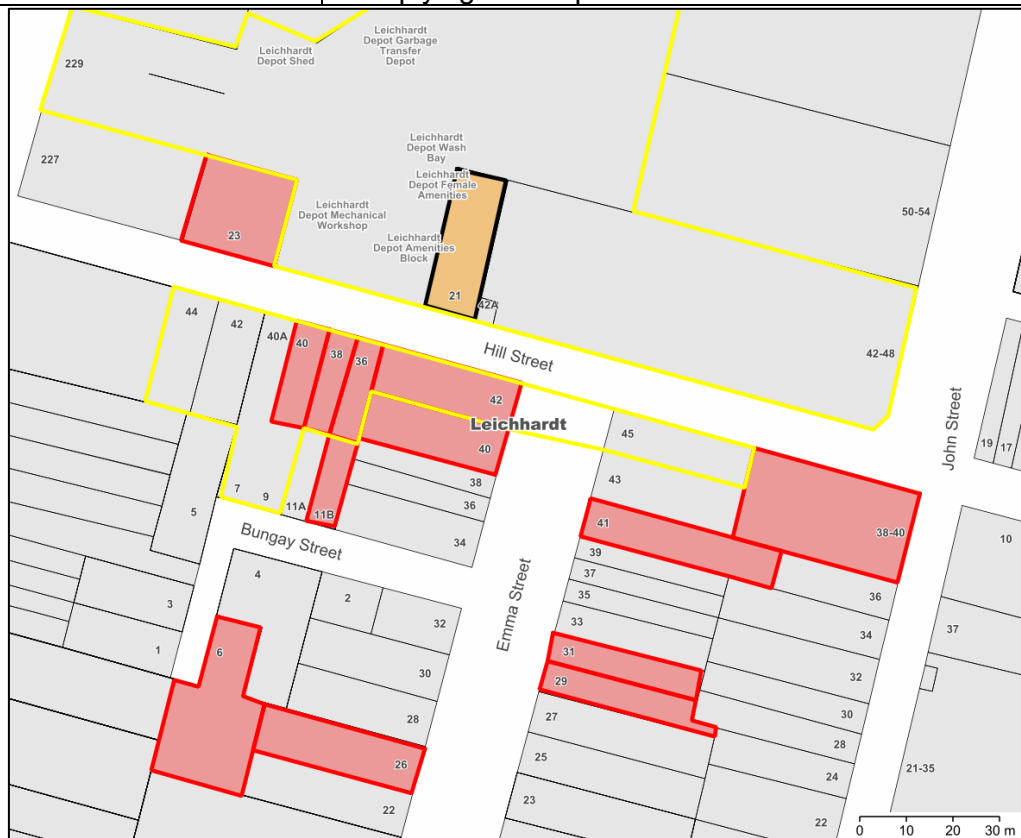






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	MOD/2023/0174
Address	21 Hill Street LEICHHARDT
Proposal	Modification to approved use to allow trading on Saturday and Sunday
Date of Lodgement	22 June 2023
Applicant	Mr Chad Loxsom
Owner	Chadox Pty Ltd
Number of Submissions	15
Value of works	\$5,000.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	Operating impacts
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of existing premises
Attachment C	Modified Plan of Management
Attachment D	Notice of Determination- D/2012/336
Attachment E	Complying Development Certificate CDC/2021/0080



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Note: Due to scale of map, not all objectors could be shown.		

1. Executive Summary

This report is an assessment of the application to modify a consent submitted to Council under Section 4.55 1 (A) of the *Environmental Planning and Assessment Act 1979* to the approved builder's depot and ancillary office to allow trading on Saturday and Sunday at No. 21 Hill Street, Leichhardt.

The application was notified to surrounding properties and 15 submissions were received in response to the initial notification.

The main issue that has arisen from the application relates to operating impacts on neighbouring properties. These impacts, subject to the imposition of conditions are considered throughout this report and are considered acceptable, subject to the imposition of further conditions particularly given that the modifications relate only to the existing office which operates as an ancillary use to the light industrial steel workshop at the rear of the site

The proposed modifications do not seek extended operating hours for the workshop component and relate solely to the office use and therefore the application is recommended for approval.

It is noted that there is a separate Complying Development Certificate (CDC/2021/0080 issued 4/02/2022), which approved a change of use for the depot component of the site as a steel workshop known as 'Ganci Steel'. Condition 21 of that consent relates to hours of operation and is stated as follows:

- 1) *If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.*
- 2) *If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours:*
 - a) *if the development involves a new use as bulky goods premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,*
 - b) *if the development involves a new use as something other than a bulky goods premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,*
 - c) *in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday*

In considering the above, the hours of operation approved under DA/2012/336 apply to the steel workshop approved under CDC/2021/0080 as at (1).

This modification application is for an extension of operating hours to 7am-4pm on Saturdays and 9am-4pm on Sundays, to the development approved under DA/2012/336, for the office component. A separate application would be required should the steel workshop seek extended operating hours for that component of the site.

2. Proposal

The proposal seeks to modify the existing development consent (D/2012/336) which approved the use of the subject site as a builder's depot with ancillary offices. The following conditions are proposed to be modified:

- Condition 1, in relation to the approved plans and reference documentation
- Condition 30, in relation to the approved operating hours
- Condition 31, in relation to the loading and unloading zone

The modifications seek extended operating hours, operating between 7am-4pm on Saturdays and 9am-4pm on Sundays. The application also seeks the use of the loading and unloading zone on the site during these extended hours. No building works are proposed.

Section 4.55(2) of the *EPA Act 1979* allows a consent authority to modify a development consent granted by it, 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 consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (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*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”*

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- The environmental impacts are minimal and relate to acoustic impacts from the proposed extension of hours. These are considered within this report.
- The applicant does not require concurrence or GTA from any approval body.
- The application was notified to persons who made a submission against the original application sought to be modified.
- Submissions received have been considered.

The proposed modifications therefore meet the requirements of Section 4.55(2) of the Act.

In consideration of Section 4.55(3) of the *EPA Act 1979*, the development assessment report, concluded that the development was acceptable for the following reasons -

- The proposal generally complies with the aims, objectives and design parameters contained in the applicable planning controls
- The development would 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 application is considered suitable for approval subject to the imposition of appropriate conditions.

For the reasons outlined in this report, it is considered that the modified proposal has taken into account aforementioned reasons that the original development consent was granted.

3. Site Description

The subject site is located on the northern side of Hill Street, between Catherine Street and Emma Street. The site is a rectangular shaped parcel of land with a total area of 319sqm and is legally described as Lot 1 in DP 577166.

The site has a frontage to Hill Street of 10.69 metres. The site supports a part one and part two storey rendered building, which comprises offices, known as ‘Just Screw It’. A steel workshop is located at the rear of the site and is known as ‘Ganci Steel’.

The site is located at the southern extent of the Leichhardt Council Depot and adjoins several other industrial uses, all of which are zoned E4 General Industrial under the *Inner West Local Environmental Plan 2022 (IWLEP)*. Located opposite the subject site, on the southern side of Hill Street, are residential dwellings within the R1 General Residential zone.

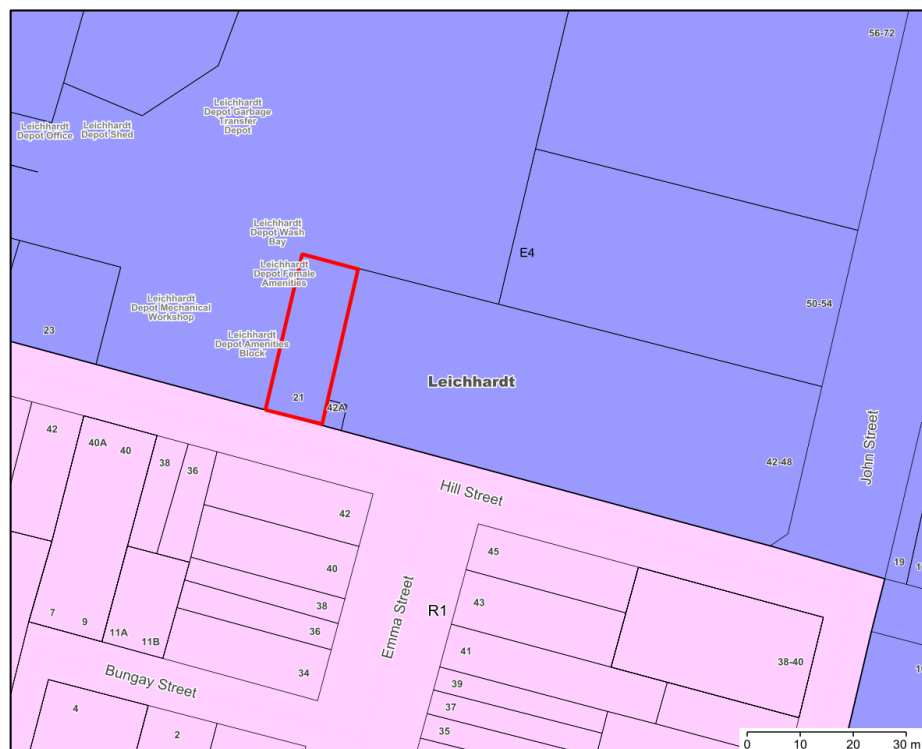


Figure 2: Land zoning map – subject site outlined in red (Source: IntraMaps 2023)

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site.

Subject Site

Application	Proposal	Decision & Date
DA/298/1987	Industrial alterations	Approved 02/09/1987
D/2012/336	Use of the existing industrial premises as a builders depot with ancillary offices.	Approved 19/02/2013
PREDA/2016/63	Alterations and additions to existing building being used as a depot with ancillary office	Approved 29/03/2016
CDC/2018/163	Extension of the building, additional office and storage space at the first floor	Approved 13/12/2018
CDC/2020/0064	Modification of CDC for additional works to balcony and openings	Approved 20/07/2020
CDC/2021/0080	Change of use of the rear storage area to a light industrial workshop	Approved 04/02/2022

This modification application relates to D/2012/336, which approved the use of the premises as a builders depot with ancillary office space.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
22/06/2023	S4.55 application lodged with Council
13/07/2023	Request for Information letter provided to applicant.
04/08/2023	Additional information received.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Inner West Local Environmental Plan 2022*

5(a)(i) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 6 Water Catchments

The subject site is located within the Sydney Harbour Catchment. Section 6.6 under Part 6.2 of the SEPP provides matters for consideration which apply to the subject development proposal. The proposal is acceptable in relation to these matters.

5(a)(ii) *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

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

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives

Section 2.3 Land Use Table and Zone Objectives

The subject site is zoned E4 General Industrial, pursuant to the *IWLEP 2022*. The proposed modifications will retain the approved use of the site as an office associated with an industrial use, which is permissible with consent within the E4 General Industrial zone.

The proposed modifications are consistent with the objectives of the zone, which are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To protect industrial land in proximity to Sydney Airport and Port Botany and the Eastern Economic Corridor of the Greater Cities Commission.*
- *To retain existing and encourage new industrial uses to meet the needs of the community.*

The proposed modifications will retain the existing office use, which is ancillary to the light industrial steel workshop at the rear of the site, which forms part of a surrounding industrial estate. Operation of the office component of the site on weekends will support the viable use of land for industrial uses.

The proposed extension of hours will encourage additional employment opportunities and allow the premises to provide services to meet community demand. The approved ancillary office use will be retained by the proposal and meet the needs of the business.

Operation of the premises the subject of this application is not deemed to raise adverse effects on other land uses.

Amenity impacts from the proposed extended operating hours on the adjoining residential zone may include acoustic impacts, as well as parking demand. Though there is a reasonable assumption for operation of an allotment within an industrial zone for an industrial use, there is similarly an expectation that the proposed use be considered with more sensitivity than if it

adjoined an industrial zone. This is consistent with the approach taken by Roseth SC at [17] in *Ramsey v Leichhardt Council* [2005] NSWLEC 422.

In this case, operation of the premises of Saturday is deemed reasonable, whereas operation on Sunday is unsupportable, in ensuring that the proposed development maintains a desirable land use which is compatible with surrounding land uses. These operating hours are to be consistent with those contained within the LDCP 2013 (see Section 5(b)) of this report for further discussion.

5(b) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	Yes
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes – no change
C1.8 Contamination	N/A
C1.9 Safety by Design	Yes – no change
C1.10 Equity of Access and Mobility	Yes – no change
C1.11 Parking	N/A
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A

Part C: Place – Section 2 Urban Character	
C2.2.3.3 Piperston Distinctive Neighbourhood & C2.2.3.3(b) Industrial Sub Area	Yes
Part C: Place – Section 3 – Residential Provisions	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes – no change
C4.2 Site Layout and Building Design	Yes – no change
C4.3 Ecologically Sustainable Development	Yes – no change
C4.4 Elevation and Materials	Yes – no change
C4.5 Interface Amenity	Yes – no change
C4.6 Shopfronts	N/A
C4.7 Bulky Goods Premises	N/A
C4.8 Child Care Centres	N/A
C4.9 Home Based Business	N/A
C4.10 Industrial Development	Yes – see discussion
C4.11 Licensed Premises and Small Bars	N/A
C4.12 B7 Business Park Zone	N/A
C4.13 Markets	N/A
C4.14 Medical Centres	N/A
C4.15 Mixed Use	N/A
C4.16 Recreational Facility	N/A
C4.17 Sex Services Premises	N/A
C4.18 Vehicle Sales or Hire Premises And Service Stations	N/A
C4.19 Vehicle Repair Station	N/A
C4.20 Outdoor Dining Areas	N/A
C4.21 Creative Industries	N/A
Part D: Energy	N/A
Part E: Water	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues, which relate to Section C4.10 Industrial Development:

Hours of Operation

Control C20 indicates where industrial premises adjoin land in a residential zone, the hours of operation are limited to between 7am and 7pm (Monday to Friday) and 7am to 3pm Saturdays, excluding public holidays. The subject site is located directly opposite residentially zoned land on the south side of Hill Street, as such this control applies.

The approved depot and associated office have operating hours as follows:

Control		Approved		Proposed	
Monday - Friday	7am - 7am	Monday - Friday	7am - 5pm	Monday - Friday	7am - 5pm (No change)
Saturday	7am - 3pm	Saturday	Closed	Saturday	7am - 4pm
Sunday	Closed	Sunday	Closed	Sunday	9am - 4pm

The proposed modifications to the approved hours of operation seek operation outside of the hours stated within Control C20, in relation to Saturday and Sunday, the objectives of the section are considered inter alia:

O1 To ensure that development for the purpose of industry:

a. protects the viability of industrial areas;

Response: The proposed extended operating hours for the existing premises will protect the viability of the surrounding industrial area. The extended trading hours will enhance the employment generation of the site and accommodate the provision of services to meet community demand.

b. protects residential amenity for adjoining and nearby residential uses within residential zones;

Response: The use of the subject premises involves various potential impacts on neighbouring residential amenity, namely noise generation and parking impacts. Operation of the premises in accordance with the existing conditions of consent and amended Plan of Management will mitigate potential impacts on neighbouring amenity. To protect residential amenity for nearby residential uses, operation on Sunday is not supported.

c. is compatible with the character of the neighbourhood;

Response: The proposal will maintain the approved use of the site, which is consistent with the E4 General Industrial zoning and adjoining Council depot. The ongoing use will remain appropriate with the established industrial character. Notwithstanding this, in considering residential dwellings located on the opposite side of Hill Street, modification to the operating hours for operation on Sunday is not supportable. This is to ensure that the subject development provides a reasonable interface between industrial and residential zones.

d. makes a positive contribution to the visual character of the streetscape;

Response: The proposed modifications will not alter the existing visual appearance of the subject site, which remains visually acceptable within the Hill Street streetscape.

e. promotes the arts, technology production and design sectors;

Response: N/A

f. achieves a high level of environmental performance.

Response: N/A

To manage the zone interface with the adjoining residential zone, operation on Sunday is not supported. Extended operating hours on Saturday (between 7am and 3pm, in accordance with Control C20) are supported.

Notwithstanding the above, it is noted that the application also seeks the extended hours of operation to enable loading and unloading of goods on weekends. It is considered that the provision of loading/unloading is associated with the noise generating use at the rear of the site and would have the potential to create amenity impacts to nearby residences. Traffic movements and loading of goods is not in keeping with requested additional office hours. The Plan of Management indicates a site foreman will manage loading during this time, however this implies that the operation of the steel factory would be in place and this is not within the scope of this application. As such the request to extend hours for loading is not supported and that condition 31 of D/2012/336 be maintained allowing loading/unloading of goods to occur during the existing approved Monday to Friday only. As such the Plan of Management is required to be amended to reflect the above changes and consequently condition 28 of the existing consent is to be modified to enable this.

5(c) The Likely Impacts

The assessment of the modification application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact on the locality. Operating impacts have been considered in the previous section and will be mitigated through operation of the premises in accordance with the conditions of consent and the modified Plan of Management.

5(d) 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 extended hours of operation on Saturday between 7:00am and 3:00pm. This has been demonstrated in the assessment of the application. Operation of the premises on Sunday is not supported, to ensure the site provides an appropriate interface with nearby residential properties.

5(e) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 15 submissions were received in response to the notification.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Parking impacts

Comment: The proposal will not increase the traffic generation of the existing industrial premises. Conditions of consent were previously included in D/2012/336 to manage the parking of vehicles and use of loading zones and these remain. Notwithstanding as this relates only to the office component of the business, traffic generation as implied are unlikely to result in adverse impacts.

Issue: Noise impacts (particularly those arising from metal works)

Comment: The proposal relates to the office component of the site, which is not deemed to result in unreasonable acoustic privacy impacts to nearby residential receivers. No modification is sought or granted to the operating hours of the steel workshop component.

Issue: There is no Occupation Certificate issued for the operation of the site.

Comment: This s4.55 relates to hours of operation of a portion of the site. Lawful operation of the site in accordance with the development consent is dependent on the applicant receiving an Occupation Certificate and this matter has been referred to Council's compliance team to investigate.

Issue: Safety concerns.

Comment: Concerns of pedestrian and child safety have been raised in multiple submissions, on the basis of ongoing operation of the existing premises on the site. This includes concerns relating to use of Hill Street for vehicle parking. As previously noted, Council's engineers have raised no objections to the proposal based on safety grounds and / or increased traffic volumes from the modified hours of operation. The proposal relates to a permissible use within the E4 zone and, subject to compliance with existing conditions of consent and the modified Plan of Management, will provide an acceptable safety outcome.

5(f) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

The application was referred to the internal sections (Development Engineering and Environmental Health) and issues raised in those referrals have been discussed in section 5.

Environmental Health have recommended the following conditions of consent relating to light spill and waste collection, however this is not considered within the scope of the s4.55 application which seeks to extend operation of the office use and therefore cannot be established for the imposition of such conditions.

7. 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 modified operating hours to allow Saturday operation of the approved office component between 7:00am and 3:00pm is unlikely to result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

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

8. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55(1a) of the *Environmental Planning and Assessment Act 1979*, grant consent to Application No. MOD/2023/0174 which seeks to modify DA/2012/336 dated 19 February 2013 so as to alter the operating hours of the office component at 21 Hill Street Leichhardt, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

A. Modify the following Conditions to read as follows:

1. Development must be carried out in accordance with Development Application No. D/2012/336 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Rev	Drawn By	Dated
59410.01: Site & Floor Plans	G	HSA Architects	14/9/2012
59410.02: Sections & Elevations	G	HSA Architects	14/9/2012
Document Title	Prepared By		Dated
Plan of Management	Boston Blyth Fleming Corona Projects		Nov 2012 April 2023

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

(Condition Amended – MOD/2023/0174 – 14 November 2023)

30. (a) The property is only to be open for business and used for the purpose approved within the following hours.

Monday to Friday 7:00am to 5:00pm
Weekends & Public Holidays Closed

- (b) ***The office component of the premises is approved to operate within the following hours;***

Monday to Friday 7:00am to 5:00pm
Saturday 7:00am to 3:00pm

(Condition Amended – MOD/2023/0174 – 14 November 2023)

28. The use must operate in accordance with the approved Plan of Management listed in condition 1 of this consent at all times. Any breaches to the Plan of Management will be considered to be a breach in development consent. ***The Plan of Management is to be amended to reflect the correct trading hours and remove the provision of loading/unloading goods on weekends.***

A copy of the Plan of Management must be kept onsite at all time and is to be made available on request to Council, Police and the general public. A complaints contact must be provided in accordance with the Plan of Management. These details are to be clearly displayed at the front of the premises at all times. All emergency/complaints contacts are to be kept current as necessary.

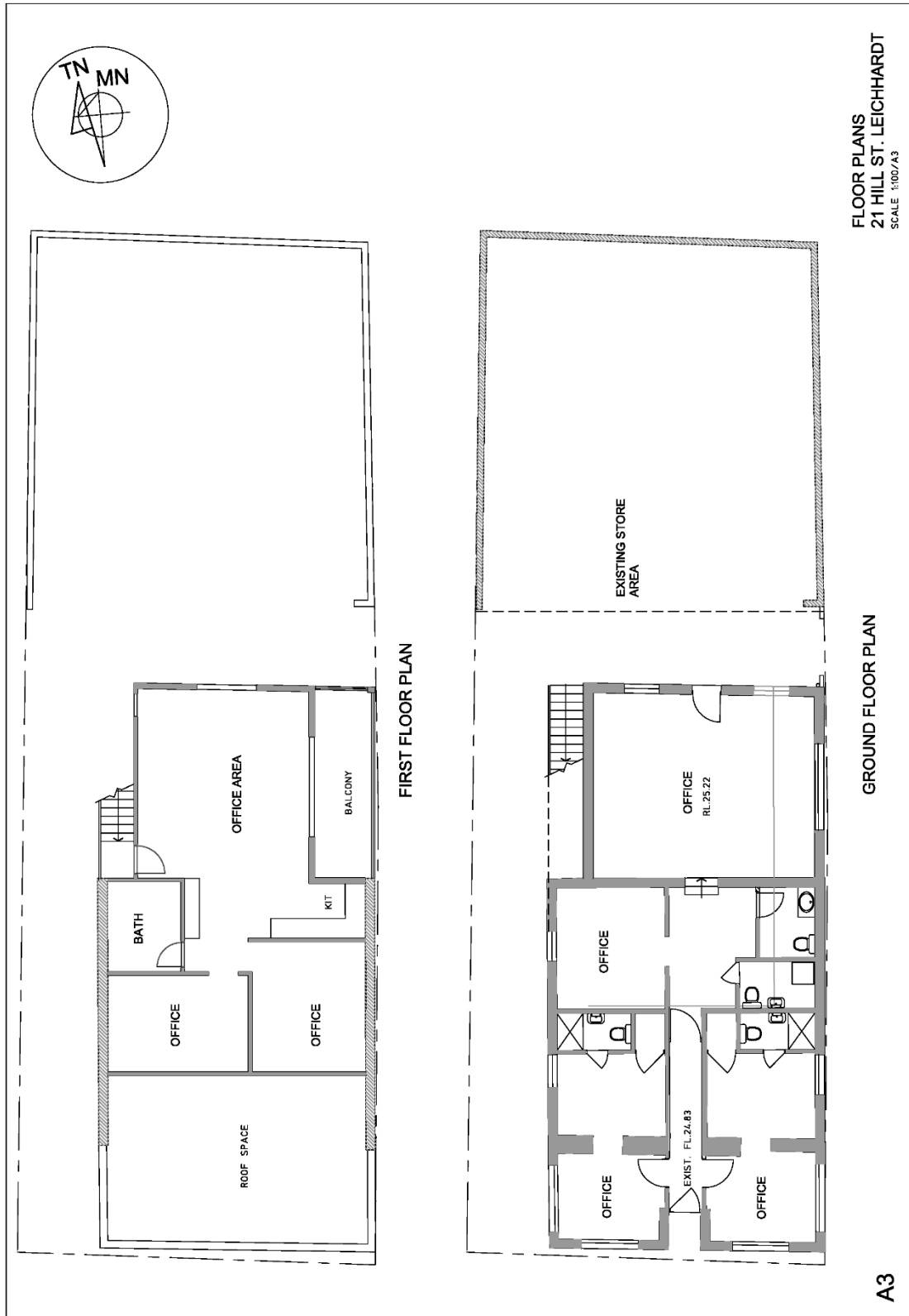
Any amendments or changes to the approved Plan of Management (excluding emergency/complaint contact details) must obtain the prior approval of Council.

If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

(Condition Amended – MOD/2023/0174 – 14 November 2023)

Attachment B – Plans of existing premises

Document Set ID: 38131773
Version: 1, Version Date: 27/09/2023



Attachment C –Plan of Management



SECTION 4.55 (1A) MODIFICATION
PLAN OF MANAGEMENT

Change of operating hours

21 Hill Street Leichhardt

April 2023



Document Set ID: 38131774
Version: 1, Version Date: 27/09/2023

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Corona Projects

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Corona Projects

1. Preface

This document has been prepared by Corona Projects Pty Ltd for Just Screw It, to accompany the modification application. This document describes the way in which environmental issues and considerations will be managed by the owner/operator of the subject premises. The plan integrates environmental management into daily operations.

The implementation of this document will provide increased levels of amenity to adjoining residential properties through the minimisation and resolution of environmental impacts associated with the operation of the builder's yard. Accordingly, this document incorporates complaint reporting and resolution mechanisms.

The owner/ operator is committed to the implementation of this document which strikes a balance between the private interests of residents whose amenity is potentially affected by virtue of their proximity to the Industrial precinct and providing for the orderly use of the land in accordance with its zoning.

This document promotes direct dialogue between the owner/operator and its residential neighbours to ensure that any concerns raised are documented and appropriately resolved. Such dialogue will ensure that the content of this document remains relevant and is reviewed and updated as necessary.



Plan of Management - 21 Hill Street Leichhardt

3

Document Set ID: 38131774
Version: 1, Version Date: 27/09/2023

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Corona Projects

2. Introduction

The site is located within the of local industrial and residential area of Leichhardt. Leichhardt is situated within the Inner West of Sydney approximately 5km west of the Sydney CBD. The suburb is bordered by Haberfield to the west, Annandale to the east, Lilyfield to the north and Petersham, Lewisham, and Stanmore to the south.

The subject site is located on the Northern side of Hill Street between Catherine Street and John Street. The immediate locality surrounding the subject site comprises of a mix of industrial and residential uses, with the adjoining sites being, Leichhardt Depot, manufacturing businesses, a hardware store, and residential dwellings. This section of Hill Street is the interface with industrial and residential zones with the north side of the street zoned E4: General Industry and the southern side of the street zoned R1: General Residential.

3. Purpose

This Plan of Management (PoM) accompanies the proposed Section 4.55 Modification at 21 Hill Street Leichhardt for a modification to the approved trading hours. The PoM seeks to provide detail on the use and management of all proposed uses of the existing building. This plan covers the following-

- Operational Details
- Hours of Operation
- Vehicular Parking
- Staffing Arrangements
- Noise
- Management Measures

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4. Permitted Uses

The existing building is approved for the use of the site as a building depot with ancillary offices and a light industrial workshop at the rear. The acting approvals for the use of the site are listed below.

- CDC/2021/0080 - Change of use of the rear storage area to a light industrial workshop.
- D/2012/336 – Use of the existing industrial premises as a builder’s depot with ancillary offices.



5. Configuration

The site features the following uses:

Floor	Use	Specific
Ground Floor	Office	Ancillary to business component
	Meeting Room	Ancillary to business component
	Kitchen	-
	Wet Closet	-
First Floor	Office	Ancillary to business component
	Meeting Room	Ancillary to business component
	Kitchen	-
	Wet Closet	-
	Balcony	-
Workshop	Open space	Light industrial activities

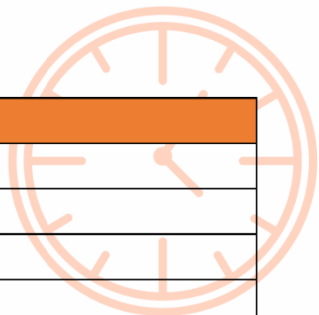
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6. Hours of Operation

The following hours of operation are proposed:

Day	Hours
Monday	7am – 5pm
Tuesday	7am – 5pm
Wednesday	7am – 5pm
Thursday	7am – 5pm
Friday	7am – 5pm
Saturday	7am – 4pm
Sunday	9am – 4pm



7. Vehicular Parking

The existing parking arrangement on site includes on-street parking available on Hill Street. The proposed modification does not alter this, nor does the proposed modification intensify the use of the site in capacity. The site will continue to use on street parking as per the conditions within approval D/2012/336. The site has a capacity of 3 vehicles associated with the premise to be parked between Hill Street and Emma Street at any one time.

8. Loading Zone Operations

The approval at D/2012/336 included the use of a loading zone restriction on the northern side of Hill Street directly outside of No. 21. The hours of the loading zone are seeking to be modified in line with the proposed operating hours as detailed in the table above. All deliveries will be made in accordance with the hours of operations and only one (1) utility or equivalent sized vehicle shall utilise the loading zone at any one time.



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Email: info@coronaprojects.com.au



Corona Projects

9. Staff

The operational structure on the premises includes a combination of full time and part time staff. The numbers of people employed on the premise must not exceed 9 employees at any one time. This includes 5 full time staff and 4 part time staff.

All staff will be trained in safe evacuation practices, and complaint management including directing any concerns from visitors of the site to the relevant manager.

10. Site Management



The responsibilities of the owner/ operator include:

- To ensure compliance with the conditions of development consent XXXX/XXXX and the provisions contained within this Plan of Management ("POM").
- To ensure that a copy of this POM is readily available to employees and members of the public during normal trading hours.
- To ensure that all employees and on-site contractors are given a copy of this POM and are aware of their individual responsibilities.
- To liaise with employees and contractors in terms of approved operation hours and loading zone restrictions.
- The implementation of the complaints reporting and management procedures.
- To oversee emergency procedures such as the evacuation of the premises and contacting emergency services.

ABN: 33 122 390 023
Suite 106, L1, 35 Spring Street, Bondi Junction, 2022
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Ph: 0419 438 956
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11. Noise Management

The site manager will foster and maintain positive relationships within the community and respect neighbouring premises. The premises will include the following measures to minimize noise impacts to adjoining premises.

- All deliveries and materials/machinery collection shall occur between the hours of operation Monday - Sunday and shall utilise the approved loading zone;
- Only one utility or equivalent sized vehicle is to utilise the loading zone;
- Vehicle engines and radios are to be switched off whilst utilising the loading zone;
- All delivered goods/materials are to be moved immediately onto the subject site; and
- Service vehicles shall access the property using Moore Street, John Street and Hill Street only. All service vehicle operators shall be given a copy of this POM and advised that non-compliance with this document represents a breach of the Development Consent.

Any noise attributable to the use and operation of the premises, including air conditioning, shall be controlled so as to comply with the requirements of the relevant noise control legislation.

12. Emergency Procedures

All staff will be trained in emergency procedures and will be provided with contact details of the relevant emergency services, including medical centres and hospitals in case of emergency. The site will have required alarms, and evacuation procedure in the case of emergency which will include safe egress out the facility and an applicable meeting point.

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13. Complaint Recording and Handling Process

The contact details of the premise will be clearly displayed within entry and on the business website. This will allow patrons and surrounding neighbours to contact the site to provide feedback or complaints. The operation has a Complaints Management System specifically designed to help in its relations with the community.

The contact person in respect of all enquiries or public complaints in relation to this plan or the operation of the premises is:

(name) Ilana Albrecht - ilana@justscrewit.com.au

(position held) Compliance / Project Coordinator

(fixed and mobile phone numbers). Office 02 9564 5454 or Chad 0407 462 103

1. An "Incident" includes:

- a. any breach of this Plan; or
- b. any complaint by any person about the operation of the Premises; or
- c. any event that may cause alarm or concern to residents or persons passing or in the vicinity of the Premises as a result of the conduct or act of any person identifiable as a client of the Premises at that time.

2. The owner/ operator is to maintain a "Complaints Book" recording details of any Incident that occurs including the time of the Incident, a detailed description of the Incident and any actions taken by the management of the Premises in response to the Incident.

3. When an Incident is reported the person recording details of the Incident will be advised that an Incident may be reported on a confidential or non-confidential basis and that confidential records will be made available to Inner West Council and the NSW Police and any other person required by law and that non confidential complaints will be made

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available to Inner West Council, the NSW Police, any other person required by law as well as residents who live within 100 metres of the premises who wish to inspect the Complaints Book .

4. The Complaints Book must be updated within 24 hours of any Incident.
5. The owner/ operator must request contact phone numbers to record in the Complaints Book so concerns can be followed up if necessary.
6. The owner/ operator shall be available at all times during trading hours to deal with any Incident as to the operation and management of the premises. Any such Incident shall be dealt with as soon as possible.
7. If an Incident relates to noise, the owner/ operator must:
 - a. rectify the situation immediately.
 - b. contact the individual who reported the Incident to verify that the problem has been addressed.
 - c. take all reasonable steps to stop or reduce the source of the noise to prevent future occurrences.
8. The owner/ operator must review the Complaints Book regularly and where appropriate amend operating procedures so as to eliminate the possibility of the Incident recurring or to minimise the impacts of the incident should it recur.

The Complaints Book shall detail how and when any complaints are dealt with. The Complaints Register will contain:

- a. Complaint date and time,
- b. Name of person making the complaint,
- c. Contact details,
- d. Nature of the complaint,



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- e. Action taken (by whom and when), and
- f. Outcome and/or further action required.

14. Maintenance and Cleaning Management

Employee's will be responsible for ongoing maintenance of the facility and equipment. Removal of external defacing of the building such as graffiti will be the responsibility of the site manager.



15. Waste Management

A dedicated waste storage area is provided for the storage of all waste and recycling bins associated with the use and occupation of the building.

16. Review of PoM

This Plan of Management is intended to be reviewed least once every 3 years, if not more often if required. If it is found that a modification to this PoM is necessary for the better management of the premises, that modification shall be made to the plan only with the consent of Council, which consent shall not be unreasonably withheld.

Attachment D – Determination DA/2012/336 dated 19 February 2013

20 February 2013

Boston Blyth Fleming
Greg Boston
UNIT 1/9 Narabang Way
BELROSE NSW 2085

Contact: David Ruston
Phone: 9367 9207
File Ref: D/2012/336

**NOTICE OF DETERMINATION OF
DEVELOPMENT APPLICATION NO: D/2012/336
Issued under the Environmental Planning & Assessment Act 1979
(Section 81(1)(a))**

Applicant Name: Boston Blyth Fleming

Applicant Address: Greg Boston
UNIT 1/9 Narabang Way
BELROSE NSW 2085

Land to be Developed: **Lot 1 DP 577166**
21 Hill Street, LEICHHARDT NSW 2040

Proposed Development: Use of the existing industrial premises as a
builders depot with ancillary offices.

Determination: Approval

Date of Determination: 19 February 2013

Consent to Operate From: 19 February 2013

Consent to Lapse On: 19 February 2018

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

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CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No.D/2012/336 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Rev	Drawn By	Dated
59410.01: Site & Floor Plans	G	HSA Architects	14/9/2012
59410.02: Sections & Elevations	G	HSA Architects	14/9/2012
Document Title	Prepared By		Dated
Plan of Management	Boston Blyth Fleming		Nov 2012

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. 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. Air conditioners must not be audible in nearby dwellings between 10:00pm to 7:00am on Monday to Saturday and 10:00pm to 8:00am on Sundays and Public Holidays.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate.

3. Prior to the issue of a Construction Certificate, the Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the outdoor lighting complies with the relevant provisions of Australian Standard AS 1158.3:2005 *Pedestrian area (Category P) lighting – Performance and design requirements* and Australian Standard AS 4282:1997 *Control of the obtrusive effects of outdoor lighting*.
4. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "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, the Building Code of Australia and the relevant Australian Standards.

5. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/amended to make provision for the following:
 - a) The design must be generally in accordance with the Site Plan on Drawing No.59410.01 prepared by HAS Architects and dated 14 September 2012.
 - b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road or to Council's piped drainage system.
 - c) Plans must specify that any components of the existing system to be retained must be checked during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development, and be replaced or upgraded if required.
 - d) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - e) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage.
 - f) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
 - g) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
 - h) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
6. The applicant must bear the cost of construction of the following works:
 - a) Closure of the redundant vehicle crossing at the Hill Street frontage of the site.
 - b) Reconstruction of concrete kerb and gutter and concrete footpath for the full Hill Street frontage of the site to narrow the footpath and create an indented loading zone.
 - c) Erection of signage indicating loading zone restrictions in accordance with the resolution of Council's Local Traffic Committee.

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Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council for a Roadworks Permit under Section 138 of the *Roads Act 1993* for approval to construct these works.

The Roadworks Permit must be provided prior to the issue of a Construction Certificate.

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

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.

7. 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 to the value of \$7,000 must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee.

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

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

8. A Waste Management Plan is to be provided prior to the issue of a Construction Certificate. The Waste Management Plan is to be prepared in accordance with Council's Development Control Plan No 38 – Avoid, Reuse, Recycle. The plan must address all issues identified in Development Control Plan No 38 including but not limited to:
 - a) Estimated quantities of materials that are reused, recycled, removed from site.
 - b) On site material storage areas during construction.
 - c) Materials and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste generated.

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

PRIOR TO THE COMMENCEMENT OF WORKS

9. 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.
10. 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.
11. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form and details of the appointed Principal Certifying Authority shall be submitted to Council.
12. An application for any of the following on public property (footpaths, roads, reserves) shall be submitted and approved by Council prior to the commencement of works.
 - a) Construction zone.
 - b) A pumping permit.
 - c) Mobile crane.
 - d) Skip bins other than those authorised by Leichhardt Council.
13. Prior to the commencement of works, a sign must be erected in a prominent position on the site 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 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.
14. The location and facilities for the collection, storage and disposal of waste generated within the premises shall be submitted to and approved by Council prior to the commencement of works.

15. That the cost of the installation of the approved 'Loading Zone' and signage be at the applicant's expense.

DURING WORKS

16. The site must be appropriately secured and fenced at all times during works.
17. Excavation, building or subdivision work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried out on Sunday or Public Holidays.
18. The development site must be inspected at the following stages during construction:
 - a) At the commencement of the building work, and
 - b) Prior to covering any stormwater drainage connections, and
 - c) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
19. 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.
20. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.
21. Construction material and vehicles shall not block or impede public use of footpaths or roadways.
22. Where any works are proposed in the public road reservation, the following applications must be made to Council, as applicable:
 - a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application must be made for a *Road Opening Permit*.
 - b) For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a *Roadworks Permit*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

23. Street number must be clearly displayed at the ground level frontage of the building prior to the issue of an Occupation Certificate. A separate application must be made to Council if new street numbers or a change to street numbers is required.
24. 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 compliance with the approved Construction Certificate plans and all conditions of this Development Consent.
25. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

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

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

27. 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.

ONGOING CONDITIONS OF CONSENT

28. The use must operate in accordance with the approved Plan of Management listed in condition 1 of this consent at all times. Any breaches to the Plan of Management will be considered to be a breach in development consent.

A copy of the Plan of Management must be kept onsite at all time and is to be made available on request to Council, Police and the general public.

A complaints contact must be provided in accordance with the Plan of Management. These details are to be clearly displayed at the front of the premises

at all times. All emergency/complaints contacts are to be kept current as necessary.

Any amendments or changes to the approved Plan of Management (excluding emergency/complaint contact details) must obtain the prior approval of Council.

29. The number of people employed on the premises must not exceed 9 at any given time; this includes 5 full time staff and 4 part-time staff.
30. The property is only to be open for business and used for the purpose approved within the following hours.

Monday to Friday	7:00am to 5:00pm
Weekends & Public Holidays	Closed

31. All loading and unloading operations are to be carried out wholly within the approved Loading Zone. The loading dock must be used for all loading and unloading associated with the approved use.

No loading and unloading is permitted outside the approved loading zone hours which are 7:00am to 5:00pm Monday to Friday.

No more than three vehicles (including trailers) are permitted to stand within the loading zone at any one time. Vehicles associated with the use of the premises are not to queue or wait to access this loading zone within Hill Street (between Catherine Street and John Street) or Emma Street at any time.

32. Vehicles, trailers and waste material shall not block or impede public use of footpaths or roadways.
33. The operating noise level of the premises including all loading/unloading, plant and equipment shall not give rise to intrusive noise of background + 5dB(A) as defined in the NSW EPA Industrial Noise Policy.

The intrusiveness criterion is summarised as follows:

- LAeq, 15 minute \leq rating background level + 5

34. Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the Department of Environment and Climate Change NSW.
35. Collection of all glass bottles and recycling is to occur between the hours of 7:00am and 5:00pm Monday to Friday and 7:30am and 1:00pm Saturday. No collection is to occur on Sundays and public holidays.
36. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Depot without the prior consent of the Council unless the change to another use is permitted as exempt development under *Leichhardt Development Control Plan 35 – Exempt and Complying Development*.

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The use of the premises as a depot, is defined under the *Leichhardt Local Environmental Plan 2000* as follows:

Depot means a building or place used for the storage, repair, servicing or garaging (but not sale) of plant, machinery, vehicles, goods or materials used or intended to be used by the owner or occupier of the building or place, but does not include a building or place elsewhere defined in this Schedule.

PRESCRIBED CONDITIONS

A. Building Code of Australia

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

B. Site Sign

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

C. Condition relating to shoring and adequacy of adjoining property

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

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Development Application for demolition if demolition is not approved by this consent.
 - e) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc)

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whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Have you made a political donation?

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

Adele Cowie
EXECUTIVE PLANNER ASSESSMENTS

Attachment E - Complying Development Certificate CDC/2021/0080



Contact: Tom Williams
Phone: 9392 5679

2 February 2022

Mr Chad Luxsom
21 Hill Street
LEICHHARDT NSW 2040

COMPLYING DEVELOPMENT CERTIFICATE No. CDC/2021/0080
Issued under the Environmental Planning & Assessment Act 1979
Division 4.5 Complying Development

Issued under the SEPP (Exempt and Complying Development Code) 2008

APPLICANT DETAILS	
Name:	Mr Chad Luxsom
Address:	21 Hill Street LEICHHARDT NSW 2040
OWNER DETAILS	
Name:	Chadox Pty Ltd
SUBJECT LAND	
Address:	21 Hill Street LEICHHARDT NSW 2040
Property Description:	Lot 1 DP 577166
Land Zoning under LEP 2013:	IN2
DESCRIPTION OF DEVELOPMENT	
Building Work	<input type="checkbox"/>
Subdivision Work	<input type="checkbox"/>
Change of use	<input checked="" type="checkbox"/>
Description:	Complying Development Certificate – Change of use of the rear storage area to a light industrial workshop
CLASSIFICATION OF BUILDING	
Classification:	Class 8

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

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

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DECISION	
Decision:	Approved
Date of Determination:	2 February 2022
Date of Lapse:	2 February 2027

ATTACHMENTS
<ul style="list-style-type: none"> ▪ Conditions of approval ▪ Fire Safety Schedule

PLAN NO(S) AND SPECIFICATIONS			
Plan Details	Author	Date	Reference(s)
Covering Letter	Chadox Pty Ltd	2 November 2021	21 Hill Street, Leichhardt
Architectural Plans	-	-	21 Hill Street, Leichhardt

Principal Certifier

In accordance with Section 6.6 of the Environmental Planning and Assessment act, 1979, prior to the commencement of works you must notify Council of the Principal Certifier (PC). You may elect Council to be the Principal Certifier.

CERTIFICATE	
<p>I certify that the work will comply with all development standards applicable to the development and with such other requirements prescribed by the regulation concerning the issue of the certificate, including the requirements of the Environmental Planning and Assessment Regulation 2000 as referred to in s4.28 of the Environmental Planning and Assessment Act, 1979.</p>	
<p>Signature:</p> <p>Council Officer:</p> <p>BPB Accreditation No:</p> <p>Date:</p>	 Tom Williams BDC 3279 2 February 2022

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



2 February 2022

Mr Chad Luxsom
21 Hill Street
LEICHHARDT NSW 2040

FIRE SAFETY SCHEDULE
Issued pursuant to Part 10 *Clause 78*
Environmental Planning and Assessment (Development Certification and Fire
Safety) Regulation 2021

APPLICATION DETAILS	
Application No.	CDC/2021/0080
Address Of Property:	21 Hill Street LEICHHARDT NSW 2040
Owners Name:	Chadox Pty Ltd
Owners Address:	21 Hill St LEICHHARDT NSW 2040
Date of Assessment:	2 February 2022
Date of Issue:	2 February 2022

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

Essential Fire Safety Measures	Existing	Proposed	Standard of Performance <i>Design & Installation Standard</i>
Exit signs (illuminated)	X		BCA Part E4.5, E4.6, E4.8; AS2293.1-2005
Fire windows	X		BCA Spec C3.4
Portable fire extinguishers	X		BCA Part E1.6, Table E1.6; AS2444-2001
Smoke alarms and heat alarms	X		BCA Table E2.2a, Spec. E2.2a Clause 3; AS3786-1993

On completion of the work, the owner of the building shall cause the Council to be furnished with a "Final Fire Safety Certificate" in relation to each essential fire or other safety measure included in this schedule.

Inner West Council
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02 9392 5000

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

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Environmental Planning and Assessment Regulation 2000

Part 7, Division 2A Conditions of complying development certificate

136A Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) A complying development certificate for development that involves any building work must be issued subject to the following conditions:
 - a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
- (1A) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to the condition that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* (as in force on the date the application for the relevant complying development certificate is made).
- (2) This clause does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.
- (3) This clause does not apply:
 - a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.
- (1) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

Note. *There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.*

136AB Notice to neighbours

- (1) A complying development certificate for development on land that is in a category 1 local government area and that is not in a residential release area and that involves:
 - a) a new building, or
 - b) an addition to an existing building, or
 - c) the demolition of a building,

must be issued subject to a condition that the person having the benefit of the complying development certificate must give at least 7 days' notice in writing of the person's intention to commence the work authorised by the certificate to the occupier of each dwelling that is located on a lot that has a boundary within 20 metres of the boundary of the lot on which the work is to be carried out.

- (2) A complying development certificate for development on land that is in a category 2 local government area or a residential release area and that involves:
 - a) a new building, or
 - b) an addition to an existing building, or
 - c) the demolition of a building,

must be issued subject to a condition that the person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the person's intention to commence the work authorised by the certificate to the occupier of each dwelling that is located on a lot that has a boundary within 20 metres of the boundary of the lot on which the work is to be carried out.

- (3) In this clause:

category 1 local government area means any of the local government areas of Ashfield, City of Auburn, City of Bankstown, City of Blacktown, City of Blue Mountains, City of Botany Bay, Burwood, Camden, City of Campbelltown, Canada Bay, City of Canterbury, City of Fairfield, City of Hawkesbury, City of Holroyd, Hornsby, Hunter's Hill, City of Hurstville, City of Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, City of Liverpool, Manly, Marrickville, Mosman, North Sydney, City of Parramatta, City of Penrith, Pittwater, City of Randwick, City of Rockdale, City of Ryde, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Warringah, Waverley, City of Willoughby, Wingecarribee, Wollondilly or Woollahra.

category 2 local government area means any local government area that is not a category 1 local government area.

residential release area means any land within:

- a) an urban release area identified within a local environmental plan that has been prepared under the Standard Instrument (Local Environmental Plans) Order 2006 and made as provided by section 33A (2) of the Act, or
- b) a land release area identified under the Eurobodalla Local Environmental Plan 2012, or
- c) any land subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006, or
- d) any area included in Parts 6, 26, 27, 28 and 29 of Schedule 3 to State Environmental Planning Policy (Major Development) 2005.

136B Erection of signs

- (1) A complying development certificate for development that involves any building work, subdivision work or demolition work must be issued subject to a condition that the requirements of subclauses (2) and (3) are complied with.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

136C Notification of Home Building Act 1989 requirements

- (1) A complying development certificate for development that involves any residential building work within the meaning of the *Home Building Act 1989* must be issued subject to a condition that the work is carried out in accordance with the requirements of this clause.
- (2) Residential building work within the meaning of the *Home Building Act 1989* 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 following information:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes 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.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

136D Fulfilment of BASIX commitments

- (1) This clause applies to the following development:
 - a) BASIX affected development,
 - b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).

- (2) A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

136E Development involving bonded asbestos material and friable asbestos material

- (1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions:
 - a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2011*,
 - b) the person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,
 - c) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
 - d) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.
- (2) This clause applies only to a complying development certificate issued after the commencement of this clause.
- (3) In this clause, *bonded asbestos material*, *bonded asbestos removal work*, *friable asbestos material* and *friable asbestos removal work* have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment and Heritage.

Note 4. Demolition undertaken in relation to complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be carried out in accordance with Australian Standard AS 2601—2001, Demolition of structures.

136F, 136G (Repealed)

136H Condition relating to shoring and adequacy of adjoining property

- (1) A complying development certificate for development must be issued subject to a condition that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the certificate must at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

136I Traffic generating development

If an application for a complying development certificate is required to be accompanied by a certificate of Roads and Maritime Services as referred to in clause 4 (1) (k) of Schedule 1, the complying development certificate must be issued subject to a condition that any requirements specified in the certificate of Roads and Maritime Services must be complied with.

136J Development on contaminated land

- (1) If an application for a complying development certificate is required to be accompanied by a statement of a qualified person as referred to in clause 4 (1) (l) of Schedule 1, the complying development certificate must be issued subject to a condition that any requirements specified in the statement must be complied with.
- (2) Subclause (1) does not apply to complying development carried out under the complying development provisions of *State Environmental Planning Policy (Three Ports) 2013* in the Lease Area within the meaning of clause 4 of that Policy.

136K When complying development certificates must be subject to section 85A (9) condition

- (1) This clause applies if a council's contributions plan provides for the payment of a monetary section 94 contribution or section 94A levy in relation to development for a particular purpose (whether or not it is classed as complying development under the contributions plan).
- (2) The certifying authority must issue the relevant complying development certificate authorising development for that purpose subject to a condition requiring payment of such contribution or levy, as required by section 85A (9) of the Act.
- (3) Subclause (2) applies despite any provision to the contrary in the council's contributions plan.

136L Contributions and levies payable under section 85A (9) must be paid before work commences

- (1) A complying development certificate issued subject to a condition required by section 85A (9) of the Act must be issued subject to a condition that the contribution or levy must be paid before any work authorised by the certificate commences.
- (2) Subclause (1) applies despite any provision to the contrary in the council's contributions plan.

136M Condition relating to payment of security

- (1) This clause applies to a complying development certificate authorising the carrying out of development if:
 - a) the development is demolition of a work or building, erection of a new building or an addition to an existing building and the estimated cost of the development (as specified in the application for the certificate) is \$25,000 or more, and
 - b) the development is to be carried out on land adjacent to a public road, and
 - c) at the time the application for the certificate is made, there is specified on the website of the council for the area in which the development is to be carried out an amount of security determined by the council that must be paid in relation to:
 - i) development of the same type or description, or
 - ii) development carried out in the same circumstances, or
 - iii) development carried out on land of the same size or description.
- (2) A complying development certificate to which this clause applies must be issued subject to a condition that the amount of security referred to in subclause (1) is to be provided,

in accordance with this clause, to the council before any building work or subdivision work authorised by the certificate commences.

- (3) The security may be provided, at the applicant's choice, by way of:
 - a) deposit with the council, or
 - b) a guarantee satisfactory to the council.
- (4) The funds realised from a security may be paid out to meet the cost of making good any damage caused to any property of the council as a consequence of doing anything (or not doing anything) authorised or required by the complying development certificate, including the cost of any inspection to determine whether damage has been caused.
- (5) Any balance of the funds realised from a security remaining after meeting the costs referred to in subclause (4) is to be refunded to, or at the direction of, the person who provided the security.

136N Principal certifying authority to be satisfied that preconditions met before commencement of work

- (1) This clause applies to building work or subdivision work that is the subject of a complying development certificate.
- (2) A principal certifying authority for building work or subdivision work to be carried out on a site, and over which the principal certifying authority has control, is required to be satisfied that any preconditions in relation to the work and required to be met before the work commences have been met before the work commences.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Schedule 8 Conditions applying to complying development certificates under the Commercial and Industrial Alterations Code and the Commercial and Industrial (New Buildings and Additions) Code

(Clauses 5.25 and 5A.31)

Note 1. *Complying development under the Commercial and Industrial Alterations Code and the Commercial and Industrial (New Buildings and Additions) Code must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Schedule.*

Note 2. Division 2A of Part 7 of the Environmental Planning and Assessment Regulation 2000 specifies conditions to which certain complying development certificates are subject.

Note 3. In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4. If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5. Under section 86A of the Environmental Planning and Assessment Act 1979, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

Note. Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

- 1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- 2) Each toilet must:
 - a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c) be a temporary chemical closet approved under the Local Government Act 1993.

3 Waste management

- 1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site
- 2) The waste management plan must:
 - a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - b) identify the quantity of waste material in tonnes and cubic metres to be:
 - i) reused on-site, and
 - ii) recycled on-site and off-site, and
 - iii) disposed of off-site, and
 - c) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - d) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- 3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- 4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

- 1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- 2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated run-off around cleared or disturbed areas, and
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and

- c) preventing the tracking of sediment by vehicles onto roads, and
- d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 Conditions applying during the works

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

6 Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

7 Works outside standard hours for construction

- 1) Work may be carried out outside the standard hours for construction if the work only generates noise that is:
 - a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- 2) Work may be carried out outside the standard hours for construction:
 - a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
 - b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

9 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

10 Maintenance of site

- 1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- 2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- 3) Copies of receipts stating the following must be given to the principal certifying authority:
 - a) the place to which waste materials were transported,
 - b) the name of the contractor transporting the materials,
 - c) the quantity of materials transported off-site and recycled or disposed of.
- 4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 5) During construction:
 - a) all vehicles entering or leaving the site must have their loads covered, and
 - b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- 6) At the completion of the works, the work site must be left clear of waste and debris.

11 Earthworks, retaining walls and structural support

- 1) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

- c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- 2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459[DOCX]), published in July 2012 by Safe Work Australia.

12 Drainage connections

- 1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- 2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

13 Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) all work must stop immediately in that area, and
- b) the Office of Environment and Heritage must be advised of the discovery.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

14 Aboriginal objects discovered during excavation

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area, and
- b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

15 When a survey certificate is required

- 1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority:
 - a) before any form work below the ground floor slab is completed, or
 - b) if there is no such form work—before the concrete is poured for the ground floor slab.
- 2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

Part 3 Conditions applying before the issue of an occupation certificate**16 Vehicular access**

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

17 Utility services

- 1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- 2) If the work will be the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed before the occupation certificate is issued.
- 3) If the work will be the subject of a compliance certificate under section 73 of the *Sydney Water Act 1994*, the work must be satisfactorily completed before the occupation certificate is issued.

18 Mechanical ventilation systems

If the work includes a mechanical ventilation system that is a *regulated system* within the meaning of the *Public Health Act 2010*, the system must be notified as required by

the Public Health Regulation 2012, before an occupation certificate (whether interim or final) for the work is issued.

19 Food businesses

If the work relates to a *food business* within the meaning of the Food Act 2003, the food business must be notified as required by that Act, or licensed as required by the Food Regulation 2010, before an occupation certificate (whether interim or final) for the work is issued.

20 Premises where skin penetration procedures are carried out

If the work relates to premises at which a *skin penetration procedure*, within the meaning of the Public Health Act 2010, will be carried out, the premises must be notified as required by Part 4 of the Public Health Regulation 2012 before an occupation certificate (whether interim or final) for the work is issued.

Part 4 Operational requirements

21 Hours of operation

- 1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.
- 2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours:
 - a) if the development involves a new use as bulky goods premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
 - b) if the development involves a new use as something other than a bulky goods premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,
 - c) in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

22 Noise

- 1) The development must comply with the requirements for industrial premises contained in the Noise Policy.
- 2) Noise emitted by the development:
 - 1) must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and
 - 2) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.
- 3) In this clause, *the Noise Policy* means the document entitled *NSW Industrial Noise Policy* (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

23 Lighting

- 1) All new external lighting must:
 - a) comply with AS 4282–1997 *Control of the obtrusive effects of outdoor lighting*, and
 - b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- 2) Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces Set*.

24 Unobstructed driveways and parking areas

- 1) All driveways and parking areas must be unobstructed at all times.
- 2) Driveways and car spaces:
 - a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

25 Landscaped area (planting and maintenance)

- 1) Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
- 2) All landscaped areas on the site must be maintained on an on-going basis.

