



NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application number	MOD/2024/0139 PAN-431571
Applicant	PETER PEREIRA LEVEL 2, 66 WENTWORTH AVE SURRY HILLS NSW 2010
Description of development	to carry out demolition works, removal of 18 trees, alterations and additions to create a service laneway through the site and associated civil works, erection of a 3 metre high wall on the north-western side boundary between buildings 6 and 7 and other associated works to building 2
Property	67 & 73-83 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (Lot 100 in DP1283113).
Determination	Approved Consent Authority ○ Delegation to Staff
Original Date of Determination	14 March 2023
Consent will lapse on	14 March 2028
Date of Determination	9 July 2024
Court Case name LEC Number	GFM Investment Group Pty Ltd in its capacity as Trustee for GFM Home Trust Subtrust No. 7 v Inner West Council 2021/0036705, 2021/00361726

Under section S4.56 of the EP&A Act, notice is given that the above application to modify DA/2021/0799 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

1. The development, as modified is considered to be substantially the same as that originally approved; and
2. The reasons for approval of the modified development, are consistent with the reasons for the originally approved development.

Community Views

The Council considers that matters raised by the community have been adequately addressed in the Assessment Report.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

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

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Andrew Newman

Team Leader - Development Assessment

Person on behalf of the consent authority

For further information, please contact **Ferdinand Dickel** on **02 9392 5125** or **ferdinand.dickel@innerwest.nsw.gov.au**.

Modification Summary

Application Number (PAN Number)	Determination Date	Modification Description
MOD/2024/0139 PAN-431571	09/07/2024	• Delete Condition 2 Design Change • Amend Condition 5A Construction Certificates • Amend Condition 7 Tree Protection • Amend Condition 9 Works to Trees • Amend Condition 29 Inspections by Project Arborist • Amend Condition 33 Construction site access • Amend Condition 37 Stormwater Drainage and Road Works – Certification • Amend Condition 40 Continued use of premises during early works

Terms and Reasons for Conditions

Under section 118(3)(a) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

Annexure A – “Early Works DA”

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 2021/0799

Development: partial demolition of existing buildings, tree removal, site establishment works, alterations to the existing north-south lane between Edith Street and Mary Street for temporary service and tenant vehicle access and enabling works to allow existing site to continue operation during construction of Main Works (the subject of DA2021/800).

Site: 67 & 73-83 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (Lot 100 in DP1283113).

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 14 March 2023

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 67 & 73-83 Mary Street, 50-52 Edith Street and 43 Roberts Street, St Peters (Lot 100 in DP1283113).

The conditions of consent are as follows:

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan Revision and Issue No.	Plan Name	Date Issued	Prepared by
Amended SEE for LEC	Amended Statement of Environmental Effects (Early Works)	15 July 2022	Ethos Urban
Rev A	Architectural Plans: • DA-EDA-01-00 Cover Sheet - <i>Drawing Index</i>, Revision A • DA-EDA-15-OG <i>Ground Floor Demolition Plan</i>, Revision A • DA-EDA-15-01 <i>Level 1 Demolition Plan</i>, Revision A • DA-EDA-15-02 <i>Level 2 Demolition Plan</i>, Revision A • DA-EDA-15-08 <i>Roof Demolition Plan</i>, Revision A • DA-EDA-21-OG <i>Ground Floor Plan</i>, Revision A • DA-EDA-21-01 <i>Level 1 Floor Plan</i>, Revision A • DA-EDA-21-02 <i>Level 2 Floor Plan</i>, Revision A • DA-EDA-21-08 <i>Roof Plan</i>, Revision A • DA-EDA-30-01 <i>Building 2 Elevations & Section</i>, Revision A	7 July 2022	Cox Architecture
	Structural Adequacy Statement	7 July 2022	Stantec
003	Stormwater Management Plan (as it relates to the early works under DA 2021/0799)	24 October 2022	Stantec
Rev D	Demolition Waste Management Plan	8 July 2022	Elephants Foot

	Arboricultural Impact Assessment	July 2022	Bluegum
Rev 11	Amended Noise and Vibration Impact Assessment (as it relates to the early works under DA 2021/0799)	4 November 2022	E-Lab Consulting
Rev D	Construction Management Plan (as it relates to the early works under DA 2021/0799)	6 July 2022	Home
Rev 9	Construction Traffic Impact Assessment (as it relates to the early works under DA 2021/0799)	12 July 2022	EMM

As amended by the conditions of consent. In the event of an inconsistency between the plans or approved documentation and the conditions, the conditions will prevail.

2. Deleted

(Condition deleted – MOD/2024/0139 – 9 July 2024)

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$128,000.00
Inspection Fee:	\$350.00

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may

utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

4. Section 7.12 (formerly section 94A) Development Contribution Payments

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

Note: Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

- **\$14,230.00**

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

5. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to

the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

5A. Construction Certificates

Construction works may be phased. Phases may be undertaken concurrently or as required to suit construction activities.

Phase 1	Demolition works, enabling works, and temporary Makers Way cross over
Phase 2	Public domain including Makers Way vehicular crossing and stormwater management works

(Condition amended – MOD/2024/0139 – 9 July 2024)

6. Hazardous Materials Survey

Prior to any demolition works commencing or the issue of a Construction Certificate (whichever occurs first), a hazardous materials survey shall be prepared with a copy submitted to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

7. Tree Protection

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent and Tree Protection Plan as part of the Arboricultural Impact Assessment, prepared by Bluegum Tree Care & Consultancy, dated July 2022, throughout the development:

Tree No.	Botanical/Common Name	Location
1	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street
2	<i>Leptospermum petersonii</i> (Lemon Scented tea tree)	Mary Street
3	<i>Pittosporum</i> sp. (Pittosporum)	Mary Street
4	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street
5	<i>Pittosporum</i> sp. (Pittosporum)	Mary Street
8	<i>Waterhousia floribunda</i> (Weeping Lilly Pilly)	Existing Building 4
9	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear 71 May street
10	<i>Grevillea robusta</i> (Silky Oak)	Rear 69 May Street
11	<i>Morus</i> (Mulberry) Non Prescribed tree	Rear 69 Mary Street
12	<i>Liquidambar styraciflua</i> (Liquidambar)	Rear of 69 Mary Street
13	<i>Melia azedarach</i> (White Cedar)	Rear 59 Mary Street
14	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear 59 Mary Street
15	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street
16	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street
30	<i>Tibouchina lepidota</i> 'Alstonville' (<i>Tibouchina</i>)	Edith Street
31	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Edith Street
32	<i>Gleditsia triacanthos</i> (Honey Locust)	Edith Street
34	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
35	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
36	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
37	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
38	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street

39	<i>Gleditsia triacanthos</i> (Honey Locust)	Edith Street
40	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
41	<i>Araucaria columnaris</i> (Cook Pine)	43 Roberts Street
42	<i>Callistemon salignus</i> (Willow Bottlebrush)	43 Roberts Street
44	<i>Morus</i> spp. (Mulberry)	Rear 55-57 Mary St
45	<i>Prunus</i> spp. (Ornamental Cherry)	Rear 55-57 Mary St

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

- a) Green for trees to be retained;
- b) Red for trees to be removed.

(Condition amended – MOD/2024/0139 – 9 July 2024)

8. Project Arborist

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

• 8A. Project Ecologist

An appropriately qualified ecologist is to be engaged prior to the commencement of any works under this development consent. The project arborist is to:

- a) Prior to the commencement of any work undertake an inspection of all trees approved to be removed to identify if any contain evidence of roosting of fauna. This is to be recorded and details provided to Council and the Certifying Authority.
- b) Be present on site each day that an approved tree for removal, is removed, and is required to trap any fauna present in the tree and relocate to another tree on site. A record of the relocations is to be provided to Council and the Certifying Authority.

9. Works to Trees

Approval is given for the removal of the following trees only. Consistent with condition 7 above these trees are to be shown in red on the Construction Certificate and can be removed following the issuing of a Construction Certificate:

Tree/location	Approved works
6. <i>Fraxinus griffithii</i> (Evergreen Ash) Building 12	Remove
7. <i>Celtis sinensis</i> (Chinese Hackberry) Building 12	Remove
17. <i>Celtis sinensis</i> (Chinese Hackberry) Building 11	Remove
18. <i>Syzigium floribundum</i> (Weeping Lily Pilli) Building 11	Remove
19. <i>Ficus macrocarpa</i> 'Variegata' (Hills Weeping Fig) Building 11	Remove
20. <i>Cinnamomum camphora</i> (Camphor Laurel) Building 11	Remove
21. <i>Macadamia integrifolia</i> (Macadamia Nut tree) Rear Edith Street	Remove
22. <i>Howea forsteriana</i> (Kentia Palm) 52 Edith Street	Remove
23. <i>Howea forsteriana</i> (Kentia Palm) 52 Edith Street	Remove
24. <i>Celtis sinensis</i> (Chinese Hackberry) 52 Edith Street	Remove
25. <i>Magnolia x soulangiana</i> (Magnolia) 52 Edith Street	Remove
26. <i>Acer palmatum</i> (Japanese Maple) 52 Edith Street	Remove
27. <i>Persea americana</i> (Avocado) 52 Edith Street	Remove
28. <i>Syzigium floribundum</i> (Weeping Lily Pilli) Building 9	Remove
29. <i>Pittosporum tenuifolium</i> (Pittosporum) 50 Edith Street	Remove
29A. <i>Lagerstroemia indica</i> (Crepe Myrtle) 50 Edith Street	Remove
33. <i>Grevillea robusta</i> (Silky Oak) Council's nature strip, Edith Street frontage	Remove
43. <i>Grevillea robusta</i> (Silky Oak) 32 Roberts Street	Remove

The removal of any street tree approved by this development consent must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s removal.

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

(Condition amended – MOD/2024/0139 – 9 July 2024)

10. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries with the exception of the removal of trees referenced in condition 9, the stormwater management works referenced in condition 19, and the public domain works referenced in condition 20.

11. Site Safety and Security

If the works approved by DA/2021/0800 are not substantially commenced within 6 months of the completion of the works approved by this development consent, the applicant must obtain a Section A Site Audit Statement (accompanied by an Environmental Management Plan if required) and a Site Audit Report issued by an EPA Accredited Site Auditor which states that the site is suitable for the land use continuing to occupy the site at that time. Any works and/or reports required to be undertaken to obtain the Section A Site Audit Statement, must be prepared by a suitably qualified and experienced person(s) in accordance with relevant guidelines made or approved by the NSW EPA under section 105 of the *Contaminated Land Management Act 1997*.

Any reports on the works completed must be reviewed and accepted as appropriate by the EPA Accredited Site Auditor. Any reports prepared and the EPA Accredited Site Auditor review and acceptance of the reports, including the Site Audit Report and Section A Site Audit Statement, must be submitted to Council.

PRIOR TO ANY DEMOLITION

12. Hoardings

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

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

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

13. Construction Traffic Management Plan – Detailed

Prior to any Demolition or the issue of a construction certificate, a detailed Construction Traffic Management Plan (CTMP) must be prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The CTMP must be submitted to the General Manager of Council and approved by Council prior to the issue of the Construction certificate or the commencement of any works, including demolition. The following matters should be addressed in the CTMP (where applicable):

- a) Description of the demolition and any associated remedial construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;

- c) Size, type and estimated number of vehicular movements (including removal of demolition materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) The CTMP must ensure that vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route;
- f) All changes to on-street parking arrangements (loss of parking) and requiring changes the parking restriction signage within Mary or Edith Streets must be approved by Council's Traffic Committee;
- g) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- h) Any Traffic Guidance Scheme (formerly known as a Traffic Control Plans - TCP) proposed to regulate traffic and pedestrian movements (within and around the site) for construction activities (such as concrete pours, crane installation/removal etc.);
- i) Proposed hours of works related activities and vehicular movements to and from the site;
- j) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- k) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- l) Measures to maintain public safety and convenience;
- m) Any proposed road and/or footpath closures;
- n) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- o) 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;
- p) Location of any proposed crane and concrete pump and truck

standing areas on and off the site (and relevant approvals from Council for plant on road);

- q) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- r) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- s) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- t) 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;
- u) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways;
- v) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance; and
- w) If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions, alternative Traffic Control arrangements must be investigated, approved by Council, and implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required.

14. Construction Noise and Vibration Management Plan - Detailed

Prior to any demolition or construction works under this development consent the Certifying Authority must be provided with a detailed Construction Noise and Vibration Management Plan prepared by an appropriately qualified Acoustic engineer. The detailed Construction Noise and Vibration Management Plan is to be submitted to the General Manager of the Council and approved by Council prior to any demolition or construction works commencing.

- a) A detailed outline of the work methods and equipment used during all stages of demolition and construction;
- b) An assessment of the noise levels generated by the work methods and equipment. The noise impact is to be assessed at 1.5m above ground and, in the event nearby development is multi-storey, at Level 1 or higher windows on nearby receivers;
- c) The noise mitigation measures proposed in the event of an exceedance of the applicable noise management levels and Highly Noise Affected levels, identified in Part

5 of the Noise and Vibration Impact Assessment
prepared by E-Lab Consulting, Reference P00011, Revision
11 dated 4 November 2022;

- d) Activities anticipated to exceed the highly Noise Affected threshold as defined in the EPA Interim Construction Noise Guidelines, the anticipated duration of those activities/works and appropriate specific respite periods must be proposed;
- e) Where exceedances of Highly Noise Affected thresholds are expected, justify any respite periods proposed considering the noise level and the duration of the proposed works;
- f) The vibration mitigation measures outlined Part 9 of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting, Reference P00011, Revision 11 dated 4 November 2022;
- g) Methods for vibration monitoring at the commencement of intensive vibration activities;
- h) The various construction noise and vibration mitigation measures, recommendations and procedures in Part 9 of the Noise and Vibration Impact Assessment prepared by E-Lab Consulting, Reference P00011, Revision 11 dated 4 November 2022;
- i) Consideration of noise from truck movements and fixed plant and proposed methods by which these noise sources will be addressed and/or satisfactorily mitigated; and
- j) Any works proposed outside of the approved construction hours. These works can only occur if the applicant can demonstrate that they will not create a nuisance to neighbouring properties. Specifics must be provided including:
 - i. Nomination of the hours proposed;
 - ii. Identification of the works to be carried out in these hours;
 - iii. Justification as to why and how the works won't create a nuisance to neighbouring properties; and
 - iv. Details of where vehicles will be parked, break locations and use of equipment such as hoist/cranes etc.

The Certifying Authority must be provided with evidence of Council's approval/satisfaction prior to the issue of a construction certificate.

15. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of No.s 48 Edith Street, 41 and 8 Roberts St, No.s 49-71 Mary Street, No.s 80-110 Unwins Bridge Road, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

16. Advising Neighbours Prior to Works Commencing

At least 7 days before demolition works commencing, the applicant must give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the building being demolished.

17. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE

18. Green Travel Plan

Prior to the commencement of any works on site, a Green Travel Plan (GTP), must be submitted to the satisfaction of the General Manager of Council, to promote the use of active and sustainable transport modes. The plan must:

- a) be prepared by a suitably qualified traffic consultant in consultation with Council;
- b) include objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- c) include specific tools and actions to help achieve the objectives and mode share targets;
- d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

19. Stormwater Drainage System – Major Developments

Prior to the issue of a Construction Certificate for Phase 2 works under this development consent and Main Works Stage 1 Phase 3 under DA2021/0800 (Main Works DA), the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the design of the site drainage system complies with the following specific requirements:

- a) The design must be generally in accordance with the Stormwater Management Plan and stormwater plans on Drawing Nos. CI-DA-007-01, CI-DA-070-01, CI-DA-076-01, CI-DA-500-01, and CI-DA-520-03 (Rev B), prepared by Stantec and dated 06/07/22, as amended to comply with the following;
- b) The new 375 diameter pipe in Mary Street shall be extended to the existing pit adjacent 71 Mary Street;
- c) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged directly to Council's piped drainage system;
- d) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- e) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f) The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- g) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- h) The existing 1 in 100 year overland flow path along the eastern side boundary between Edith and Roberts Streets must be maintained ;
- i) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- j) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where

necessary an inter-allotment drainage system must be incorporated into the design;

- k) No nuisance or concentration of flows to other properties;
- l) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- n) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o) No impact to street tree(s).

20. Temporary Public Domain Works - Prior to Construction Certificate

Prior to the issue of a Construction Certificate or work commencing for Phase 1 works under this development consent, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The construction of a temporary vehicular crossing to Makers Way from Mary Street.

20A Public Domain Works - Prior to Construction Certificate

Prior to the issue of a Construction Certificate for Phase 2 works under this development consent, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that

the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) Provide a continuous minimum 2m wide footpath in Mary Street by adjustment of the road width and on street parking as detailed on Plan No. CI_DA-520-03;
- b) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note,

the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.

- c) Provide a signage and line marking plan for approval of the Local Traffic Committee detailing any on street parking changes;
- d) The proposed new 375 diameter pipe in Mary Street detailed Plan No. CI_DA-520-03 shall be extended to the existing Stormwater Pit adjacent to 71 Mary Street;
- e) The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, long sections and details must be provided including location of utility services;

21. Dilapidation Report – Pre-Development

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a) Full width of Mary Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Princes Highway and Unwins Bridge Road;
- b) Full width of Edith Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Princes Highway and Unwins Bridge Road;
- c) Full width of Roberts Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Princes Highway and Unwins Bridge Road; and
- d) Council's existing drainage pipe in Mary Street along the frontage of the site up to the existing pit adjacent to 71 Mary Street including CCTV inspection in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia.

The dilapidation report is to be prepared by a practising Civil/Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng)

22. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate or any demolition works commencing, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the

retained buildings and their ability to withstand the proposed additional, or altered structural loads during stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

23. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION

24. In-ground works

Works carried out pursuant to this development consent must not involve in-ground works or cause any ground disturbance.

25. Implementation of Construction Noise and Vibration Management Plan

During construction and demolition, the applicant must implement the Construction Noise and Vibration Management Plan prepared pursuant to Condition 14.

26. Construction Management Plan

The Construction Management Plan, Rev D dated 6 July 2022 prepared by Home is to be implemented as it relates to the works authorised by this consent, subject to revised construction hours outlined in Condition 27.

26A. Placement of Construction Bin

Any construction waste bin required for waste collection associated with the demolition and construction works under this development consent is to be located no closer than 5 metres from any site boundary and is not to be stored or placed on any public land. Collection of construction waste bins is to occur only during the permitted work hours as set out in Condition 27 of this development consent.

For clarity the bin location nominated in the Construction Waste Management Plan adjacent to the boundary with No.71 Mary Street is not approved. This bin storage area is to be located central to the site in an area proximate to the blue dot shown in the figure below.



27. Hours of Works

Unless otherwise approved by Council the works approved under this development consent must only be permitted during the following hours:

- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00am to 1:00pm on Saturdays with no works occurring outside this time; and
- c) at no time on Sundays or public holidays.

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

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

28. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan and Council's *Development Fact Sheet—Trees on Development Sites*. The fence/s must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
41	<i>Araucaria columnaris</i> (Cook Pine)	6 metres

29. Inspections by Project Arborist

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

Tree No./ Botanical/ Common Name/ Location			Time of Inspection	Key stage/ Hold point
Tree No.	Botanical/Common Name	Location	Prior to commencement of works	Inspection and sign off installation of tree protection measures. This applies to all trees in the table.
1	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street		
2	<i>Leptospermum petersonii</i> (Lemon Scented tea tree)	Mary Street		
3	<i>Pittosporum</i> sp. (Pittosporum)	Mary Street	During Works	Supervise all site preparation and demolition works within the TPZ; Supervise all works inside or above the TPZ; Supervise all excavation, trenching works within the TPZ. This applies to all trees in the table.
4	<i>Fraxinus griffithii</i> (Evergreen Ash)	Mary Street		
5	<i>Pittosporum</i> sp. (Pittosporum)	Mary Street		
8	<i>Waterhousia floribunda</i> (Weeping Lilly Pilly)	Existing Building 4		
9	<i>Strelitzia nicolai</i> (Giant Bird of Paradise)	Rear 71 Mary Street		
10	<i>Grevillea robusta</i> (Silky Oak)	Rear 69 Mary Street		
11	<i>Morus</i> (Mulberry) Non Prescribed tree	Rear 69 Mary Street		
12	<i>Liquidambar styraciflua</i> (Liquidambar)	Rear of 69		
13	<i>Melia azedarach</i> (White Cedar)	Rear 59		
14	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear 59 Mary Street		
15	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street	In accordance with pages 8, 9, 10 and 11 detailed in the detailed in the Arboricultural Impact Assessment, Bluegum Tree Care & Consultancy, July 2021, and section 4 of AS4970— <i>Protection of trees on development sites</i> . This applies to all trees in the table.	
16	<i>Howea forsteriana</i> (Kentia Palm)	Rear 59 Mary Street		
30	<i>Tibouchina lepidota</i> 'Alstonville' (Tibouchina)	Edith Street		
31	<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	Edith Street		
32	<i>Gleditsia triacanthos</i> (Honey Locust)	Edith Street		
34	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street		

35	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
36	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
37	<i>Jacaranda mimosifolia</i> (Jacaranda)	Edith Street
38	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
39	<i>Gleditsia triacanthos</i> (Honey Locust)	Edith Street
40	<i>Fraxinus griffithii</i> (Evergreen Ash)	Edith Street
41	<i>Araucaria columnaris</i> (Cook Pine)	43 Roberts Street
42	<i>Callistemon salignus</i> (Willow Bottlebrush)	43 Roberts Street
44	<i>Morus spp.</i> (Mulberry)	Rear 55-57 Mary St
45	<i>Prunus spp.</i> (Ornamental Cherry)	Rear 55-57 Mary St

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

(Condition amended – MOD/2024/0139 – 9 July 2024)

30. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/sof the following tree/s must be severed or injured in the process of any works during the workperiod:

Tree No.	Botanical/Common Name	Radius in metres
41	<i>Araucaria columnaris</i> (Cook Pine)	4 metres

31. Contamination – New Evidence

Any new information revealed during demolition works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

VALIDATION OF WORKS

32. Project Arborist Certification

Within 4 weeks of commencement of works under this development consent, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the protection of trees to be retained and the role of the project arborist in relation to the Early Works have been complied with.

33. Construction site access

Prior to occupation, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:

- a) Heavy duty concrete vehicle crossing to Makers Way
- b) Stormwater drainage extension works (375 diameter RCP) to the frontage of 71 Mary Street;
- c) Construction of a 2m continuous footpath in Mary Street; and
- d) Other works subject to the Roads Act 1993 approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

(Condition amended – MOD/2024/0139 – 9 July 2024)

34. Protect Sandstone Kerb

Within four weeks of the completion of the works the Principal Certifier must ensure that any stone or brick kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced. Details to be provided to the Council.

35. Public Domain - Major Developments

Within four weeks of the completion of the Phase 2 works under this development consent the Principal Certifier must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

36. Dilapidation Report – Post-Development

Within four weeks of completion of the works the subject of this development consent, the Principal Certifier must be provided with a second Dilapidation Report addressing the private properties and public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

37. Stormwater Drainage and Road Works – Certification

Prior to occupation the Principal Certifier must be provided with Certification by a qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

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

(Condition amended – MOD/2024/0139 – 9 July 2024)

38. Smoke Alarms - Certification of upgrade to NCC requirements

Within four weeks of the completion of the works under this development consent the Principal Certifier is required to be satisfied the existing buildings to be retained and

occupied during early works have been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems

OCCUPATION OF RETAINED BUILDINGS DURING EARLY WORKS

39. Maximum occupation and use

A maximum of 1,925 sqm of GFA within the buildings retained under this consent can be occupied and used for current occupied purposes during early works and until the completion of the Stage 1 construction under DA 2021/0800.

40. Continued use of premises during early works

Prior to any works commencing under this development consent the Principal Certifier and Council are to be provided with architectural plans nominating the areas to be occupied during the early works period. Once Early Works commence on site, no part of the retained buildings can be occupied by tenants unless the following matters have been satisfied:

- a) 15 car spaces have been provided on site, as detailed in the 'Construction Traffic Management Plan – Detailed' to be submitted to the General Manager of Council for approval under Condition 13;
- b) the Green Travel Plan has been prepared and is implemented in accordance with Condition 18; and
- c) A shuttle bus is operated as set out in Part 4.14.1 of the Construction Traffic Impact Assessment dated July 2022 prepared by EMM which operates between the site and Sydenham Station during AM and PM peak hours which are revised as set out below:
 - i. between 6:30am and 8:30am and 4:30pm and 6:30pm on a typical weekday; and
 - ii. between 6:30am and 7:30am and 12:30pm and 1:30pm on a Saturday

Only upon the satisfaction of the above matters, and their implementation can the maximum 1,925 sqm GFA within the retained buildings on site be occupied.

(Condition amended – MOD/2024/0139 – 9 July 2024)

41. Occupation Hours

The hours of operation for those retained buildings in occupation during Early Works are those authorised by the individual tenancy/fit out/occupancy development consents.

ON-GOING

42. Demolition Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays to avoid noise disruption on the surrounding area.

43. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

ADVISORY NOTES

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

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

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

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree work to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

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

Tree Protection Works

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

Tree Pruning or Removal (including root pruning/mapping)

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

Mechanical Ventilation System Certification

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

- Australian Standard AS 1668 Part 1 – 1998;
- Australian Standard AS 1668 Part 2 – 2012.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Underground Petroleum Storage System (UPSS) – Decommissioning

The removal, replacing or decommissioning of an underground petroleum storage system must comply with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, the *Protection of the Environment Operations Act 1997* and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

Permits

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

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

- Awning or street veranda over the footpath;
- Partial or full road closure; and
- Installation or replacement of private stormwater drain, utility service or watersupply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

The Council must be notified of the following particulars:

- a. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and**
- b. the date the work is due to commence and the expected completion date; and**

A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- Application for any activity under that Act, including any erection of a hoarding;
- Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- Application for an Occupation Certificate under the

- *Environmental Planning and Assessment Act 1979*;
- Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- Development Application for demolition if demolition is not approved by this consent; or
- Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

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

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

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

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

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

Commissioner and the Counciland displayed in a prominent position in the building.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"

Long Service Corporation	Payments 131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestosremoval and disposal.

Sydney Water Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:

- Construction of a retaining wall over, or within the zone of influence of our assets
- Excavation of a basement or building over, or adjacent to, one of our assets
- Dewatering – removing water from solid material or soil. The detailed review is to ensure that:
 1. our assets will not be damaged during, or because of the construction of the development \
 2. we can access our assets for operation and maintenance
 3. your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Inner West Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Inner West Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.