in natural ground. It must be demonstrated that there is sufficient soil volume to allow maturity to be achieved (refer to Council's *Development Fact Sheet—Trees on Development Sites* for further information);
- g. New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction. Trees must be located at a minimum setback of 1.5metres from any boundary or structure;
- h. An ongoing Landscape Management Plan must be included detailing the maintenance of the vegetation including (but not limited to) watering, fertilising, weeding, pruning.

## FEES

### **3. Section 7.12 (formerly section 94A) Development Contribution Payments**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with Marrickville Section 94/94A Contributions Plan 2014.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

#### Payment amount\*:

\$8,030

#### \*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

#### Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))**. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

**4. 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.

**5. 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.

<b>Security Deposit:</b>	\$8,432.00
<b>Inspection Fee:</b>	\$241.50

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 initial 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**

### **6. 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.

### **7. 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.

### **8. Stormwater Drainage System – Simple**

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

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. No concentration of flows or nuisance to other properties.

### **9. Signage Lighting in proximity to Major Intersections**

Signage lighting must be in accordance with the following:

- a. Compliance with all of the requirements of TfNSW; and
- b. All advertisements displayed must be in accordance with the RTA's Road Safety Advisory Guidelines for Sign Content, within Table 5 and Table 6 of the Department of Planning and Environment's Transport Corridor Outdoor Advertising and Signage Guidelines, dated Nov 2017 and as amended.

**10. Transport for NSW conditions**

- i. Any new structures, together with any improvements integral to the future use of the site, must be erected clear of the WestConnex M8 Tunnel and are wholly within the freehold property along both the Princes Highway and Railway Road boundaries, ensuring the integrity of the WestConnex M8 Tunnel is not compromised.
- ii. All buildings and structures (including signage), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along Princes Highway and Railway Road boundary.
- iii. The proposed sign structure should be temporary and be easily removed in the future when the land reserved for road widening is required.
- iv. The proposed luminance levels shall be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.
- v. The images displayed on the sign must not contain/use:
  - Flashing or flickering lights or content;
  - Animated displays, moving parts or simulated movement;
  - Complex displays that hold a driver's attention beyond "glance appreciation"
  - Displays resembling traffic control devices by use of colour, shape or words that can be construed as giving instruction to traffic for example, red, amber or green circles, octagons, crosses, triangles and words such as 'stop' or 'halt'
  - A method of illumination that distracts or dazzles;
  - Dominant use of colours red or green
- vi. The digital sign for its operation must comply with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (refer to Section 2.5.8, Table 3 and Section 3.3) and relevant Australian Standards, as amended from time to time
- vii. The Applicant shall prepare an independent Road Safety Assessment (RSA) within 3 months of the installation of the digital signage. The RSA should provide a formal assessment of the safety performance of the signalised intersection Princes Highway and Railway Road. Upon completion of the RSA, it is to be provided to TfNSW for review. The applicant will be required to implement the recommendations of the RSA to ensure that road safety is maintained along the Princes Highway.

Please send to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

- viii. Construction and maintenance activities shall be undertaken wholly within the private property of the site. If this is not possible Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway and during installation. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf> 6. All works associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

#### **11. Time Limited Consent**

This consent is for a time limited period of 5 years from the date that the consent becomes operable (being the date of the consent appears on the NSW Planning portal). A new application shall be lodged and approved to continue its use after the time limit.

#### **PRIOR TO ANY DEMOLITION**

#### **12. 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.

#### **13. Hoardings**

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

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

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

**PRIOR TO CONSTRUCTION CERTIFICATE****14. Compliance with Planning Agreement**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided written evidence from Council that all matters in the executed Voluntary Planning Agreement must be complied with. The Voluntary Planning Agreement is attached as "Annexure 1" to this Determination Notice.

**15. Dilapidation Report – Pre-Development – Minor**

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

**16. 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 qualified practising Civil Engineer 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 crossing at the vehicle access location and new kerb for the balance of the site in Stewart Lane;
- b. The level at the boundary shall match the invert level of the adjacent lane plus 110mm at both sides of the vehicle entry. The driveway/hardstand must then rise within the property to be 150mm above the adjacent road level. A long section, along both sides of the proposed vehicular crossing, drawn at a 1:20 or 1:25 natural scale shall be submitted for approval. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing surface levels and proposed surface levels with changes;
- c. Installation of a stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.



### 17. Driveway Long Section - Dwelling

The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary. The long section shall show both existing surface levels and proposed surface levels with changes.

### 18. Alignment Levels – Rear Lane

The internal vehicle hardstand area shall be redesigned such that the level at the boundary shall match the invert level of the adjacent lane plus 110mm at both sides of the vehicle entry. This will require the internal hard stand area to be adjusted locally at the boundary to ensure that it matches the above Alignment Levels. Amended plans shall be submitted to and approved by Council before the issue of the Construction Certificate. The driveway/hardstand must then rise within the property to be 150mm above the adjacent road level.

Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.

## DURING DEMOLITION AND CONSTRUCTION

### 19. Construction Hours – Class 2-9

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

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

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

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

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

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

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

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

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

#### **20. 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**

#### **21. Certification of Tree Planting**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture / Arboriculture or a qualified Landscape Designer / Landscape Architect that the canopy tree has been planted in accordance with the approved Tree Planting Plan.

**22. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

**23. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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(s) at the vehicular access location(s);
- b. Kerb for the balance of the site in Stewart Lane; and
- c. 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".

**24. Heavy Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

**ON-GOING****25. Tree Establishment**

The trees planted as part of this consent are to be maintained in a healthy and vigorous condition until they reach a height of greater than six (6) metres or a canopy spread of greater than three (3) metres when they will be subject to Council's Tree Management DCP. If any of the trees are found faulty, damaged, dying or dead before they are subject to the controls they must be replaced in accordance with the requirements of the relevant conditions.

**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.

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**Disability Discrimination Access to Premises Code**

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

**National Construction Code (Building Code of Australia)**

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

**Notification of commencement of works**

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

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

**Permits from Council under Other Acts**

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

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

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

**Noise**

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

**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](http://www.basix.nsw.gov.au)

Department of Fair Trading 13 32 20  
[www.fairtrading.nsw.gov.au](http://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](http://www.dialprior toyoudig.com.au)

Landcom 9841 8660  
 To purchase copies of Volume One of “Soils and Construction”

Long Service Corporation Payments 131441  
[www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au)

NSW Food Authority 1300 552 406  
[www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

**Permits**

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;



- g. Awning or street veranda over the footpath;
  - h. Partial or full road closure; and
  - i. Installation or replacement of private stormwater drain, utility service or water supply.
- If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

#### **Insurances**

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

#### **Public Domain and Vehicular Crossings**

The vehicular crossing and/or footpath 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 *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.