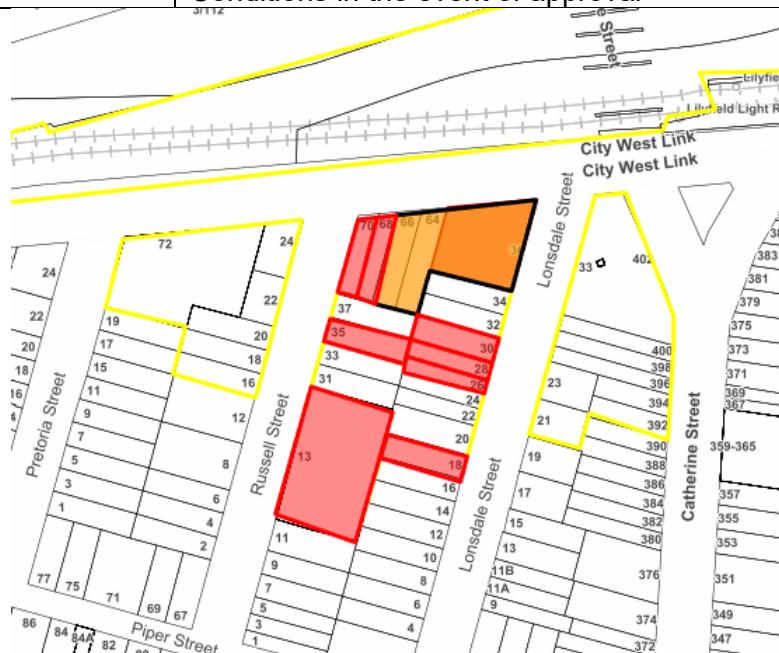




 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2022/0266
<b>Address</b>	36 Lonsdale Street and 64-66 Brenan Street Lilyfield
<b>Proposal</b>	The development proposed includes demolition of all existing buildings, remediation, excavation, construction of a new five-storey plus attic mixed use building with lower ground floor neighbourhood shops, live-work units and 34 residential apartments.
<b>Date of Lodgement</b>	19 April 2022
<b>Applicant</b>	HDC Planning
<b>Owner</b>	JRNN Pty Ltd
<b>Number of Submissions</b>	Initial: 11
<b>Value of works</b>	\$10,593,975.00
<b>Reason for determination at Planning Panel</b>	Development standard variation exceeds 10%; SEPP 65
<b>Main Issues</b>	Poor urban design and architectural outcomes, adverse visual bulk and scale impacts, overshadowing, extensive FSR variance and incompatibility with the desired future character
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Reasons for refusal
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Conditions in the event of approval
	
<b>LOCALITY MAP</b>	
Subject Site 	Objectors 
Notified Area 	Supporters 
Note: Due to scale of map, not all objectors could be shown.	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of all existing buildings, remediation, excavation, construction of a new five-storey plus attic mixed use building with lower ground floor neighbourhood shops, live-work units and 34 residential apartments at 36 Lonsdale Street, Lilyfield and 64-66 Brenan Street, Lilyfield. The application was notified to surrounding properties and 11 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- The proposal is not acceptable having regard to the nine design quality principles of SEPP 65;
- Insufficient information has been provided with respect to the requirements of Transport and Infrastructure SEPP 2021;
- A Clause 4.6 variation request has not been provided to vary the FSR, landscaped area and site coverage development standards;
- The proposal has not satisfied the additional local provisions applicable to the subject site;
- The proposal is incompatible with the desired future character;
- Site isolation.

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

## 2. Proposal

The development proposed includes demolition of all existing buildings, remediation, excavation, construction of a new five-storey plus attic mixed use building with lower ground floor neighbourhood shops and 34 residential apartments. The five-storey mixed use building with attic is comprised of:

- Two (2) neighbourhood shops with a maximum retail floor area of 79m<sup>2</sup> each.
- Four (4) live-work spaces to Units 4-7, four car parking spaces and bike racks at the lower ground level.
- Infrastructure and services located within the lower ground floor level including an on-site stormwater detention / reuse tank located under the driveway access from Lonsdale Street, plant room and pump room with hydrant and booster.
- Entrance lobby for pedestrians at the lower ground level accessible from City West Link.
- Vehicular entrance driveway from Lonsdale Street at the ground level down into the basement level with dedicated loading bay for a small rigid vehicle (SRV).
- Three (3) dedicated waste bin storage rooms for residential, commercial and bulky waste at the ground level.
- Thirty-four (34) residential apartments, half of which (this being 17 units) will be provided as in-fill affordable housing in accordance with the provisions of Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), including:
  - 1 x studio apartment (Unit 8)
  - 8 x 1 bedroom apartments (Units 2, 4, 9, 13, 18, 19, 24 & 25)
  - 22 x 2 bedroom apartments (Units 3, 5-7, 10, 12, 14-17, 20, 22, 23, 26-34)
  - 3 x 3 bedroom apartments (Units 1, 11 & 21)
  - Three (3) of the apartments designed to the adaptable / accessible standards under the BCA.

- Communal open space areas located on Level 2 (top of podium) and to the rooftop of the western tower.
- Deep soil zone, largely located along the southern side of the site, providing landscape screening and visual separation between the new building and adjoining residential properties to the south.
- One (1) basement level including thirty-eight (38) car parking spaces, one (1) car wash bay and three (3) motorcycle spaces.

### 3. Site Description

The subject site is located on the southern side of Brenan Street (City West Link), between Lonsdale Street and Russell Street. The subject site is comprised of five allotments, is irregular in shape with a total area of 1,680.3sqm and is legally described as Lots 2, 3 and 4 in DP 1257743, Lot 1 in DP 1057904, and Lot 22 in DP 977323 and is more commonly known as 36 Lonsdale Street, Lilyfield, and 64-66 Brenan Street, Lilyfield. The site has a frontage to Brenan Street (City West Link) of 53m and a secondary frontage of approximate 36m to Lonsdale Street. (Refer to figure prepared by the applicant below)

Site Address	Legal Description	Area
36 Lonsdale Street, Lilyfield NSW 2040	Lot 2, 3 & 4 in DP 1257743	967.3m <sup>2</sup>
64 Brenan Street, Lilyfield NSW 2040	Lot 1 in DP 1057904	371.4m <sup>2</sup>
66 Brenan Street, Lilyfield NSW 2040	Lot 22 in DP 977323	341.6m <sup>2</sup>

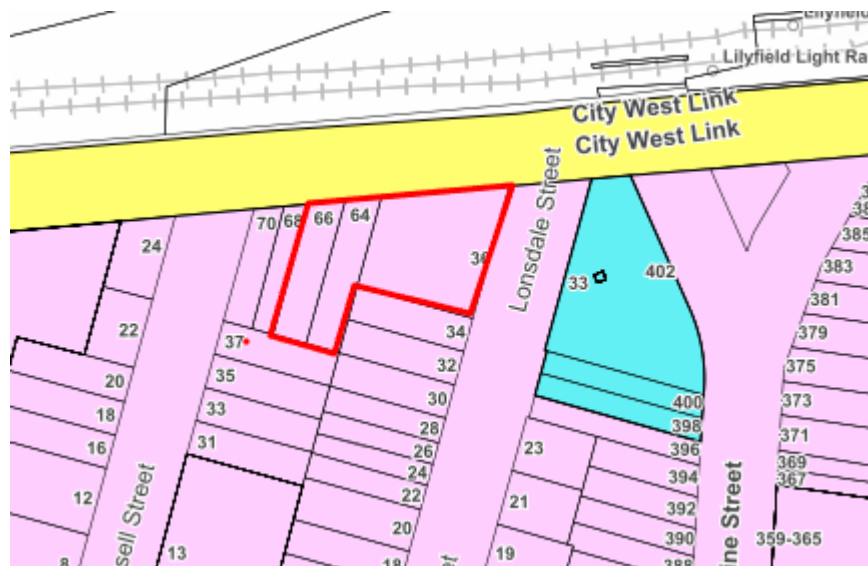


**Figure 1: Site address details and aerial of subject site (highlighted in yellow)**

The site supports a two-storey factory and two single storey dwellings, with both dwellings being elevated approximately 2m above the Brennan Street (city west link) elevation. Adjacent to the subject site on Lonsdale Street is a part 2 and part 5 storey mixed use development whilst adjoining the site to the west is a single and two storey dwelling at 70 and 68 Brennan Street respectively. To the rear of the subject site are detached single and two storey dwellings both at the Lonsdale Street and Russell Street elevations. A timber barrier has been erected across Lonsdale Street along with tree planting to separate existing industrial and residential properties along Lonsdale Street.

The subject site falls towards city west link in a northerly direction, with a crossfall of approximately 3.4m along the northern section of the site, and a site crossfall of approximately 5.2m towards the western section of the site at 66 Brennan Street. The site is also affected by an easternly crossfall with an approximate 940mm fall along the northern boundary.

Three trees are centrally located within the subject site and five existing trees are positioned within the road reserve along the Brennan Street (City West Link) frontage of the site.



**Figure 2: Land zoning map, subject site outlined in red**

## 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
D/2015/69	Demolition of existing structures and construction of new 5 storey mixed use building with retail on ground floor and 22 residential apartments above, and two levels of basement parking and associated works.( Remediation of the site is also proposed.)	Refused, 29/05/2015
PDA/2021/0053	Residential development at 38 Units at 36 Lonsdale Street and 64-70 Brennan Street, Lilyfield.	Advice issued, 18/05/2021

**4(b) Application history**

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

Date	Discussion / Letter / Additional Information
14/10/2022	Request to withdraw letter sent to the applicant advising that the application cannot be supported as the site specific DCP is yet to be adopted by Council. Applicant also advised that the proposal in its current form has fundamental problems and requires a significant redesign. A copy of the AEDRP comments were included as part of the letter.
25/10/2022	Letter from owner received requesting an extension of time, and the transfer of the applicant/planner and architect on the project.
27/10/2022	Council advised applicant that no extension will be provided and that the application will be determined based on the information as lodged.

**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 (EPA Act 1979)*.

**5(a) Environmental Planning Instruments**

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following provides further discussion of the relevant issues:

**5(a)(i) State Environmental Planning Policy (Resilience and Hazards) 2021**

**Chapter 4 Remediation of land**

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and  
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and  
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is evidence of contamination on the site. The eastern portion of the subject site has been used for industrial purposes whilst the western portion of the site has been used been continuingly used for residential purposes.

The applicant has provided a report that concludes:

*“The site-specific RAP prepared by EI Australia aims to fulfill the following objectives:*

- Identify the required remedial works (including any additional investigation);*
- Establish a sequential process of contaminated soil remediation (removal) from the impacted areas, focusing on the UPSS area and any petroleum hydrocarbon-impacted soil;*
- Outline the required validation works; and*
- Provide measures so all works occur in a safe and acceptable manner, in compliance with relevant guidelines and preventing adverse effects on human and environmental receptors.*

*The site will be remediated in accordance with the RAP and accordingly the site can be made suitable from a contamination perspective, to support the proposed development and residential uses.”*

On the basis of this report the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated.

**5(a)(ii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development**

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

Notwithstanding this, the development is not acceptable having regard to the nine design quality principles.

#### Apartment Design Guide

The development is subject to the requirements of SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

The development is not acceptable having regard to the nine design quality principles despite generally complying with the numerical requirements under Part 3 and 4 of the ADG. The application was referred to Council Architectural Excellence Design Review Panel (AEDRP) to assess the application under the SEPP 65 Design Quality Principles. The comments from the from the AEDRP have been provided below and have been considered as part of the assessment of the application:

#### *Principle 1 – Context and Neighbourhood Character*

- The immediate context for the site was discussed at a considerable length at the meeting. The Panel considers that in absence of certainty that the adjoining lots (No. 68 and 70 Brenan Street) will be redeveloped within a foreseeable timeframe, the applicant needs to demonstrate that the proposal is capable of achieving a desirable outcome for the subject site and for the remaining residential properties left in isolation.*
- The Panel appreciates that the applicant has prepared a future likely development scenario for the adjoining properties (No. 68 and 70 Brenan Street) as part of the DA submission. The Panel notes that the adjoining properties are likely to achieve a resultant floor space ratio greater than that permissible, and the overall density across the combined development including all – 36 Lonsdale Street and 64-70 Brennan Street is likely to therefore increase beyond the maximum permissible floor space ratio of 2.0:1.*
- Based on the documentation presented by the applicant, the Panel needs to be further convinced about the appearance of the proposal when considered in isolation, during any transition stage, until the adjoining lots are developed in future. The Panel raised concerns regarding a highly visible blank party wall on the western boundary adjacent an existing dwelling house (that may also incur loss of amenity), the abrupt ending of the colonnade treatment along the primary street frontage and the challenge of facilitating vehicular access for No. 68 and 70 Brennan Street from the subject site, given these lots could be under separate land ownership.*

*Principle 2 – Built Form and Scale*

- *The Panel is unconvinced whether the colonnade treatment is the optimal urban form approach, given the challenging environment along the City West Link, and encourages a more traditional robust architectural treatment with built form aligned to the street boundary. In such a scenario, further consideration is required for the provision of pedestrian amenity and the Panel recommends the integration of an awning.*
- *The Panel recommends that any overshadowing of neighbouring low density residential properties to the south should be minimised during mid-winter. If the adjoining properties do not currently receive the required hours of solar access, the proposal should ensure solar access to neighbouring properties is not reduced by more than 20%, consistent with the Part 3B-2 criteria in the ADG.*
- *The Panel noted that in its current configuration it appears bedrooms within Unit 3 address the vehicular driveway. The applicant should consider further resolution of the ground floor plan in terms of vehicular access and building service allocation that have a significant impact on the amenity and visual qualities of Lonsdale Street. The Panel also recommends introduction of potential landscape area to allow an appropriate transition, and to help mitigate visual impacts from units above that overlook this area.*
- *The residential entry and staircase circulation to the City West Link frontage lacks weather protection and presents potential CPTED issues. In addition, the Panel recommends further resolution of the general circulation arrangement, the building address and the residential pedestrian arrival experience. The Panel appreciates the proposed cross-over apartment strategy in principle, however, the Panel is unconvinced about the extensive and convoluted common circulation corridors which result from this strategy. Furthermore, the lack of natural light and ventilation within the common residential corridors is also a concern.*
- *A potential alternative residential access strategy encouraged by the Panel might consider a primary ground floor residential access from Lonsdale Street which is a quieter street with a residential character less affected by the traffic noise and pollution of the City West Link.*
- *The Panel recommends the applicant provides a more considered and contextually appropriate architectural treatment for the primary façade, and is unconvinced with the colonnade and arched treatment, and proposed hit-and-miss brickwork treatment, which risks creating too great a sense of enclosure to these apartments.*

*Principle 3 – Density*

- *The Panel understands that a maximum permissible floor space ratio of 1.55:1 applies to the site, and the applicant is relying on the affordable housing provision bonus which allows up to 2.0:1. At this point, given impacts and constrained amenity, the Panel is concerned for the proposed density. The Panel requests an opportunity to further review and confirm the proposed density on the subject site.*

*Principle 4 – Sustainability*

- *The Panel expects that key targets established within the ADG for solar access and natural cross ventilation are met by the proposal. Similarly, the Panel encourages commitment to further sustainability targets for water, energy and waste efficiency.*
- *The Panel encourages provision of ceiling fans to all habitable areas. Floor-to-floor and floor-to-ceiling heights should be both ADG compliant and adjusted to allow the use of ceiling fans.*
- *The applicant is encouraged to consider rooftop photovoltaic system for environmental benefits, including power/lighting to common areas.*

- *Provision of a rainwater tank should be considered to allow collection, storage and reuse within the site.*

#### *Principle 5 – Landscape*

- *The Panel appreciates provision of a deep soil area within the southern building setback. The deep soil zone should include the provision of landscape with appropriately sized canopy tree species and shrubs to improve the interface and transition with the adjoining low density residential sites to the south and to improve the amenity of the ground floor uses.*
- *The Panel notes the provision of rooftop communal open space above the western building, however the apartments within the eastern building have poor access to this communal open space. A greater diversity of communal open space/s with more direct access for a greater proportion of apartments should be considered within the proposal.*
- *The amenity of the rooftop communal open space/s should be improved through provision of outdoor seating, shaded areas, a barbecue or outdoor kitchen, and a unisex accessible toilet.*
- *The applicant is further encouraged to apply the ADG Parts 4O and 4P and Inner West Council's Green Roof Policy and Guidelines to develop a detailed landscape design.*

#### *Principle 6 – Amenity*

- *The Panel expressed concern regarding the proposed floor-to-floor height of the proposed upper level, as 2.6m (floor to floor) is inadequate to achieve consistency with ADG Part 4C.5 ceiling heights and compliance with the relevant NCC requirements. The provision of dormer windows to all of the top level bedrooms is also problematic due to the constrained outlook in these habitable spaces that should be capable of having views from a seated position.*
- *Internal layouts of apartments should be reconsidered, particularly since some of the kitchen dimensions appear constrained. Additionally, kitchens should not be located as part of circulation areas to bathrooms or bedrooms.*

#### *Principle 7 – Safety*

- *Refer No. 4 in Principle 2 – Built form and scale.*

#### *Principle 8 – Housing Diversity and Social Interaction*

- *Capable of support.*

#### *Principle 9 – Aesthetics*

- *Revised architectural drawings should confirm location of A/C condenser units and other mechanical equipment. The Panel advises these should not be located within balconies unless thoughtfully designed and screened, or anywhere visually apparent from the surrounding public domain.*
- *The applicant should develop 1:20 or 1:50 sections through each primary façade type in order to demonstrate the proposed resolution of key materials, junctions, balustrades, fixtures, including integration of building services such as balcony drainage and A/C condensers.*

#### *Conclusion:*

*The Architectural Excellence & Design Review Panel does not support the proposal in its current form and recommends the design be amended in-line with the comments offered within this report. The Panel requests a further review of this proposal as part of the development assessment process.*



Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Section 6A of the SEPP certain requirements contained within LDCP2013 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Comment: In accordance with the provisions under this part, a minimum 420.1sqm of communal open space (COS) is required to be provided. The proposal includes 440sqm of COS within the second-floor podium and roof area on the western tower. Despite providing COS in compliance with the numerical requirements under this part, the provision for COS is not equitable within the entire development thus resulting in a poor amenity outcome.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Greater than 1,500m <sup>2</sup>	6m	7%

Comment: The proposal seeks to provide 292sqm (17%) of deep soil zones within the rear setback of the subject site.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Five to eight storeys/up to 25 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	18 metres
Habitable Rooms to Non-Habitable Rooms	12 metres
Non-Habitable Rooms to Non-Habitable Rooms	9 metres

Comment: The properties to the rear of the subject site are zoned R1 and are generally single storey in nature. Neighbouring properties have not been illustrated on the floor plans provided, as such separation distances with the adjoining development cannot be clarified. Suitable separation distance between the east and western tower on the subject site has been provided in compliance with the provisions under this part.

#### Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: The proposal provides adequate solar access in accordance with the provisions under this part.

#### Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: The proposal provides adequate natural ventilation in accordance with the provisions under this part.

#### Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

<b>Minimum Ceiling Height</b>	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: The proposal provides adequate ceiling heights in accordance with the provisions under this part.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m <sup>2</sup>
1 Bedroom apartments	50m <sup>2</sup>
2 Bedroom apartments	70m <sup>2</sup>
3 Bedroom apartments	90m <sup>2</sup>

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6 metres for studio and 1 bedroom apartments.
  - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The proposal provides adequate layout, heights and room sizes in accordance with the provisions under this part.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m <sup>2</sup>	-
1 Bedroom apartments	8m <sup>2</sup>	2 metres
2 Bedroom apartments	10m <sup>2</sup>	2 metres
3+ Bedroom apartments	12m <sup>2</sup>	2.4 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metres.

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3 metres.

Comment: The proposal provides POS to each unit in accordance with the provisions under this part.

#### Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Comment: The proposal provides adequate circulation in accordance with the provisions under this part.

#### Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	4m <sup>3</sup>
1 Bedroom apartments	6m <sup>3</sup>
2 Bedroom apartments	8m <sup>3</sup>
3+ Bedroom apartments	10m <sup>3</sup>

Note: At least 50% of the required storage is to be located within the apartment.

Comment: The proposal provides adequate storage in accordance with the provisions under this part.

*5(a)(iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

A BASIX Certificate was submitted with the application.

*5(a)(iv) State Environmental Planning Policy (Housing) 2021*

#### Chapter 2 Affordable housing

The proposal includes affordable housing and as such is permissible subject to the consent authority being satisfied that the both the site and design are suitable in accordance with the SEPP and that the development meets the relevant development standards under Division 1 of the SEPP. The following provides an assessment of the relevant sections and considerations:

Clause Requirement	Proposed	Complies
<b>Division 1 Cl. 16 Development to which Division applies</b>		
(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	Greater than 20% of the GFA will be used for affordable housing purposes	Yes
(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and	The subject site falls within the Sydney region.	Yes
<b>Part 2, Division 1 Cl 17 Floor Space Ratio</b>		
<p>(1) The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of—</p> <p>(a) if the maximum permissible floor space ratio is 2.5:1 or less—</p> <p>(i) if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or</p> <p>(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where—</p> <p>AH is the percentage of the gross floor area of the building that is used for affordable housing.</p> <p><math>Y = AH \div 100</math></p>	<p>Given that the site specific DCP has not been adopted by Council the subject site has a maximum FSR of 0.6:1 (1,008.18sqm) under Cl.4.4 of the LLEP 2013.</p> <p>Whilst the proposal has nominated 50% of the rooms are to be used as affordable housing, this being 17 out of 34, Council has calculated 33.1% (1,081sqm) of the total GFA (3,259.2sqm) is to be used for affordable housing. In accordance with the provisions of this (ii) under this part, an additional 0.33:1 GFA is permitted, resulting in a maximum FSR of 0.93:1 (1,562.68sqm).</p> <p>Council has calculated that the proposal will result in a total GFA of 3,259.2sqm, with a FSR of 1.94:1 and a total variation of 108.6% (1,696.52sqm).</p>	No
<b>Part 2, Division 1 Cl 18 Non discretionary development standards</b>		
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—		
(a) a minimum site area of 450m <sup>2</sup> ,	The subject site has a total site area measuring 1,680.3sqm.	Yes
(b) for a development application made by a social housing provider—at least 35m <sup>2</sup> of landscaped area per dwelling,	The application does not involve a social housing provider.	N/A
(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,	The proposal seeks to provide 292sqm (17%) of deep soil zones within the rear setback of the subject site.	No
<p>(d) a deep soil zone on at least 15% of the site area, where—</p> <p>(i) each deep soil zone has minimum dimensions of 3m, and</p> <p>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>	All nominated deep soil zones are located within the rear of the subject site.	Yes
(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	At least 70% of the living rooms receive the minimum required solar access.	Yes
(f) for a development application made by a social housing provider for development on land in an accessible area—	The application does not involve a social housing provider.	N/A



(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space,		
(g) if paragraph (f) does not apply— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	13 car spaces are required to be provided for the affordable units in accordance with this clause. The plans provided with the application do not nominate each car parking space to its associated use. Notwithstanding this, the proposal provides ample car parking to accommodate the affordable units.	Yes
(h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment,	The affordable units have been designed with consideration of the SEPP 65 provisions.	Yes
(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m <sup>2</sup> , or (ii) for each dwelling containing 2 bedrooms—90m <sup>2</sup> , or (iii) for each dwelling containing at least 3 bedrooms—115m <sup>2</sup> plus 12m <sup>2</sup> for each bedroom in addition to 3 bedrooms.	Not applicable.	-

### 5(a)(v) *State Environmental Planning Policy (Transport and Infrastructure) 2021*

#### Chapter 2 Infrastructure

##### Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and Ausgrid have raised objection to the proposed development.

##### Development in, above, below or adjacent to rail corridors and interim rail corridors

The proposed development has been referred to the rail authority in accordance with Sections 2.97, 2.98, or 2.100 of *SEPP (Transport and Infrastructure) 2021*. TfNSW (Sydney Trains) has undertaken an initial assessment of the proposal and has advised that insufficient information has been provided for them to undertake an assessment of the application. On this basis the application has not satisfied the requirements under the applicable clauses and concurrence has not been provided by TfNSW with respect to this application, and as such consent cannot be granted in accordance with this clause.

Impact of rail noise or vibration on non-rail development

The applicant has demonstrated via the submitted acoustic report that appropriate measures can be implemented in the development to ensure that the residential accommodation within the development complies with the requirements of Section 2.99(3) of *SEPP (Transport and Infrastructure) 2021*.

Development with frontage to classified road

In considering Section 2.118(2) of *SEPP (Transport and Infrastructure) 2021*:

Vehicular access to the land is provided via Lonsdale Street and this is considered practical and safe. The design will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

The impacts of traffic noise or vehicle emissions have been considered and the development is of a type that is sensitive and suitable measures to ameliorate potential traffic noise or vehicle emissions have been included within the development

Excavation in or immediately adjacent to corridors

The development involves excavation to a depth of at least 3m below ground level (existing) and is located within an area subject to Section 2.120 of *SEPP (Transport Infrastructure) 2021* applies. A referral has been made to TfNSW, however an initial assessment of the proposal has advised that insufficient information has been provided for them to undertake an assessment of the application. On this basis the application has not satisfied the requirements under the applicable clauses.

Traffic-generating development

The proposed development is traffic generating development under Section 2.121 and Schedule 3 of *SEPP (Transport and Infrastructure) 2021*. A referral has been made to TfNSW who have raised no objection to the proposal subject to the imposition of conditions on any consent granted.

**5(a)(vi) State Environmental Planning Policy (Biodiversity and Conservation) 2021****Chapter 2 Vegetation in non-rural areas**

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

The application seeks the removal of vegetation from within the site. The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

- The proposal will impact a tree (Tree 30) located at the rear of 68 Brennan Street close to the common side boundary with the subject site. The proposed excavation for the basement will impact a significant portion of the Tree Protection Zone (TPZ) of this tree and may result in the structural integrity being impacted.
- The Arboricultural Impact Assessment (AIA) report prepared by L & Co and dated 28 March 2022 details that the TPZ is a radius of two (2) metres and the Structural Root Zone (SRZ) is a radius of 1.5m .

- Council has no objection to the removal of this tree with the owner's consent (which has not been provided at this time). Should the tree be retained the basement excavation must be setback a minimum of 1.5 metres from Tree 30 (*Corymbia ficifolia* - Red Flowering Gum).

Overall, the proposal is considered unacceptable with regard to the SEPP having regard to the impact of the proposed development on the tree on the adjoining site.

#### 5(a)(vii) Local Environmental Plans

##### Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the subject application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 19 April 2022, on this date, the draft IWLEP 2020 was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

The draft EPI contained the following amended provisions:

- Changes to the aims of the plan;
- Changes to the objectives of the zone
- Additional provisions of Design Excellence for buildings over 14m in height

The development is considered unacceptable having regard to the provisions of the Draft EPI for the following reasons:

- The proposal is contrary to Clause 1.2(2)(h) - Aims of Plan and 6.9- Design Excellence – as the proposal does not create a high quality urban place through the application of design excellence in all elements of the built environment and public domain,
- The proposal is inconsistent, or it has not been demonstrated that it is consistent, with the following objectives of the R1 Zone:
  - To provide residential development that maintains the character of built and natural features in the surrounding area.

##### Leichhardt Local Environmental Plan 2013 (LLEP 2013)

The application was assessed against the following relevant sections of the *Leichhardt Local Environmental Plan 2013*:

- Section 1.2 - Aims of the Plan
- Section 2.3 - Zone objectives and Land Use Table
- Section 2.7 - Demolition
- Section 4.3A - Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor Space Ratio
- Section 4.5 - Calculation of floor space ratio and site area
- Section 6.1 - Acid Sulfate Soils
- Section 6.2 - Earthworks
- Section 6.4 - Stormwater management
- Section 6.8 - Development in areas subject to aircraft noise
- Section 6.10 - Use of existing buildings in Zone R1
- Section 6.11 - Adaptive reuse of existing buildings in Zone R1
- Section 6.13 - Diverse housing
- Section 6.24 Development of land and 36 Lonsdale Street and 64-70 Brennan Street, Lilyfield

### Section 1.2 Aims of the Plan

Due to the concerns raised elsewhere in this report with respect poor urban design and architectural outcomes, adverse visual bulk and scale impacts, overshadowing, extensive FSR variance and incompatibility with the desired future character, the proposal does not comply, and has not demonstrated compliance, with the following provisions of Clause 1.2(2) of the LLEP 2013:

- *(b) to minimise land use conflict and the negative impact of urban development on the natural, social, economic, physical and historical environment,*
- *(d) to promote a high standard of urban design in the public and private domains,*
- *(e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents, and people who work in and visit Leichhardt,*
- *(f) to maintain and enhance Leichhardt's urban environment,*
- *(l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,*

### Section 2.3 Land Use Table and Zone Objectives

The site is zoned LR1 under the LLEP 2011. The LLEP 2013 defines the development as:

*“mixed use development means a building or place comprising 2 or more different land uses.”*

Specifically, the proposal comprises of the following permissible uses:

- **Affordable housing** has the same meaning as in the Act.
- **Residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.
- **Neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

The development is permitted with consent within the land use table. The development is not consistent with the objectives of the LR1 zone. The proposal does not comply, or has not demonstrated compliance, with the following provisions of Clause 2.1 of the LLEP 2013:

- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

#### Section 4 Principal Development Standards

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

Standard	Proposal	non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 0.93:1 (1,562.68sqm) (0.6:1, plus an additional 0.33:1 under the Housing SEPP provisions)	1.94:1 or 3,259.2sqm	1,696.52sqm Or 108.6%	No
<b>Landscape Area</b> Minimum permissible: 20% or 336.06sqm	17% or 292sqm	44.06sqm or 13.1%	No
<b>Site Coverage</b> Maximum permissible: 60% or 1008.18sqm)	80.1% or 1, 347sqm	338.82sqm 33.6%	No

The proposal has not provided a written request to vary the FSR and Landscape Area development standards in accordance with requirements of 4.6(3) of the LLEP 2013. In the absence of a valid and well-founded Clause 4.6 objection, the consent authority cannot consider the proposed variation and is without power to approve such a development.

#### Section 6.24 Development of land and 36 Lonsdale Street and 64-70 Brennan Street, Lilyfield

The maximum height and FSR provisions relevant to the site as per the provisions under this section, this being RL33.2 and 1.5:1 respectively, are reliant on an adopted site specific DCP. To date, the site specific DCP is yet to be adopted by Council with this considered, any proposal on the site is bound by the existing conditions of the LLEP 2013 as well as the LDCP 2013. Furthermore, the provisions under this section including the parameters of the draft site specific DCP refers to the site being defined as 36 Lonsdale Street and 64-70 Brennan Street, as the subject proposal seeks to develop a portion of the nominated site area, with 68 and 70 Brennan Street being excluded, the requirements 6.24 of the LLEP and objectives draft site specific DCP have not been satisfied.

The proposal does not comply, or has not demonstrated compliance, with the following provisions of Clause 6.24.of the LLEP 2013:

- (1) *This clause applies to the following land in Lilyfield—*
  - (a) *Lots 2–4, DP 1257743, 36 Lonsdale Street,*
  - (b) *Lots 1 and 2, DP 529451, Lot 22 DP 977323 and Lot 1 DP 1057904, 64–70 Brennan Street.*
- (2) *If a development control plan that complies with subclause (3) has been prepared for the land—*
  - (a) *the maximum height of a building is RL 33.2, and*
  - (b) *the maximum floor space ratio for a building is 1.5:1.*
- (3) *The development control plan must provide for the following—*
  - (a) *the objectives for development on the land,*
  - (b) *building envelopes and built form controls, including the following—*
    - (i) *the bulk, massing and modulation of buildings,*
    - (ii) *set backs, both to the ground floor and upper storeys of buildings,*



- (iii) specified building storeys,
  - (c) the heights of buildings that will provide an appropriate transition in built form to the surrounding low density development,
  - (d) encouraging sustainable transport, including increased use of public transport, walking and cycling, and appropriate car parking provision,
  - (e) environmental impacts, for example, overshadowing and solar access and visual and acoustic privacy,
  - (f) the application of the principles of ecologically sustainable development.
- (4) Development consent must not be granted to development that will result in a dwelling on the ground floor of a building if a wall of the dwelling faces the City West Link.

The proposal would isolate the remaining lots resulting in a poor planning outcome.

#### 5(d) Development Control Plans

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

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part C</b>	
C1.0 Site Context and Analysis	No – see discussion
C1.2 Demolition	Yes
C1.5 Corner Sites	No – see discussion
C1.7 Site Facilities	No – see discussion
C1.8 Contamination	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No – see discussion
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.4.1 Catherine Street Distinctive Neighbourhood	No – see discussion
C2.2.4.1(b) The Peripheral Sub Area	No – see discussion
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	No – see discussion
C3.5 Front Gardens and Dwelling Entries	No – see discussion
C3.6 Fences	No – see discussion
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.11 Visual Privacy	No – see discussion

<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	No – see discussion
D2.4 Non-Residential Development	No – see discussion
<b>Part E: Water</b>	
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes

The following provides discussion of the relevant issues:

#### C1.0 Site Context and Analysis

The proposed development not been appropriately designed with respect to the site context, scale, built form, density. Specifically, the proposal is inconsistent with the following objectives:

- *a. existing site conditions on the site and adjacent and nearby properties;*
- *b. the development potential of adjoining and nearby sites and the likely impacts on the site itself and its neighbours if those properties are developed to their maximum potential;*
- *c. known future development proposals and development trends in the vicinity of the site;*
- *d. the potential for amenity impacts such as overshadowing, loss of privacy, views or solar access;*
- *f. the special qualities of the site and its context including urban design, streetscape and heritage considerations; and*

#### C1.5 Corner Sites

The proposal is located on prominent corner and will be highly visible along Brennan Street (City West Link), limited consideration has been given to the site context, scale, built form and relationship with the corner interface. Furthermore, limited streetscape analysis has been provided with respect to the relationship of the proposed development and the adjoining mixed-use development on the corner development at Lonsdale Street and Catherine Street. Specifically, the proposal is inconsistent with the objective O1 and controls C1, C2, C3, C4, C5.

#### C1.7 Site Facilities

Whilst the proposal includes the appropriate site facilities such as communal open space, the legibility and accessibility to these facilities is poor in particular the units within eastern tower. As such the proposal is inconsistent with objective O1(a)(b)(c)(d).

#### C1.11 Parking

In accordance with the provisions under this part a minimum of 22 car parking spaces are required, this being 16 x residential, 3 x visitor and 3 x neighbourhood shop; and a maximum of 38 spaces are required, this being 31 x residential, 4 x visitor and 3 x neighbourhood shop. In addition, 2 x motor bike spaces and 20 bicycle spaces area required.

The proposal seeks to include 34 car parking spaces which includes 4 retail spaces and 2 spaces incorporated as part of a stacker system as well as 2 x motorbike spaces in compliance with the applicable provisions. Bicycle racks have been nominated on the plans however the

number of spaces available has not been clearly marked. Given this, the proposal is inconsistent with objective O4 and Control C18, C19, C20, C21 and C22.

#### C2.2.4.1 Catherine Street Distinctive Neighbourhood and C2.2.4.1(b) The Peripheral Sub Area

The proposed development not been appropriately designed with respect to the site context, scale, built form, density. Specifically, the proposal is inconsistent with the following objectives O1 and controls C1, C2, C3, C4, C9, C10 and C12 in part C2.2.4.1 and objectives O1 and controls C1, C2 and C3 in C2.2.4.1(b).

#### C3.1 Residential General Provisions

The proposed development not been appropriately designed with respect to the site context, scale, built form, density. Furthermore, the proposal results in adverse visual bulk and overshadowing impacts to the adjoining low scale residential development to the south and west. Refer to discussion at 5(a)(i) contained within this report. Specifically, the proposal is inconsistent with the following Objectives O1, O3, O4, O5, O7 and Control C1a.

#### C3.2 Site Layout and Building Design

The proposed development not been appropriately designed with respect to the site context, scale, built form, density. Furthermore, the proposal is inconsistent and incompatible with the pattern of development along Brennan Street (City West Link). Specifically, the proposal is inconsistent with the following objectives O1, O2, O3, O4 and controls C1, C2, C3, C4, C5, C6, C8, C11, C12, C17, C18 and C19.

#### C3.3 Elevation and Materials

The materials and finishes proposed provides limited visual interest to the Lonsdale and Brennan Street (City West Link) elevations. In addition, the plans provided with the application illustrate that whilst the proposal is to be redeveloped independently of the adjoining properties at 68 and 70 Brennan Street, the materials, finishes and urban design interface are directly reliant on these adjoining blocks to be redeveloped in tandem with the subject site. The proposal is inconsistent with O1 and controls C1, C7 and C9.

#### C3.5 Front Gardens and Dwelling Entries

The main entry to the dwellings via Brennan Street (City West Link) is not clearly defined within the streetscape and is partially obscured by the archways. The proposal is inconsistent with objectives O1a-e and controls C2.

#### C3.6 Fences

Insufficient information has been included on the plans provided illustrating the materials, finishes and location of the fences proposed. The proposal is inconsistent with objective O1 and Controls C1, C2, C3, C4, C5, C6, C7 and C9.

#### C3.9 Solar Access

Insufficient information has been included on the plans provided illustrating the existing and proposed overshadowing impacts to the adjoining properties to the south and east. In particular the proposal has not demonstrated that the adjoining properties will retain the requisite level of solar access to their rear POS and main living room windows. Having regard to this the proposal is likely to severely compromise the solar amenity of the properties to the south. The proposal is inconsistent with objective O1f and controls C1, C15 and C19.

### C3.11 Visual Privacy

The proposal provides insufficient building separation to the adjoining low scale residential development to the rear. The proposal is inconsistent with objectives O1 and control C1.

### D2.3 Residential Development

The application was referred to Council's Waste Officer whose comments are summarised as follows:

- The distance from the furthest dwellings (U8, U19, U28 and U34) is greater than 30m which results in poor internal amenity and is contrary to the Environmental Protection Agency (EPA) recommended distance to dispose of garbage.
- Access to the waste storage area is through the loading zone which results in poor internal amenity and legibility;
- The bulky waste store area is not self-contained;

The proposal is inconsistent with Controls C7.

### D2.4 Non-Residential Development

The application was referred to Council's Waste Officer whose comments are summarised as follows:

- The plans provided with the application and operational waste management plan contradict each other;
- Inadequate information has been provided regarding the bin storage size areas, bin storage area location and facilities for reusable items.

The proposal is therefore inconsistent with Controls C2.

## 5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality detailed within this assessment report.

## 5(f) 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.

Furthermore, the principles contained with *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 have been considered with respect to the proposal and the site isolation of 68 and 70 Brennan Street, Lilyfield to the west of the subject site.

*The general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment are:*

- *Firstly, is amalgamation of the sites feasible?*

Comment: The amalgamation of the subject site with 68 and 70 Brennan Street is feasible. The parameters of 6.24 of the LLEP 2013 in addition to the draft site specific DCP have been designed with consideration of the amalgamation of all lots with a frontage to Brennan Street (City West Link) and that are bound by Lonsdale Street to the east and Russell Street to the west. As such, it is envisaged that the future strategic direction for these lots is that they are all amalgamated to facilitate a development with good urban design and amenity outcomes as well as minimal impacts to the locality and neighbouring properties.

- *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

Comment: The SEE included with application the states that landowner has made reasonable attempts to purchase 68 and 70 Brennan Street, Lilyfield, however no written evidence of this has been included as part of the application package to demonstrate this. Additionally, the plans provided with the application include indicative floor plans on the adjoining lots to demonstrate the potential future redevelopment of 68 and 70 Brennan Streets can be achieved. However, the indicative plans depict part of the proposed development relying on these adjoining lots although they do not form part of the application, in particular the balconies of the western tower as well as the front façade and structural elements. Given this, an orderly and economic use of the separate sites cannot be achieved unless all lots are amalgamated. The resultant site isolation as a result of the proposed development is considered to have detrimental impact to the adjoining properties and cannot be supported.

### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 11 submissions were received in response to the initial notification, including one in support.

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

- Overdevelopment of the site in terms of height and scale;
- Visual privacy
- Overshadowing/solar access
- Parking
- Contamination
- Site isolation
- FSR exceedance

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

Issue: Impacts to local traffic

Comment: The vehicular entrance to the development via Lonsdale Street entrance, which is a low traffic area and is unlikely to result in additional traffic impacts.

Issue: Traffic management during construction

Comment: If an approval was recommended for the application suitable conditions would be imposed requiring a construction traffic management plan.

Issue: Management of communal roof space

Comment: If an approval was recommended for the application suitable conditions would be imposed requiring a management plan for the use of the communal roof area.



### 5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is an overdevelopment of the site, results in poor amenity outcomes for adjoining development and fails to provide a high level of quality urban design, and considering the prominence of the site, the proposal would result in a poor streetscape outcome and is therefore contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Urban design
- Building
- Engineering
- Health
- Urban forest
- Waste

### 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
- Transport for NSW (Sydney Trains)
- Transport for NSW

## 7. Section 7.11 Contributions/7.12 Levy

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 comply with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

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

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

## 9. Recommendation

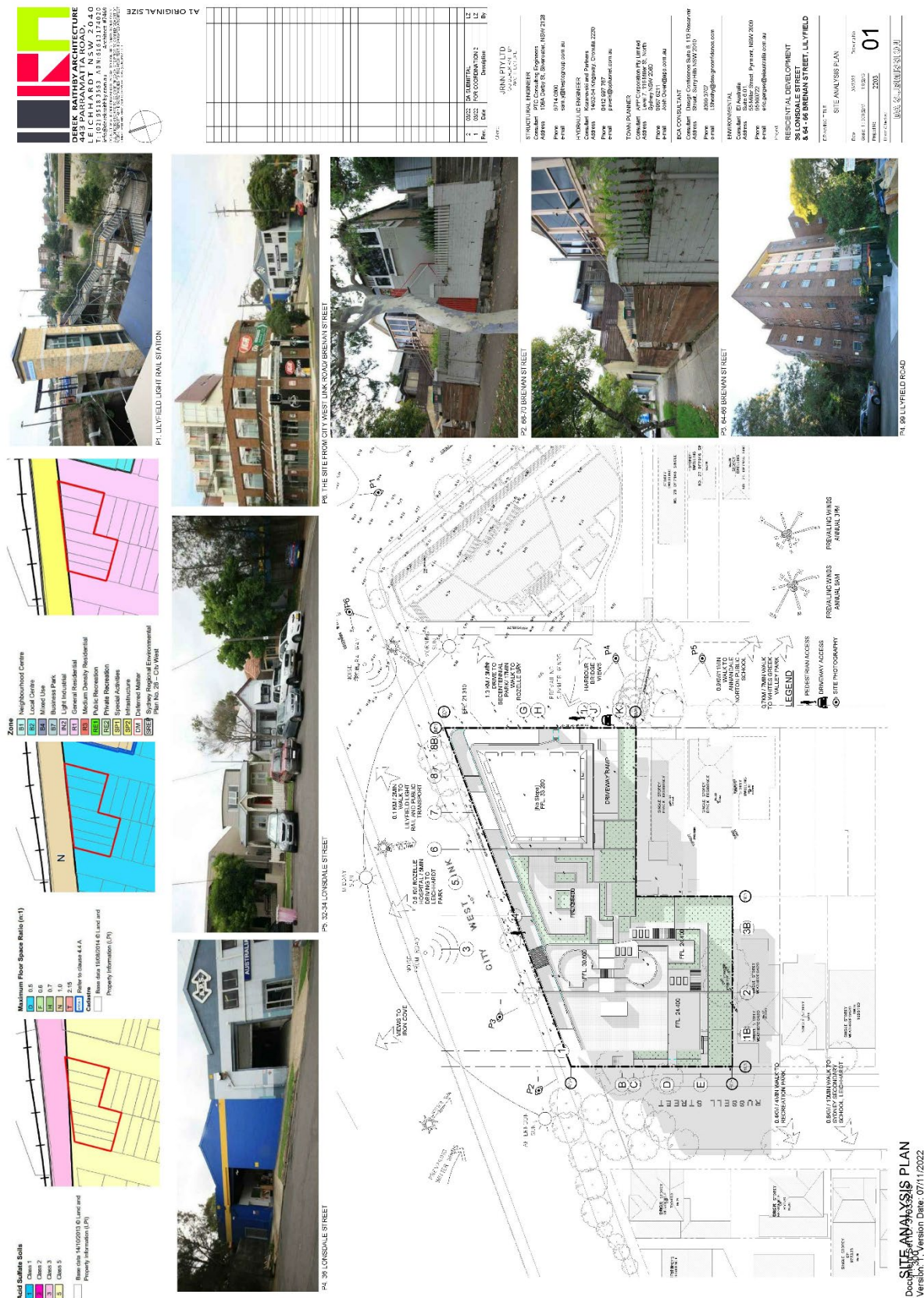
- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2022/0266 for The development proposed includes demolition of all existing buildings, remediation, excavation, construction of a new five-storey plus attic mixed use building with lower ground floor neighbourhood shops, live-work units and 34 residential apartments. at 36 Lonsdale Street and 64-66 Brenan Street, LILYFIELD for the following reasons.

## Attachment A – Reasons for refusal

1. The proposed development is inconsistent with and has not demonstrated compliance with Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:
  - a. Clause 1.2(2)(b)(d)(e)(f)(l) - Aims of Plan.
  - b. Clause 2.1- Zone objectives and Land use table
  - c. Clause. 4.3A - Landscaped areas for residential accommodation in Zone R1
  - d. Clause. 4.4 - Floor Space Ratio
  - e. Clause 6.24 - 24 Development of land and 36 Lonsdale Street and 64-70 Brennan Street, Lilyfield
2. The applicant has failed to provide a request under Clause 4.6 of Leichhardt Local Environmental Plan 2013 to demonstrate sufficient environmental planning grounds to justify contravening the FSR and Landscape Area development standards and the development is considered contrary to the objectives of the standards in its proposed form and is an overdevelopment of the site. In the absence of a valid and well-founded Clause 4.6 objection, the consent authority cannot consider the proposed variation and is without power to approve such a development.
3. Insufficient information has been provided with respect to the requirements of Transport and Infrastructure SEPP 2021
4. The proposed development is inconsistent with and has not demonstrated compliance with Draft Inner West Local Environmental Plan 2020, pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, including:
  - a. Draft Clause 1.2(2)(h) - Aims of Plan.
  - b. Draft Clause 2.3 - Zone objectives and Land Use Table.
  - c. Clause. 4.4 - Floor Space Ratio
  - d. Clause 6.9- Design Excellence
  - e. Clause 6.30 - 24 Development of land and 36 Lonsdale Street and 64-70 Brennan Street, Lilyfield
5. The proposed development is inconsistent with and has not demonstrated compliance with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, including:
  - a. Part C1.0 Site Context and Analysis
  - b. Part C1.5 Corner Sites
  - c. Part C1.7 Site Facilities
  - d. Part C1.11 Parking
  - e. Part C2.2.4.1 Catherine Street Distinctive Neighbourhood
  - f. Part C2.2.4.1(b) The Peripheral Sub Area

- g. Part C3.1 Residential General Provisions
  - h. Part C3.2 Site Layout and Building Design
  - i. Part C3.3 Elevation and Materials
  - j. Part C3.5 Front Gardens and Dwelling Entries
  - k. Part C3.6 Fences
  - l. Part C3.9 Solar Access
  - m. Part C3.11 Visual Privacy
  - n. Part D2.3 Residential Development
  - o. Part D2.4 Non-Residential Development
6. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
7. The proposed development is inconsistent with and has not demonstrated compliance with the design quality principles of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development
8. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
9. The proposal isolates the adjoining lots at 68-70 Brenan Street compromising their ability to redevelop in the future
10. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment At 1979.

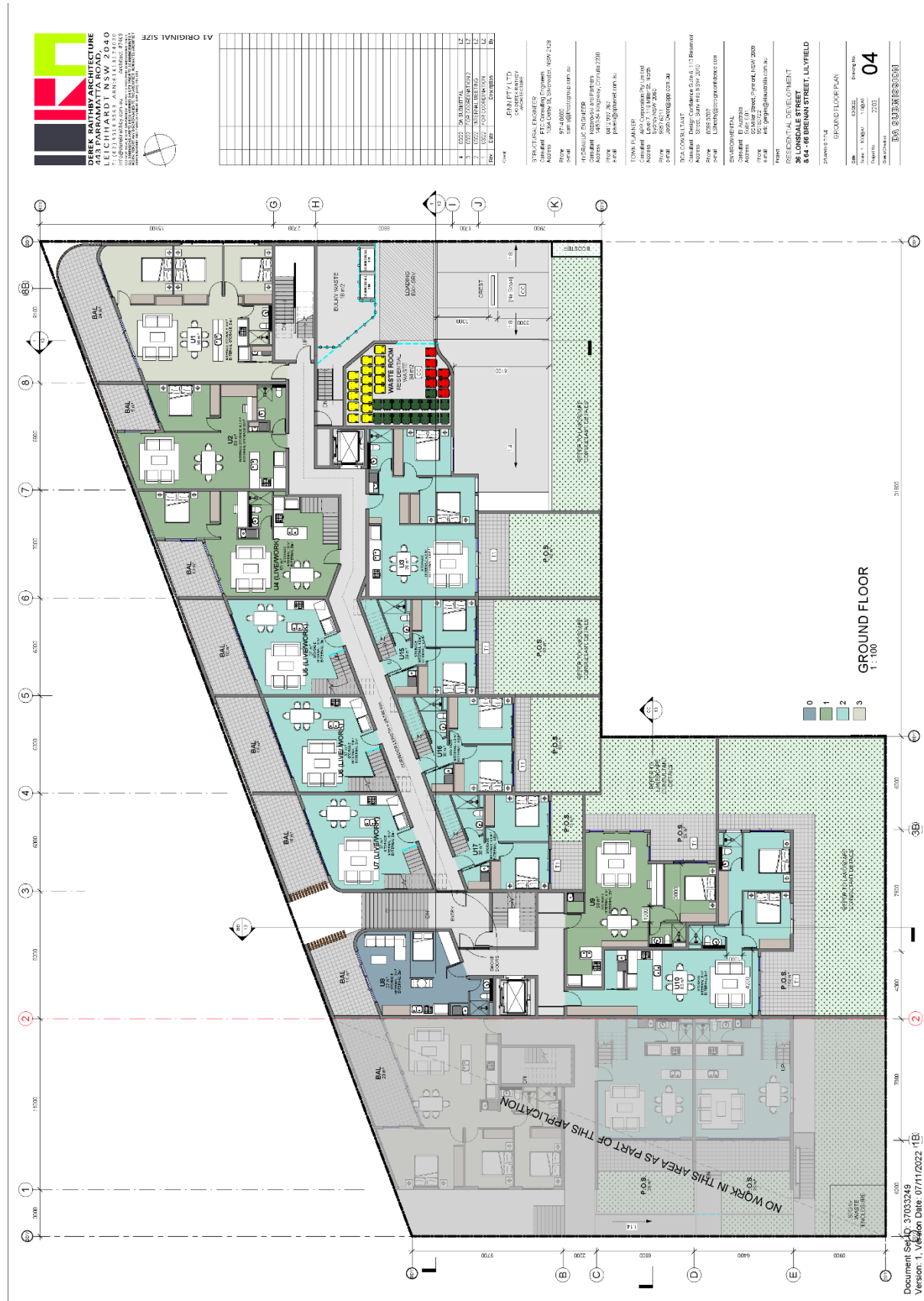
## Attachment B – Plans of proposed development





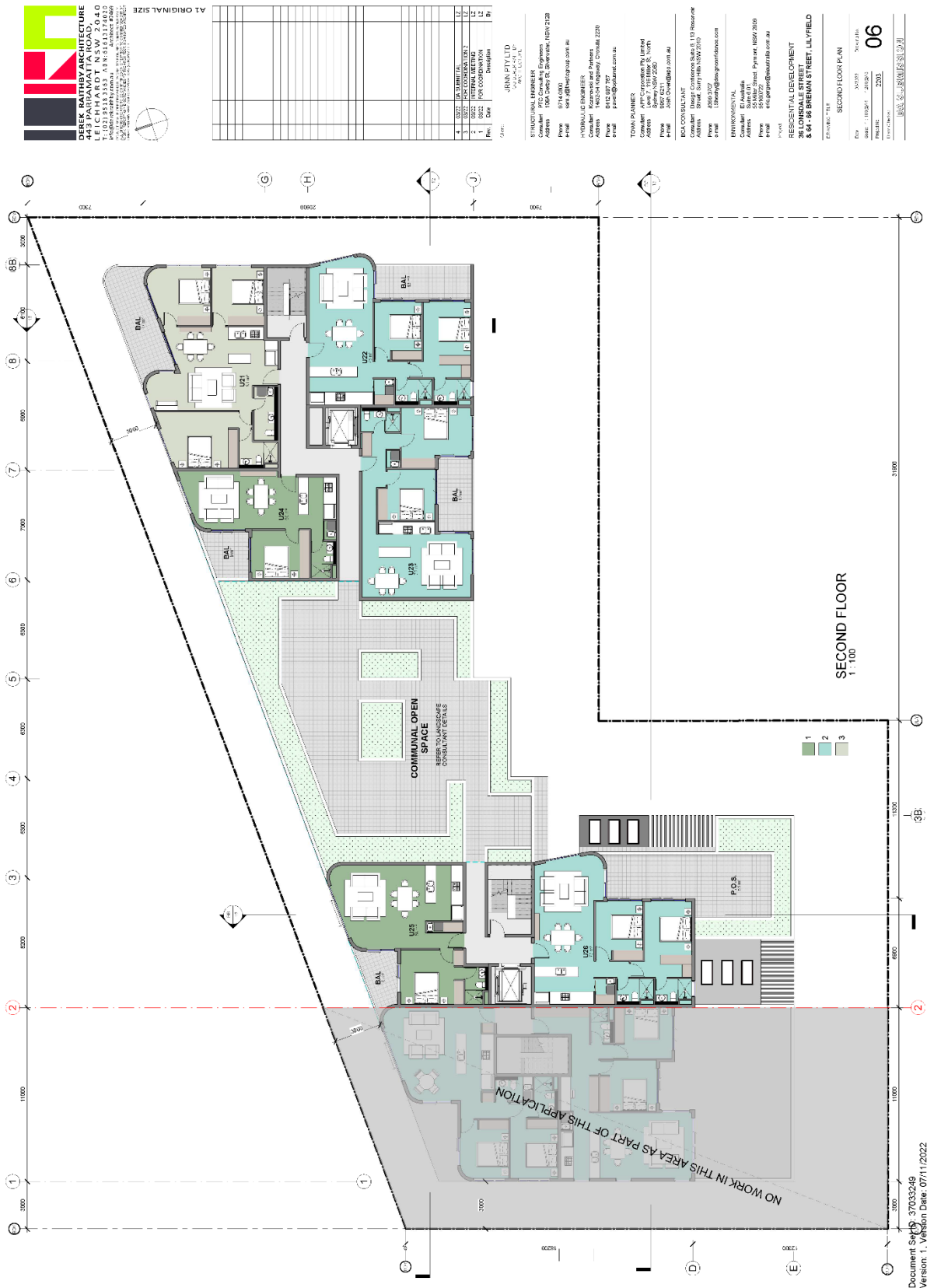






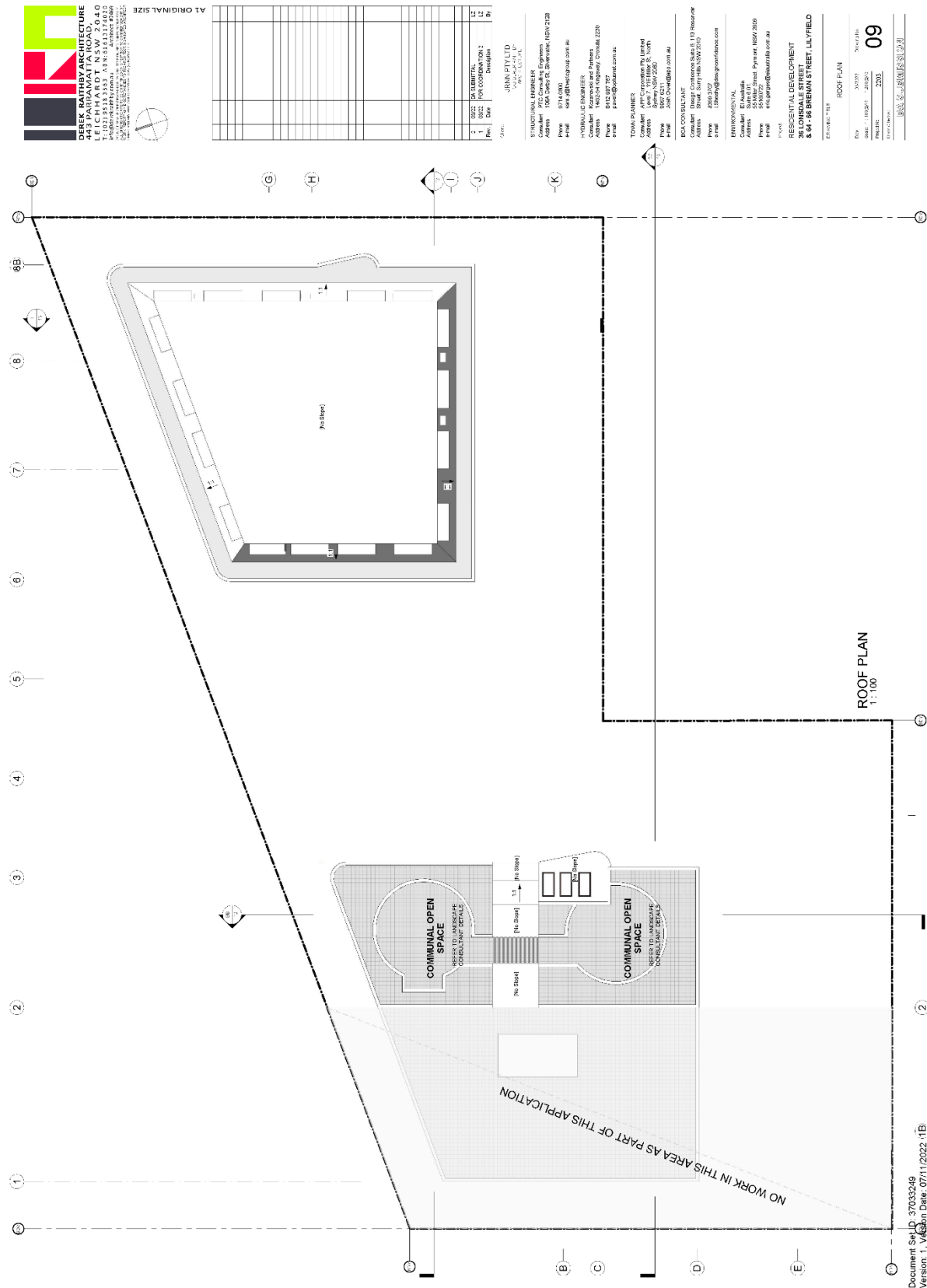


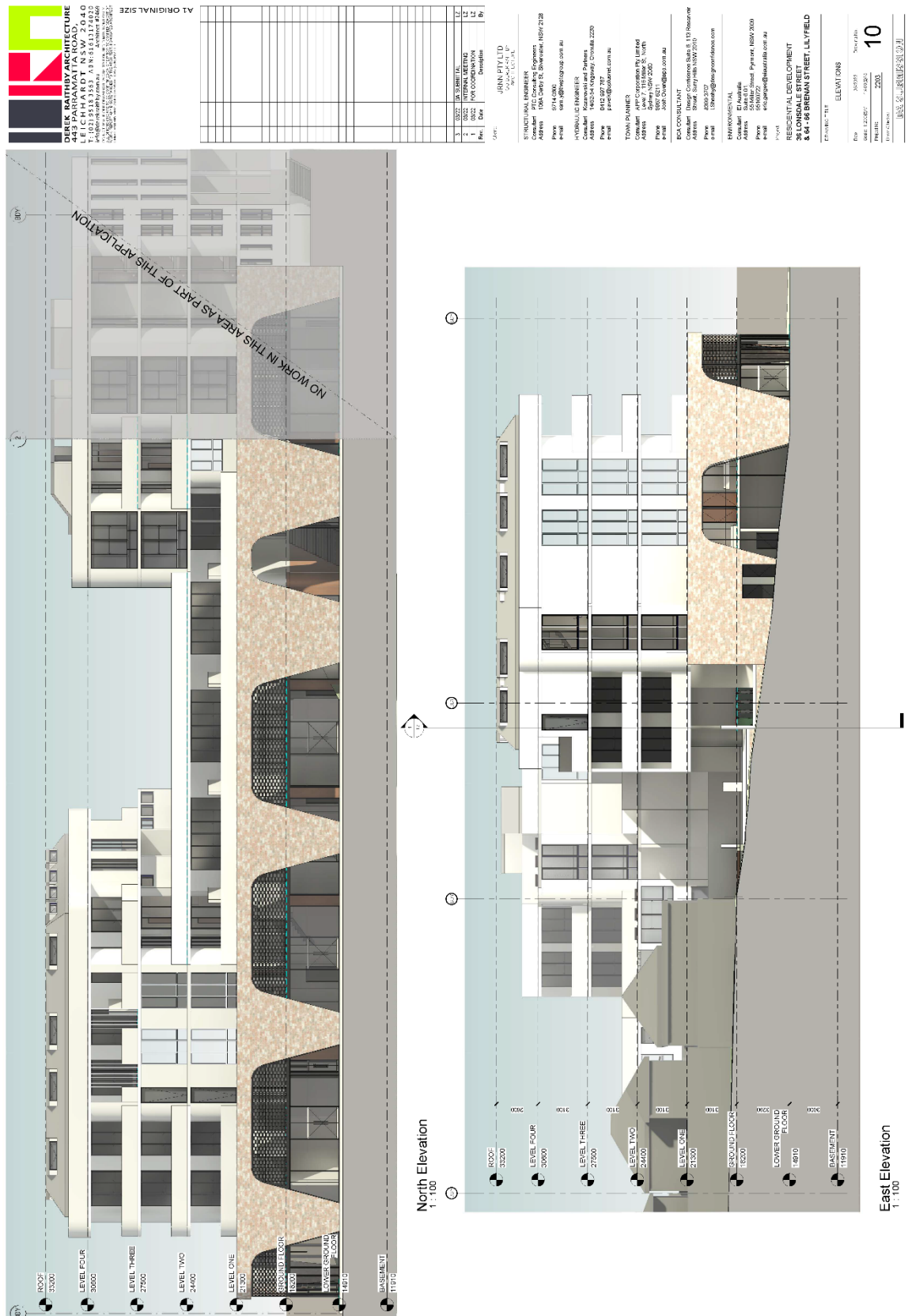


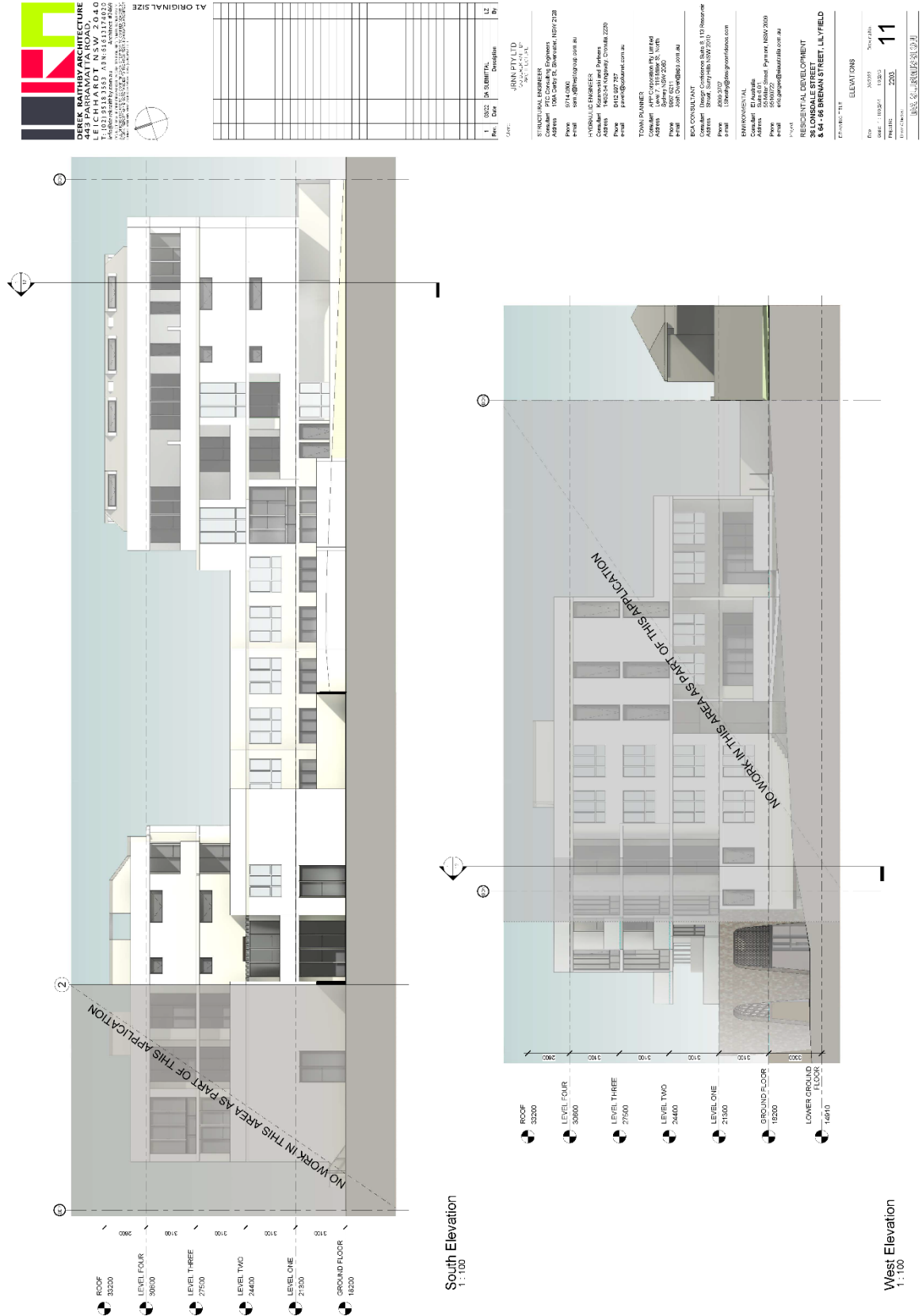




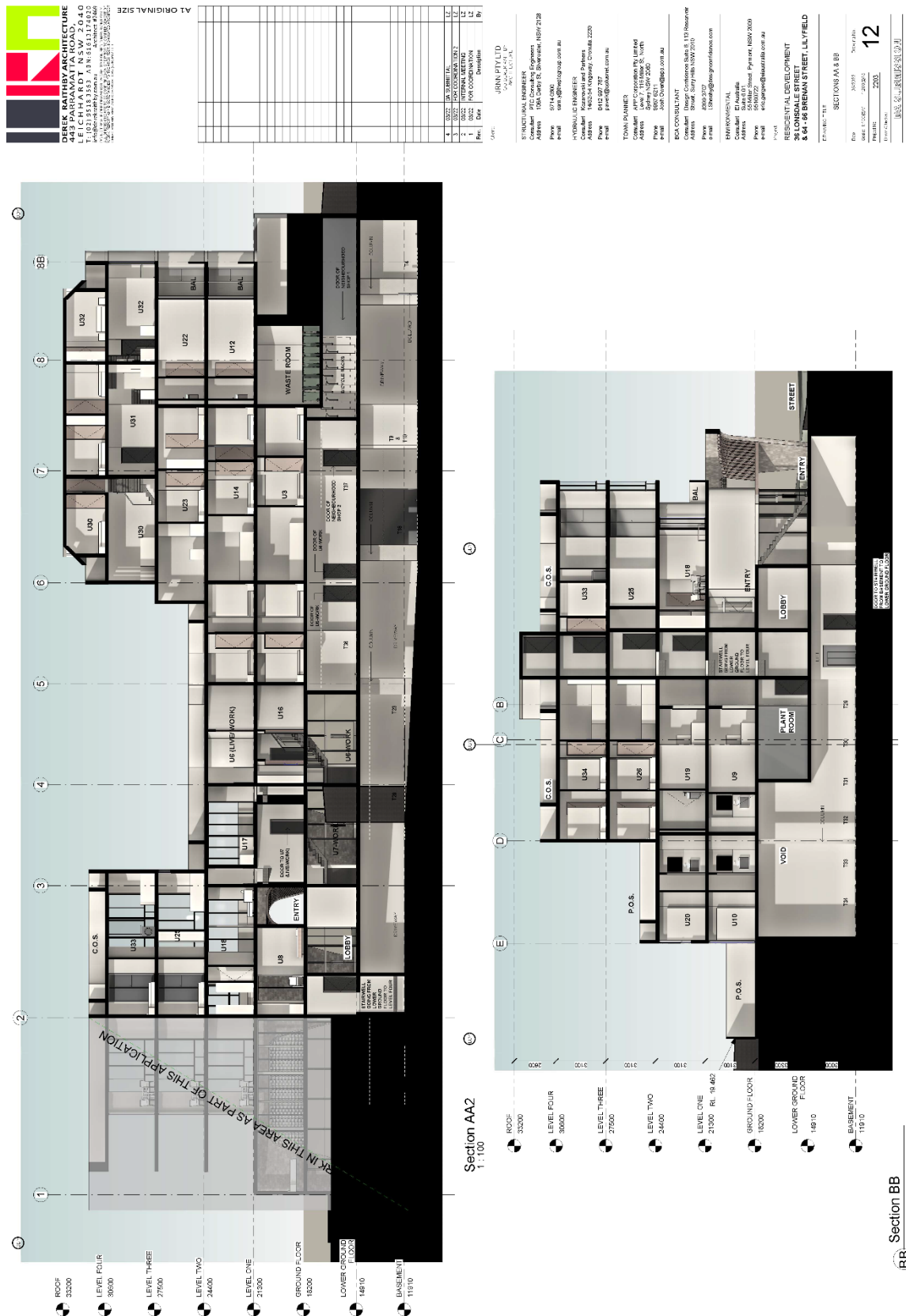


















## Attachment C- Conditions in the event of approval

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
02, Rev 4	Basement Plan	03/22	Derek Raithby Architecture
03, Rev 4	Lower Ground Floor Plan	03/22	Derek Raithby Architecture
04, Rev 4	Ground Floor Plan	03/22	Derek Raithby Architecture
05, Rev 4	First Floor Plan	03/22	Derek Raithby Architecture
06, Rev 4	Second Floor Plan	03/22	Derek Raithby Architecture
07, Rev 4	Third Floor Plan	03/22	Derek Raithby Architecture
08, Rev 4	Fourth Floor Plan	03/22	Derek Raithby Architecture
09, Rev 2	Roof Plan	03/22	Derek Raithby Architecture
10, Rev 3	Elevations - North & East	03/22	Derek Raithby Architecture
11, Rev 1	Elevations - South & West	03/22	Derek Raithby Architecture
12, Rev 4	Sections AA & BB	03/22	Derek Raithby Architecture
13, Rev 4	Section CC & DD	03/22	Derek Raithby Architecture

33, Rev 1	Finishes Schedule	03/22	Derek Raithby Architecture
1295368M	Basix Certificate	1/04/2022	Eco Certificates Pty Ltd
	Acoustical Report	29/03/2022	Koikas Acoustics
E24775.E06_Rev1	Remedial Action Plan	29/3/2022	eiaustralia

As amended by the conditions of consent.

## **FEES**

### **2. 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 \$608,883.31 Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access.

The above contribution is the contribution applicable as at 17 November 2022 .

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:

<b>Local Infrastructure Type:</b>	<b>Contribution \$</b>
Community Facilities	\$74,248.81
Open Space	\$528,822.29
Local Area Traffic Management	\$4,762.40
Light Rail	\$396.01
Bicycle	\$593.80
<b>TOTAL</b>	<b>\$608,883.31</b>

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>

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.**

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

### 3. 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.

### 4. 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:	1% of cost of works or \$8000.00 - whichever is greater
Inspection Fee:	\$350.00

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

The inspection fee is required for 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**

##### **5. Tree Protection**

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

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

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Trees - T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, T14, T15, T16, T17, T18 T19, T20 and T21. Reference must be made to the Arboricultural Impact Assessment report prepared by L & Co Arboricultural Consultants and dated 28 March 2022 for tree identification, numbers and locations.

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned;

#### 6. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

#### 7. Works to Trees

Approval is given for the removal of the following trees after the issuing of a Construction Certificate:

Tree 22 - *Robinia pseudoacacia* 'Frisia' (Golden Robinia)  
Tree 23 - *Robinia pseudoacacia* 'Frisia' (Golden Robinia)  
Tree 24 - *Robinia pseudoacacia* 'Frisia' (Golden Robinia)  
Tree 25 - *Olea europaea* var *europaea* (European Olive)  
Tree 26 - *Ligustrum lucidum* (Large Leafed Privet)  
Tree 27 - *Ligustrum lucidum* (Large Leafed Privet)  
Tree 28 - *Celtis australis* (Hackberry)  
Tree 29 - *Schefflera actinophylla* (QLD Umbrella Tree)  
Tree 30 - *Corymbia ficifolia* (Red Flowering Gum)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

#### 8. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by koikasacoustics Pty Ltd, reference 5263R20220221mj36LonsdaleStreet&64-66BrenanStreetLilyfield\_DAv5.docx dated 20/3/2022 must be implemented.

#### 9. 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 EI Australia reference E24775.E06\_Rev1 dated 29 March 2022 the *Contaminated Land Management Act 1997* and Chapter 4 - Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

#### **10. Car Parking**

The development must provide and maintain within the site:

- a. 38 car parking spaces must be paved and line marked;
- b. 4 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- c. 3 visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site;
- d. 3 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times;
- e. 20 Bicycle storage capacity within the site;
- f. 1 Carwash bays; and

#### **11. Residential Flat Buildings – 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.

#### **12. Residential Flat Buildings – 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.

#### **13. Residential Flat Buildings – Adaptable Dwellings**

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate **XX** units are Adaptable units.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

#### **14. Waste Management Plan**

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



**15. 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.

**16. 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.

**17. 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.

**18. Works Outside the Property Boundary**

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

**19. Separation of Commercial and Residential Waste and Recycling**

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

**20. Contamination – Remedial Action Plan (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 eiaustralia, reference E24775.E06\_Rev1 dated 29 March 2022 and the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor. All remediation work must be carried out in accordance with the *Contaminated Land Management Act 1997* and Chapter 4 - Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

**21. Hazardous Materials Survey**

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material 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.

**22. Rock Anchors**

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

**23. Transport for NSW (Sydney Trains)**

The following information is required to be provided to Transport NSW (Sydney Trains) prior to the issue of the construction certificate:

- a. Cross Sectional Drawings showing the proposed development in relation to the Sydney Trains electrical assets (33kV High Voltage Aerial Transmission Line and Power Pole) including measured distances between the development, property boundary and electrical asset at the closest points. All horizontal, RL and vertical measurements are to be verified by a Registered Surveyor.
- b. Blow-out Report. The blow-out report must show the proposed development in relation to the Sydney Trains electrical asset including blow-out design and calculations, and compliance with all relevant Safety and Electrical Standards including AS7000 and ISSC 20, Work Cover requirements and the Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 – Working Around Electrical Equipment". The report must take into account the construction methodology for the proposed development, including unloading of building materials and/ use of equipment.

**24. Transport for NSW**

The following information is required to be provided to Transport NSW prior to the issue of the construction certificate:

- a) All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be erected clear of the WestConnex Tunnel and wholly within the freehold property along the Brennan Road/ City West Link boundary. The integrity of the WestConnex Tunnel must not be compromised.

b) The subject property is within the WestConnex M4-M5 Link project boundary and is subject to construction impacts. To allow for the construction and operation of WestConnex, TfNSW has acquired subsurface land (in this case, land underneath 36 Lonsdale Street, Lilyfield) to form the underground road corridor. As such, a section of this property is limited in stratum. A property condition survey is offered to all properties within 50 metres of the tunnel alignment and construction sites both before and after construction.

A specialist engineering assessment, including 3-dimensional finite element (FE) modelling analysis undertaken by an appropriately qualified and experienced geotechnical/tunnelling engineer that identifies the implications of the development on the road infrastructure shall be submitted to TfNSW for approval prior to issue of the construction certificate. In addition specific attention to those that involve the penetration of ground to a depth of at least 3m below ground level (existing) and/or greater than 50Kpa loading at founding level. The proponent will be required to demonstrate that the proposed development does not result in any adverse effects on the strength capacity, durability, design life and water control system performance of the adjacent infrastructure.

Please send all documentation to [info@westconnex.com.au](mailto:info@westconnex.com.au).

c) The reconstruction of redundant driveways, kerb and associated works on City West Link shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW. The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

d) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

If it is necessary to excavate below the level of the base of the footings of the adjoining

roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

e) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

f) All vehicles shall enter and exit the site in a forward direction.

g) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

h) Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works.

The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

i) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

j) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

## **25. 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.

**26. Awnings without Lighting**

The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The total width of the awning that extends beyond the road alignment must not exceed 3600mm. The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council or the RTA to do so.

**27. 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 system. Alternatively, the basement or any below ground structure must be designed to be "tanked" preventing the ingress of seepage or groundwater.

**PRIOR TO ANY DEMOLITION****28. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, 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 all the adjoining **property/ies** 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.

**29. Advising Neighbours 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.

**30. 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.

**31. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

**32. 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.

**33. Construction Traffic Management Plan – Detailed**

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 Transport for NSW accreditation. The Certifying Authority must approved by the CTMP 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.

#### **PRIOR TO CONSTRUCTION CERTIFICATE**

##### **34. Tree Planting in the Public Domain**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Public Domain/Street Tree Planting Plan 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. Two (2) new street trees shall be located within the footpath outside the subject property on Lonsdale Street. The species of tree selected shall be *Corymbia eximia* (Yellow Bloodwood);
- b. The trees are to be planted at appropriate spacings to allow for mature canopy width;
- c. All planting stock size shall be minimum 200 litres;
- d. The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*;
- e. The new tree shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture, the plans must be annotated with this requirement;
- f. The tree pit dimensions and staking detail shall be in accordance with Detail 2 on page 128 of the Marrickville Street Tree Master Plan (available online);
- g. The awning configuration must be detailed on the plan. All construction plans shall show the awning on the Lonsdale Street frontage to be setback around the street trees. The awning must be setback a minimum of 1500mm from the back of the kerb for a minimum distance of 1800mm either side of each tree location;

### 35. Landscape Plan

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with a detailed tree planting plan (can be included on landscape plan), drawn to scale, by an AQF5 consultant Arborist or Landscape Designer/Architect and approved by Council. The plan must include:

1. Details of any earthworks, changes to existing grade and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees;
2. Location, numbers, type and supply of trees, with reference to AS2303:2018—*Tree stock for landscape use*;
3. A minimum of six (6) large canopy trees and six (6) medium canopy trees must be included in the design. The trees species must attain a minimum mature height of twenty (20) metres (large canopy trees) and twelve (12) metres (medium canopy trees). Trees listed on the Trees 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;
4. Canopy trees must be planted in natural ground/deep soil. 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).
5. 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 1.5 metres from any boundary or structure;
6. Structures such as OSD's, electrical kiosks, services etc. are not to be located within areas of deep soil or under the canopy of any existing trees.
7. Details of planting specification and maintenance programme.



**36. Aircraft Noise – Acoustic Report (ANEF20-25 or Greater)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report that meets the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction. The recommendations of the report are to be indicated on the architectural plans and / or specifications.

**37. 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.

**38. 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.

**39. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

**40. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

**41. 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.

#### **42. Consolidation of Lots**

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

#### **43. Future Food Use - Mechanical Ventilation Provision**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

#### **44. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

**45. Bulky Waste Storage Area – Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Leichhardt DCP 2013 and have minimum doorways of 1200mm wide to accommodate large items.

**46. Waste Transfer Route**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

**47. 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.

**48. Stormwater Drainage System – Major Developments**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), 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 design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. stormwater Drainage Concept plan on Drawing No. C-3698-02 prepared by Pavel Kozarovsi and dated 27/03/2022 , as amended to comply with the following;
- b. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks;

- 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. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- e. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100 year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. As there is no overland flow/flood path available from the rear and central courtyards to the Brennan Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
  - 1. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.;
  - 2. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
  - 3. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- k. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings;
- l. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
  - 1. Comply with all relevant Australian Standards;

2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
  3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
  4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
  5. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank;
  6. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls;
  7. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system; and
  8. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system. e.g.. isolate any subsurface drains at boundary walls, inspection pits with solid covers, etc.
- m. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
  - n. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
  - o. No nuisance or concentration of flows to other properties;
  - p. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
  - q. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
  - r. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
  - s. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
  - t. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
  - u. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;

- v. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- w. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);  
*Applicable for all developments in former Leichhardt LGA other than single dwellings. Note: Major or significant developments required GPTS, raingardens, porous pavements etc where appropriate. Applications with more than 9 parking spaces require additional device to remove oil and grease. And applications that require an Integrated Water Cycle Plan must meet DCP water quality targets.*
- x. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

Pollutant	Baseline Pollution (kg/ha/yr)	Annual Load	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500		90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900		85% reduction of average annual load
Total Phosphorous	2		65% reduction of average annual load
Total Nitrogen	15		45% reduction of average annual load
Hydrocarbons (Oil and Grease)			90% reduction of average annual load – no visible discharge
Toxicants			100% containment of toxicants

- y. A water balance model must be submitted to accompany the water re-use proposal;
- z. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. For sites with a GFA greater than 2000sqm a MUSIC model (including .sqz file) must be included with the report;

- aa. 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.
- bb. 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 system. Alternatively, the basement must be fully "tanked" so as not to allow the ingress of seepage or groundwater

#### **49. 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 practicing 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, must 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; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

#### **50. 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 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 public domain along all frontages of the site inclusive of Lonsdale Street and Brenan Street must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
  - b. The construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
  - c. New concrete/asphalt 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;
  - d. 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.
  - e. The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3m lintel) must be installed; The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, longsections and details must be provided including location of utility services; Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm above the invert of the outgoing pipe.
  - f. Installation of a stormwater outlet to the kerb and gutter.
- All works must be completed prior to the issue of an Occupation Certificate.

## **DURING DEMOLITION AND CONSTRUCTION**

### **51. Tree Protection**

To protect the following street trees, trunk and branch protection (branch protection may be required for installation of scaffolding) must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Trees - T13, T14, T15, T16, T17, T18, T19, T20 and T21

Reference must be made to the Arboricultural Impact Assessment report prepared by L & Co Arboricultural Consultants and dated 28 March 2022 for tree identification, numbers and locations.



**52. Inspections by Project Arborist**

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
<p>Trees - T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, T14, T15, T16, T17, T18, T19, T20 and T21.</p> <p>Reference must be made to the Arboricultural Impact Assessment report prepared by L &amp; Co Arboricultural Consultants and dated 28 March 2022 for tree identification, numbers and locations.</p>	<p>Prior to commencement of works</p>	<ul style="list-style-type: none"> <li>Inspection and sign off installation of tree protection measures. Only pruning specifically approved can be undertaken for scaffolding installation. Scaffolding must be designed in liaison with the Project Arborist to mitigate the impacts to street trees.</li> </ul>

	During Works	<ul style="list-style-type: none"> <li>• Supervise all site preparation and demolition works within the TPZ;</li> <li>• Supervise all works inside or above the TPZ;</li> <li>• Supervise all excavation (within 1 metre of existing ground levels) , trenching works, landscaping works and tree/planting replenishment within the TPZ;</li> <li>• Supervise all tree work.</li> </ul>
	And - Generally in accordance with the Arboricultural Impact Assessment report prepared by L & Co Arboricultural Consultants and dated 28 March 2022. .	

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

### 53. Canopy and Root Pruning

Canopy pruning of the following trees which is necessary to accommodate the approved building works/scaffolding/hoarding must be undertaken by, or directly supervised by, the Project Arborist.

Tree No.	Botanical/Common Name	Approved Pruning
1	<i>Casuarina glauca</i> (Swamp She Oak)	Pruning as detailed in Appendix 10 of the Arboricultural Impact Assessment report prepared by L & Co Arboricultural Consultants and dated 28 March 2022
13	<i>Lophostemon confertus</i> (Brush Box)	
18	<i>Lophostemon confertus</i> (Brush Box)	

Pruning is limited to those branches approved for removal. Note - Additional pruning for scaffolding or hoarding is not likely to be approved.

#### 54. Limited Root Pruning

All excavation within the Tree Protection Zones (TPZ - 5 metres) of the following trees being hand dug or pneumatic or hydraulic tools only (e.g. *Airspade*® or hydro excavation) to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. All roots required to be severed for the purposes of constructing the approved works, must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist, under the supervision of the Project Arborist:

Trees 13, 14, 15, 18 - *Lophostemon confertus* (Brush Box)

#### 55. 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.

#### 56. Imported Fill Materials

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

#### **57. 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.

#### **58. 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.

#### **59. Documentation of Demolition and Construction Waste**

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

### **PRIOR TO OCCUPATION CERTIFICATE**

#### **60. Project Arborist Certification**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan/canopy tree planting and the role of the project arborist have been complied with.

#### **61. Planting of Street Trees**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the street trees in Lonsdale Street have been planted in accordance with the approved Public Domain / Street Tree planting plan/s.

#### **62. Contamination – Disposal of Soil**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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 (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

**63. Contamination – Validation (Site Audit Statement Required)**

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Section A Site Audit Statement prepared by a NSW Environment Protection Authority accredited Site Auditor.

The Site Audit Statement 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.

**64. Aircraft Noise –Alterations and Additions**

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

**65. 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.

**66. 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*.

**67. 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. Light/Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- 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; and
- 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".

#### **68. 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.

#### **69. Whiteway Lighting - New**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Under awning lighting matches the existing Whiteway lighting scheme in the area.

#### **70. Parking Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising 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. A notice has been clearly displayed at the Lonsdale Street frontage to indicate that visitor parking is available within the property with access from Lonsdale Street
- c. 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;
- d. 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).

#### **71. Public Domain - Major Developments**

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

#### **72. Dilapidation Report – Post-Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections 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.

#### **73. Stormwater Drainage and Road Works – Certification**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a 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. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator;
- c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council; and
- d. Certification by a Registered Surveyor that the as-built Council Stormwater pipeline is located totally within the drainage easement.

#### **74. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned 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 Certifier stamped Construction Certificate plans.

#### **75. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and 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; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

#### **76. No Weep Holes**

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

#### **77. Basement/Retaining Wall 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.

### **ON-GOING**

#### **78. 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.

**79. 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.

**80. Bin Storage**

All bins are to be stored within the site.

**81. Documentation of Businesses Waste Services**

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

**82. Operation and Management Plan**

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

**83. Vehicles Leaving the Site**

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

**84. Loading/unloading on site**

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

**ADVISORY NOTES****Consent of Adjoining property owners**

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access

to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

#### **Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

#### **Tree Protection Works**

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

#### **Tree Pruning or Removal (including root pruning/mapping)**

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

#### **Mechanical Ventilation System Certification**

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

- 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.

#### **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

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

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

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

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

#### **Storage of Materials on public property**

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

#### **Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

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

**Disability Discrimination Access to Premises Code**

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

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

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

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

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

#### Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

#### Amenity Impacts General

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

#### Fire Safety Certificate

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

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule.

The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

#### 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.

#### 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 <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660



				To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441		<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority		1300 552 406		<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
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 - Environmental Solutions	SITA	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.

**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

**Notice to Council to deliver Residential Bins**

Council should be notified of bin requirements three months prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

**Recycling / Garbage / Organics Service Information and Education**

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

**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;*
- b. *Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005;*
- c. *Skin Penetration - Public Health Regulation 2012;*
- d. *Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012; and*
- e. *Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005.*

**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.

#### **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; 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.

#### **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.

#### **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.