



DEVELOPMENT ASSESSMENT REPORT

Application No.	MOD/2023/0035
Address	8 Cambridge Street ROZELLE NSW 2039 (previously known as 731-735 Darling Street, ROZELLE)
Proposal	Section 4.56 Modification of Development Consent D/2017/491 seeking to amend the approved stormwater design.
Date of Lodgement	24 March 2023
Applicant	The Trustee for 731 Darling Street Rozelle Unit Trust
Owner	Owners Of Strata Scheme 103591/ Inner West Council
Number of Submissions	Initial: 1
Value of works	\$6,842,937.00
Reason for determination at Planning Panel	Proposed stormwater works are located within the road reserve whereby Council is the landowner
Main Issues	Stormwater Management, Heritage
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Conditions of Consent - D/2017/491



LOCALITY MAP

Subject Site		Objectors		↑
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council under Section 4.56 of the Environmental Planning and Assessment Act seeking to modify Development Consent D/2017/491 so as to amend the approved stormwater design.

The application was notified to surrounding properties and one (1) submission was received in response to the initial notification.

The main issues that have arisen from the proposal include:

- Impacts to heritage fabric associated with the heritage item located on the subject site.
- Impacts to trees on the road reserve along Cambridge Street.
- On-street parking along Cambridge Street.
- Stormwater management /OSD.
- Road restoration, re-sheeting and rectification works to the road following the placement of the new stormwater lines.

The above matters have been satisfactorily addressed in the subject modification application and supporting documentation. Therefore, the application is recommended for approval subject to additional and modified conditions.

2. Proposal

The proposal is seeking to amend Development Consent D/2017/491 approved on 18 April 2019 by the Land and Environment Court. The works approved under the Development Application is described as follows:

- Demolition of an existing at-grade car park and part of existing retail building
- Retention of heritage façade, entryways and awnings
- Excavation for one basement level
- Construction of a four-storey shop top housing building, comprising ground floor retail space and 16 residential units on levels 1 to 3; and 23 car spaces and a loading dock

Construction of the building has now concluded, however the final occupation certificate is pending following completion of the stormwater works which is the subject of this modification application.

The modifications seek to amend the approved public stormwater works on Darling Street and associated conditions of consent given the approved stormwater design is considered untenable due to a number of risks that could not be appropriately determined prior to construction. As a result, the stormwater management plan has been amended to direct the site's external stormwater discharge from Darling Street to Cambridge Street in response to Transport for NSW requirements.

The stormwater connection is proposed to run along Cambridge Street into an existing kerb inlet pit located near the corner of Moodie Street (**Figure 4**).

Accordingly, the proposal is seeking to amend DA consent conditions 1, 12A, 12B 24 and 60D to facilitate a revised stormwater design and an extension to the timeframe for completing the works. A copy of the conditions of consent (as amended by this modification) can be found under Attachment A.

3. Site Description

The subject site is a corner lot located on the north-western side of Darling Street and south western side of Cambridge Street. The site consists of one allotment and is generally L-shaped with a total area of 1325 sqm and is legally described as Lot 5 in SP 103591.

The site has a frontage to Darling Street of 20.72 metres and a secondary frontage of approximate 57.315 metres to Cambridge Street. The site currently features a four-storey mixed use building comprising ground floor retail space and 16 apartments on the levels above.

To the north of the site are medium-density residential dwellings, consisting primarily of attached and semi-detached townhouses and terraces. To the east of the site is Darling Street, which features a wide range of retail and commercial buildings, predominately in terrace buildings of various architectural styles.

To the south of the site are commercial premises along Darling Street. To the west of the site are commercial premises and medium density residential dwellings

The site is zoned E1 Local Centre (**Figure 2**) pursuant to the *Inner West Local Environmental Plan 2022* (IWLEP 2022).

The subject site is listed as a heritage item of local significance. The property is also located within a heritage conservation area. The property is not identified as a flood prone lot.



Figure 1 – Aerial map of the subject site





Figure 3 – Streetscape presentation of subject site

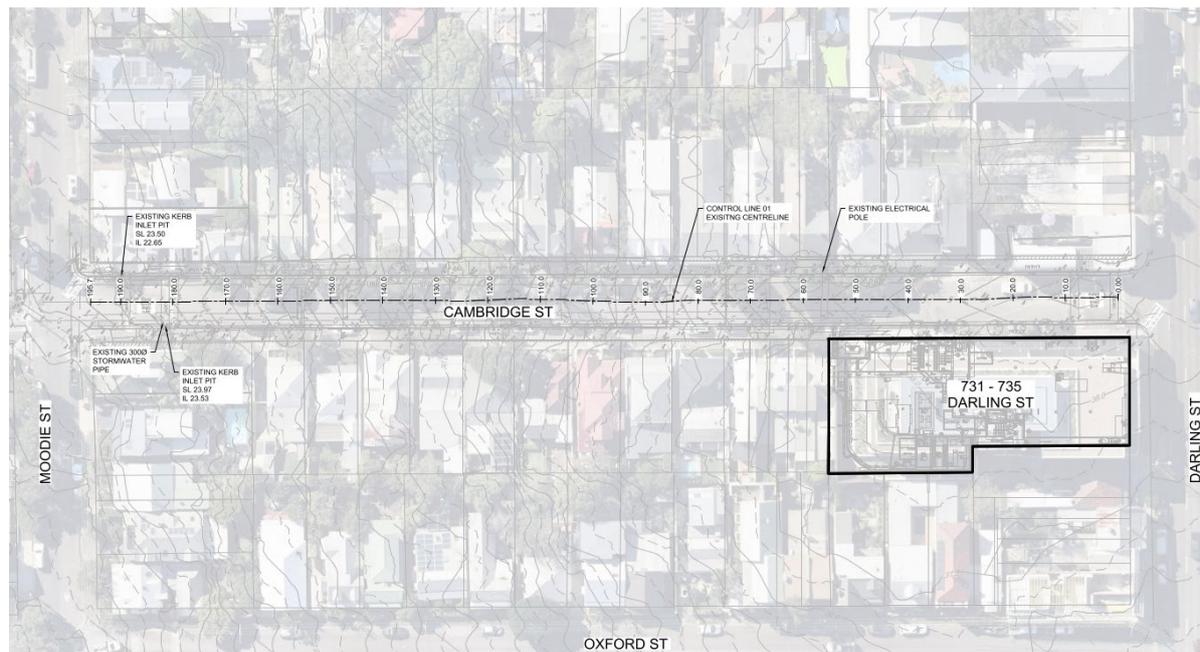


Figure 4 – Existing Overall Layout Plan (aerial) of the proposed stormwater pipelines (Source: Submitted Plans, prepared by Samana Blue Engineering, Drawing No: 2022007DA – C06 D, dated 13.12.2022)

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/2017/491	Demolition of existing at-grade car park and part of existing retail building, with retention of the heritage facade, entryways and awning. Excavation for one basement level and construction of a four-storey shop-top housing development, including: 370 m ² of retail floorspace on the ground floor, and 16 residential units on levels 1 to 3; and 23 car spaces and a loading dock, across the ground and basement levels.	Approved (LEC) 18 April 2019
MOD/2019/232	S4.55(2) amendments to introduce a flat slab level across the ground floor retail area, increase the number of retail tenancies on the ground floor, remove the dedicated retail lift and change the proposed colour of the heritage façade, as well as the provision of a new OSD tank and other facilities within the parking facilities areas.	Approved (IWLPP) 16 December 2019
MOD/2020/0169	Amend the balcony layout of one unit, amalgamate two apartments into one apartment, and changes to external materials.	Approved (Delegated) 31 July 2020
MOD/2020/0377	Amendments to the stormwater design	Approved (Delegated) 18 February 2021
MOD/2021/0208	Modification to consent to enable a staged Occupation Certificate process allowing for the occupation of the building prior to completion of the required public stormwater works in Darling Street.	Approved (Delegated) 20 July 2021
MOD/2021/0252	Amalgamate the approved ground floor retail tenancies.	Approved (Delegated) 29 September 2021
PDA/2022/0258	Pre-lodgement regarding proposed amendments to the approved stormwater design	Advice issued 27 September 2022

5. *Environmental Planning and Assessment Act 1979*

5(a) Section 4.55(3) Assessment

In consideration of Section 4.55(3) of the *EPA Act 1979* the court judgment in relation to the appeal concluded that the development was acceptable for the following reasons:

- The development is compatible with the desired future character of the area
- The development is consistent with the provisions of cl5.10 of LLEP 2013 concerning heritage conservation
- The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Development Control Plan 2013.
- The development is considered to be in the public interest.

It is considered that the modified proposal has taken into account those reasons that the original development consent was granted, as the proposed modification will not impact on the proposed built form of the shop top housing and therefore, the proposed development will not have any adverse impact on heritage values, streetscape and desired future character.

5(b) Section 4.56 Assessment

Under Section 4.56 of the Environmental Planning and Assessment Act 1979, the consent authority can only modify a consent if:

- a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- b) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, and*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The original development approval comprised a mixed-use development consisting of retail premises at ground floor level and residential premises at first floor level and above. This building has been completed with final occupation certificate pending the subject stormwater works.

The proposed modification includes changes to the stormwater design associated with the approved mixed-use development to address concerns raised by TfNSW relating to stormwater works in Darling Street (Classified Road).

No changes are proposed to the as-constructed building, including dwelling yield and mix, use of ground floor commercial tenancies and parking provision. The resultant development will continue to be of a mixed-use building, with retail premises at ground floor level with residential apartments above. The development as modified is considered to be substantially the same as the development for which consent was originally granted.

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties and one (1) submission was received. The issues raised in the objections is discussed in more detail in Section 6(f) of the report.

The modification application was referred to the electricity supply authority (Ausgrid) pursuant to Section 2.48 of SEPP (Transport and Infrastructure) 2021 who provided general terms of approval which have been incorporated into the modified determination.

6. Assessment

The original assessment of the proposal under s4.15 of the *Environmental Planning and Assessment Act 1979* remains relevant to the development. The following is a summary of the assessment of the modification application in accordance with the relevant parts of section 4.15.

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

The following provides further discussion on any new matters for consideration as a result of the modification;

6(a)(i) *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed modifications meet the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred to Ausgrid for comment for 21 days. General terms of approval were provided and have been incorporated into the modified determination.

6(a)(ii) 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 stormwater management works that may have the potential to impact vegetation on Council land. The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

- The Arborist Advice prepared by Tree Management Solutions dated 27/01/23 and the stormwater plans prepared by Samana Blue Engineering (Rev D) dated 13/12/22 have been reviewed.
- The Urban Forest conditions in the existing consent can remain unchanged with additional conditions provided.

Overall, the proposal as amended is considered acceptable with regard to the SEPP and DCP subject to the imposition of additional conditions, which have been included in the recommendation of this report.

6(a)(iii) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 5.4 – Controls relating to miscellaneous permissible uses
- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned E1 Local Centre under the IWLEP 2022, and the rest of the works located within the road reserve along Cambridge Street is zoned R1- General Residential. The development as proposed is permissible with consent.

Section 5.10 – Heritage conservation

The subject property is listed as a heritage item: ‘Single storey shops, including interiors’ in Schedule 5 of the Inner West LEP 2022 (Item No. 11431). The site is also in the vicinity of the heritage listed ‘single storey commercial building, including interiors (11432)’ at 736 Darling Street, Rozelle.

The modification proposal seeks amendments to the approved stormwater design of the development and will have minimal impact to the heritage curtilage of the existing building.

The modification application was referred to Council’s Heritage Advisor who provided the following comment:

- Overall, the proposed modifications are acceptable from a heritage perspective as they do not constitute further deletion of the heritage fabric or surrounds.
- Significant original fabric including the sandstone kerbing on Cambridge Street is to be protected during site preparation and construction works from potential damage. Significant original fabric is not to be removed.
- Equipment laydown areas and contractor vehicles must be located away from the heritage structures and areas of heritage significance to minimise any potential impact to the external or internal fabric.
- Contactor’s vehicles must not be parked near heritage structures or landscaped areas which could inadvertently be damaged.

The above matters can be addressed by way of conditions incorporated in the amended determination.

6(b) Draft Environmental Planning Instruments

There are no draft EPIs relevant to the subject modification application.

6(c) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes

LDCP2013	Compliance
Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes, subject to conditions
C1.5 Corner Sites	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes, see discussion
C1.14 Tree Management	Yes, see discussion
Part C: Place – Section 2 Urban Character	
C2.2.5.5 Rozelle Commercial Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.5 Interface Amenity	Yes
C4.15 Mixed Use	Yes
Part D: Energy	
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
D2.5 Mixed Use Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes, see discussion
E1.2.3 On-Site Detention of Stormwater	Yes, see discussion
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes

LDCP2013	Compliance
E1.2.6 Building in the vicinity of a Public Drainage System	Yes, subject to conditions
E1.2.7 Wastewater Management	Yes

The following provides discussion of the relevant issues:

C1.11 Carparking

The proposed construction of the stormwater design may have temporary impacts to on-street parking along Cambridge Street. Cambridge Street is largely residential, whose residents largely rely on kerb side parking. The Traffic and Parking Report (prepared by CJP Consulting Engineers, dated 3 February 2023) includes a proposed works schedule which stages the works to minimise temporary loss of parking and disruption to residents and confirms no unreasonable impact will result.

The Report stipulates that during the proposed works period, the works area will be 20m in length per segment per day, comprising 12m of trench and 8m of material storage and other necessary space. This 20m length will result in the loss of 3 on-street parking spaces.

The report also identifies general measures to minimise adverse traffic and parking impacts during construction. The Traffic and Parking Report and associated recommendations shall form part of the modified determination.

E1.2.2 Managing Stormwater within the Site and E1.2.3 On-Site Detention of Stormwater

Correspondence from TfNSW has been provided to justify the amended stormwater drainage proposal.

It is noted that the development proposes to increase the size of the outlet to the street. Notwithstanding, the civil report submitted confirms that the proposal will not alter the approved OSD outcome, noting the approved OSD design calculations are based on catchments and flows for the total site discharge, rather than discharge relative to either Cambridge Street or Darling Street.

A revised stormwater management plan has been prepared which seeks to direct the site’s external stormwater discharge to Cambridge Street. This solution avoids the key risks identified whilst providing an acceptable stormwater management system for the development which provides a comparable outcome to the original approval acknowledging the following;

- The change is generally in accordance with the approved OSD design intent;
- The change will provide a net benefit to Cambridge St allotments;
- The proposed stormwater line has been designed with regard to existing infrastructure

The application was referred to Council’s Development Engineer who confirmed that the proposed changes are acceptable subject to the rewording of existing conditions as follows;

No objection the proposed modification subject to the following:

Condition 1

- No objection to amendment of condition 1 as proposed to include the updated stormwater plans.
- The Traffic and Parking Assessment Report by CJP Consulting Engineers shall also be included in the set of approved documents in Condition 1

Condition 12A

12A a) No objection to amendment to include the updated stormwater plans.

12A b) to be amended as follows:

~~Site discharge shall be connected directly to Council's piped drainage system as per the plans detailed in Condition 12A a) above, subject to the alignment being amended so that Pits 5/1 and 6/1 are relocated further southwards towards Darling Street to reduce the impact on the existing traffic facility. In this regard, the existing system shall be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3.0m lintel) shall be installed.~~

Condition 12B

12B c) to be amended (not deleted) as follows:

~~Stormwater drainage works within the Cambridge Street Road Reserve required by condition 12A. the existing system shall be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3.0m lintel) shall be installed.~~

The pipeline shall be Class 4 steel reinforced concrete pipe and 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.

New Condition 12B g) to be included

12B g) Road restoration including half width (minimum) re-sheet of road pavement on the north-eastern side of Cambridge Street. The full extent of restoration works to be determined by Council upon completion of the drainage works.

Condition 24

No objection to change subject to bond being increased to \$250,000 to cover the cost of the increased length of the stormwater works.

Condition 60D

No objection to change.

Having regard to the above, the proposed changes are considered acceptable

C1.14 Tree Management

Given the compacted nature of the road base, it is considered unlikely that the proposed excavation works would have an impact on the adjacent street trees. Notwithstanding, concern is raised that the machinery and material storage may have a detrimental impact on the trees' canopy i.e., canopy pruning may be required.

In this regard, an Arborist Report which confirms no trees along Cambridge Street will be impacted by the proposed works has been provided which forms part of the modified determination.

Furthermore, additional conditions have been provided to ensure retention of trees in Council's road reserve during the subject works.

6(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal as amended will have minimal impact in the locality.

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

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

6(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

One (1) submission was received in response to the initial notification.

The issues raised in submission are summarised and addressed as follows:

- Improvement of existing stormwater conditions along Cambridge Street

Comment: It is not considered that the amended stormwater design will worsen the current stormwater management performance along Cambridge Street. The approximate 130 metres of new stormwater infrastructure may provide improved drainage opportunities and potential access to this infrastructure for future development along Cambridge Street (subject to Council approval).

- Make good kerb gutter and placement

Comment: The reconstruction of the kerb, gutter and pavement to the satisfaction of Council is to be undertaken and regulated by way of an existing condition of consent.

6(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

7 Referrals

7(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.

- Heritage – No objections, subject to recommended conditions in Attachment A of this report.
- Engineers - No objections subject to recommended amended and additional conditions in Attachment A of this report.
- Urban Forest - No objections subject to recommended amended and additional conditions in Attachment A of this report.

7(b) External

The application was referred to Ausgrid who provided general terms of approval which have been incorporated into the modified determination notice.

8. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions of \$320,000 were levied on the original consent. The modification proposal does not affect alter this levy.

9. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

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

The modification application is considered suitable for approval subject to the imposition of appropriate conditions.

10. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.56 of the *Environmental Planning and Assessment Act 1979*, grant consent Application No. MOD/2023/0035 which seeks to modify Development Consent D/2017/491 so as to amend the approved stormwater design to redirect stormwater to connect the new stormwater line from the north western corner of the site into the Cambridge Street road reserve and along Cambridge Street into an existing kerb inlet pit located near the corner of Moodie Street at 8 Cambridge Street Rozelle, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

A. Modify the following conditions to read as follows

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2017/491 and the following plans and supplementary documentation, except where amended by the conditions of this consent:

Plan Reference	Drawn By	Dated
DA-001 K (Context Plan – Site Plan)	Nettleton Tribe	5/2/2019
DA-002 J (Demolition Plan – Ground)	Nettleton Tribe	1/11/2018
DA-003 G (Demolition Plan – Roof)	Nettleton Tribe	1/11/2018
DA-004 I (Demolition Elevations)	Nettleton Tribe	1/11/2018
DA-100 L DA-100 M (Basement Level Floor Plan)	Nettleton Tribe	5/2/2019 21/11/2019
DA-101 M DA-101 O DA-101 P 10365_DA-101, Rev T (Ground Floor Plan)	Nettleton Tribe	5/2/2019 12/12/2019 14/05/2020 27/09/2021
10365_SK010, Rev B (Extent of Heritage Façade)	Nettleton Tribe	27/09/2021
10365_DA-501, Rev O (GFA Area Plans)	Nettleton Tribe	27/09/2021
DA-102 N DA-102 O (Level 1 Floor Plan)	Nettleton Tribe	5/2/2019 14/05/2020
DA-103 N (Level 2 Floor Plan)	Nettleton Tribe	5/2/2019
DA-104 N (Level 3 Floor Plan)	Nettleton Tribe	5/2/2019
DA-105 L (Roof Plan)	Nettleton Tribe	5/2/2019
DA-201 L DA-201 M DA-201 N (Southeast & Northwest Elevations)	Nettleton Tribe	5/2/2019 21/11/2019 14/05/2020
DA-202 L DA-202 M	Nettleton Tribe	5/2/2019 21/11/2019

Plan Reference	Drawn By	Dated
DA 202 N (Northeast & Southwest Elevations)		14/05/2020
DA-301 L DA-301 M (Sections)	Nettleton Tribe	5/2/2019 21/11/2019
DA-302 E (Sections)	Nettleton Tribe	5/2/2019
DA-303 A (Sections)	Nettleton Tribe	5/2/2019
DA-401 J (Adaptable Unit Type 102/202)	Nettleton Tribe	1/11/2018
DA-402 K (Adaptable Unit Type 107/207)	Nettleton Tribe	5/2/2019
DA-701 I (Survey Plan)	Nettleton Tribe	1/11/2018
DA-901 H (BASIX Spec Bloc)	Nettleton Tribe	1/11/2018
LP01 D (Landscape Plan)	Narelle Sonter Botanica	2/11/2018
LP02 E (Landscape Plan – Planters)	Narelle Sonter Botanica	5/2/2019
C00-DA1 (Coversheet, Legend and Drawing Schedule)	AJ Whipps Consulting Group	30/06/2017
000 A (Cover Sheet Plan)	Australian Consulting Engineers	21/08/2020
C01 DA1 (Erosion and Sediment Control Plan)	AJ Whipps Consulting Group	30/06/2017
C02 DA1 (Erosion and Sediment Control Details)	AJ Whipps Consulting Group	30/06/2017
C03-DA3 (Basement Plan)	AJ Whipps Consulting Group	6/11/2018
101F (Stormwater Layout Plan – Basement Level 1 of 2)	Australian Consulting Engineers	15/10/2020
102B (Stormwater Layout Plan – Basement Level Sheet 2 of 2)	Australian Consulting Engineers	21/08/2020
C04 Plan DA3 Floor Plan) (Ground	AJ Whipps Consulting Group	6/11/2018
103H (Stormwater Layout Plan Ground Floor)	Australian Consulting Engineers	22/12/2020

Plan Reference	Drawn By	Dated
104H (Stormwater Layout Plan Level 1)	Australian Consulting Engineers	1/12/2020
105G (Stormwater Layout Plan Level 2)	Australian Consulting Engineers	1/12/2020
106E (Stormwater Layout Plan Level 3)	Australian Consulting Engineers	1/12/2020
C05-DA3 (Roof Plan)	AJ Whipps Consulting Group	6/11/2018
107 D (Stormwater Layout Plan Roof Level)	Australian Consulting Engineers	1/12/2020
C06-DA1 (Details Sheet 1)	AJ Whipps Consulting Group	30/06/2017
108 E (OSD & WSUD Calculation & Details Sheet 1 of 3)	Australian Consulting Engineers	19/10/2020
108.1 G (OSD & WSUD Calculation & Details Sheet 2 of 3)	Australian Consulting Engineers	22/12/2020
108.2 F (OSD & WSUD Calculation & Details Sheet 3 of 3)	Australian Consulting Engineers	22/12/2020
C07-DA1 (Details Sheet 2)	AJ Whipps Consulting Group	30/6/2017
<i>110F (Long Section & Miscellaneous Details Sheet)</i>	<i>Australian Consulting Engineers</i>	<i>22/12/2020</i>
<i>2022007DA – C00 D – Locality Map & Schedule of Drawings</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C01 D – General Notes</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C02 D – Legend</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C03 D – Existing Layout Plan</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C04 D – Existing Layout Plan (Aerial)</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C05 D – Existing Overall Layout Plan</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C06 D – Existing Overall Layout Plan (Aerial)</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C07 D – Proposed Stormwater Layout Plan – Sheet 1 of 2</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C08 D – Proposed Stormwater Layout Plan – Sheet 2 Of 2</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>
<i>2022007DA – C09 D – Enlarged Stormwater Connection Plan</i>	<i>Samana Blue Engineering</i>	<i>13/12/2022</i>

Plan Reference	Drawn By	Dated
2022007DA – C10 D – Stormwater Catchment Plan	Samana Blue Engineering	13/12/2022
2022007DA – C11 D – Stormwater Sections	Samana Blue Engineering	13/12/2022
2022007DA – C12 D – Stormwater Details	Samana Blue Engineering	13/12/2022
2022007DA – C13 D – Stormwater Longitudinal Section – Sheet 1 of 6	Samana Blue Engineering	13/12/2022
2022007DA – C14 D – Stormwater Longitudinal Section – Sheet 2 of 6	Samana Blue Engineering	13/12/2022
2022007DA – C15 D – Stormwater Longitudinal Section – Sheet 3 of 6	Samana Blue Engineering	13/12/2022
2022007DA – C16 D – Stormwater Longitudinal Section – Sheet 4 of 6	Samana Blue Engineering	13/12/2022
2022007DA – C17 D Stormwater Longitudinal Section – Sheet 5 of 6	Samana Blue Engineering	13/12/2022
2022007DA – C18 D – Stormwater Longitudinal Section – Sheet 6 of 6	Samana Blue Engineering	13/12/2022
2022007DA – C19 D – Stormwater Calculations Table	Samana Blue Engineering	13/12/2022
2022007DA – C20 D – Cross Sections – Sheet 1 of 4	Samana Blue Engineering	13/12/2022
2022007DA – C21 D – Cross Sections – Sheet 2 of 4	Samana Blue Engineering	13/12/2022
2022007DA – C22 D Cross Sections – Sheet 3 of 4	Samana Blue Engineering	13/12/2022
2022007DA – C23 D – Cross Sections – Sheet 4 of 4	Samana Blue Engineering	13/12/2022
2022007DA – C24 D – Construction Staging Plan	Samana Blue Engineering	13/12/2022
2022007DA – C25 D – Construction Staging Plan (Aerial)	Samana Blue Engineering	13/12/2022
Documentation	Prepared By	Dated
Façade Retention Construction Methodology	M+G Consulting	8/11/2018
<i>Heritage Impact Statement</i>	<i>Architectural Projects</i>	<i>September 2021</i>
Waste Management Plan	Elephants Foot	6/11/2018
Acoustic Review	Marshall Day Acoustics	6/11/2018
BASIX Certificate Certificate Number 834914M_03 834914M_03	Eco Certificates Pty Ltd	2/11/2018 07/11/2019
NatHERS Certificate and Building Thermal Modelling Performance Specifications	Eco Certificates Pty Ltd	2/11/2018
Remediation Action Plan	EIS	24/08/2017

Plan Reference	Drawn By	Dated
Design Verification Statement	Nettleton Tribe	29/06/2017
Geotech Report	JK Geotechnics	3/07/2017
Fire Safety Schedule	Peter Dix	5/11/2018
Arborist Advice	Tree Management Services	27/01/2023
22223 – s4.56 Traffic & Parking Assessment Report	CJP Consulting Engineers	03/02/2023

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

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

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

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

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

(Condition modified by M/2020/0169 on 31 July 2020, by MOD/2020/0377 on 18 February 2021 and by MOD/2021/0252 on 28 September 2021 **and by MOD/2023/0035 on 14 November 2023**)

Condition 12A

12A. A stormwater drainage design, incorporating on site stormwater detention facilities (OSD), prepared by a qualified practicing Civil Engineer shall be provided prior to the issue of a Construction Certificate. The design shall be prepared/amended to make provision for the following:

a) ~~The design shall be generally in accordance with the stormwater drainage concept plan on the following drawings prepared by Australian Consulting Engineers Pty Ltd Project No. 200121 AJ Whipps Consulting Group:~~

- ~~— Dwg No. 000 Issue A dated 21/08/2020~~
- ~~— Dwg No. 101 Issue F dated 15/10/2020~~
- ~~— Dwg No. 102 Issue B dated 21/08/2020~~
- ~~— **Dwg No. 103 Issue H dated 22/12/2020**~~
- ~~— Dwg No. 104 Issue H dated 01/12/2020~~
- ~~— Dwg No. 105 Issue G dated 01/12/2020~~
- ~~— Dwg No. 106 Issue E dated 01/12/2020~~
- ~~— Dwg No. 107 Issue D dated 01/12/2020~~
- ~~— Dwg No. 108 Issue E dated 19/10/2020~~
- ~~— Dwg No. 108.1 Issue G dated 22/12/2020~~

- ~~— Dwg No. 108.2 Issue F dated 22/12/2020~~
- ~~— Dwg No. 110 Issue F dated 22/12/2020~~
- ~~— Drawing No. 20170131-C3 Issue DA2 and dated 02.08.17~~
- ~~— Drawing No. 20170131-C4 Issue DA2 and dated 02.08.17~~
- ~~— Drawing No. 20170131-C5 Issue DA2 and dated 02.08.17~~
- ~~— Drawing No. 20170131-C6 Issue DA1 and dated 30.06.17~~

aa) **The design shall be generally in accordance with the stormwater design plan on the following drawings prepared by Samana Blue Engineering:**

- **2022007DA – C00 D Locality Map & Schedule Of Drawings**
- **2022007DA – C01 D General Notes**
- **2022007DA – C02 D Legend**
- **2022007DA – C03 D Existing Layout Plan**
- **2022007DA – C04 D Existing Layout Plan (Aerial)**
- **2022007DA – C05 D Existing Overall Layout Plan**
- **2022007DA – C06 D Existing Overall Layout Plan (Aerial)**
- **2022007DA – C07 D Proposed Stormwater Layout Plan - Sheet 1 Of 2**
- **2022007DA – C08 D Proposed Stormwater Layout Plan - Sheet 2 Of 2**
- **2022007DA – C09 D Enlarged Stormwater Connection Plan**
- **2022007DA – C10 D Stormwater Catchment Plan**
- **2022007DA – C11 D Stormwater Sections**
- **2022007DA – C12 D Stormwater Details**
- **2022007DA – C13 D Stormwater Longitudinal Section – Sheet 1 of 6**
- **2022007DA – C14 D Stormwater Longitudinal Section – Sheet 2 of 6**
- **2022007DA – C15 D Stormwater Longitudinal Section – Sheet 3 of 6**
- **2022007DA – C16 D Stormwater Longitudinal Section – Sheet 4 of 6**
- **2022007DA – C17 D Stormwater Longitudinal Section – Sheet 5 of 6**
- **2022007DA – C18 D Stormwater Longitudinal Section – Sheet 6 of 6**
- **2022007DA – C19 D Stormwater Calculations Table**
- **2022007DA – C20 D Cross Sections – Sheet 1 of 4**
- **2022007DA – C21 D Cross Sections – Sheet 2 of 4**
- **2022007DA – C22 D Cross Sections – Sheet 3 of 4**
- **2022007DA – C23 D Cross Sections – Sheet 4 of 4**
- **2022007DA – C24 D Construction Staging Plan**
- **2022007DA – C25 D Construction Staging Plan (Aerial)**

b) **Site discharge shall be connected directly to Council's piped drainage system** as per the plans detailed in Condition 12A a) above, subject to the alignment being amended so that Pits 5/1 and 6/1 are relocated further southwards towards Darling Street to reduce the impact on the existing traffic facility. **In this regard, the existing system shall be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3.0m lintel) shall be installed.**

The pipeline shall be Class 4 steel reinforced concrete pipe and 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.

(Condition modified by M/2020/0169 on 31 July 2020, by MOD/2020/0377 on 18 February 2021 and by MOD/2021/0252 on 28 September 2021 **and by MOD/2023/0035 on 14 November 2023**)

12B In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:

- a) Construction of a heavy duty concrete vehicle crossing at the at the vehicle access location.
- b) Closure of any portion of redundant vehicle crossing.
- c) ~~The existing system shall be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3.0m lintel) shall be installed.~~ **Stormwater drainage works within the Cambridge Street Road Reserve required by condition 12A.** The pipeline shall be Class 4 steel reinforced concrete pipe and 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.
- d) Removal of all redundant stormwater pipelines within the footpath area.
- e) The works shall be constructed in accordance with the approved plans, conditions of the Roadworks Permit, Council's standard drawings and specifications and AUS-SPEC#2-"Roadworks Specifications".
- f) Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.
- g) **Road restoration including half width (minimum) re-sheet of road pavement on the north-eastern side of Cambridge Street. The full extent of restoration works to be determined by Council upon completion of the drainage works**

Full detailed construction plans and specifications prepared by a qualified practising Civil Engineer shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate.

The plans shall include long sections along both sides of the proposed vehicular crossing, drawn at a 1:20 natural scale, from the centreline of the adjacent road to a minimum of 7.5 metres into the property and long sections of stormwater pipe from the OSD tank to the point of connection to the existing Council drainage system. All plans and sections must show existing surface levels and proposed surface levels.

All works shall be completed within 12 months after the ~~issue of an interim Occupation Certificate~~ *determination of this modification*, and before the issue of the final Occupation Certificate at no cost to Council.

(Condition modified by M/2020/0169 on 31 July 2020, by MOD/2020/0377 on 18 February 2021 and by MOD/2021/0252 on 28 September 2021 **and by MOD/2023/0035 on 14 November 2023**)

24 Payment of a Bond, in the sum of **\$250,000** for the proper performance of works on **the Darling Cambridge** Street road reserve before the issue of any interim / final Occupation Certificate. The security may be provided in one of the following methods:

- a) In full in the form of a cash bond; or
- b) By provision of a Bank Guarantee by an Australian Bank with no termination date in the following terms:
 - i. The bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - ii. The bank must pay the guaranteed sum within seven (7) days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - iii. The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

(Condition modified by M/2020/0169 on 31 July 2020, by MOD/2020/0377 on 18 February 2021 and by MOD/2021/0252 on 28 September 2021 **and by MOD/2023/0035 on 14 November 2023**)

60D Within 12 months after ~~the issue of an interim Occupation Certificate~~ **determination of (MOD/2023/0035)**, and prior to the issue of the final Occupation Certificate, the Principal Certifying Authority must be provided with written evidence from Council that all works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993*.

(Condition modified by M/2020/0169 on 31 July 2020, by MOD/2020/0377 on 18 February 2021 and by MOD/2021/0252 on 28 September 2021 **and by MOD/2023/0035 on 14 November 2023**)

B. Addition of the following conditions to read as follows:

PRIOR TO THE COMMENCEMENT OF WORKS

35a *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 (minimum AQF Level 5) must be submitted to the Certifying Authority before work commences.*

35b *To protect the following trees, trunk (and branch if required) protection 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:*

- i. Any street tree located in Cambridge Street where there will be storage of materials or plant within the TPZ. The street trees are numbered 1 -29 in the Tree Impact Plan prepared by Tree Management Strategies and dated 20/01/23.*

The tree protection must be removed at the completion of the work.

(Condition added – MOD/2023/0035 - 14 November 2023)

DURING WORKS

36b *Significant original fabric including the sandstone kerbing on Cambridge Street is to be protected during site preparation and construction works from potential damage. Significant original fabric is not to be removed.*

36c *Equipment laydown areas and contactor vehicles must be located away from the heritage structures and areas of heritage significance to minimise any potential impact to the external or internal fabric.*

36d *Contactors' vehicles must not be parked near heritage structures or landscaped areas which could inadvertently be damaged.*

(Condition added by MOD/2023/0035 - 14 November 2023)

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

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

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

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

d) Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets in 11KV and LV cables adjacent to construction.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

Substation

There are existing electricity substation assets Substation 8311 Cambridge Darling.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS1668.2: The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the

housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass block work or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1HZ – 100kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or rights of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

- e) *For Activities Within or Near to the Electricity Easement:*

Purpose Of Easement

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

- i. *Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.*
- ii. *Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.*

- iii. *Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid’s assets.*
- iv. *During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.*
- v. *The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.*
- vi. *The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.*

(Condition added – MOD/2023/0035- 14 November 2023)

50b *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:*

<i>Tree No./ Botanical/ Common Name/ Location</i>	<i>Time of Inspection</i>	<i>Key stage/ Hold point</i>
<i>All street trees in Cambridge Street</i>	<i>Prior to commencement of works</i>	<ul style="list-style-type: none"> • <i>Inspection and sign off installation of tree protection measures.</i>
	<i>During Works</i>	<ul style="list-style-type: none"> • <i>Supervise all excavation, and trenching works, within the TPZ;</i> • <i>Supervise all tree pruning work.</i>

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

If any street tree requires to be pruned to accommodate the approved works the pruning must be undertaken by, or directly supervised by, the Project Arborist.

(Condition added – MOD/2023/0035 - 14 November 2023)

50c Pruning is limited to those branches that will come into direct contact the machinery and must be kept to a minimum where branch diameter (at its point of attachment) does not exceed 40 mm. Any branches over 40mm in diameter must be approved by Council. Every effort must be made to undertake the work with as little impact to the tree canopies as possible.

(Condition added – MOD/2023/0035 - 14 November 2023)

50d

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.

(Condition added – MOD/2023/0035 - 14 November 2023)

50e

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.

(Condition added – MOD/2023/0035 - 14 November 2023)

50f Prior to the issue of any Occupation Certificate or at the completion of the works, the Principal Certifier is to be provided with certification from the Project Arborist the requirements of the conditions of consent related to the role of the Project Arborist have been complied with.

(Condition added – MOD/2023/0035 - 14 November 2023)

Attachment B – Plans of proposed development

STORMWATER DESIGN

PROJECT: PROPOSED DEVELOPMENT

AT:
731 DARLING ST, ROZELLE NSW 2039
Lot(s): 731 SP103591

PROJECT No:
2022007DA

DRAWING No.	LOCAL MAP & SCHEDULE OF PARWAHS	DRAWING TITLE
001	GENERAL NOTES	
002	ASHPHE	
003	PERMIT APPLICATION (FORM 3)	
004	LOCAL COUNCIL MANUAT PLAN	
005	LOCAL COUNCIL MANUAT PLAN (FORM 3)	
006	LOCAL COUNCIL MANUAT PLAN (FORM 3)	
007	LOCAL COUNCIL MANUAT PLAN (FORM 3)	
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LOCALITY MAP
NOT TO SCALE

CIVIL ENGINEERING

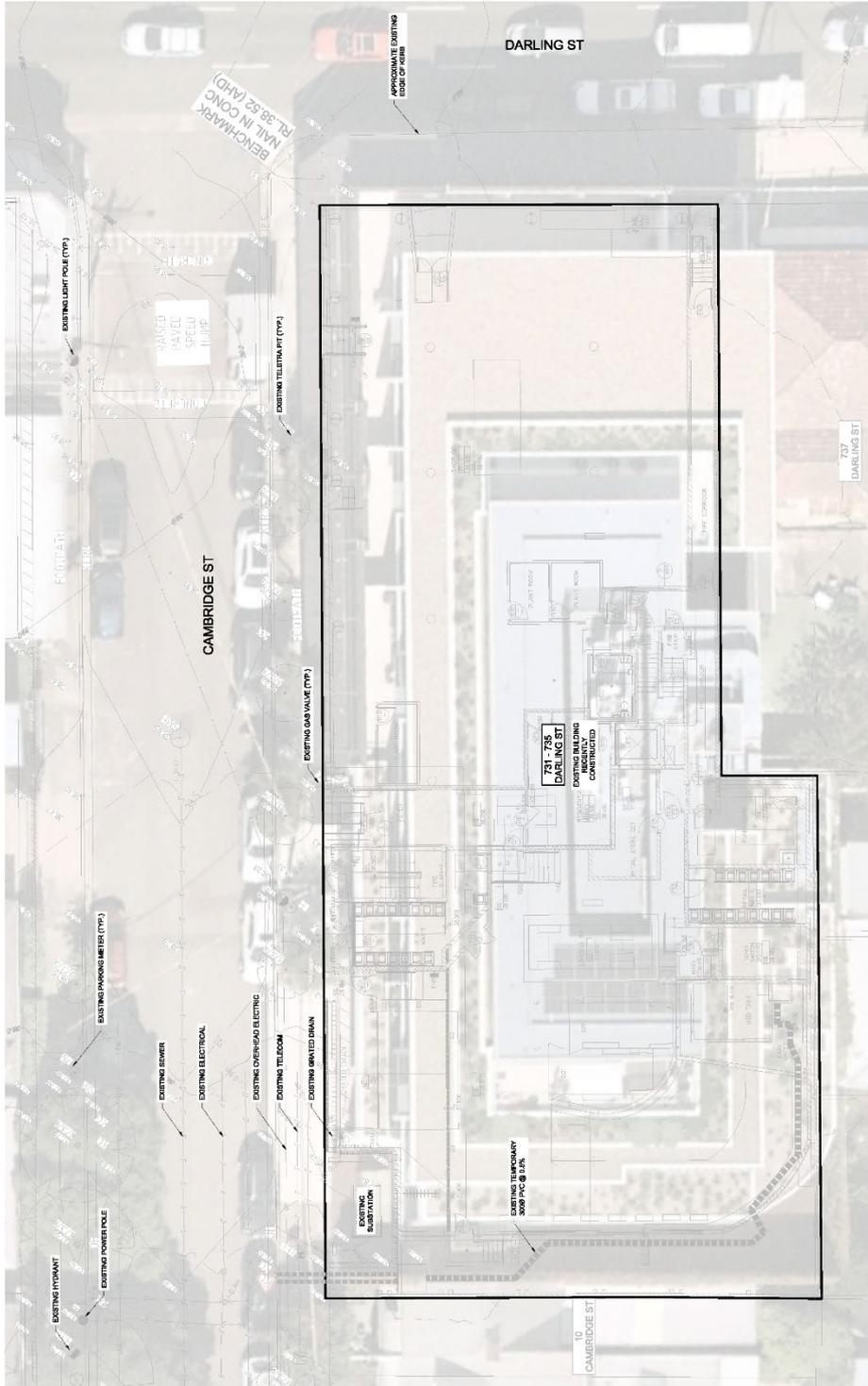
REV	DESCRIPTION	BY	DATE
D	MINOR UPDATES	TG	13.12.2022
C	POT HOLE SURVEY UPDATE	TG	09.12.2022
B	FURTHER DEVELOPMENT	TG	09.08.2022
A	ISSUED FOR CONCEPT APPROVAL	TG	24.06.2022

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FOR THE PROFESSION OF ENGINEERING
IN THE STATE OF NEW SOUTH WALES
MEMBER OF THE ENGINEERING COUNCIL OF AUSTRALIA

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E info@samana-blue.com

PROPOSED DEVELOPMENT
731 DARLING ST, ROZELLE NSW 2039

2022007DA - C00 D



- NOTES:**
1. ALL UTILITIES SHOWN FROM METRA AND OTHERS ARE TO BE VERIFIED BY THE CLIENT.
 2. ALL UTILITIES SHOWN FROM METRA AND OTHERS ARE TO BE VERIFIED BY THE CLIENT.
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CIVIL ENGINEERING

REV	DESCRIPTION	BY	DATE
D	MINOR UPDATES	TG	13.12.2022
C	POT-HOLE SURVEY UPDATE	TG	08.12.2022
B	FURTHER DEVELOPMENT	TG	09.06.2022
A	ISSUED FOR CONCEPT APPROVAL	TG	24.06.2022



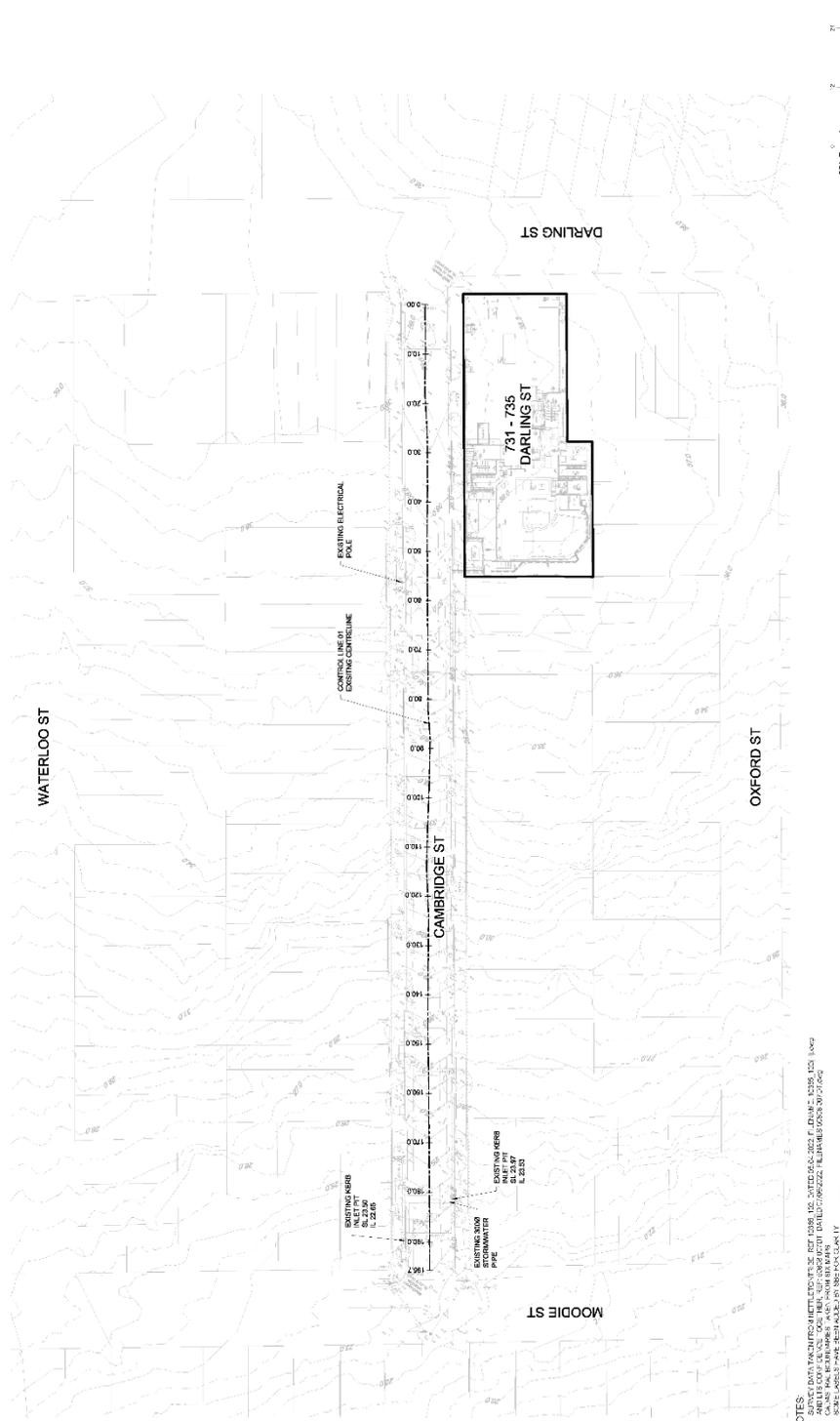
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PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039

EXISTING LAYOUT
 PLAN (AERIAL)

2022007DA - C04 D



- NOTES:**
1. ALL DIMENSIONS SHOWN ARE IN METRES UNLESS OTHERWISE SPECIFIED.
 2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
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 9. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
 10. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.

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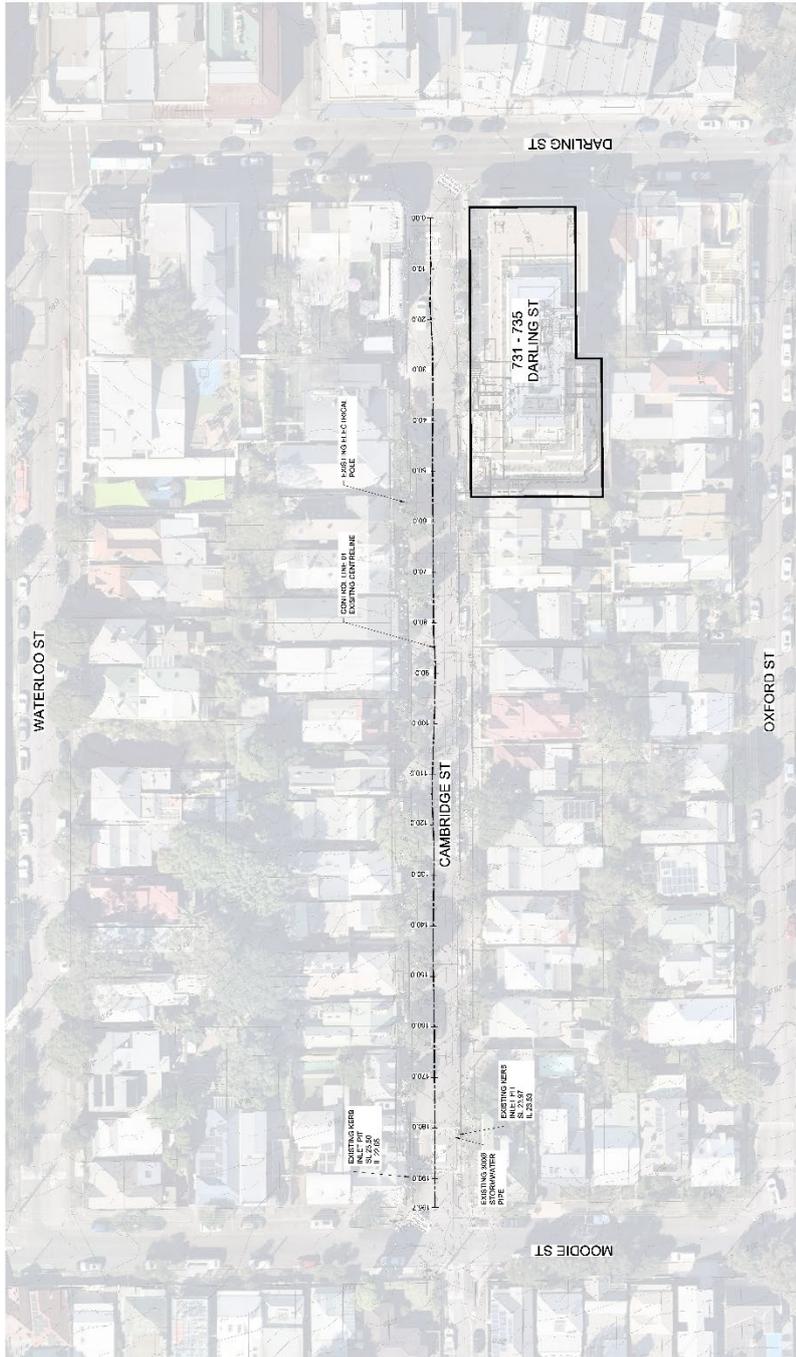
PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039

EXISTING OVERALL LAYOUT PLAN

2022007DA - C05 D

REV	DESCRIPTION	BY	DATE
D	MINOR UPDATES	TG	13.12.2022
C	POTHOLE SURVEY UPDATE	TG	08.12.2022
B	FURTHER DETAIL	TG	06.09.2022
A	ISSUED FOR CONCEPT APPROVAL	TG	24.06.2022

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- NOTES:**
1. ALL LOTS COMPRISE TOGETHER REF. 2022/07/27 IN E.P. 71/2022. RESUBDIVISION 2022/07/27
 2. ALL LOTS COMPRISE TOGETHER REF. 2022/07/27 IN E.P. 71/2022. RESUBDIVISION 2022/07/27
 3. CONVEYANCE TO BE MADE BY DEED TO THE COMMONS OF THE CITY OF SYDNEY.
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REV	DESCRIPTION	BY	DATE
D	MINOR UPDATES	IG	13.12.2022
C	POINT-TO-POINT SURVEY UPDATE	IG	08.12.2022
B	FURTHER DETAIL	IG	09.08.2022
A	ISSUED FOR CONCEPT APPROVAL	TG	24.03.2022

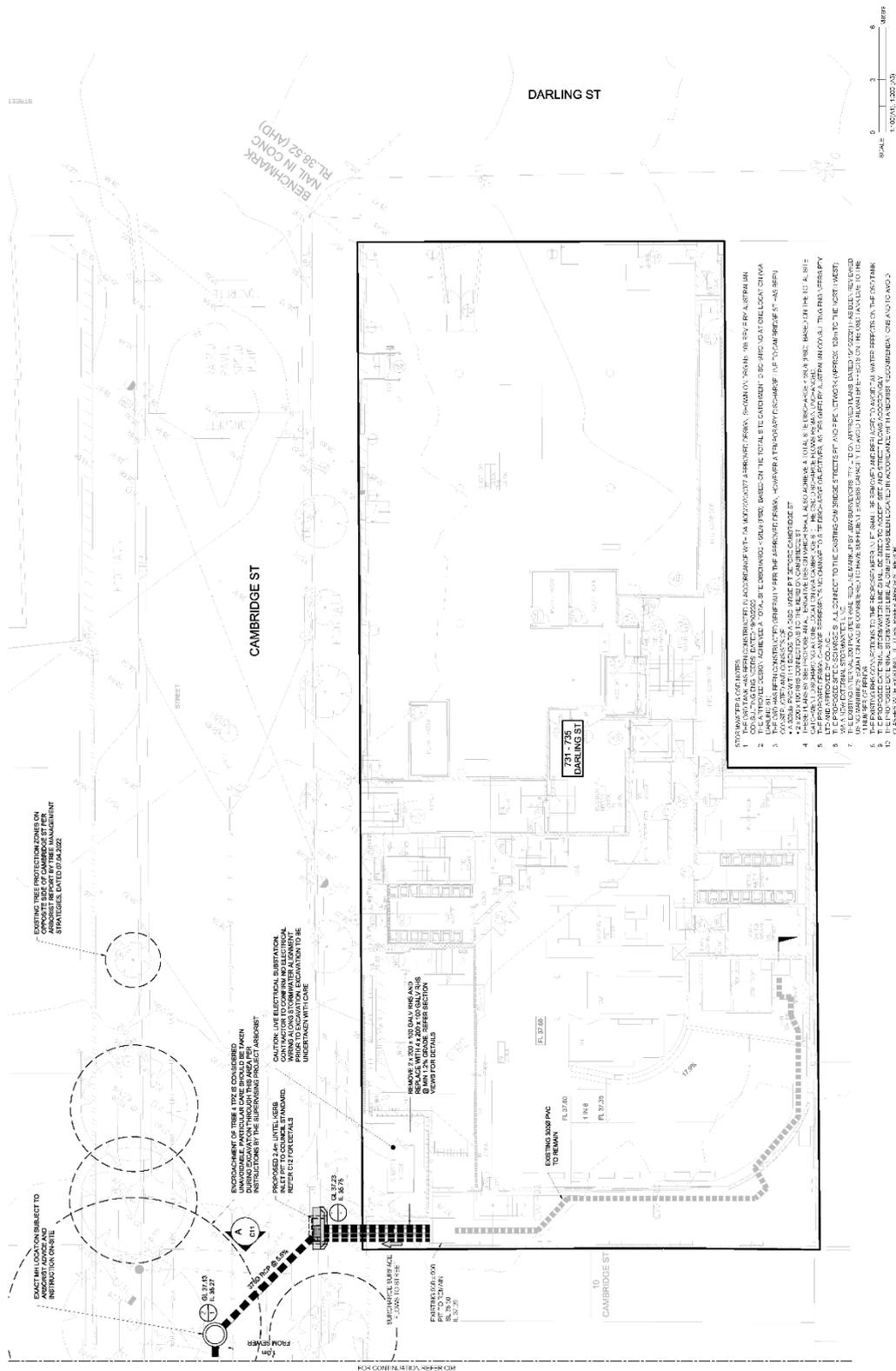
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PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039

EXISTING OVERALL LAYOUT PLAN (AERIAL)

2022007DA - C06 D



PROPOSED DEVELOPMENT
731 DARLING ST, ROZELLE NSW 2039

PROPOSED STORMWATER LAYOUT PLAN - SHEET 1 OF 2

2022007DA - C07 D

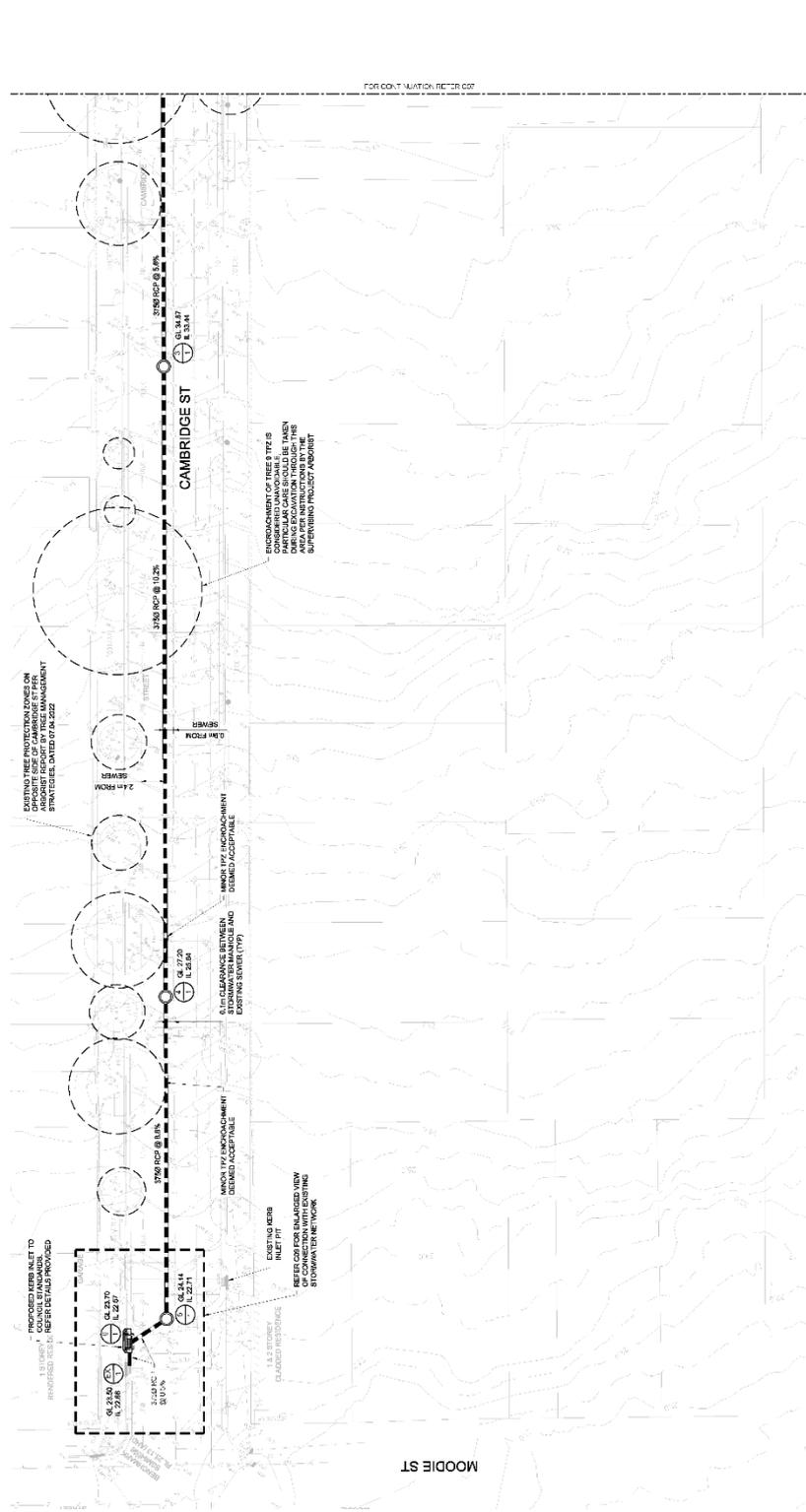
- GENERAL NOTES:**
1. THE DEVELOPER HAS BEEN ADVISED BY THE LOCAL GOVERNMENT THAT THE TOTAL SITE COVERAGE SHALL NOT EXCEED 40% OF THE TOTAL SITE AREA.
 2. THE DEVELOPER SHALL MAINTAIN THE EXISTING TREES AND SHALL PROVIDE A PROTECTION PLAN FOR ALL TREES TO BE MAINTAINED.
 3. THE DEVELOPER SHALL MAINTAIN THE EXISTING TREES AND SHALL PROVIDE A PROTECTION PLAN FOR ALL TREES TO BE MAINTAINED.
 4. THE DEVELOPER SHALL MAINTAIN THE EXISTING TREES AND SHALL PROVIDE A PROTECTION PLAN FOR ALL TREES TO BE MAINTAINED.
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 8. THE DEVELOPER SHALL MAINTAIN THE EXISTING TREES AND SHALL PROVIDE A PROTECTION PLAN FOR ALL TREES TO BE MAINTAINED.
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 10. THE DEVELOPER SHALL MAINTAIN THE EXISTING TREES AND SHALL PROVIDE A PROTECTION PLAN FOR ALL TREES TO BE MAINTAINED.

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C	POT-HOLE SURVEY UPDATE	TG	08/12/2022
B	FURTHER DETAIL	TG	09/09/2022
A	ISSUED FOR CONCEPT APPROVAL	TG	24/09/2022



SCALE 1:200 (A1, A2, D3)

NOTES:
 1. REFER TO DRAWING 2022007DA-C08-D FOR CONTINUATION, REFER 602

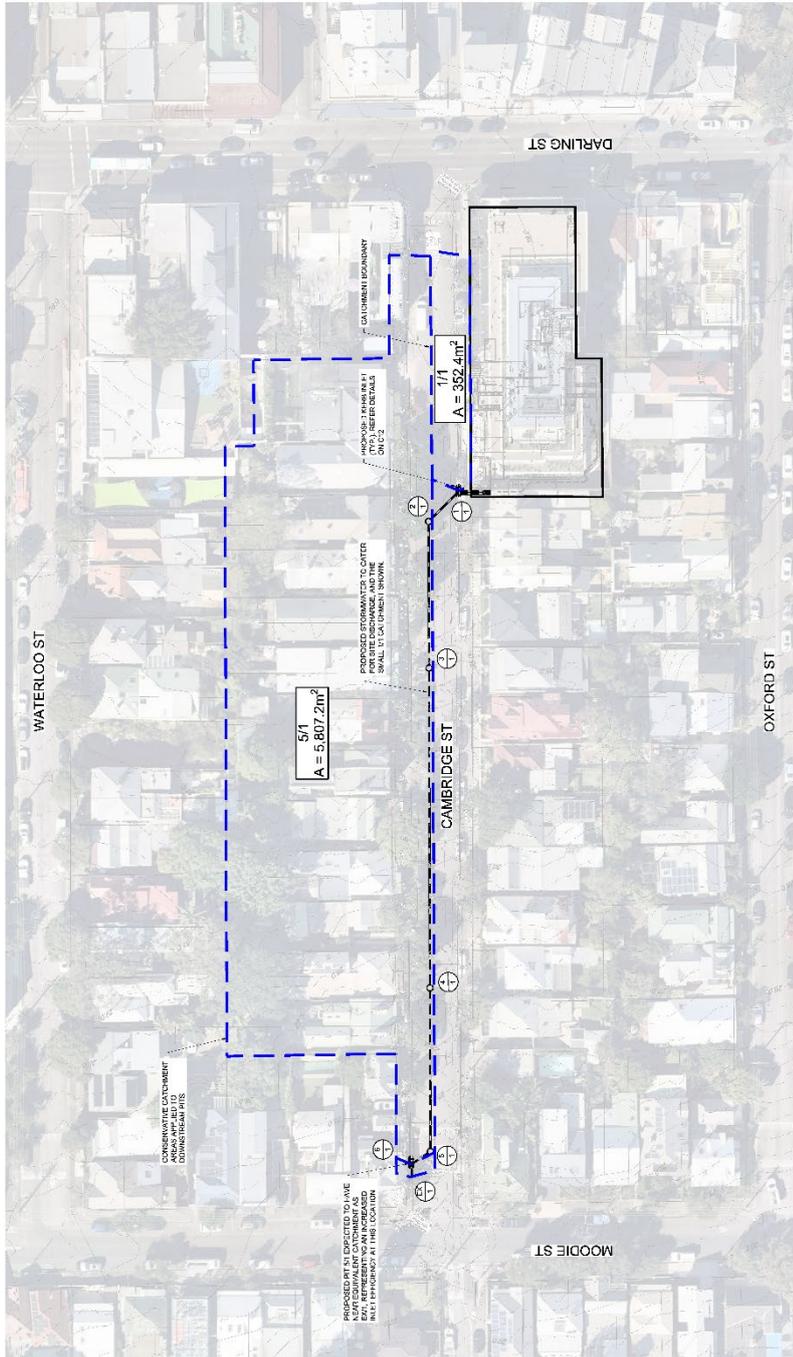
PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039
PROPOSED STORMWATER LAYOUT
 PLAN - SHEET 2 OF 2

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A	ISSUED FOR CONCEPT APPROVAL	TG	24.06.2022

2022007DA - C08 D



NOTES:
 1. APPROVED BY LOCAL PLANNING PANEL ON 13/12/2022
 2. COMMITTEE ON 28/01/2023

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REV	DESCRIPTION	BY	DATE
D	MINOR UPDATES	IG	13/12/2022
C	POINT-TO-POINT SURVEY UPDATE	IG	08/12/2022
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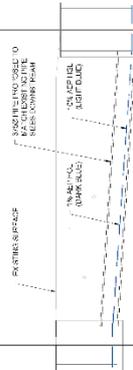


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STORMWATER CATCHMENT PLAN

PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039
2022007DA - C10 D

STRUCTURE NAME	2/1
STRUCTURE DESCRIPTION	K/1



PIPE SIZE (mm)	225
PIPE CLASS	3/15
PIPE GRADE (%)	1:100
PIPE SLOPE (1 in X)	1:100
FULL PIPE VELOCITY (m/s)	0.92
PART FULL VELOCITY (m/s)	1.2
PIPE FLOW (c/s)	2.02
W.S.E. IN STRUCTURE	3.888
HYDRAULIC GRADE LEVEL	2.408
DEPTH TO INVERT	1.48
INVERT LEVEL OF DRAIN LEVEL	2.408
DESIGN SURFACE LEVEL	3.888
SET OUT COORDINATES	500000.00
CHANGE	7.00

NOTES:
 1. SEE VENDOR'S SPECIFICATIONS TO MANUFACTURE BY
 2. SEE VENDOR'S SPECIFICATIONS TO MANUFACTURE BY
 3. SEE VENDOR'S SPECIFICATIONS TO MANUFACTURE BY

REV	DESCRIPTION	BY	DATE
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CIVIL ENGINEERING

DESIGN	SK
DRAWING	TG
DATE	AI

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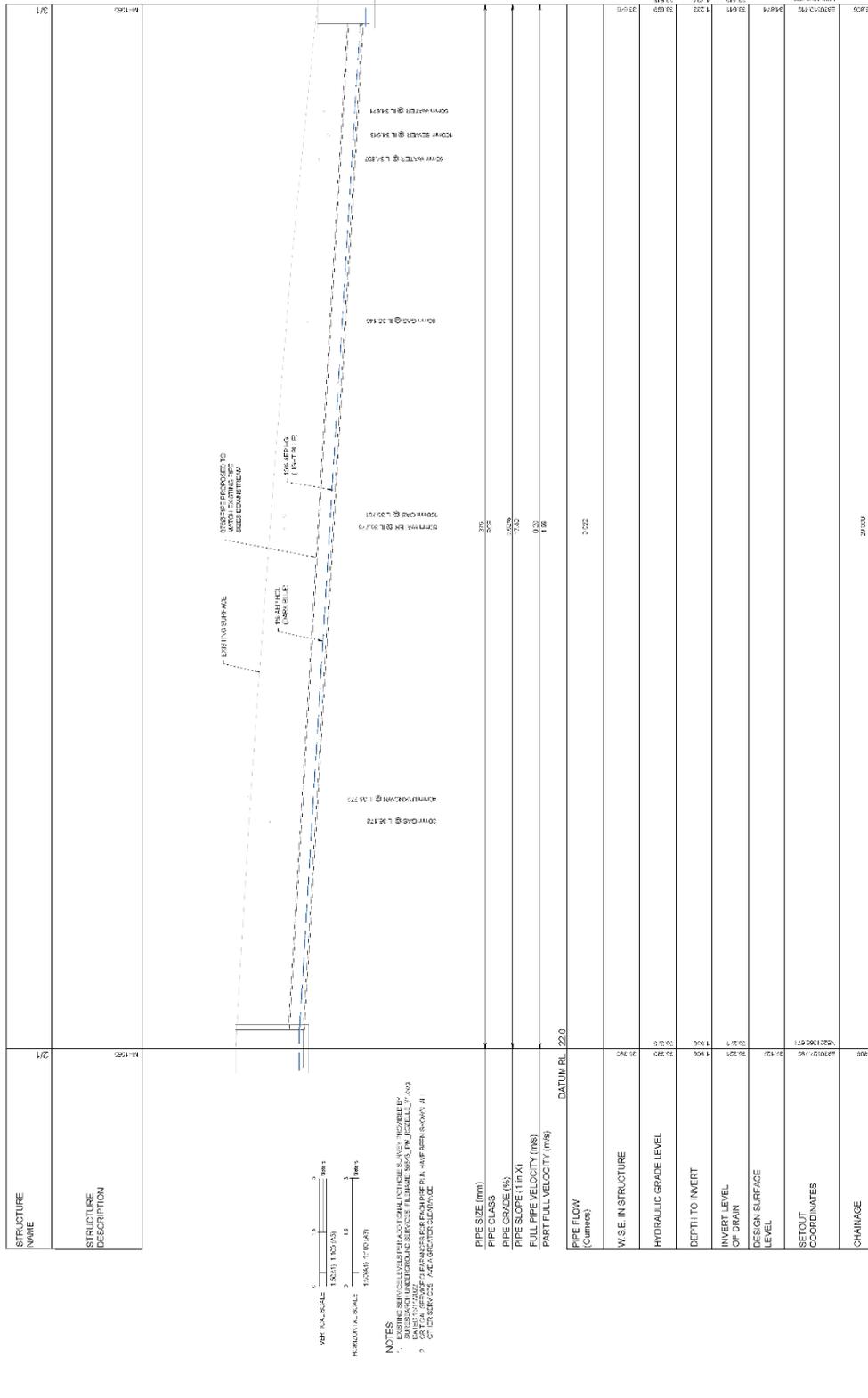
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STORMWATER LONGITUDINAL SECTION - SHEET 1 OF 6

PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039

2022007DA - C13 D





STORMWATER LINE 1 LONGSECTION

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PROPOSED DEVELOPMENT
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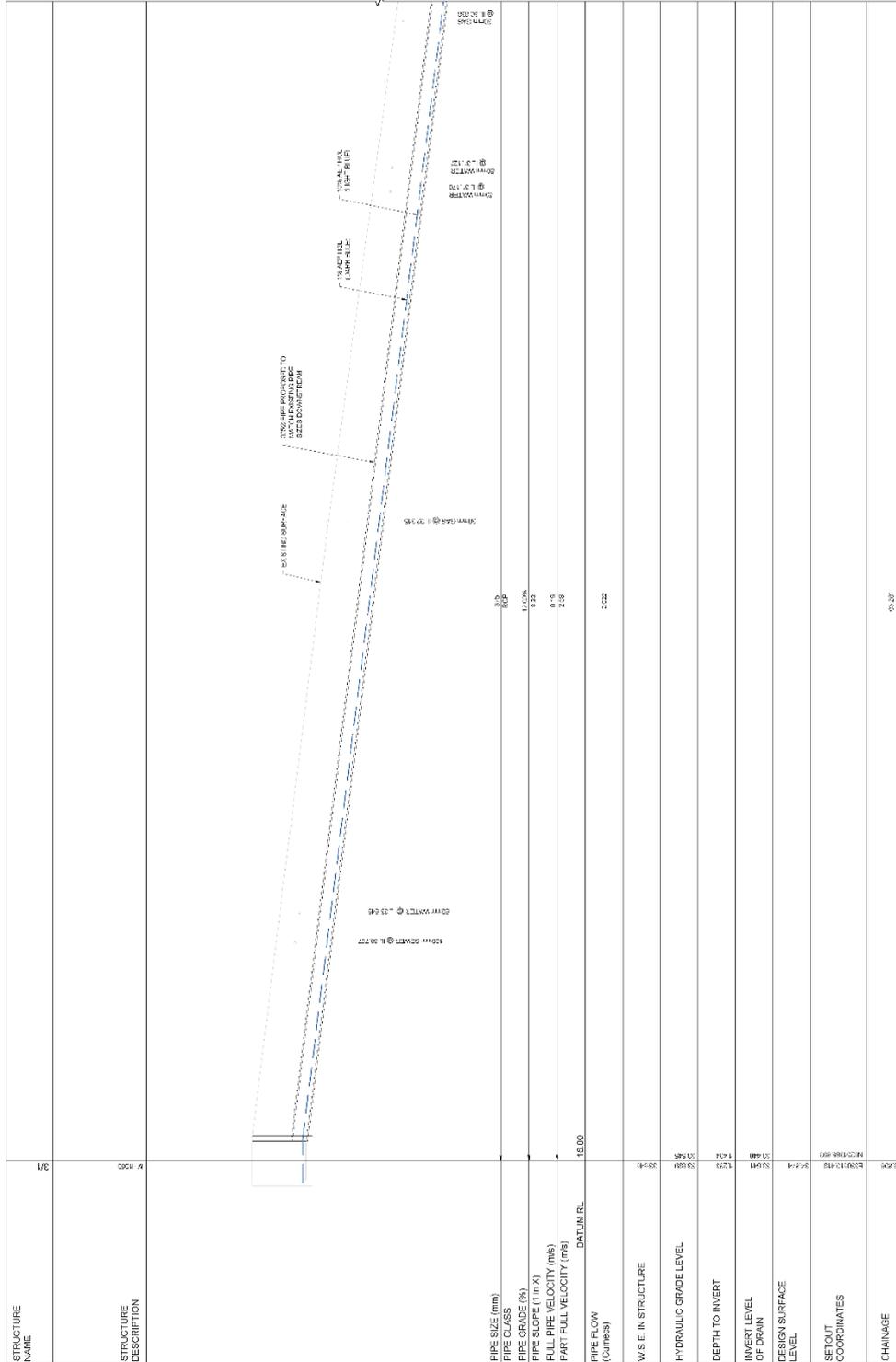
LONGITUDINAL SECTION
 - SHEET 2 OF 6

2022007DA - C14 D

DESIGN: SK
 DRAWING: TG
 DRAWN BY: AI

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B	FURTHER DETAIL	TG	09.09.2022
A	ISSUED FOR CONCEPT APPROVAL	TG	24.09.2022



STORMWATER LINE LONGSECTION
 HORIZONTAL SCALE 1:100 (M) 0 1 2 3 4 5 METRES
 VERTICAL SCALE 1:20 (M) 0 1 2 3 METRES

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PROPOSED DEVELOPMENT
STORMWATER
LONGITUDINAL SECTION
- SHEET 3 OF 6

2022007DA - C15 D

DESIGN: SK
 DRAWN: TG
 DRAWN: AI

DATE: 13/12/2022
 DATE: 08/12/2022
 DATE: 08/09/2022
 DATE: 24/08/2022

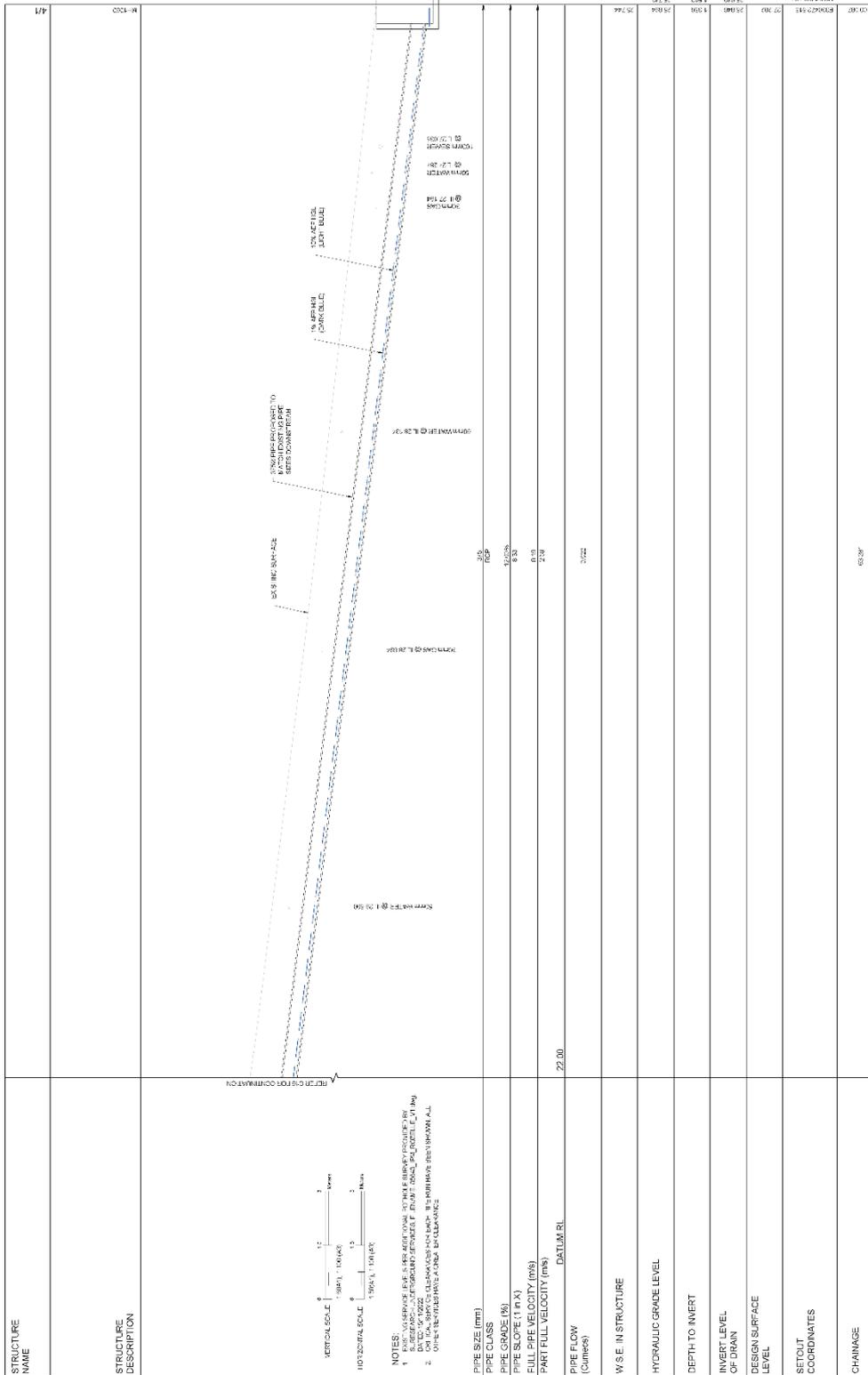
REV: D
 DESCRIPTION: MJOR UPDATES
 BY: TG

REV: C
 DESCRIPTION: POTHOLE SURVEY UPDATE
 BY: TG

REV: B
 DESCRIPTION: FURTHER DETAIL
 BY: TG

REV: A
 DESCRIPTION: ISSUED FOR CONCEPT APPROVAL
 BY: TG

NOTES:
 1. THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION.
 2. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.
 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.



STORMWATER LINE 1 LONGSECTION

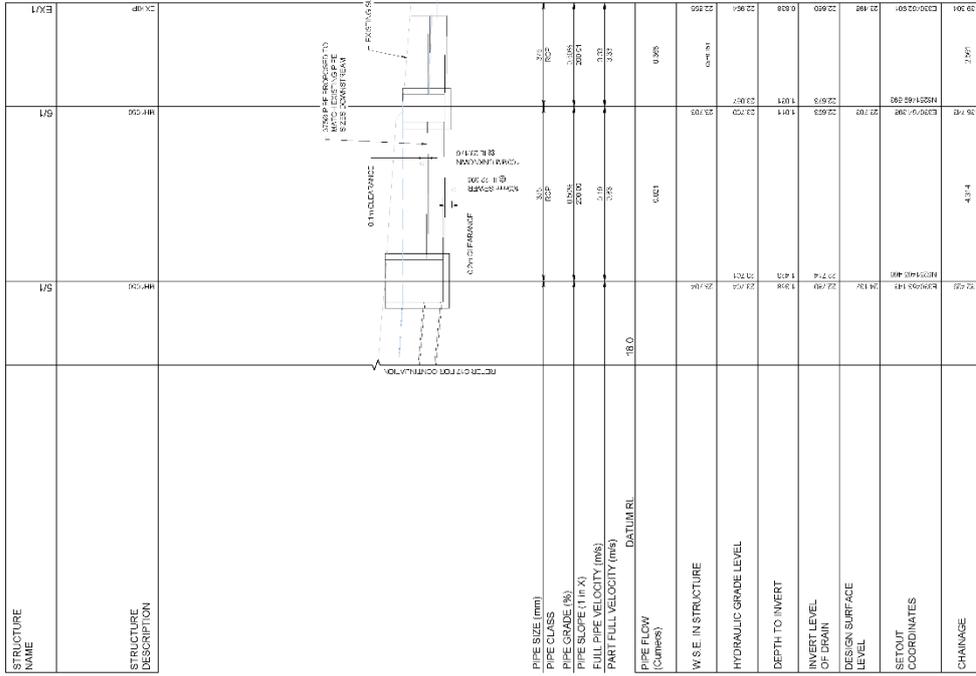
NO.	REV.	DESCRIPTION	DATE	BY
D		MINOR UPDATES	13.12.2022	TG
C		POTHOLE SURVEY UPDATE	08.12.2022	TG
B		FURTHER DETAIL	06.09.2022	TG
A		ISSUED FOR CONCEPT APPROVAL	24.06.2022	TG

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PROPOSED DEVELOPMENT
 STORMWATER LONGITUDINAL SECTION
 - SHEET 4 OF 6

2022007DA - C16 D



NOTES:
 1. EXISTING SURFACE IS REPRESENTED BY DASHED LINE.
 2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.
 5. ALL DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE SPECIFIED.
 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.
 7. ALL DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE SPECIFIED.
 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.
 9. ALL DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE SPECIFIED.
 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.

STORMWATER LINE LONGSECTION

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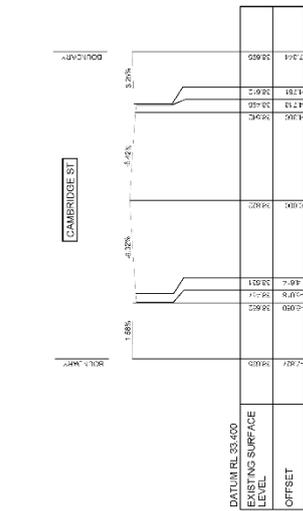
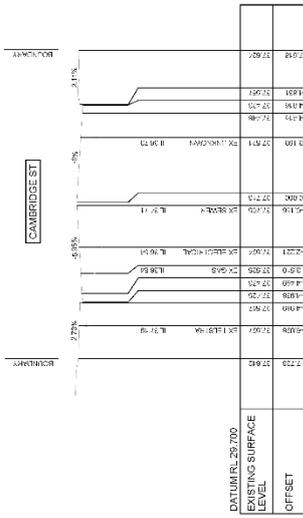
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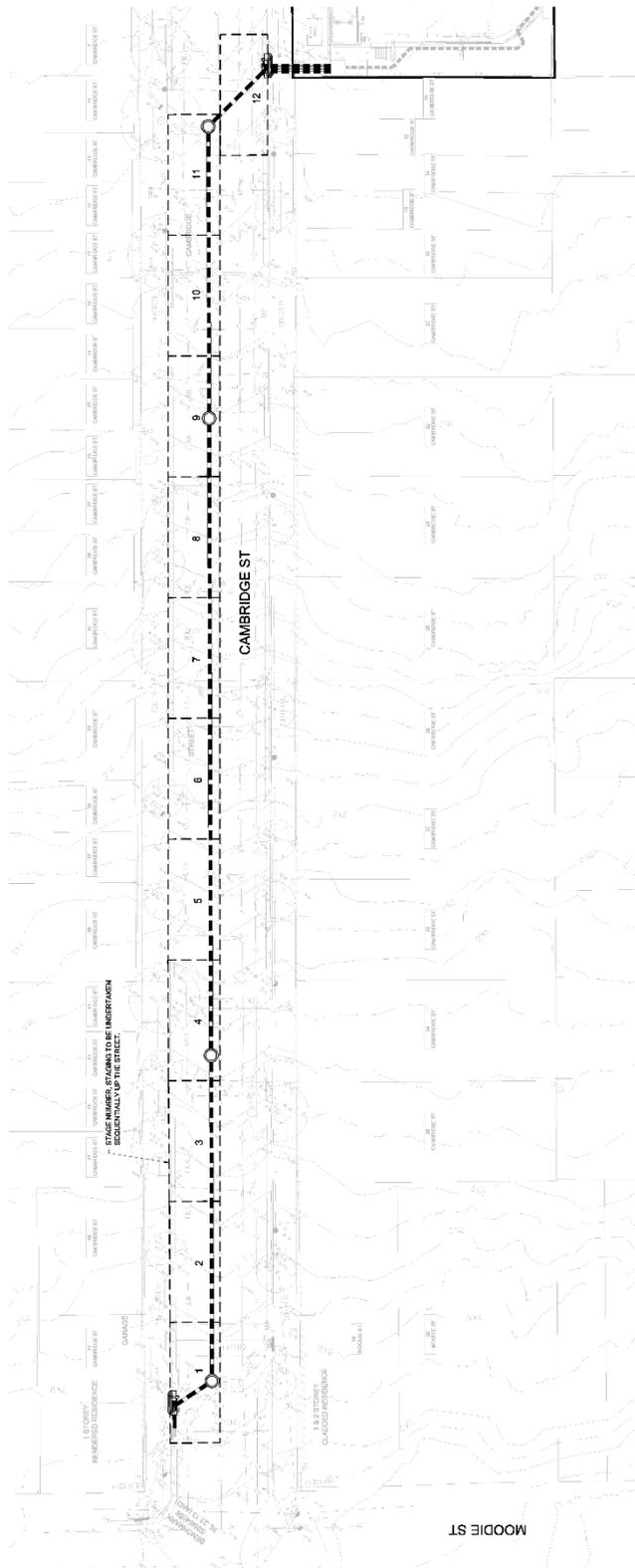
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STORMWATER PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039

LONGITUDINAL SECTION
 - SHEET 6 OF 6

2022007DA - C18 D





- STAGE NOTES:
1. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO ALLOW WORKING CONDITIONS.
 2. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO ALLOW WORKING CONDITIONS.
 3. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO ALLOW WORKING CONDITIONS.
 4. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO ALLOW WORKING CONDITIONS.
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 10. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO ALLOW WORKING CONDITIONS.
 11. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO ALLOW WORKING CONDITIONS.
 12. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS TO ALLOW WORKING CONDITIONS.

STAGE	IN FRONT OF	PARKING DRIVEWAYS AFFECTED	CHP
1	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
2	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
3	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
4	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
5	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
6	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
7	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
8	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
9	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
10	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
11	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003
12	10 CAMBRIDGE ST	10 CAMBRIDGE ST	10.01.003

*CHP VALUES BASED ON LISTING CAMBRIDGE ST, 10.01.003 CONTROL LINES



SCALE 1:200 (N 1, 1:400, 2:50)

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 PROPOSED DEVELOPMENT
 731 DARLING ST, ROZELLE NSW 2039
 2022007DA - C24 D

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 DESIGN: SK
 DRAWING: TG
 DWG SIZE: A1

CONSTRUCTION STAGING PLAN

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Version: 1.00 (13 Dec 2022)



SCALE 1:2000 (A1, 1:400 (A3))

PROPOSED DEVELOPMENT
731 DARLING ST, ROZELLE NSW 2039

CONSTRUCTION STAGING PLAN (AERIAL)

2022007DA - C25 D

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A	ISSUED FOR CONCEPT APPROVAL	TG	24.08.2022

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DATE: 13/12/2022

Attachment C – Conditions of Consent – D/2017/491



NOTICE OF DETERMINATION - APPROVAL

Issued under Section S4.55 of the Environmental Planning and Assessment Act 1979

Development Application No.	D/2017/491
Applicant	William Allen
Land to be developed	731-735 Darling Street ROZELLE NSW 2039
Approved development	Demolition of existing at-grade car park and part of existing retail building, with retention of the heritage facade, entryways and awning. Excavation for basement level parking and construction of a four-storey mixed use development (retail and apartments)
Cost of development	\$6,842,937.00
Determination	This S4.55(1A) modification application was determined by Delegation to Staff and was granted consent subject to the conditions attached.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Date of Development Consent:	01 July 2019
Date of Modification of Consent:	29 September 2021
Modification Number:	MOD/2021/0252

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

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

Document Set ID: 38042029
 Version: 1, Version Date: 29/08/2023

Reasons for conditions

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

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

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

For further information please contact **Ka Yi Tong** on **02 9392 5000** or ka.yi.tong@innerwest.nsw.gov.au.



Iain Betts

Team Leader Development Assessment (North)

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2017/491 and the following plans and supplementary documentation, except where amended by the conditions of this consent:

Plan Reference	Drawn By	Dated
DA-001 K (Context Plan – Site Plan)	Nettleton Tribe	5/2/2019
DA-002 J (Demolition Plan – Ground)	Nettleton Tribe	1/11/2018
DA-003 G (Demolition Plan – Roof)	Nettleton Tribe	1/11/2018
DA-004 I (Demolition Elevations)	Nettleton Tribe	1/11/2018
DA-100 L DA-100 M (Basement Level Floor Plan)	Nettleton Tribe	5/2/2019 21/11/2019
DA-101 M DA-101 O DA-101 P 10365_DA-101, Rev T (Ground Floor Plan)	Nettleton Tribe	5/2/2019 12/12/2019 14/05/2020 27/09/2021
10365_SK010, Rev B (Extent of Heritage Façade)	Nettleton Tribe	27/09/2021
10365_DA-501, Rev O (GFA Area Plans)	Nettleton Tribe	27/09/2021
DA-102 N DA-102 O (Level 1 Floor Plan)	Nettleton Tribe	5/2/2019 14/05/2020
DA-103 N (Level 2 Floor Plan)	Nettleton Tribe	5/2/2019
DA-104 N (Level 3 Floor Plan)	Nettleton Tribe	5/2/2019
DA-105 L (Roof Plan)	Nettleton Tribe	5/2/2019
DA-201 L DA-201 M	Nettleton Tribe	5/2/2019 21/11/2019

DA 201 N (Southeast & Northwest Elevations)		14/05/2020
DA-202L DA-202 M DA 202 N (Northeast & Southwest Elevations)	Nettleton Tribe	5/2/2019 21/11/2019 14/05/2020
DA-301 L DA-301 M (Sections)	Nettleton Tribe	5/2/2019 21/11/2019
DA-302 E (Sections)	Nettleton Tribe	5/2/2019
DA-303 A (Sections)	Nettleton Tribe	5/2/2019
DA-401 J (Adaptable Unit Type 102/202)	Nettleton Tribe	1/11/2018
DA-402 K (Adaptable Unit Type 107/207)	Nettleton Tribe	5/2/2019
DA-701 I (Survey Plan)	Nettleton Tribe	1/11/2018
DA-901 H (BASIX Spec Bloc)	Nettleton Tribe	1/11/2018
LP01 D (Landscape Plan)	Narelle Sonter Botanica	2/11/2018
LP02 E (Landscape Plan – Planters)	Narelle Sonter Botanica	5/2/2019
C00-DA1 (Coversheet, Legend and Drawing Schedule) 000 A (Cover Sheet Plan)	AJ Whipps Consulting Group Australian Consulting Engineers	30/06/2017 21/08/2020
C01 DA1 (Erosion and Sediment Control Plan)	AJ Whipps Consulting Group	30/06/2017
C02 DA1 (Erosion and Sediment Control)	AJ Whipps Consulting Group	30/06/2017

Details)		
C03-DA3 (Basement Plan) 101F (Stormwater Layout Plan – Basement Level 1 of 2) 102B (Stormwater Layout Plan – Basement Level Sheet 2 of 2)	AJ Whipps Consulting Group Australian Consulting Engineers Australian Consulting Engineers	6/11/2018 15/10/2020 21/08/2020
C04-Plan-DA3-Floor-Plan) (Ground 103H (Stormwater Layout Plan Ground Floor) 104H (Stormwater Layout Plan Level 1) 105G (Stormwater Layout Plan Level 2) 106E (Stormwater Layout Plan Level 3)	AJ Whipps Consulting Group Australian Consulting Engineers Australian Consulting Engineers Australian Consulting Engineers	6/11/2018 22/12/2020 1/12/2020 1/12/2020 1/12/2020
C05-DA3 (Roof Plan) 107 D (Stormwater Layout Plan Roof Level)	AJ Whipps Consulting Group Australian Consulting Engineers	6/11/2018 1/12/2020
C06-DA1 (Details Sheet 1) 108 E (OSD & WSUD Calculation & Details Sheet 1 of 3) 108.1 G (OSD & WSUD Calculation & Details Sheet 2 of 3) 108.2 F (OSD & WSUD Calculation & Details Sheet 3 of 3)	AJ Whipps Consulting Group Australian Consulting Engineers Australian Consulting Engineers Australian Consulting Engineers	30/06/2017 19/10/2020 22/12/2020 22/12/2020
C07-DA1 (Details Sheet 2) 110F (Long Section & Miscellaneous Details Sheet)	AJ Whipps Consulting Group Australian Consulting Engineers	30/6/2017 22/12/2020
Documentation	Prepared By	Dated
Façade Retention Construction Methodology	M+G Consulting	8/11/2018
Heritage Impact Statement	Architectural Projects	September 2021

Waste Management Plan	Elephants Foot	6/11/2018
Acoustic Review	Marshall Day Acoustics	6/11/2018
BASIX Certificate Certificate Number 834914M_03 834914M_03	Eco Certificates Pty Ltd	2/11/2018 07/11/2019
NatHERS Certificate and Building Thermal Modelling Performance Specifications	Eco Certificates Pty Ltd	2/11/2018
Remediation Action Plan	EIS	24/08/2017
Design Verification Statement	Nettleton Tribe	29/06/2017
Geotech Report	JK Geotechnics	3/07/2017
Fire Safety Schedule	Peter Dix	5/11/2018

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

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

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

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

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.
(Condition modified by M/2020/0169 on 31 July 2020, by MOD/2020/0377 on 18 February 2021 and by MOD/2021/0252 on 28 September 2021)

2. Consent is granted for the demolition of the improvements currently existing on the property, subject to strict compliance with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises

(including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
- i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.

- g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the

Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.

- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.
- q) Compliance with the Façade Retention Construction Methodology set out in the M+G Consulting Methodology dated 8 November 2018.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

3. [not used]
4. [not used]
- 4A. Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:
 - a. The two new tenancy front entry doors are to be centred on the rendered wall panels into which they are being inserted, and are to be glazed and metal framed sash doors with transoms over, similar to the nearby door assembly to the apartments lobby;
 - b. In the proposed colour scheme the retained heritage façade is to be differentiated from the apartments structure by use of a more traditional colour treatment, such as a warm to neutral stone colour, trimmed with tonally related colour on mouldings and other façade elements (copings, inlay mouldings, the cartouche/medallion);
 - c. For the traditionally detailed suspended street awning to the Darling Street and Cambridge Street elevations, detailed construction drawings are to be provided for Council's approval prior to the release of the Construction Certificate.
5. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
6. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited

Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."

- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

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

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

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

- 8. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

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

9. [not used]
10. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

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

11. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater—Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
- a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.

- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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

12A. A stormwater drainage design, incorporating on site stormwater detention facilities (OSD), prepared by a qualified practicing Civil Engineer shall be provided prior to the issue of a Construction Certificate. The design shall be prepared/amended to make provision for the following:

a) The design shall be generally in accordance with the stormwater drainage concept plan on the following drawings prepared by Australian Consulting Engineers Pty Ltd Project No. 200121 AJ Whipps Consulting Group:

- Dwg No. 000 Issue A dated 21/08/2020
- Dwg No. 101 Issue F dated 15/10/2020
- Dwg No. 102 Issue B dated 21/08/2020
- Dwg No. 103 Issue H dated 22/12/2020
- Dwg No. 104 Issue H dated 01/12/2020
- Dwg No. 105 Issue G dated 01/12/2020
- Dwg No. 106 Issue E dated 01/12/2020
- Dwg No. 107 Issue D dated 01/12/2020
- Dwg No. 108 Issue E dated 19/10/2020
- Dwg No. 108.1 Issue G dated 22/12/2020
- Dwg No. 108.2 Issue F dated 22/12/2020
- Dwg No. 110 Issue F dated 22/12/2020
- ~~Drawing No. 20170131-C3 Issue DA2 and dated 02.08.17~~
- ~~Drawing No. 20170131-C4 Issue DA2 and dated 02.08.17~~
- ~~Drawing No. 20170131-C5 Issue DA2 and dated 02.08.17~~
- ~~Drawing No. 20170131-C6 Issue DA1 and dated 30.06.17~~

b) Site discharge shall be connected directly to Council's piped drainage system. In this regard, the existing system shall be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3.0m lintel) shall be installed.

The pipeline shall be Class 4 steel reinforced concrete pipe and 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.

- 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 other than for a pump-out system for the subsoil drainage system.*
- e) *Subsoil drainage including below the basement floor slab shall be provided to intercept potential seepage at the soil/bedrock interface and through opening defects within the bedrock profile. The subsurface drainage system shall be detailed on the plans and located fully within the property boundaries.*
- f) *Stormwater pits within the basement shall have solid covers to prevent pollutants from vehicles entering the stormwater system other than where required to collect subsurface flows at the point of ingress to the basement.*
- g) *A pump-out system for stormwater disposal is permitted for drainage of the subsurface drainage system only and must be designed in accordance with the following criteria:*
 - i. *Comply with all relevant Australian Standards.*
 - ii. *An overflow, flashing light and audible alarm is to be provided to warn of pump failure.*
 - iii. *A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months.*
 - iv. *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.*
- v. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank.*
 - vi. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls.*
 - vii. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system.*
 - viii. 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.*

- h) The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design shall include the collection of such waters and discharge to the Council drainage system.*
- i) An overland flow path shall be provided at the north western boundary to Cambridge Street frontage.*
- j) As there is no overland flow/flood path available from the balconies, the design of the sag pit and piped drainage system is to meet the following criteria:*
 - i) 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.*
 - ii) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building*
- k) The drainage system shall have adequate capacity to collect and convey the 100 year storm event flows to the OSD tanks.*
- l) Calculations, including DRAINS computer modelling data and results files, shall be submitted to support the flow rates and*

OSD/OSR storage volumes proposed in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013.

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.

- m) Drainage long sections from the OSD/OSR tank to the point of connection to Council's drainage system shall be provided. The plans shall all surface and invert levels, pipe gradients/diameters, type/location/depth of adjacent utility services and 20 year and 100 year Hydraulic Grade Line Analysis.**
- n) An inspection opening or stormwater pit shall be installed inside the property adjacent to the boundary for all stormwater outlets.**
- o) Any pipe connections to Council's stormwater drainage system shall be no less than 150mm above the invert of Council's downstream stormwater pipe at the point of connection.**
- p) Calculations, including MUSIC computer modelling data and results files, shall be submitted to support the proposed stormwater treatment measures. Stormwater quality improvement devices shall be installed such that stormwater flows leaving the site meet the following environmental targets:**

Pollutant	Baseline Annual Pollution Load (kg/ha/yr)	Retention Criteria
Gross Pollutants, including trash, litter and vegetation	500	90% reduction of average annual load

<i>matter greater than 5mm</i>		
<i>Total Suspended solids, including sediment and other fine material less than 5mm</i>	<i>900</i>	<i>85% reduction of average annual load</i>
<i>Total Phosphorous</i>	<i>2</i>	<i>65% reduction of average annual load</i>
<i>Total Nitrogen</i>	<i>15</i>	<i>45% reduction of average annual load</i>
<i>Hydrocarbons (Oil and Grease)</i>		<i>90% reduction of average annual load – no visible discharge</i>
<i>Toxicants</i>		<i>100% containment of toxicants</i>

- q) The stormwater pipes running attached to the basement wall under the ground floor slab as shown on Dwg. 103 must not encroach within the 2.2m headroom requirement for the parking facilities.**

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

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

(Condition added by M/2019/232 on 9 June 2020 and amended by MOD/2020/0377 on 18 February 2021)

12B. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:

- a) Construction of a heavy duty concrete vehicle crossing at the at the vehicle access location.**
- b) Closure of any portion of redundant vehicle crossing.**

- c) *the existing system shall be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3.0m lintel) shall be installed.*

The pipeline shall be Class 4 steel reinforced concrete pipe and 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.

- d) *Removal of all redundant stormwater pipelines within the footpath area.*
- e) *The works shall be constructed in accordance with the approved plans, conditions of the Roadworks Permit, Council's standard drawings and specifications and AUS-SPEC#2- "Roadworks Specifications".*
- f) *Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.*

Full detailed construction plans and specifications prepared by a qualified practising Civil Engineer shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate.

The plans shall include long sections along both sides of the proposed vehicular crossing, drawn at a 1:20 natural scale, from the centreline of the adjacent road to a minimum of 7.5 metres into the property and long sections of stormwater pipe from the OSD tank to the point of connection to the existing Council drainage system. All plans and sections must show existing surface levels and proposed surface levels.

All works shall be completed within 12 months after the issue of an interim Occupation Certificate, and before the issue of the final Occupation Certificate at no cost to Council.

(Condition added by M/2019/232 9 June 2020 and amended by MOD/2021/0208 20 July 2021)

13. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
 - a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding

properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.

- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.

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

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

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

14. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
 - a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.

- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste docket to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

- 15. [not used]
- 16. An Access Management Plan must be provided by an Accredited Access Consultant prior to the issue of a Construction Certificate. Details of the Access Management Plan must include:
 - a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether an upgrade of the 'Affected part' is required.
 - b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
 - c) Conduct an assessment and identify any non-compliances with the Disability Standards 2010 and/or the Building Code of Australia where applicable and

Suitable access is to be provided to all communal areas including the common room and private open space.

- 17. [not used]
- 18. A contribution pursuant to the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* for the services detailed in column A and for the amount detailed in column B must be made to Council prior to the issue of a Construction Certificate:

Column A	Column B
Community Facilities	\$42,175.28
Open Space	\$275,960.26
Local Area Traffic Management	\$1,579.13
Bicycle	\$285.34
Total	\$320,000.00

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

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

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

Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be paid to Council to cover the cost of making good any

damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Security Deposit (FOOT)	\$\$16,576.70
Inspection fee (FOOTI)	\$230.65

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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

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

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

20. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction

Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property
737 Darling Street
10 Cambridge Street
3 Oxford Street
5 Oxford Street
7 Oxford Street
<i>All Public Lands being "Cambridge Street" and "Darling Street" within and adjacent areas of works incl. roads and footpaths</i>

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Condition modified by M/2019/232 9 June 2020)

21. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
 - a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
 - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
 - f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
 - g) Awning or street verandah over footpath. – Road works Application
 - h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

22. The tree in 737 Darling Street, adjacent to the boundary with the subject

property, shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009, unless Council is provided with the consent of the owner of 737 Darling Street to remove that tree, in which case the tree may be removed in accordance with the Leichhardt Development Control Plan 2013, with Council consent if required.

Reason: To clarify that the tree in the neighbouring property must be retained and appropriately protected until such time as owners consent is given to remove the tree.

23. All reasonable directions in writing by the project arborist in relation to tree management and tree protection shall be complied with. All directions by the project arborist shall be confirmed in writing to the project manager.

Reason: To ensure that tree protection can respond to unforeseen risks and impacts

24. ~~[Not Used]~~ ***Payment of a Bond, in the sum of \$200,000 for the proper performance of works on the Darling Street road reserve before the issue of any interim / final Occupation Certificate. The security may be provided in one of the following methods:***

- a) *In full in the form of a cash bond; or*
- b) *By provision of a Bank Guarantee by an Australian Bank with no termination date in the following terms:*
 - i. *The bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.*
 - ii. *The bank must pay the guaranteed sum within seven (7) days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;*
 - iii. *The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.*

***Reason: To enable the issue of an interim Occupation Certificate for the building before the completion of the Darling Street road reserve works, while ensuring that the Darling Street road reserve works are completed within a reasonable time.
(Condition modified and added by MOD/2021/0208 20 July 2021)***

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

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

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

26. The site must be secured with temporary fencing prior to any works commencing.

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

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding

on public land must be obtained and clearly displayed on site for the duration of the works.

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

27. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
28. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
29. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.

30. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

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

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

31. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.

Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.

32. The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.

Reason: Council requires details of the project arborist to facilitate

communication if required.

33. The project arborist shall prepare a Tree Protection Plan for the tree in 737 Darling Street, which shall be submitted to and approved by Council before work commences, unless Council is provided with the consent of the owner of 737 Darling Street to remove that tree, in which case the tree may be removed in accordance with the Leichhardt Development Control Plan 2013, with Council consent if required. The Tree Protection Plan shall ensure that the stability and ongoing viability of the neighbour's tree are not compromised.

Reason: To ensure the neighbour's tree is effectively protected and managed and its stability and ongoing viability are not compromised.

34. Where relevant and at the project arborist's direction, the tree protection measures detailed in the council-approved Tree Protection Plan shall be established before work commences.

Reason: To ensure that the stability and ongoing viability of trees being retained are not compromised.

35. The project arborist shall inspect the tree protection measures and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan before work commences.

Reason: The project arborist shall provide guidance and oversight of tree protection and management to ensure that the stability and ongoing viability of trees being retained are not compromised.

DURING WORKS

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

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

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

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

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

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

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

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

40. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

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

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

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

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

8:00 am to 12:00 pm, Monday to Saturday;
and 2:00 pm to 6:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

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

Noise arising from the works must be controlled in accordance with the

requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

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

44. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
45. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

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

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

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

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

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent or unless Council is provided with the consent of the owner of the relevant surrounding properties to remove that any vegetation, in which case that vegetation may be removed in accordance with the Leichhardt Development Control Plan 2013, with Council consent if required.

47. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority

48. Tree protection measures detailed in the council-approved Tree Protection Plan and in Section 4 of Australian Standard *Protection of Trees on Development Sites* AS 4970— 2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Woody, structural roots within the Structural Root Zone (SRZ), as designated by the project arborist and detailed in the Tree Protection Plan, shall not be pruned, severed or otherwise harmed unless the consent of the owner of the land upon which the relevant tree is located is obtained to remove any tree, in which case the tree may be removed in accordance with the Leichhardt Development Control Plan 2013, with Council consent if required. Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

Reason: To ensure trees being retained are effectively protected and managed and their stability and ongoing viability are not compromised.

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

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

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

50. During construction the project arborist shall undertake periodic inspections of the tree in 737 Darling Street and ensure that its protection is being undertaken in accordance with the approved Tree Protection Plan and these conditions, unless Council is provided with the consent of the owner of 737 Darling Street to remove that tree, in which case the tree may be removed in accordance with the Leichhardt Development Control Plan 2013, with Council consent if required.

Reason: To ensure that conditions relating to tree protection are complied with.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

51. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
- Compare the post construction report with the pre-construction report required by these conditions,
 - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of

any Occupation Certificate.

52. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
53. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent.
54. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

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

55. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied.

The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include:

- Description and documentation of all works performed
- Results of validation testing and monitoring
- Validation results if any imported fill was transferred to site
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied
- Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminates.

56. Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to provide:
- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
 - b) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

57. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and plumbing section on the web site www.sydneywater.com.au then refer to "Plumbing, building & developing".

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

58. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.

59. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:

- the approved plans;
- BASIX certificate (where relevant),
- approved documentation (as referenced in this consent); and
- conditions of this consent.

60. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree protection have been complied with and that the protected tree has not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

Reason: To ensure that conditions that aim to ensure the sustainability of Inner West urban forest are complied with.

60A. The approved parking spaces shall be allocated as detailed on “the basement floor plan referred to as drawing number DA100M prepared by Nettleton Tribe, dated 21 November 2019. All spaces shall be appropriately line marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is strata subdivided, the car park layout on the strata plan shall be in accordance with the required allocation.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate. (Condition added by M/2019/232 9 June 2020)

60B. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater drainage system has been

constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed, including on site detention system and orifice plate and stormwater quality improvement devices, in accordance with the approved design and relevant Australian Standards, shall be submitted to Council prior to the issue of an Occupation Certificate.

*The works-as-executed plan(s) shall 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 shall be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.
(Condition added by M/2019/232 9 June 2020)*

60C. *Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that an Operation and Management Plan has been prepared and implemented for the on site detention facilities and stormwater quality improvement devices. The Plan shall set out the following at a minimum:*

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.*
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.*

*The Plan shall be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
(Condition added by M/2019/232 9 June 2020)*

60D. *Prior to the issue of an Occupation Certificate, Within 12 months after the issue of an interim Occupation Certificate, and prior to the issue of the final Occupation Certificate, the Principal Certifying Authority must*

be provided with written evidence from Council that all works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993. (Condition added by M/2019/232 9 June 2020 and amended by MOD/2021/0208 20 July 2021)

60E. *The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any stone kerbs requiring removal shall be carefully removed and returned to Council depot for reuse. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
(Condition added by M/2019/232 9 June 2020)*



60F. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate. (Condition added by M/2019/232 9 June 2020)

60G. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate. (Condition added by M/2019/232 9 June 2020)

ONGOING CONDITIONS OF CONSENT

61. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
62. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.

62A. The Operation and Management Plan for the on site detention facilities and stormwater quality improvement devices, approved with the Occupation Certificate, shall be implemented and kept in a suitable location on site at all times. (Condition added by M/2019/232 9 June 2020)

62B. All vehicles shall enter and exit the site in a forward direction. (Condition added by M/2019/232 9 June 2020)

**62C. 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.
(Condition added by M/2019/232 9 June 2020)**

63. [not used]

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

The system/s shall be operated as follows:

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

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

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

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with

this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

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

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

D. Condition relating to shoring and adequacy of adjoining property

- a. For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i. protect and support the adjoining premises from possible damage from the excavation, and
 - ii. where necessary, underpin the adjoining premises to prevent any such damage.
- b. The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Advisory note

The vehicular crossing and/or public domain works are required to be constructed by your own contractor. You or your contractor shall complete an application for 'Application for Construction of Vehicle Crossing and Public Domain Works – Step 1' form for design approval and an 'Application for Construction of Vehicle Crossing and Public Domain Works – Step 2'

form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

(Advisory note added by M/2019/232 9 June 2020)

Prior to the issue of an Occupation Certificate, the Principal Certifying Officer must be provided with evidence that Easements, Restrictions on Land and Positive Covenants under Section 88B or 88E, whichever apply to the subject development, of the Conveyancing Act 1919, has been the title of the property detailing the following :

Restrictions on the Use of Land related to on Site Stormwater Detention or stormwater quality improvement devices;

Positive Covenant related to on-site stormwater detention and/or system;

**Positive Covenant related to stormwater quality improvement device
The wording in the Instrument must be in accordance with Council wording.**

(Advisory note added by M/2019/232 9 June 2020)