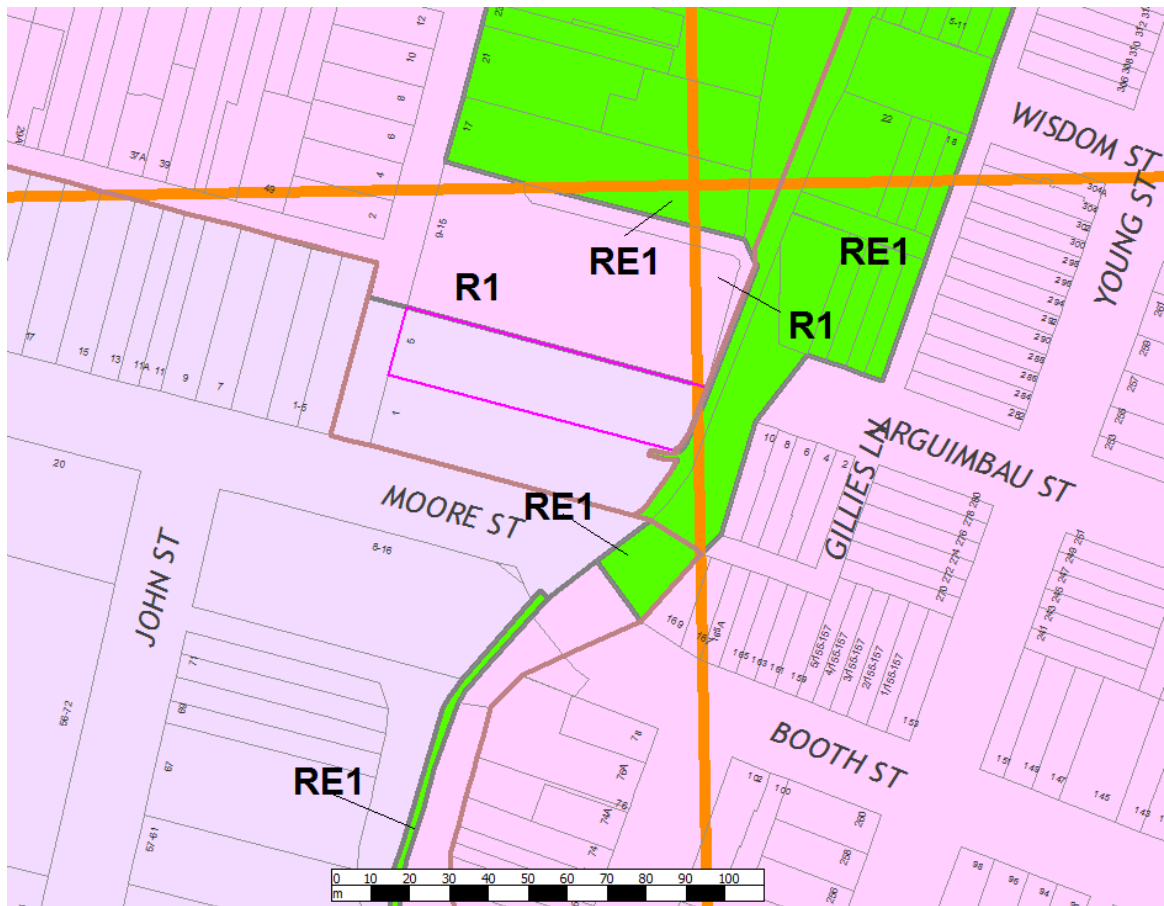




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2017/250
Address	5 White Street, LILYFIELD NSW 2040
Proposal	Demolition of existing warehouse and construction of affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works.
Date of Lodgement	1 June 2017
Applicant	Amelie Housing
Owner	The Trustees of The Society St Vincent De Paul NSW
Number of Submissions	Eleven (11) in objection
Value of works	\$7,455,000
Reason for determination at Sydney Central Planning Panel	Affordable Housing project with a CIV greater than \$5,000,000
Main Issues	Car parking access Height Zoning/Use Amenity Flooding/Overland flow path Stormwater
Recommendation	Deferred Commencement Consent



1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of existing warehouse and construction of an affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works at 5 White Street, Lilyfield.

The application was notified to surrounding properties and eleven (11) submissions were received.

The site is zoned IN2 Light industrial and residential flat buildings are prohibited in the zone. However on 23 May 2017, the Secretary of the Department of Planning & Environment issued a Site Compatibility Certificate under State Environmental Planning Policy (Affordable Rental Housing) 2009. The effect of the Certificate is to make residential flat buildings permissible on the land with development consent, if they are used for affordable housing for 30 years.

The main issues identified through the course of the assessment of the application include:

- Use - Residential use in a light industrial zone
- Height
- Amenity
- Traffic and noise – Whites Creek Lane

The development has been amended to address the above-mentioned issues (see section 5 of this report) and is recommended for deferred commencement approval, subject to a design solution to strengthen the Sydney Water stormwater culvert to allow the passage of vehicles over 1.5t into the basement that runs parallel to the rear of the site.

2. Proposal

This application seeks consent for the following works at 5 – 7 Whites Street, Lilyfield:

2.1 Demolition Works

Demolition of existing warehouse building, and the associated fencing, driveway and hardstand areas.

2.2 Excavation and Remediation

Carry out bulk excavation of the site to facilitate the construction of the part basement car park, supported by Geotechnical Advice prepared by eiaustralia P/L. The site is contaminated and remediation is required.

2.3 Building Works:

Building works will be divided into the following main elements:

- One (1) level of part basement car parking; and
- Two (2) buildings comprising twenty-two (22) dwellings within a part two (2) & three (3) storey (over the part basement) building.

Key aspects of the development based on plans prepared by Prescott Architects are described in further detail below:

Basement Level Car Park

Key aspects of the car park include:

- Fifteen (15) car parking spaces;
- 5 motorbike spaces;
- 14 bicycle spaces;
- Waste store; and
- Storage spaces for the proposed residences & and associated plant areas.

Residential Flat Building

The proposed residential buildings are two (2) part three (3) storey buildings made up of the following dwellings;

Western building (White Street)

- Five(5) two bedroom units; and
- Five (5) one bedroom units.

Eastern building (Whites Creek Lane)

- Three (3) two bedroom units; and
- Nine (9) one bedroom units

Two of the units are nominated as adaptable (both one (1) bedroom dwellings)

The buildings are rectangular shaped with a central common open space area with a northern aspect.

The development was reduced in height by 700mm to address bulk and scale concerns raised by Council officers following a preliminary assessment. The amended development is the subject of the assessment provided in this report.

3. Site Description

The subject site is located on the eastern side of White Street, and the closest cross streets are Moore Street and Ilka Street. The rear boundary to the west is bound by Whites Creek Lane. The site consists of one (1) allotment and is generally rectangular shaped with a total area of 1,416sqm and is legally described as Lot 2 DP 434069.

The site has a frontage to White Street of approximately 17.4 metres and a secondary frontage of approximate 17.4m to Whites Creek Lane. The site is affected by a Sydney Water Stormwater drainage pipe easement running along the southern boundary.

The site currently supports a warehouse. The adjoining properties support mix of residential development (including Class 2 and Class 1 dwellings) and a warehouse to the immediate south at No. 1 White Street.

The property is identified as a flood prone lot.

4. Background

4(a) Site history

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

Subject Site

As mentioned above, on 23 May 2017, the Secretary of the Department of Planning & Environment issued a Site Compatibility Certificate under State Environmental Planning Policy (Affordable Rental Housing) 2009. The effect of the Certificate is to make residential flat buildings permissible on the land with development consent, if they are used for affordable housing for 30 years.

The other relevant history relating to the site is identified below:

Application	Proposal	Decision & Date
BA/1973/12157	2 storey extension	Approved 21/12/1976
BA/1973/12090	Reconstruction fire damaged factory	Approved 29/01/1974
BA/1972/11833	Reinstate fire damaged building	Approved 25/03/1975
BA/1970/10264	Alterations	Approved 25/01/1972
BA/1966/7854	Rebuilding factory	Approved 30/06/1967
BA/1959/3597	Factory amenities	Approved 13/10/1959

Surrounding properties

9 – 15 White Street Lilyfield

Application	Proposal	Decision & Date
BA/1986/733	12 Townhouses and 8 units	Approved 25/05/1989
BA/1966/7830	Rebuilding of fire damaged building	Approved 02/05/1967

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
10 July 2017	<p>The following issues were identified as needing to be amended/demonstrated by the applicant:</p> <ol style="list-style-type: none"> 1. Consent from Sydney Water in regards to accessing the site from the proposed basement limits vehicles to 1.5 tonne. Council requires demonstration as to how this limit will not be breached. 2. It appears that more than 70% of units do not receive the minimum 2 hours of direct solar access under SEPP 65. Solar penetration in floor plans are required to demonstrate compliance. 3. The units utilising light and ventilation from light wells to the unit 2 and 11 bedrooms is unacceptable and not supported. 4. Glass balustrades are to be replaced with non-see-thru alternatives. 5. Overlooking and privacy impacts to the rear yards of north units is not

	<p><i>acceptable.</i></p> <p><i>6. The height of the building is not in keeping with surrounding residential development and is to be redesigned.</i></p> <p><i>7. Where the no. of dwellings exceeds 20, onsite collection of waste is required. i.e. the truck must be able to enter garage/basement.</i></p> <p><i>8. An integrated water cycle plan is required.</i></p> <p><i>9. A phase 2 DSI and RAP report are required.</i></p> <p><i>10. Under SEPP 65 20% deep soil planting is required. Canopy trees are required clear basement and clear of site constraints i.e. SW</i></p> <p><i>11. Detailed pruning specification of plane tree to adjacent neighbour, including consent.</i></p> <p><i>12. The flood risk management report is inadequate in addressing the changes to flood behaviour as a result to the proposal. Detailed analysis is required. Other issues to address</i></p> <ul style="list-style-type: none"> <i>• Councils flood risk management study has identified that the Sydney Water drainage system is inadequate and requires upgrade to address flooding within the catchment and effecting the subject site.</i> <i>• The floodway along the Southern side of the site needs to extend to Whites Creek frontage. This could potentially be achieved by cantilevering the Plant/Community rooms.</i> <i>• It appears that the entire development can be lowered as identified by the flood analysis (see above)</i> <i>• The basement carpark could be lowered.</i>
24 July 2017	<p>The applicant responded by providing amended plans and additional information.</p> <p>The amended plans included the following design amendments</p> <ul style="list-style-type: none"> • The floor space ratio (FSR) was reduced from 0.96:1 to 0.93:1; • The building height was reduced by 0.72 metres; • The deep soil area was increased by approximately 9%. <p>In addition to the revised architectural drawings, the following additional information was provided:</p> <ul style="list-style-type: none"> • A Waste Management Report by Dickens Solutions, 14/07/17; • A Water Cycle Management Report and associated hydraulic drawings by Kozarovski & Partners, 23/07/17; • A Flood Study & Flood Risk Management Report by Kozarovski & Partners, 23/07/17; • A letter from All About Trees consulting arborists, 19/07/17. <p>The applicant also made the following responses to identified issues:</p> <p>1. Consent from Sydney Water in regards to accessing the site from the proposed basement limits vehicles to 1.5 tonne. Council requires</p>

demonstration as to how this limit will not be breached.

Response: Signage will be fixed in a prominent position at the driveway entry advising of the maximum 1.5 tonne load limit and prohibiting entry of vehicles other than passenger cars. This can be enforced through a condition of consent. As kerbside collection of normal 240 litre waste bins is proposed, there is no need for heavy vehicles to enter the site (and the 2.3m height clearance at the roller door will generally prevent this). Deliveries of furniture and other large items can be conveniently made by trolley from White Street or the rear lane and would not exceed 1.5 tonnes.

Engineering investigations of the existing concrete driveway across the stormwater channel will be undertaken in accordance with Sydney Water's approval of 23/06/16. There is no objection to a condition of consent being imposed to require completion of the engineering investigations and implementation of any outcomes of those investigations that are required by Sydney Water.

2. It is evident that 50% (11 of 22 units due to East West orientation of the site) do not receive the minimum 2 hours of direct solar access under 4 A1 of SEPP 65. Solar penetration floor plan is required to demonstrate compliance.

Response: To improve sun access compliance, the design of balconies, nib walls, screens and overhangs has been adjusted, as detailed in the revised drawings. The revised drawing set includes detailed sun access projections for each floor level and each unit (A9000 to A9012 and A9100 to A9121). The sun projections and compliance assessments are in accordance with the criteria set out in the ADG, Objective 4A-1 and confirm that living rooms in 82% of apartments achieve a minimum 2 hours direct sun access on June 22nd. This exceeds the 70% minimum specified in the ADG.

3. The units utilising light and ventilation from light wells to the unit 2 and 11 bedrooms is unacceptable and not supported.

Response: Units 2 and 11 benefit from daylight and ventilation via the open and naturally ventilated circulation lobby between the east and west wings of each building and through roof and level 2 slab openings. The openings have been enlarged and a screened court detailed at the Ground Floor and First Floor levels.

4. Units 8 and 9 are to have the private stair deleted and this area replaced with landscaping. Sufficient screening is also required under SEPP65.

Response: The external stair to units 8 and 9 in the front setback has been deleted and primary access provided through the common entry. The floor level of the building has been lowered to reduce the height above natural ground level. The finished floor level is now 1m above ground level which maintains privacy separation in accordance with Part 3C-1 of the ADG. Steps from the front terrace provide access to private courtyard areas at natural ground level.

	<p>5. Units 9, 7 & 4 courtyard screening is required. Demonstration of adequate privacy has not been provided.</p> <p><u>Response:</u> The batten screen fence to the courtyards of Units 9, 7 & 4 indicated on drawing A3100 has been raised from 1500mm to 1650mm to ensure acceptable privacy.</p> <p>6. Internal elevations have not been provided and are required.</p> <p><u>Response:</u> Revised Inner Elevations (A3102) have been provided.</p> <p>7. Sufficient separation of balcony to balcony not meeting SEPP 65 requirements</p> <p><u>Response:</u> The balcony to balcony separation within the development is 12m which complies with ADG Part 2F as dimensioned on drawings A2001, A2002 & A2003. Separation from neighbouring townhouses is 8m. Although this is less than the 12m recommended in the ADG, privacy screens and opaque glazing have been incorporated to ameliorate overlooking and floor levels have been lowered, resulting in acceptable privacy being achieved. As the site is wholly to the south of the townhouses, there are no solar access implications. The proposal therefore meets the objectives of the building separation controls.</p> <p>8. Sufficient courtyard screening required to units 1 & 7.</p> <p><u>Response:</u> Additional courtyard screening has been provided for units 1 and 7.</p> <p>9. Applicant to demonstrate sufficient privacy to those units exposed to common pathways and courtyards.</p> <p><u>Response:</u> Additional privacy screening has been provided to units adjacent to the common pathways, as detailed in item 5 above.</p> <p>10. The location of the mechanical ventilation stack serving the basement located in the common courtyard is not supported. It is suggested it be located to the southern boundary.</p> <p><u>Response:</u> The mechanical ventilation stack from the basement has been relocated from the central courtyard to the southern side of the lift of the west building and discharges above roof level, as shown in drawing A2001. This will ensure that it does not adversely affect the amenity of residents.</p> <p>11. Units 4 & 5 entries are not supported and required to be sufficiently separated.</p> <p><u>Response:</u> Entries to Units 4 and 5 (and in addition Units 6, 7, 13, 14, 15, 16, 19, 20, 21 & 22) have been modified to improve separation privacy. The internal layouts of units 4, 7, 13, 16, 19 & 22 have been revised to achieve the improved entry.</p> <p>12. Glass balustrades are to be replaces with non-see-thru alternatives.</p>
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	<p><u>Response:</u> The clear glazing of balustrades has been replaced with opaque laminated glass incorporating a white lamination film.</p> <p>13. Overlooking and privacy impacts to the rear yards of north units is not acceptable.</p> <p><u>Response:</u> Overlooking from upper level units to the rear courts of neighbouring townhouses to the north is ameliorated by upward angled metal privacy screens to windows, frosted glazing and opaque glass privacy screens to balconies.</p> <p>14. The height of the building is not in keeping with surrounding residential development and is to be redesigned.</p> <p><u>Response:</u> The overall height of the front building has been lowered by 720mm and the rear building by 650mm. The lower height is in accordance with the further flood study prepared by Kozarovski & Partners. The lower overall height allows the common pathways to be at a lower slope (eliminating most of the need for accessible handrails and tactile provisions), the removal of the stair to units 8 and 9 inside the deep soil area, and a shorter basement entry ramp. The modified basement ramp allows the carpark layout to be altered to increase deep soil planting area. The height of the building at the street frontage is 2 storeys, with the 3 storey section set back 17m from White Street and 18m from White Creek Lane. The overall height does not exceed the existing height of the neighbouring townhouses and is consistent with the neighbourhood scale.</p> <p>15. Where the no. of dwellings exceeds 20, onsite collection of waste is required .i.e. The truck must be able to enter garage/basement.</p> <p><u>Response:</u> Garbage truck access to the basement is not practical due to Sydney Water's 1.5 tonne load limit over the White Creek stormwater channel. It would also require a higher basement roof clearance, thus significantly increasing the overall height of the development, and the site is not wide enough to allow manoeuvring for a truck to exit in a forward direction.</p> <p>The enclosed Waste Management Report notes that Council has discretion to approve kerbside bin collection for developments with more than 20 units and provides justification for the proposed waste management arrangements. This includes provision of a bulky waste storage room in the basement in place of the communal workshop/hobby room (with a consequent reduction in gross floor area as defined in Leichhardt LEP 2013).</p> <p>16. An integrated water cycle plan is required.</p> <p><u>Response:</u> A Water Cycle Management Report by Kozarovski & Partners is attached, together with the following drawings:</p> <ul style="list-style-type: none"> • C-3332-01 Existing Conditions; • C-3332-02 Proposed Conditions; • C-3332-03 Basement Floor; • C-3332-04 Ground Floor.
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	<p>The proposed water cycle management system includes:</p> <ul style="list-style-type: none"> • 20 kL rainwater tank and 13m3 OSD tank under the basement floor; • Rainwater tank connected to toilet flushing & garden irrigation and will satisfy 40% of flushing water requirements; • 13m2 raingarden at rear of site will improve runoff water quality; • Volume of runoff is less than existing, thus improving performance of existing street drainage system. <p>17. A Phase 2 and RAP reports are required.</p> <p><u>Response:</u> These reports are currently under preparation and will be submitted to Council as soon as they are available. Any soil contamination can be dealt with by well-established engineering methods enforced by standard conditions of consent. This is not a matter that would prevent further consideration of the DA in the interim.</p> <p>18. Under SEPP 65 20% deep soil planting is required. Canopy trees are required clear basement and clear of site constraints i.e. SW</p> <p><u>Response:</u> The deep soil planting area required under Objective 3E-1 of the ADG is generally 7% with a minimum width of 3m, or 10% for sites of 650m2 - 1500m2 where site conditions allow it, or 15% for sites over 1500m2. The site is 1,377sqm, so the maximum requirement is 10%. The revised drawings provide 12.5% which more than complies. The original DA plans indicated that 247sqm (18%) of deep soil planting was provided. However if areas less than 3m width were excluded, this figure would have been 160m2 (11.6%) which was also compliant.</p> <p>The additional area in the revised plans is achieved through amendments to delete the external stair to Units 8 and 9, and the modified basement and carpark layout which increases deep soil planting to the central court (without loss of car parking).</p> <p>19. Detailed pruning specification of plane tree to adjacent neighbour, including consent.</p> <p><u>Response:</u> An arborist was engaged to assess the tree but on inspection, it was found that the tree had been removed by the neighbour (refer attached letter from All About Trees Consulting Arborists dated 19/07/17).</p> <p>20. The flood risk management report is inadequate in addressing the changes to flood behaviour as a result to the proposal. Detailed analysis is required.</p> <p>Other issues to address</p> <ul style="list-style-type: none"> • Councils flood risk management study has identified that the Sydney Water drainage system is inadequate and requires upgrade to address flooding within the catchment and effecting the subject site. • The floodway along the Southern side of the site needs to extend
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	<p>to Whites Creek frontage. This could potentially be achieved by cantilevering the Plant/Community rooms.</p> <ul style="list-style-type: none"> • It appears that the entire development can be lowered as identified by the flood analysis (see above). • The basement carpark could be lowered. <p><u>Response:</u> A detailed Flood Study & Flood Risk Management Report is attached which addresses each of these matters. It has confirmed that the basement floor level can be lowered by 0.7m to RL 6.30, which has enabled the lower building height now proposed.</p>
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5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (State and Regional Development) 2011
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land—

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

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

The Preliminary Environmental Screening report issued by Environmental Investigation Services dated 23 September 2015 concludes that:

“Based on the scope of works undertaken, EIS are of the opinion that the CoPC identified at the site could pose a risk to the receptors.

EIS consider that the site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to better characterise the risks:

- 1. Undertake a Stage 2 ESA to address the data gaps identified in Section 9.3;*
- 2. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work;*
- 3. Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site; and*
- 4. Prepare a Validation Assessment (VA) report on completion of remediation.”*

While the proponent has advised that a Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) are currently being prepared, at the time of writing this report, neither had been submitted to Council. A deferred commencement condition is recommended to address this matter.

The documentation submitted has identified that the site can be made suitable for the proposed development and as such Clause 7 of the SEPP is satisfied.

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

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

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

Subject to the conditions included in the recommendation to this report, the development is acceptable having regard to the nine design quality principles contained in SEPP 65.

Apartment Design Guide

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

The following provides further discussion of the relevant issues:

Communal and Open Space

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

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

Comment: The communal open space is located centrally between the eastern and western buildings and has a northerly aspect that will achieve the minimum 2 hours for minimum 50% between 11am and 1pm June 21 Winter solstice.

Deep Soil Zones

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

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m ²	-	7%
650m ² - 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Comment: The site provides for 11% or 160m² of deep soil planting. This area is located over the storm water pipe the needs to be relocated, and will not be able to sufficiently support the planting of prescribed trees, however will support planting and grasses that is satisfactory for the site.

Visual Privacy/Building Separation

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

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

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

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

Comment: The proposed development achieves the minimum 12 metre building separation between the two residential buildings proposed on the site.

The proposed development is only setback 3 metres from the northern boundary and the separation provided to the neighbouring townhouses at 9-15 White Street is 8 metres. The application includes privacy screens and opaque glazing incorporated to assist in minimising impacts to the townhouses on the adjacent property, there are no solar access implications.

It is assessed that the proposal meets the objectives of the building separation controls.

Solar and Daylight Access

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

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

Comment: The applicant responded to Council's concerns on solar access and amended the development resulting in 82% of units achieving 2 or more hours of solar access between 9am and 3pm on June 21 winter solstice (as detailed in the table below).

UNIT	9AM	10AM	11AM	12PM	1PM	2PM	3PM	NUMBER OF HOURS OF DIRECT SUN ACCESS PER ADG OBJECTIVE 4A-1	COMPLIES WITH ADG 4A-1
1	4.8M ²	1.65M ²	-	0.5M ²	1.45M ²	2.3M ²	1.1M ²	3HRS	X
2	4.9M ²	-	-	-	-	-	-	1HR	-
3	-	-	-	-	-	-	-	-	-
4	-	5.3M ²	6.8M ²	6.0M ²	6.1M ²	6.75M ²	14M ²	5 HRS	X
5	-	-	-	-	1.1M ²	4.15M ²	10.85M ²	2 HRS	X
6	4.4M ²	-	-	-	-	-	-	1 HR	-
7	-	4.35M ²	6.0M ²	5.80M ²	4.6M ²	3.2M ²	0.9M ²	4 HRS	X
8	-	-	-	-	2.5M ²	5.35M ²	3.3M ²	2 HRS	X
9	8.7M ²	9.15M ²	8.85M ²	8.35M ²	9.05M ²	10.65M ²	16.05M ²	6 HRS	X
10	6.8M ²	4.95M ²	2.8M ²	2.6M ²	2.35M ²	2.3M ²	2.35M ²	6 HRS	X
11	4.65M ²	2.15M ²	1.6M ²	1.5M ²	1.4M ²	1.4M ²	-	5 HRS	X
12	2.35M ²	0.25M ²	1.6M ²	1.5M ²	1.4M ²	1.4M ²	-	5 HRS	X
13	1.65M ²	2.7M ²	2.7M ²	2.4M ²	3.2M ²	5.05M ²	18.35M ²	6 HRS	X
14	-	-	-	-	1.25M ²	4.65M ²	11.3M ²	2 HRS	X
15	4.55M ²	1.7M ²	-	-	-	-	-	1 HRS	-
16	6.25M ²	3.95M ²	2.9M ²	2.6M ²	2.4M ²	2.25M ²	2.3M ²	6 HRS	X
17	-	-	-	-	4.65M ²	9.3M ²	16.5M ²	2 HRS	X
18	4.0M ²	3.25M ²	2.65M ²	2.6M ²	4.7M ²	6.95M ²	11.0M ²	6 HRS	X
19	4.15M ²	3.2M ²	2.85M ²	2.65M ²	6.45M ²	6.5M ²	16.6M ²	6 HRS	X
20	-	-	-	-	3.25M ²	10.1M ²	12M ²	2 HRS	X
21	4.5M ²	0.8M ²	0.7M ²	0.7M ²	1M ²	1.05M ²	-	2 HRS	X
22	12.2M ²	4.55M ²	2.8M ²	2.4M ²	2.35M ²	2M ²	1.1M ²	6 HRS	X

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

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

Comment: 20 of the 22 proposed units (90%) are able to be cross-ventilated. Notwithstanding, Units 2 and 11 have bedrooms relying on a non-compliant light wells and a condition is included in the recommendation requiring these dwellings to be converted into studios.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

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

Comment: The proposed unit's habitable spaces achieve an internal floor to ceiling height of 2.8m.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

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

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The proposed dwellings meet the above minimum requirements.

Private Open Space and Balconies

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

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

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

Comment: The proposed dwellings meet the above minimum requirements.

Common Circulation and Spaces

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

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

Comment: The maximum number of apartments off a circulation core on a single level is 5 in accordance with ADG requirements.

Storage

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

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

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

Comment: Each unit has been provided with a linen cupboard. Some units are identified as having a "Laundry/Storage" rooms, however these rooms are not considered to be of a sufficient size or dimension to allow storage with the normal operational use of the laundry.

It is considered that the storage provided for some of the units is under the prescribed requirements. Additional storage cages can be provided in the basement, and a condition to this effect has been included in the recommendation.

5(a)(iii) State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) provides guidance for design and assessment of In-fill Affordable Housing. The SEPP, which commenced operation on 31 July 2009, provides controls relating to various matters including floor space ratio, site area, landscaped area, deep soil zones, solar access, apartment sizes and character of the local area.

The proposed development is subject to the requirement contained in Division 5 – Residential flat buildings – Social housing providers, public authorities and joint ventures.

The main design parameters are addressed below:

(i) Land to which this division applies (Clause 34)

Under Clause 34 of the ARH SEPP, this division applies to the following land but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:

- (a) *land in the Sydney region that is within 800 metres of:*
 - (i) *a public entrance to a railway station or light rail station, or*
 - (ii) *in the case of a light rail station with no entrance—a platform of the light rail station*

The site is zoned IN2 – Light Industrial under Leichhardt LEP 2013. Residential Flat Buildings are prohibited in the zone. The site is located within 800m walking distance of the public entry to the Lilyfield Light Rail Station.

As such Division 5 applies to the land.

(ii) Development to which Division applies (Clause 35)

Under Clause 35 of the ARH SEPP, this division applies to development, on land to which this Division applies, for the purposes of a residential flat building:

- (a) *by or on behalf of a public authority or social housing provider, or*
- (b) *by a person who is undertaking the development with the Land and Housing Corporation.*

The proposed development is for a residential flat building and the application has been lodged by St Vincent de Paul Housing which is a social housing provider.

(iii) Development May be carried out with consent (Clause 36)

Clause 36 of the ARH SEPP prescribes:

- (2) *A consent authority must not consent to development to which this Division applies unless it is satisfied that:*
 - (a) *the Director-General has certified in a site compatibility certificate that, in the Director-General's opinion, the development is compatible with the surrounding land uses, and*
 - (b) *if the development is in respect of a building on land zoned primarily for commercial purposes, no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.*
- (3) *Nothing in this clause prevents a consent authority from:*
 - (a) *consenting to development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or*
 - (b) *refusing consent to development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or*
 - (c) *having regard to any other matter in determining a development application.*
- (3A) *(Repealed)*
- (4) *Car parking is not required to be provided in relation to development to which this Division applies.*

The Secretary of the Department of Planning & Environment issued a Site Compatibility Certificate for the land. The effect of the Certificate is to make residential flat buildings permissible on the land with development consent, if they are used for affordable housing for 30 years.

The site is not zoned for commercial purposes and therefore the development does not require a non-residential component.

The assessment of the development contained within this report has found that, subject to the impositions of the recommended conditions, the development is compatible with surrounding development.

While not required, 15 car parking spaces are proposed as part of the proposed development.

(iv) Site Compatibility Certificates (Clause 37)

As mentioned above, a Site Compatibility Certificate has been issued for the land that makes residential flat buildings permissible subject to:

- All residential accommodation on the site is to be made available for affordable housing for a minimum of 30 years;
- The final design / built form outcome being subject to a comprehensive assessment of a development application under Section 79C of the EP&A Act; and
- Consultation with Sydney Water regarding potential impacts on drainage services.

It is proposed that the residential accommodation will be made available as affordable housing for a minimum of 30 years and appropriate conditions to this effect are included in the recommendation.

Sydney Water raise no objection to the proposal subject to the imposition of appropriate conditions.

A comprehensive assessment of the proposed development under Section 79C of the EPA Act has found that, subject to the imposition of appropriate conditions, the application is suitable for approval.

(v) Must be used for affordable housing for 10 years (Clause 38)

The residential flat building in the IN2 Light Industrial zone is permitted under the provisions of Clause 37(5) of the SEPP by way of a Certificate of Site Compatibility issued on 23 May 2017. The Certificate states the development must be used for affordable housing for 30 years and complies with the clause.

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure compliance with the BASIX requirements.

5(a)(v) State Environmental Planning Policy (State and Regional Development) 2011

Clause 6 in Schedule 4A of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979) provides that private infrastructure and community facilities over \$5 million must be determined by the relevant Planning Panel, pursuant to the provisions of Section 23G (4) and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

The development has a capital investment value of \$7,455,000

5(a)(vi) Leichhardt Local Environment Plan 2013 (LLEP 2013)

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning
- Clause 6.4 – Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise
- Clause 6.13 – Diverse housing

Clause 2.3 – Zone objectives and Land Use Table

The development is located in IN2 Light Industrial Zone. Residential flat building are prohibited in the zone, however a Site Certificate of Compatibility issued by the NSW Department of Planning makes residential flat buildings permissible on the land with development consent, if they are used for affordable housing for 30 years.

Clause 4.4 – Floor Space Ratio

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio IN2 – light industrial Zone: 1:1	0.96:1 1,320.9m ²	N/A	Yes

Clause 6.1 - Acid Sulfate Soils

The land is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map. Given the elevated position of the site and its uphill location from the nearest water body and water table, it is highly unlikely that the works will involve excavation at or below the groundwater level or involve works that could lower the ground water table. Consequently, a preliminary soil assessment is not warranted given the circumstances.

Clause 6.3 – Flood Planning and Clause 6.4 – Stormwater management

The application has been considered by Council's Development Engineer who raised no objection to the proposal subject to the imposition of appropriate conditions.

Clause 6.8 - Development in areas subject to aircraft noise

The land is located within the 20-25 Australian Noise Exposure Forecast (2033) Contour. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2015.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

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

Part	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
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.14 Tree Management	Yes
Part C: Place – Section 2 Urban Character	
Suburb Profile	
	Yes

Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.14 Adaptable Housing	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes

E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	Yes
Part D: Energy	
Section 1 – Energy Management	Yes

The following provides discussion of the relevant issues:

C1.1 Site and Context Analysis

The development is considered to meet the requirements in terms of site and context. The site was granted a Site Compatibility Certificate issued by the Department of Planning which allows for affordable house on the IN2 Zoned land.

C1.2 Demolition and C1.8 Contamination

The development requires the demolition of the warehouse, and associated structure above and below ground. The Preliminary Environmental Screening report issued by Environmental Investigation Services dated 23 September 2015 concludes that:

Based on the scope of works undertaken, EIS are of the opinion that the CoPC identified at the site could pose a risk to the receptors.

EIS consider that the site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to better characterise the risks:

- 1. Undertake a Stage 2 ESA to address the data gaps identified in Section 9.3;*
- 2. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work;*
- 3. Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site; and*
- 4. Prepare a Validation Assessment (VA) report on completion of remediation.*

While the proponent has advised that a Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) are currently being prepared, at the time of writing this report, neither had been submitted to Council. A deferred commencement condition is recommended to address this matter.

C1.11 Parking

The development provides 15 spaces. Subject to amendments to the basement carpark required by the Engineers to ensure sufficient overland flow for the flood control lot, the parking may be reduced to 14 spaces, which is considered acceptable as the parking meets the requirements under LDCP20136 Clause 1.11 Parking.

Unit type	Minimum requirement – resident	Minimum requirement Visitor	No. of units	Requirements
Studio	Nil	1 space per 11 units	2 (per condition)	1 space
1 bedroom	1 space per 3	1 space per 11	12	6 spaces

	dwelling	unit		(includes 2 visitor)
2 bedroom	1 space per 2 dwellings	1 space per 11 units	8	5 spaces (includes 1 visitor)
			TOTAL	12

The development exceeds the required minimum spaces required for residents and visitors.

C1.14 Tree Management

The development application was assessed by Council's Landscape Assessment Officer who supported the development subject to conditions.

C3.1 Residential General Provisions

It is considered the development meets the objective and controls set out under C3.1 in terms compatibility with the existing adjoining and adjacent buildings subject to requirement's set out under the DCP and LEP and conditions imposed to the recommendation.

C3.2 Site Layout and Building Design

Side setbacks

The development is in breach of side setback control to the southern boundary adjacent to No. 1 White Street for only 12m of the site. It is considered that the reduced setback can be supported as the development adjoins an allotment predominantly vacant and supports some greenery.

The Ground floor/basement level is required to be setback 3m to allow for overland flow on the site. This will result in units 3 and 12 being cantilevered above this required setback.

Building Layout

By virtue of its proposed development, the east facing entry to the basement parking space is restricted by a Sydney Water culvert that has a limit to the tonnage allowed over it being 1.5t. Council contacted Sydney Water and in reply provided in principle support to have the culvert strengthened to allow heavier vehicles to entire the site. Subject to the deferred commencement condition, this was the only restriction to the site and building layout. The development complies with SEPP65 apartment design guidelines and is considered acceptable.

C3.3 Elevation and Materials

The development is considered to be acceptable. It provides for low reflectivity, strong vertical elements complementing the predominant surrounding dwellings in a contemporary design that contributes to the street scape.

C3.5 Front Gardens and Dwelling Entries

The development was amended to delete the private entrance off White Street to units 9 & 8 to ensure a better White Street presentation and increase landscaped area.

C3.9 Solar Access

Internal solar access has been assessed under the Apartment Design Guide under SEPP 65.

The development as proposed does not overshadow the units on the northern side boundary to White Street and is considered sufficient in terms of the road separation to residences on White & Arguimbau Street to the east and the west of the subject site due to sites east/west orientation. Solar access to primary living areas and POS will not be affected.

C3.11 Visual Privacy

The development has been assessed under the Apartment Design Code under the SEPP 65 assessment of this report.

The layout and design of the development would ensure that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties is protected. The development maintains a reasonable level of acoustic and visual privacy for the surrounding residential properties and would ensure a reasonable level of acoustic and visual privacy for future occupants of the development itself.

C3.12 Acoustic Privacy

In terms of noise, the development would not produce any more noise than considered reasonable in a residential setting.

C3.14 Adaptable Housing

The Development provides for two (2) adaptable units complying with C1 (Units 5 and 14).

5(d) The Likely Impacts

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

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

The site is zoned IN2 Light Industrial. Although residential use is prohibited in the zone, the application was accompanied by a Site Certificate of Compatibility issued by the NSW Department of Planning dated 23 May 2017 for affordable renting housing.

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

5(f) Any submissions

The application was notified in accordance with Section 3 for a period of 14 days to surrounding properties. A total of eleven (11) submissions were received.

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

- The increase in visual bulk from the development/height/scale – see Section 5(c) – C3.2 & 3.2
- Residential use in an IN2 light industrial Zone – see Section 5(c) – C1.1
- Parking/traffic – see Section 5(c) – C1.11

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

Issue: Construction Management

Comment: Standard conditions of consent ensure construction hours and days and complying with EPA noise restrictions to minimum environmental impacts during the construction phase.

Issue: Pedestrian / Cycle Safety

Comment: The entry and exit from the carpark in the forward detection will ensure pedestrian and cyclist safety.

Issue: Access to public transport

Comment: The Site Compatibility Certificate that permits the proposed development had regard to the distance of the site to public transport.

5(g) The Public Interest

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

The proposal is not contrary to the public interest subject to deferred commencement & standard conditions.

6 Referrals

6(a) Internal

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

Development Engineer

Flooding

1. The subject site is significantly affected by flooding from Whites Creek and from the overland flows passing through White Street from Moore Lane. There is currently no overland flowpath through the site which results in the current building being highly flood prone and also causing flood waters to be dammed and directed into adjacent properties.

A Sydney Water stormwater pipeline passes through the development site, currently running beneath the existing building and passing through into the adjoining property to the south. The pipeline continues through that property before bending around to connect into Sydney Water's Whites Creek stormwater culvert which runs adjacent to the rear of the development site.

As the proposed basement carpark would conflict with this pipeline and in any event, Sydney Water would not approve a new building over their existing pipeline, the applicant proposes to relocate the pipeline into a proposed setback along the southern boundary.

The proposal is to protect the new development by elevating the floor levels above the Flood Planning Level (100 year ARI plus 500mm freeboard) and to set the building back from the southern boundary to make provision for overland flow through the site to the rear lane. The setback and associated overland flowpath are also necessary to accommodate the relocated stormwater pipeline.

Reference is made to the Flood Risk Management Report, including Drawing Nos C-3332-01 and C-3332-02 prepared by Kozarovski and Partners dated 23 July 2017.

The Report provides analysis to compare flood flows through the site for existing and proposed scenarios. The following conclusions can be drawn from this report:

- The velocity and depth of flood water in the overland flowpath within the southern setback are very high, resulting in a high hazard classification. The velocity-depth product is as high as 2.85 m²/s, which is significantly higher than 0.4 m²/s which is considered generally as “safe” (Reference to the NSW Floodplain Development Manual).
- The analysis is based on providing a flowpath for the full length of the property, between White Street and the rear laneway, which would be achieved by cantilevering a section of the adjacent basement carpark over the flowpath. This cantilevered section is not reflected on the submitted architectural plans.

It can be concluded that the proposed flood management measures will not achieve any appreciable improvement to the current high hazard flooding risk. In fact, the risk profile is increased as a consequence of the increase in number and frequency of people occupying this area.

Council is currently exhibiting the draft Leichhardt Flood Risk Management Study and Plan, which recognises the need to address the existing high hazard flood risk in this location. The draft Plan includes a proposal for flood mitigation works in the vicinity of this site, including upgrade of the existing pipeline to 20 year Average Recurrence Interval (ARI) flow capacity.

Council proposes that the above issues can only reasonably be addressed by the applicant implementing the following works as part of the development:

- a) Upgrade the relocated pipeline to 20 year ARI flow capacity.
- b) Construct additional stormwater inlet pits are to be constructed in White Street to reduce overland flows through the site. *This can be readily achieved following the removal of the existing vehicle crossings at the property frontage.*
- c) Setback the building at least 3 metres from the southern boundary for the entire length of the property. No objections would be raised to cantilevering the building closer to the southern boundary, above the basement floor level. *This amendment can be readily accommodated within the basement by reconfiguring the plant, pump and waste storage rooms, but may require the deletion of Parking Space 1.*

Due to the downstream section of the existing pipeline passing thorough the adjoining property to the south, the pipeline will need to be upgraded right through to the rear lane, within the subject property. The required setback from the southern boundary, as above, would provide sufficient clearance to accommodate the new pipeline.

Notwithstanding the above, it would have been impractical to upgrade the pipeline to a larger diameter within the subject property, then to convert the pipeline back to the existing diameter before it crosses the boundary. This is due to the alignment of the existing pipeline, which crosses the southern property boundary over a distance in excess of 20 metres.

Given the level of detail required with regard to above design requirements, this matter should be addressed by deferred commencement conditions, requiring approval from Council and Sydney Water prior to any consent being made operational.

Parking & Access

2. The proposal requires access over private land owned by Council (not road reserve) and the Whites Creek stormwater culvert owned by Sydney Water. In this regard it is noted that Sydney Water previously provided correspondence to Council advising that the culvert in Whites Creek Lane is designed for pedestrian use only.

It is noted that Sydney Water has since provided in principle support for the provision of a new bridging structure over the canal or the strengthening of the existing structure to provide for vehicle access to the basement carpark.

A structural design should be provided to Council and Sydney Water prior to any consent being made operational. The plans must demonstrate that the driveway is structurally independent of the stormwater channel, and does not impose any loading onto the culvert structure. Any support piers required must be shown on all submitted plans.

3. The Traffic Report does not provide detail on the interaction between the property access and the adjacent cycleway; however it is noted that the basement parking design allows vehicles to enter and exit in a forwards direction, and limits the projection of structures to the boundary so as to provide unobstructed sight lines between vehicles exiting the property and cyclists/pedestrians in the cycleway.

To further minimise the risk of conflict, the roller door should be set back a minimum 6000mm from the property boundary to allow for a vehicle to store within the property while waiting for door to open, rather than obstructing the cycleway.

Waste

4. Reference is made to the Waste Management Report prepared by Dickens Solutions dated 18 July 2017.

Although a development of this size would generally require collection to occur within the property, the constraints of the site are noted with regard to access over the Sydney Water Whites Creek stormwater culvert and load limits of this structure. Consequently it is accepted that waste collection would be undertaken from within Arguimbau Street, with the property manager to return the bins from Arguimbau Street within 2 hours of the waste collection being undertaken.

Building

The application requires further information as noted in Part A(2) above

- Report by a suitably qualified and experienced professional to investigate the presence of any hazardous materials on the site such as, ACMs, lead paint, and other contaminants in the ground.

Location of any services, eg. A/C units, solar power arrays, fire hydrant/sprinkler systems, plumbing, etc. to be included on plans at CC stage. This is important from amenity, compliance, and buildability perspectives (eg. fire egress exit routes free of mechanical services, achieving appropriate room/exit route head heights)

The application is supported and the following specific conditions are recommended (included in section 'Prior to issue of CC')

- Excavation / Demolition

Where there are extensive excavations the following conditions shall be applied.

- If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- Must preserve and protect the adjoining building from damage.
- Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

- A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without resulting in demolition of elements marked on the approved plans for retention.

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

- Prior to issue of the Construction Certificate the applicant shall have a Geotechnical / Civil Engineering report prepared which addresses (but is not limited to) the following:
 - a. The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
 - b. The appropriate means of excavation/shoring in light of point (i) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.
 - c. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
 - d. The existing groundwater levels in relation to the basement structure, where influenced.
 - e. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydrogeological Engineer with previous experience in such investigations and reporting.

The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Principal Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.

The alternative performance solutions for the vertical separation and the location of hydrants should be explored with the applicant as to may cause potential design changes for the building .

- Spandrels required to separate floors appears to not comply- comment made in report that further investigation at design stage. Identified as an issue requiring a BCA alternative solution. Detailing could be requested at this stage considering the current issues with vertical separation and spread of fire external face.
- Determine location of mechanical exhaust from carpark.
- Determine hydrant location adjacent to White street and protection at DA stage especially as requires an alternative solution which may affect design.
- Ensure applicant has obtain Ausgrid approval for electrical connection and supply for the building.

Landscape

Landscape requirements under the SEPP65 are satisfactory.

Health

The following additional information is required prior to any determination of the application.

1. A Detailed Site Contamination Investigation must be undertaken by an independent appropriately qualified environmental consultant and submitted to Council.

The report is to be carried out in accordance with Council's Local Environment Plan 2013 and relevant NSW EPA Guidelines for Contaminated Sites. Also as detailed in the Planning Guidelines SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of land contamination.

Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion of the report must clearly state that 'the land is suitable for its intended land use' posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear jurisdiction for the statement.

Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant Health Based Investigation Level, a Remediation Action Plan (RAP) will be required to be submitted to and approved by Council prior to commencing remediation works. The RAP is to be prepared in accordance with the relevant Guidelines or approved by NSW Environmental Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites. This RAP is to include procedures for the following:

- Excavation of Hydrocarbon-contaminated soil;
- Site management planning;
- Validation sampling and analysis;
- Prevention of cross contamination and migration or release contaminants;
- Groundwater remediation, dewatering, drainage, monitoring and validation;
- Unexpected finds.

NB – A response from the applicant after submitting an amended design advising the RAP phase 1 & 2 was being prepared. To date it has not been provided. Deferred commencement conditions are included in recommendation in this regard.

6(b) External

The application was referred to Sydney Water and the issues raised in the referral have been discussed in section 5 above.

7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A financial contribution would be required for the development under Leichhardt Section 94 Contributions Plans as follows:

Contribution Plan	Contribution	Adjusted Contribution
Community Facilities	\$46,055.00	N/A
Open Space	\$341,262.00	N/A
Local Area Traffic Management	\$2937.65	N/A
Light Rail	\$244.47	N/A
Bicycle	\$319.84	N/A
Total	\$390,818.76	N/A

A condition requiring that contribution to be paid is included in the recommendation

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Development Application No: D/2017/250 for demolition of existing warehouse and construction of affordable housing residential flat development containing 22 units within two buildings over a basement car park, and associated works subject to the following conditions:

DEFERRED COMMENCEMENT

1. An engineering design of the proposed relocation of the Sydney Water stormwater pipeline along the southern boundary of the property must be prepared by a qualified practicing Civil Engineer and approved by Inner West Council and Sydney Water prior to the consent being made operational.

The design must address the following requirements:

- a) The stormwater pipeline must be designed to convey the flows generated by a 20 year Average Recurrence Interval (ARI) storm event.
 - b) The stormwater pipeline must extend for the length of the property between White Street and the rear laneway, with connection to the existing Sydney Water Whites Creek stormwater culvert adjacent to the eastern frontage of the property.
 - c) The design must include the provision of additional/ upgraded stormwater inlet pits in White Street to maximise inflow into the pipeline.
 - d) A structural design must be provided for the connection to the existing Whites Creek stormwater culvert, including closure of the existing connection in accordance with Sydney Water requirements.
2. The entire basement level must be set back a minimum of 3 metres from the southern property boundary to provide a consistent and unobstructed flowpath for flood waters along this side of the property, between White Street and the rear lane. This will require the Plant and Pump Rooms and Waste Storage areas to be redesigned/ reconfigured. This may also require deletion of Parking Space 1.
 3. A structural engineering design of the proposed bridging structure over the Sydney Water Whites Creek stormwater culvert to provide vehicle access to the site from Arguimbau Street must be provided to and approved by Inner West Council and Sydney Water prior to the consent being made operational.

The design must be prepared by a suitably qualified Structural Engineer and must address the following:

- a) The design must accommodate all vehicles up to and including the B99 design vehicle.
 - b) The plans must demonstrate that the driveway is structurally independent of the stormwater channel, and does not impose any loading onto the culvert structure.
 - c) Any support piers required within Council land must be clearly detailed in plan and section views.
 - d) The design must address any requirements of Sydney Water.
4. A Detailed Site Contamination Investigation must be undertaken by an independent appropriately qualified environmental consultant and submitted to Council.

The report is to be carried out in accordance with Council's Local Environment Plan 2013 and relevant NSW EPA Guidelines for Contaminated Sites. Also as detailed in the Planning Guidelines SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of land contamination.

Should the Detailed Site Investigation Report not find any site contamination to both land and groundwater, the conclusion of the report must clearly state that 'the land is suitable for its intended land use' posing no immediate or long term risk to public

health or the environment and is fit for occupation by persons, together with clear jurisdiction for the statement.

Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant Health Based Investigation Level, a Remediation Action Plan (RAP) will be required to be submitted to and approved by Council prior to commencing remediation works. The RAP is to be prepared in accordance with the relevant Guidelines or approved by NSW Environmental Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites. This RAP is to include procedures for the following:

- Excavation of Hydrocarbon-contaminated soil;
- Site management planning;
- Validation sampling and analysis;
- Prevention of cross contamination and migration or release contaminants;
- Groundwater remediation, dewatering, drainage, monitoring and validation;
- Unexpected finds.

5. Amended plans are to be submitted to Council incorporating the following amendments:

- a) Units 2 & 11 are to be changed to studio apartments complying with the BCA in terms of borrowed light and ventilation, ensuring the bathrooms are located off the proposed light well to improve the amenity of the occupants.
- b) All windows on the southern boundary adjoining 1 White Street are to be acoustically treated to minimise the operational activity from the adjoining warehouse.
- c) Adequate storage being provided for the dwellings in the development in accordance with Apartment Design Guide requirements.
- d) The roller door to the basement carpark must be set back a minimum 6000mm from the eastern boundary to allow for a vehicle to store within the property while waiting for the door to open

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to Council's satisfaction.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

If the applicant fails to satisfy Council as to the above matters within 5 years from the date of determination this consent will lapse.

CONDITIONS OF CONSENT

6. Development must be carried out in accordance with Development Application No. D/2017/250 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Site Plan– A1000 Issue K	Prescott Architects	24/7/2017

Basement Level – A2000 Issue K	Prescott Architects	24/7/2017
Ground Floor Plan – A2001 Issue K	Prescott Architects	24/7/2017
Level 2 Plan – A2002 Issue K	Prescott Architects	24/7/2017
Level 3 Plan – A2003 Issue K	Prescott Architects	24/7/2017
Roof Plan – A2004 Issue K	Prescott Architects	24/7/2017
North East Elevation– A3100 Issue K	Prescott Architects	24/7/2017
South West Elevation– A3101 - Issue K	Prescott Architects	24/7/2017
Inner Elevations– A3102 Issue K	Prescott Architects	24/7/2017
Section AA & BB– A3200 Issue K	Prescott Architects	24/7/2017
Section CC & Detail– A3201 Issue K	Prescott Architects	24/7/2017
Section DD & EE– A3202 Issue K	Prescott Architects	24/7/2017
Section FF & GG– A3203 Issue K	Prescott Architects	24/7/2017
BASIX Certificate	Drawn By	Dated
817479M_03	AENEC	21/7/2017

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

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

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

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

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

7. Consent is granted for the demolition of the following currently existing on the property, subject to strict compliance with the following conditions:

Elements	Location
Warehouse building and associated structures	5 White Street Lilyfield

- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

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

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.

- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

8. A contribution pursuant to the provisions of Section 94 and 94F of the *Environmental Planning and Assessment Act 1979* for the services detailed in column A and for the amount detailed in column B must be made to Council prior to the issue of a Construction Certificate:

Column A	Column B
Community Facilities	\$46,055.00
Open Space	\$341,262.00
Local Area Traffic Management	\$2937.65
Light Rail	\$244.47
Bicycle	\$319.84

The total contribution is: \$390,818.76

Payment will only be accepted in the form of cash, bank cheque or EFTPOS / Credit Card (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for Section 94 Contributions. Contribution Plans may be

	<p>inspected on Council's website www.leichhardt.nsw.gov.au or a copy purchased at the Citizen Service in Council's Administration Centre, 7-15 Wetherill Street, Leichhardt, during business hours.</p>
9.	<p>As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.</p> <p>An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
10.	<p>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.</p> <p>The system/s shall be operated as follows:</p> <ul style="list-style-type: none"> a) Domestic air conditioners must not be audible in nearby dwellings between: <ul style="list-style-type: none"> i) 10:00pm to 7:00am on Monday to Saturday: and ii) 10:00pm to 8:00am on Sundays and Public Holidays. b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). <p>The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).</p> <p>Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.</p> <p>Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>
11.	<p>Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.</p>
12.	<p>In accordance with the provisions of Section 81A of the <i>Environmental Planning and Assessment Act 1979</i> construction works approved by this consent must not commence until:</p> <ul style="list-style-type: none"> a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority." b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.

	<p>c) At least two days notice, in writing has been given to Council of the intention to commence work.</p> <p>The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.</p>
13.	<p>The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:</p> <p>a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
14.	<p>In accordance with Section 34 of the <i>Building and Construction Industry Long Service Payments Act 1986</i>, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.</p> <p>Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
15.	<p>Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.</p>
16.	<p>If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:</p> <p>a) Must preserve and protect the adjoining building from damage</p> <p>b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.</p> <p>c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.</p> <p>In this condition, the allotment of land includes public property.</p>

17.	<p>A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:</p> <ul style="list-style-type: none"> a) Minimise the area of soils exposed at any one time. b) Conservation of top soil. c) Identify and protect proposed stockpile locations. d) Preserve existing vegetation. Identify revegetation technique and materials. e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner. f) Control surface water flows through the site in a manner that: <ul style="list-style-type: none"> i) Diverts clean run-off around disturbed areas; ii) Minimises slope gradient and flow distance within disturbed areas; iii) Ensures surface run-off occurs at non erodable velocities; iv) Ensures disturbed areas are promptly rehabilitated. g) Sediment and erosion control measures in place before work commences. h) Materials are not tracked onto the road by vehicles entering or leaving the site. i) Details of drainage to protect and drain the site during works. <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.</p>
18.	<p>The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For Quick Check agent details please refer to the web site http://www.sydneypwater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html</p> <p>The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.</p>
19.	<p>Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):</p> <ul style="list-style-type: none"> a) A plan view of the entire site and frontage roadways indicating: <ul style="list-style-type: none"> i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related

	<p>vehicles in the frontage roadways.</p> <ul style="list-style-type: none"> ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council. iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site. iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries. v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period. <p>b) Noise and vibration During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.</p> <p>c) Occupational Health and Safety All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.</p> <p>d) Toilet Facilities During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.</p> <p>e) Traffic control plan(s) for the site All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"</p> <p>Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.</p>
20.	<p>A Waste Management Plan (WMP) is to be provided in accordance with Part D – Waste – Development Control Plan 2013. The Plan must address all issues identified in the DCP including but not limited to:</p> <ul style="list-style-type: none"> a) Estimated volume (m3) or weight (t) of materials that are reused, recycled or removed from site. b) On site material storage areas during construction.

	<p>c) Material and methods used during construction to minimise waste.</p> <p>d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request</p> <p>e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.</p> <p>All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.</p>
21.	<p>Excavation / Demolition</p> <p><i>Where there are extensive excavations the following conditions shall be applied.</i></p> <ul style="list-style-type: none"> a) If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation: b) Must preserve and protect the adjoining building from damage. c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. d) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. <p>NB: In this condition, the allotment of land includes public property.</p>
22.	<p>A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without resulting in demolition of elements marked on the approved plans for retention.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.</p>
23.	<p>Prior to issue of the Construction Certificate the applicant shall have a Geotechnical / Civil Engineering report prepared which addresses (but is not limited to) the following:</p> <ul style="list-style-type: none"> a. The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum. b. The appropriate means of excavation/shoring in light of point (i) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby

	<p>footings/foundations/buildings shall be discussed and ameliorated.</p> <ul style="list-style-type: none"> c. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site). d. The existing groundwater levels in relation to the basement structure, where influenced. e. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages. <p>The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydrogeological Engineer with previous experience in such investigations and reporting.</p> <p>The report, satisfying the requirements of this condition, must be provided as part of the supporting documentation lodged with the Principal Certifying Authority for approval of the Construction Certificate application. The professional recommendations of the report shall be implemented in full during the relevant stages of excavation and construction.</p>
24.	The applicant has obtain Ausgrid approval for electrical connection and supply for the building.
25.	A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction <u>before the issue of a Construction Certificate</u> .
26.	All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council <u>before the issue of a Construction Certificate</u> . Any variation to this requirement requires Council approval.
27.	<p>A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be provided prepared / prior to the issue of a Construction Certificate. The Plan must be prepared / amended to make provision for the following:</p> <ul style="list-style-type: none"> a) The plan must be generally in accordance with the recommendations of the Flood Risk Management Report prepared by Kozarovski and Partners dated 23 July 2017, amended to address the design changes under Deferred Commencement Conditions 1 and 2. b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following: <ul style="list-style-type: none"> i) Types of materials to be used to ensure the structural integrity of the

	<p>building to immersion and impact of velocity and debris.</p> <ul style="list-style-type: none"> ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections. iii) Flood warning signs/depth indicators for areas that may be inundated iv) A flood evacuation strategy. v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level. <p>c) Specify the architectural and structural plans upon which the above recommendations have been incorporated.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
28.	<p>The approved Architectural plans must be amended to address all relevant recommendations of the Flood Risk Management Plan prepared under Conditions of this consent. The plans addressing the requirements of this condition must be provided prior to the issue of a Construction Certificate. The design must be prepared to make provision for the following:</p> <ul style="list-style-type: none"> a) Specification of materials b) Waterproofing works, where applicable. <p>No changes to the external form or appearance of the development contrary to the approved plans shall occur except as identified by this condition. Any changes to such must be subject to separate approval in accordance with Section 96 of the Environmental Planning and Assessment Act.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>
29.	<p>Engineering design plans prepared by a qualified practicing Structural Engineer must be prepared and incorporate the recommendations of the Flood Risk Management Plan prepared under Condition No CCFLD1. The design must be prepared to make provision for the following:</p> <ul style="list-style-type: none"> a) Structural integrity of all structures from immersion and/or impact of velocity and debris. b) Waterproofing works, where applicable. <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.</p>

30. Any footings or excavation to be located or undertaken in the vicinity of the relocated Sydney Water stormwater pipeline located adjacent to the southern boundary must be designed to address the following requirements:
- a) All footings and excavation must be located outside of the easement boundaries.
 - b) Footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.
- The design must be prepared by a qualified practicing Structural/Civil Engineer and be provided to the Certifying Authority prior to the issue of a Construction Certificate.
-
31. A stormwater drainage design, incorporating on site stormwater detention (OSD), on-site retention/ re-use (OSR), and water quality improvement measures, prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must make provision for the following:
- a) The design must be generally in accordance with the Stormwater Drainage Plan on Drawing No. C-3332-03 and C-3332-04 prepared by Kozarovski and Partners dated 23 July 2017.
 - b) Comply with Council's Stormwater Drainage Code.
 - c) All external courtyards and their associated drainage systems must be designed in accordance with the following criteria:
 - i) The finished surface level of the courtyard(s) must be not less than 150mm below the adjacent internal floor level(s).
 - ii) For the external courtyards without provision of an overland flowpath, the sag pit(s) and associated pipe drainage system draining the courtyard(s) must be designed to capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlets and 50% blockage of the pipes. The design must cater for any potential overflow from the roof gutters or downpipes in the vicinity of the courtyard.
 - iii) The inlets for the sag pit(s) draining the courtyard(s) must be designed in accordance with Clause 5.4.10.1 of Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage to ensure that the maximum ponding level over the sag pit(s) is not less than 150mm below the adjacent internal floor level(s).
 - d) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.

- e) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- f) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- g) The proposed on-site retention tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation.

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

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

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32. An application must be made to Council for the issue of a Levels Certificate. The certificate, issued by Council, must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The certificate specifies the surface levels in the road reserve adjacent to the property that must be used as the basis for the design of vehicle or pedestrian accesses, finished floor levels, fences, vents and any structures in the vicinity of the property boundary.

The architectural & engineering plans must be updated to reflect the information in the levels certificate and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The overall height of the external form must not alter from that depicted within the approved plans and/specified by this consent.

The levels certificate may specify that levels in the adjacent road reserve are required to be changed.

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33. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to AS/NZS 2890.1-2004 *Parking Facilities - Off-Street Car Parking*, AS/NZS 2890.6-2009 *Off-street parking for people with disabilities* and AS 2890.3-1993 *Parking Facilities - Bicycle parking facilities*. The following specific issues must be addressed in the design:

- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those obtained in the Levels Certificate issued by Council. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- b) The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle.

- c) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any dedicated accessible parking space(s) and adjacent Shared Area(s). Note that the headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, services, ducts, etc. The headroom at any door opening must be measured to the lowest point of the open door.

Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of *AS/NZS 2890.1-2004*.

- e) The vehicular access ramp must comply with the ramp grade requirements of Section 3.3 of *AS/NZS2890.1-2004*.
- f) Longitudinal sections must be provided along each outer edge of all ramps within the parking facilities demonstrating compliance with the above requirements. The longitudinal sections at the entry/exit access ramp(s) must extend to the centreline of the connecting road carriageway.
- g) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of *AS/NZS2890.1-2004*.
- h) Bicycle parking facilities must be provided in accordance with the numerical and dimension requirements of Sections C1.11 Parking and C1.11.3 & C1.11.6 tables within DCP 2013.
- i) The external form & height of the approved structures must not be altered from that depicted on the approved plans to address this condition. If the applicant seeks a design that would require such, the approved plans must be modified in accordance with Section 96 of the Environmental Planning and Assessment Act 1979.

The design must be certified by a suitably qualified Civil Engineer and provided to the Principal Certifying Authority prior to the issue of the issue of a Construction Certificate.

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| 34. | <p>An engineering design of stormwater drainage and roadworks in White Street and Arguimbau Street, must be prepared by a qualified practicing Civil Engineer. The design must be prepared/amended to make provision for the following:</p> <ul style="list-style-type: none"> a) Relocation and upgrade of the existing Sydney Water stormwater drainage pipeline between White Street and the Whites Creek stormwater culvert in the rear lane, including installation of new kerb inlet pits in White Street in accordance with the design approved under Deferred Commencement Condition 1. b) Construction of a concrete vehicle crossing at the Arguimbau Street (rear lane) frontage of the site, including a bridging structure over the Whites Creek stormwater culvert in accordance with the design approved under Deferred Commencement Condition 2 |
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- c) Closure of redundant vehicle crossing and construction of kerb and gutter and footpath for the full width of the White Street frontage.
- d) Reconstruction of the surface layer of asphalt pavement between the western end of Arguimbau Street and the proposed vehicle access.
- e) Relocation of parking/ traffic signs as required.
- f) Video inspection must be carried out of completed stormwater drainage works and a copy provided to Council to support the certification of the works.
- g) The design must be in accordance with the relevant requirements of Austroads and all Australian Standards.
- h) The applicant must consult with Council's Manager – Urban Design & Project Management in relation to the design of all works in the public road reserve.

Development Consent does NOT give approval to undertake any works on Council property. **An application must be made to Council and a Roadworks Application issued under Section 138 of the Roads Act 1993 prior to the construction of these works.**

The application must be accompanied by an engineering design of the above. The Roadworks Permit will only be issued when the design has been approved by Council. A copy of the Roadworks Permit must be obtained from Council prior to the issue of a Construction Certificate.

The design may need to be submitted to and approved by Council's Local Traffic Committee prior to Council issuing an approval.

The applicant must bear the cost of construction of all works, including the cost of any required adjustment or relocation of any public utility service. 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.

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.

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

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

Construction Certificate being issued (whichever occurs first), a security deposit as set out below must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Works	Security Deposit
Roadworks (ROADWB)	\$ 61,300
Total	\$ 61,300

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

Video inspection must be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of the works.

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

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

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

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

Security Deposit (FOOT)	\$9,522.00
Inspection fee (FOOTI)	\$225.00

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

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

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

	<p>deposit.</p> <p>A request for release of the security may be made to the Council after all construction work has been completed and a Final Occupation Certificate issued.</p> <p>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.</p> <p>Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>
37.	<p>Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)</p> <ul style="list-style-type: none"> a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application b) A concrete pump across the roadway/footpath. – A Standing Plant permit c) Mobile crane or any standing plant – A Standing Plant Permit d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application g) Awning or street verandah over footpath. – Road works Application h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit <p>Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>
	<p>PRIOR TO THE COMMENCEMENT OF WORKS</p>
38.	<p>The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.</p> <p>To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.</p> <p>To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:</p> <ul style="list-style-type: none"> a) location of the building with respect to the boundaries of the site;

39.	<p>The site must be secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.</p> <p>Separate approval is required under the <i>Roads Act 1993</i> to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.</p> <p>Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.</p>
40.	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.
41.	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.
42.	At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
43.	<p>Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:</p> <ul style="list-style-type: none"> a) Unauthorised entry to the work site is prohibited. b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours. c) The name, address and telephone number of the Principal Certifying Authority for the work. <p>Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.</p> <p>Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.</p>
	DURING WORKS
44.	Building materials and machinery are to be located wholly on site unless separate

	<p>consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.</p> <p>Construction materials and vehicles shall not block or impede public use of the footpath or roadway.</p>
45.	<p>All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.</p> <p>If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:</p> <ol style="list-style-type: none"> Preserve and protect the building from damage. If necessary, underpin and support the building in an approved manner. Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary. <p>Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.</p>
46.	<p>The site must be appropriately secured and fenced at all times during works.</p>
47.	<p>All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.</p>
48.	<p>Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:</p> <ol style="list-style-type: none"> 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays. <p>Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.</p> <p>In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.</p>

	<p>This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:</p> <p style="padding-left: 40px;">8:00 am to 12:00 pm, Monday to Saturday; and 2:00 pm to 5:00 pm Monday to Friday.</p> <p>The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.</p> <p>“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.</p> <p>Noise arising from the works must be controlled in accordance with the requirements of the <i>Protection of the Environment Operations Act 1997</i> and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.</p>
49.	In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
50.	Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
51.	<p>The development must be inspected at the following stages by the Principal Certifying Authority during construction:</p> <ul style="list-style-type: none"> a) after excavation for, and prior to the placement of, any footings, and b) prior to pouring any in-situ reinforced concrete building element, and c) prior to covering of the framework for any floor, wall, roof or other building element, and d) prior to covering waterproofing in any wet areas, and e) prior to covering any stormwater drainage connections, and f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
52.	A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
53.	<p>Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.</p> <p>Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.</p>

	<p>If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.</p>
54.	<p>Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.</p> <p>The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.</p> <p>Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.</p> <p>The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.</p>
55.	<p>No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.</p> <p>Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.</p>
56.	<p>Upon the completion of any remediation works stated in the RAP, the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW EPA <i>Guidelines for Consultants Reporting on Contaminated Sites</i>.</p>
57.	<p>During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:</p> <ul style="list-style-type: none"> a) Ascertain the exact location of the Sydney Water stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works. b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits. c) Ensure dedicated overland flow paths are satisfactorily maintained through the site. <p>Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited clear of stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.</p>
	<p>PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</p>
58.	<p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.</p>

	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 Principal Certifying Authority prior to the issue of an Occupation Certificate.						
59.	Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.						
60.	An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.						
61.	<p>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.</p> <p>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.</p>						
62.	<p>Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:</p> <ul style="list-style-type: none">- the approved plans;- BASIX certificate (where relevant),- approved documentation (as referenced in this consent); and- conditions of this consent.						
63.	<p>To ensure the development is constructed in accordance with the approved plans, a Check Survey prepared by a registered surveyor to Australian Height Datum (AHD) shall be prepared on completion of the building works. The survey shall be submitted to the Principal Certifying Authority who must be satisfied that the following are consistent and no higher or closer than that depicted on the approved plans prior to the issue of an Occupation Certificate.</p> <table><tr><td>a)</td><td>Level of the floor in relation to the levels on the site (all levels are to be shown in relation to Australian Height Datum);</td></tr><tr><td>b)</td><td>Maximum ridge height of the building/s subject of this application.</td></tr><tr><td>c)</td><td>Height and location (in relation to boundaries) of the wall and gutters</td></tr></table> <p>Where there is a difference in the above RL's / dimensions /degree between that of the survey and the approved plans and the survey indicates the constructed development is larger/higher/closer than the approved development, an application under Section 96 of the Environmental Planning and Assessment Act 1979 shall be submitted to Council for consideration of the amendments.</p> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate</p>	a)	Level of the floor in relation to the levels on the site (all levels are to be shown in relation to Australian Height Datum);	b)	Maximum ridge height of the building/s subject of this application.	c)	Height and location (in relation to boundaries) of the wall and gutters
a)	Level of the floor in relation to the levels on the site (all levels are to be shown in relation to Australian Height Datum);						
b)	Maximum ridge height of the building/s subject of this application.						
c)	Height and location (in relation to boundaries) of the wall and gutters						
64.	Upon completion of the development, a statement from a qualified Architect, verifying that the development achieves the design quality of the development as shown in the plans						

	and specifications in respect of which the construction certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority's satisfaction <u>before the issue of an Occupation Certificate</u> .
65.	<p>(a) For a period of at least 30 years from the date of the issue of the Occupation Certificate:</p> <ul style="list-style-type: none"> (i) All of the dwellings provided in the development scheme must be used for the purpose of affordable housing as defined in Part 1 Clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009; and (ii) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises. <p>(b) A positive covenant being created under Section 88E of the Conveyancing Act, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of the Inner West Council. The covenant shall be registered <u>before the issue of an Occupation Certificate</u>.</p>
66.	<p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.</p> <p>Certification by a qualified practicing Civil Engineer this condition has been complied with must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>
67.	<p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property, where applicable:</p> <ul style="list-style-type: none"> a) The car park has been completed, line marked and all signage relating to car parking erected. b) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land. c) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s). <p>Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>
68.	Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the <i>Conveyancing Act 1919</i> , burdening the owner(s) with the requirement to maintain the on-site detention and on-site retention/re-use facilities

on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD") and on-site retention/re-use facilities ("OSR").
- b) The Proprietor shall have the OSD and OSR inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD and OSR or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with the NSW Land and Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate / Subdivision Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

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69. 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.

Works-as-executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the works have been constructed in accordance with the approved design and relevant Australian Standards, must be provided to Council prior to the issue of an Occupation Certificate.

Video inspection must be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

The works-as-executed plan(s) must show the as built details in comparison to

	<p>those shown on the plans approved with the Roadworks Permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.</p> <p>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.</p>
70.	<p>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.</p> <p>Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed 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.</p> <p>The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principle Certifying Authority stamped Construction Certificate plans.</p>
71.	<p>Car Parking provided shall only be used in conjunction with the units and tenancies contained within the development in the case of Strata subdivision, and shall be individually allocated to residential units as part of their unit entitlement.</p>
72.	<p>Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the [on site detention and/or on-site retention/re-use] facilities. The Plan must set out the following at a minimum:</p> <ol style="list-style-type: none"> The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc. <p>The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>
	<p>ONGOING CONDITIONS OF CONSENT</p>
73.	<p>The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.</p>
74.	<p>Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: <i>Control of the Obtrusive Effects of Outdoor Lighting</i> so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there</p>

	to be have adverse effects on the amenity of the area.
75.	All residential accommodation established on the site is to be made available for affordable rental housing for a minimum of 30 years from the date of the issue of any occupation certificate.
76.	The premises shall not be used for any purpose other than that stated in the Development Application, i.e. affordable housing without the prior consent of the Council.
77.	All vehicles must enter and exit the site in a forward direction.
78.	Any basement car parking space must not be individually enclosed without prior development consent.
79.	Driveways and parking spaces must not be used for manufacture, storage or display of goods, materials and equipment. The spaces must be available at all times, for all vehicles associated with the development.
80.	<p>All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. The owner of the dwelling must advise in writing all intending owners, tenants and occupiers of the dwelling, at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.</p> <p>Signs reading “all owners, tenants and occupiers of this building are advised that they are not eligible to obtain Resident Parking Scheme parking permits from Council”, must be located in prominent places such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.</p>
81.	The Operation and Management Plan for the on site detention and/or on-site retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
82.	The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
83.	The Operation and Management Plan for the basement pump-out system, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

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

B. Building Code of Australia

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

C. Home Building Act

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

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

D. 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 the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. 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. Furthermore, Council has no power to determine a review after the expiration of these periods. 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) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) 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) 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.

Attachment 1

FIRE SAFETY SCHEDULE Issued pursuant to *Section 168* Environmental Planning and Assessment Regulation 2000

APPLICATION DETAILS	
Application No.	
Address Of Property:	
Owners Name:	Admin to complete
Owners Address:	Admin to complete
Date of Issue:	XXXX – admin ensure same date as Consent

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>
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Essential Fire Safety Measures	Existing	Proposed	Standard of Performance <i>Design & Installation Standard</i>
Access panels, doors and hoppers to fire resisting shafts			BCA Part C3.13 & C3.15;
Automatic fail-safe devices (electromagnetic devices, door releases)			BCA Part D2.21, D2.22 & Spec C3.4
Automatic fire detection and alarm systems			BCA Part C2.3, C3.5, C3.6, C3.7, C3.8, C3.11, Spec. C3.4, Spec. E2.2a, Spec G3.8; AS1670.1-2004
Automatic fire suppression/sprinkler system			BCA Part E1.5 and Spec. E1.5; AS 2118.1-1999, AS 2118.4-2012, AS 2118.6-2012.
Emergency Lighting			BCA Part E4.2, E4.4, AS2293.1-2005
Emergency Lifts			BCA Part E3.4
Exit signs (illuminated)			BCA Part E4.5, E4.6, E4.8; AS2293.1-2005
Fire alarm monitoring (Alarm Signalling Equipment)			BCA Spec. E2.2a Clause 7; AS1670.3 – 2004
Fire blankets			BCA Part E1.6 AS2444-2001
Fire control room / centre			BCA Part E1.8, Spec E1.8
Fire dampers			BCA Part C3.15; AS1668.1-1998
Fire doors (and self-closing devices)			BCA Part C3.4, C3.5, C3.7, C3.8, C3.10, C3.11 Spec C3.4; AS1905.1-2005
Fire hose reel system			BCA Part E1.4; AS2441-2005
Fire hydrant system			BCA Part E1.3; AS2419.1-2005
Fire safety & emergency evacuation procedure			AS3745-2002
Fire seals (protecting openings in fire-resisting components of the building ie fire stopping, collars etc)			BCA Part C3.12, C3.15, Spec. C3.15; AS4072.1-2005, AS1530.4-2005
Fire shutters			BCA Spec. C3.4; AS1905.2-2005, AS1530.4-2005
Fire windows			BCA Spec C3.4
Lift landing doors (fire rated landing doors)			BCA Part C3.10(a); AS1735.11-1986
Lightweight construction (ie fire rating of walls, ceilings, column/beam protection etc)			BCA Part C1.8, Spec. C1.8; AS1530.4-2005
Mechanical air handling system (ie operating as a Zone Smoke Control System, or Smoke Exhaust System, or an Automatic Air Pressurisation System for fire-isolated exits)			BCA Part E2.2, Spec E2.2a, Spec E2.2b; AS1668.1-1998
Perimeter vehicle access for emergency vehicles (ie open space surrounding large isolated buildings)			BCA Part C2.3 and C2.4
Portable fire extinguishers			BCA Part E1.6, Table E1.6; AS2444-2001
Paths of travel for stairways, passageways and ramps			Clause 183-186 of the Environmental Planning & Assessment Regulation 2000
Required (automatic) exit doors			BCA Part D2.19(b)(iv)
Required exit doors (exit latches)			BCA Part D2.19, D2.20, D2.21
Safety curtains in proscenium openings (ie between stage and auditorium in a theatre, public hall etc)			BCA NSW Part H101.5.3, H101.7(b)(i)(B), H101.10; AS4100-1998
Smoke alarms and heat alarms			BCA Table E2.2a, Spec. E2.2a Clause 3; AS3786-1993
Smoke and heat vents			BCA Part C2.3, E2.2, Table E2.2b, Spec E2.2c, NSW H101.22; AS2665-2001
Smoke dampers			BCA Part C2.5, E2.2; AS1668.1-1998
Smoke detectors and heat detectors			BCA Table E2.2a, Spec. E2.2a Clause 4; AS1670.1-2004
Smoke doors			BCA Part C2.5, C2.14, D2.6, Spec. C3.4 Clause 3;
Solid core doors (and self-closing devices)			BCA Part C3.11;
Sound Systems and Intercom Systems for Emergency Purposes			BCA Part E4.9; AS1670.4-2004
Stand-by power systems (ie Emergency generator backup)			BCA Part C2.12 (fire separation), Spec. E1.8 (remote switching); AS2419.1-2005
Window / Wall-wetting sprinkler and drencher system			BCA Part C3.2, C3.3, C3.4, C3.11(g)(v)(A), D1.7(c), G3.4(b), H101.5; AS2118.2-1995

Essential Fire Safety Measures	Existing	Proposed	Standard of Performance <i>Design & Installation Standard</i>
Warning and operational signs			BCA Part D2.23, E3.3 (relates to lifts only)
Alternative Solution – Fire Engineered Solution Report			

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. The certificate shall meet with the requirements of Part 9 Division 4 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Final Fire Safety Certificate is to be given to the Commissioner of Fire and Rescue New South Wales, and a further copy is to be prominently displayed in the building in a location specified by the Council.

In addition to the above it will be necessary at least once in each period of 12 months from the date of the above “Final Fire Safety Certificate” for the owner of the building to furnish the Council with respect to each essential fire or other safety measure implemented in the building, an “Annual fire Safety Statement” pursuant to the requirements of Part 9 Division 5 of the Environmental Planning and Assessment Regulation 2000 the details of which will be available on application.

Attachment B – Plans of proposed development