

INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	MOD/2020/0314	
Address	354 Canterbury Road HURLSTONE PARK NSW 2193	
Proposal	Modification of approved mixed use building including additional level, removal of ground floor business premises tenancy	
Date of Lodgement	16 September 2020	
Applicant	Technik Haus Pty Ltd	
Owner	Mr Aashish A Ali Mr Mustak Shaikh Mr Zaffar Hussain Mr Mustak Shaikh Mrs Preeti Shaikh	Mr Ashfaq G Shaikh Mrs Maniza Shaikh Mr Syedda F Ali Mrs Azharuddin Ali
Number of Submissions	5	
Value of works	\$4,800,000	
Reason for determination at Planning Panel	Modifications to a SEPP 65 affected building	
Main Issues	Permissibility Height of building Floor space ratio Building setbacks	
Recommendation	Refusal	
Attachment A	Reasons for refusal	
Attachment B	Plans of proposed development	
Attachment C	Recommended conditions	



LOCALITY MAP

Subject Site		Objectors		N ↑
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for modification of an approved mixed use building including additional level and removal of ground floor business premises tenancy at 354 Canterbury Road, Hurlstone Park.

The application was notified to surrounding properties and 5 submissions were received in response.

The main issues that have arisen from the application include:

- Permissibility of proposed use;
- Non-compliance with the Height of building development standard;
- Non-compliance with the Floor space ratio development standard;
- Non-compliance with height of storey control; and
- Non-compliances with the Apartment Design Guide;

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

2. Proposal

The proposal involves the following changes to the approved three (3) storey shop-top housing development with basement levels:

- Addition of a new fourth floor on the approved roof to facilitate a new two-bedroom apartment;
- Reconfiguration of rooftop communal landscaped area;
- Change Unit 2.04 from a two-bedroom to a one-bedroom unit and enlarge associated balcony;
- Delete the approved ground level business premises tenancy;
- Internal reconfiguration of approved ground level childcare centre;
- Enlarge childcare centre outdoor play area into area formally occupied by the business premises tenancy;
- Enlarge the main entrance forecourt fronting Canterbury Road;
- Change basement car space associated with the business premises tenancy to a residential visitors car space.

3. Site Description

The development encompasses Nos. 354 and 356 Canterbury Road which have a combined total area of approximately 757.7sqm. For the purposes of this report, the two combined sites will be referred to as the 'the site'.

Currently the site is occupied by a single storey dwelling house and a two (2) storey mixed-use building. The site is adjoined by a two (2) storey mixed-use building to the north, bounded by Canterbury Road to the east, bounded by Watkin Street to the south and adjoined by a single storey dwelling house to the west (No. 1 Watkin Street).

This part of Canterbury Road is largely characterised by two (2) storey commercial and shop-top housing buildings, single storey dwelling houses and two (2) storey flat buildings. Watkin Street is largely characterised by single storey dwelling houses and two (2) storey flat buildings.

The site is not identified as containing a heritage item and is not located within a heritage conservation area.



Figure 1: Site viewed from Canterbury Road.



Figure 2: Neighbouring sites to the north (Nos. 352 and 350 Canterbury Road).



Figure 3: Site viewed from Watkin Street looking north-east.

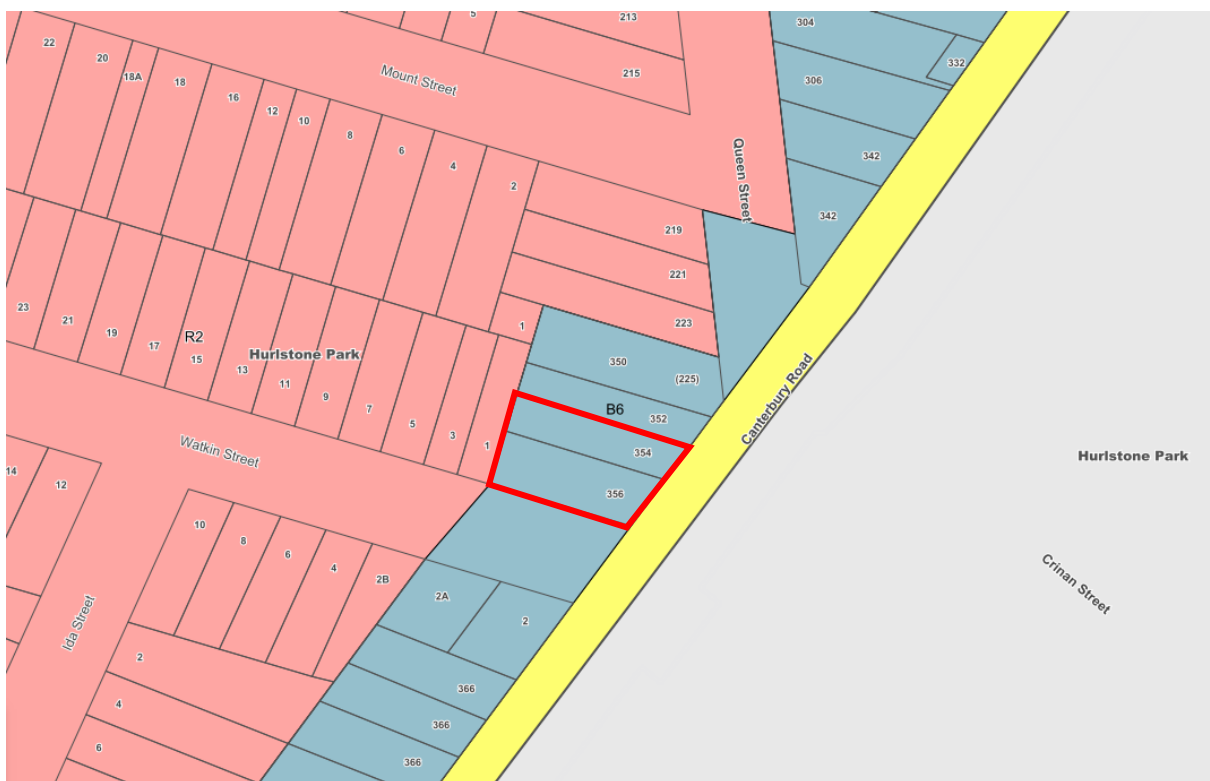


Figure 4: Zoning map.

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

- On 10 March 2020, the Inner West Local Planning Panel granted development consent (10.2019.107) for demolition of existing structures, construction of a three storey mixed use building with ground floor childcare centre, business premises and two levels of residential accommodation with 10 residential units, basement car parking, associated works and strata subdivision. This is the base consent to which the subject modification application relates.
- On 23 November 2017, a development application (10.2017.144) for demolition of existing structures and construction of a three storey mixed use development including two levels of dwellings above a ground floor retail use and child care centre and two levels of basement parking was refused.

4(b) Application history

Nil.

5. Assessment

Section 4.15 and 4.55(2) Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979.

Under Section 4.55 of the Environmental Planning and Assessment Act, 1979, the consent authority, when considering a request to modify a Determination, must:

- (a) be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;
- (b) consult with any relevant authority or approval body;
- (c) notify the application in accordance with the regulations;
- (d) consider any submissions made; and
- (e) take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the application.

The development being modified is not substantially the same development as the development for which consent was originally granted.

The base consent was approved as a 'mixed use development' with 'centre-based child care facility', 'business premises' and 'shop top housing' components. The proposed deletion of the ground level 'business premises' results in the residential component being categorised as 'residential flat building' - a form of 'residential accommodation' which is prohibited in the B6 – Enterprise Corridor zone.

Where relevant, authorities or bodies were consulted. The application was notified in accordance with the regulations or under Council's Notification Policy.

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 (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Ashfield 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. AIDAP 2016 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

It was determined in the base consent that the site has not been used in the past for activities which could have potentially contaminated the site. It was considered that the site will not require remediation in accordance with *SEPP 55*.

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.

The development is not acceptable having regard to the nine design quality principles. Most notably the proposal fails to achieve Principle 1: Site and Context, Principle 2: Built Form and Scale, and Principle 6: Amenity and Principle 7: Safety the reasons for which are discussed below and throughout this report.

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 the DCP 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

Approved: 192sqm (25.3% of site area) located on the rooftop.

Proposed: 171sqm (22.5% of site area) located on the rooftop.

It is noted that the applicant has included the ground level entrance forecourt area fronting Canterbury Road in their communal open space calculations. This area is shared by both the childcare centre and residences and functions as a fire egress pathway for the building. It is considered unrealistic that this area would be used as passive or active recreation for the

residences of the building due to its location, proximity to Canterbury Road, and the poor amenity it would receive.

As outlined in Part 3D of the ADG, this area fails to meaningfully provide any of the following forms of amenity:

- landscape character and design
- opportunities for group and individual recreation and activities
- opportunities for social interaction
- environmental and water cycle management
- opportunities to modify microclimate
- amenity and outlook for residents.

For these reasons, this space is not considered communal open space.

The proposal does not provide the required 25% of site area as communal open space contrary to Part 3D of the ADG.

Visual Privacy/Building Separation

The proposed new unit (Unit 3.01) contains a balcony which faces and has a nil setback to the northern (side) boundary. Furthermore, the north-facing windows of Unit 3.01 have a 3m setback to the same boundary. The proposed setbacks do not comply with Part 3F of the ADG that requires a 6m setback to common boundaries and will result in unreasonable amenity impacts and create the potential for inadequate building separation of any future development at No. 352 Canterbury Road.

While the revised communal open space results in a significantly reduced setback to the western (rear) edge of the building. The portion of the communal open space closest to the rear edge is its south-west corner which faces Watkin Street and the front yard/blank side wall of No. 1 Watkin Street.

Solar and Daylight Access

Approved: 6 units (60%) of the units received the required 2 hours of sunlight to their primary living areas and private open spaces.

Proposed: 7 units (64%) achieve natural cross ventilation (inclusive of the new unit). While this does not comply with the 70% requirement in Part 4A of the ADG, it is noted that the modification achieves greater compliance.

Natural Ventilation

Approved: 6 units (60%) achieved natural cross ventilation.

Proposed: 7 units (64%) achieve natural cross ventilation (inclusive of the new unit).

Ceiling Heights

All habitable rooms achieve ceiling heights of at least 2.7m.

Apartment Size

The proposed new two-bedroom unit (Unit 3.01) has an area of 79sqm in accordance with Part 4D of the ADG.

The revised one-bedroom unit (Unit 2.04) has an area of 55sqm in accordance with Part 4D of the ADG.

Apartment Layout

The proposed unit generally complies with the apartment layouts of with Part 4D of the ADG.

Private Open Space and Balconies

The proposed new two-bedroom unit (Unit 3.01) has a private open space area of 19sqm with a minimum dimension of 2.6m in accordance with Part 4E-1 of the ADG.

The revised one-bedroom unit (Unit 2.04) has a private open space area of 33sqm with a minimum dimension of 2.7m in accordance with Part 4E-1 of the ADG.

Storage

Sufficient space has been provided in each unit and in the basement car park for storage.

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

An updated BASIX Certificate was submitted with the application.

5(a)(iv) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The proposal makes changes to the approved centre – based child care facility most notably:

- A 5sqm reduction in the floor area of the centre;
- Enlargement of the outdoor play area fronting Watkin Street/Canterbury Road;
- Minor internal reconfiguration.
-

Despite the changes, the proposal makes no change to the unencumbered indoor floor space, increases the outdoor play area, maintains adequate ancillary facilities/room such as offices and toilets and does not intend to increase the maximum number of children/staff.

The proposal does not alter compliance with Clause 23 of the SEPP or the Child Care Planning Guideline.

5(a)(v) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Development with frontage to classified road (Clause 101)

The site has a frontage to Canterbury Road, a classified road. Under Clause 101 (2) of *SEPP Infrastructure 2007*, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The proposal makes no change to the approved vehicular access or on-site car parking numbers. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

5(a)(vi) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the relevant clauses of the *Ashfield Local Environmental Plan 2011*.

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned B6 – Enterprise Corridor under the *ALEP 2011*. The development application was approved as a ‘mixed use development’ which included ‘shop top housing’, ‘business premises’ and ‘centre-based child care facility’ components. Shop top housing’ is defined as follows:

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The residential dwellings on the upper levels were defined as ‘shop top housing’ as the development included a ‘business premises’ tenancy on the ground level.

The subject application deletes the approved ground level ‘business premises’ tenancy and thus the residential component of the development can no longer be characterised as ‘shop top housing’.

The ground level childcare centre is defined as a ‘centre-based child care facility’ which is not a ‘retail premises’ or ‘business premises’, rather it is a ‘educational establishment’ which is a form of community infrastructure. ‘Centre-based child care facility’ are permitted with consent in the zone.

The deletion of the ‘business premises’ tenancy changes the residential component of the development from ‘shop top housing’ to ‘residential flat building’. A ‘residential flat building’ is a form of ‘residential accommodation’ which is prohibited in the B6 – Enterprise Corridor zone.

The development therefore includes a prohibited use and can only be recommended for refusal.

The proposal does not comply with the objectives of the zone, see discussion below.

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 13 m	16m	3m or 20.7%	No
Floor Space Ratio Maximum permissible: 1.5:1 or 1136.5m ²	1.52:1 or 1155.7m ²	19.2sqm or 1.7%	No

Clause 4.3 Height of buildings

As outlined in table above, the proposal results in a breach Clause 4.3 - Height of buildings.

As the application is a Section 4.55 modification of consent, a formal Clause 4.6 request to vary a development standard is not required by the LEP. Nevertheless, an assessment against the criteria of Clause 4.6 and the objectives of the zone and development standard are still matters for consideration.

It is noted that the applicant has provided an assessment against the objectives of the development standard and objectives within the supplied Statement of Environmental Effects (SEE). It is also noted that the supplied SEE incorrectly states that the proposed building height is 14.6m (a variation of 1.6m or 12.3%). The provided section clearly shows that the proposed building height is far in excess of 1.6m above the 13m height control (see Figure 5 below).

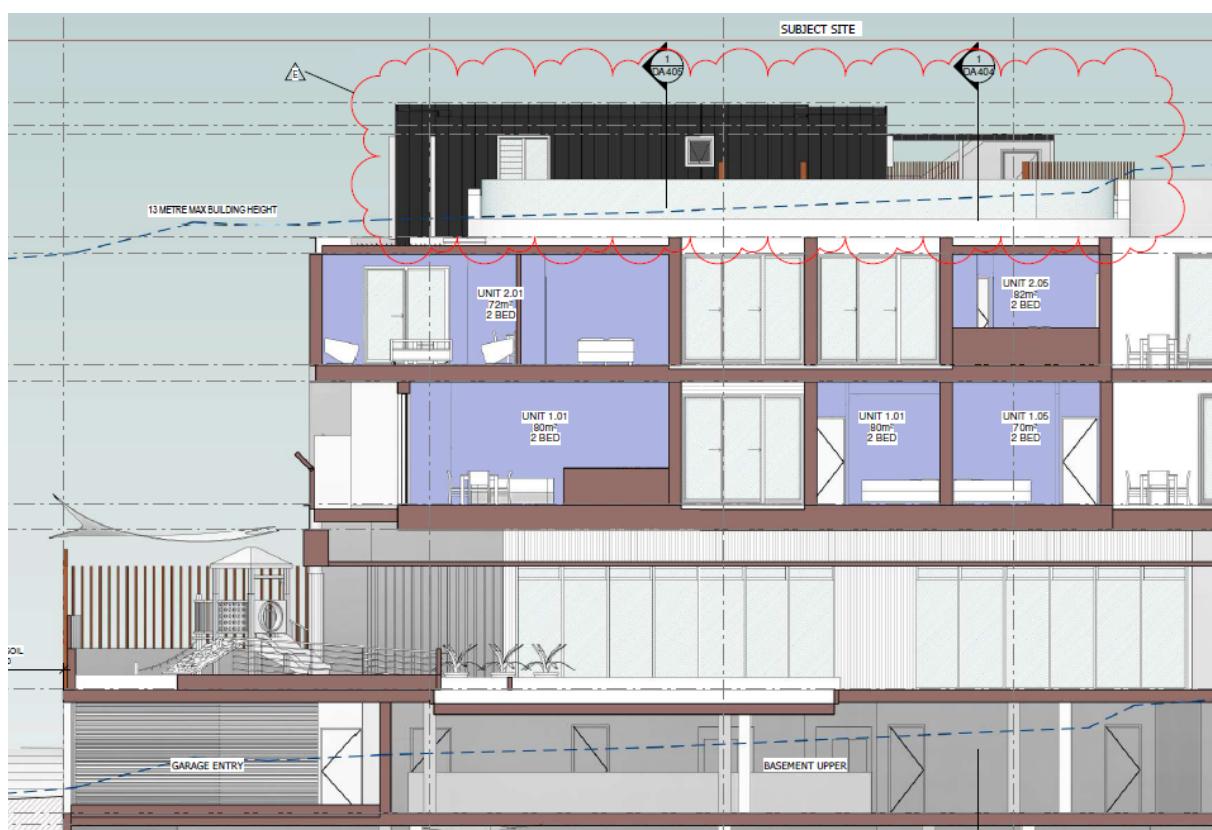


Figure 5: Architectural cross section. The upper blue dotted line shows the 13m Height of buildings development standard height plane.

The proposal results in a variation of the Height of buildings development standard under Clause 4.3 of the LEP by 20.7% or 3m in order to facilitate a new fourth floor.

It is noted that a 1.9m or 13.6% variation to the development standard was approved in the base consent. This variation wholly related to a lift overrun that was centrally located on the roof plane.

It is considered the development is not in the public interest because it is not consistent with the objectives of the B6 – Enterprise Corridor zone, in accordance with Clause 4.6(4)(a)(ii) of the LEP for the following reasons:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*

Response: As discussed in part 5(a)(iv)(i) of this report, the proposed 'residential accommodation' use is prohibited in the zone.

- *To provide a range of employment uses (including business, office, retail and light industrial uses).*

Response: The proposal results in the removal of the approved ground level 'business premises' tenancy, reducing the approved range of employment uses.

- *To maintain the economic strength of centres by limiting retailing activity.*

Response: No retail uses are proposed and as such the proposal maintains the economic strength of centres.

It is considered the development is not in the public interest because it is inconsistent with the objectives of the Height of buildings development standard, in accordance with Clause 4.6(4)(a)(ii) of the LEP for the following reasons:

- (a) *to achieve high quality built form for all buildings,*

Response: The proposal results in a poorer built form, most notably its massing and interface with Canterbury Road (as discussed further elsewhere in this report).

- (b) *to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,*

Response: The proposal reduces sky exposure and daylight to existing building and public areas in excess of that anticipated by the prescribed Height in Buildings development standard.

- (c) *to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,*

Response: The proposal provides for a poorer transition in built form to the low-density residential zone and single storey dwelling at No. 1 Watkin Street to the immediate west of the site.

- (d) *to maintain satisfactory solar access to existing buildings and public areas.*

Response: The proposal results in overshadowing to the neighbouring properties and public areas in excess of that anticipated by the prescribed Height in Buildings development standard.

For the reasons stated, the proposed building height is contrary to the objectives of the zone and development standard and are not supported.

Clause 4.4 Floor space ratio

As outlined in table above, the proposal results in a breach Clause 4.4 – Floor space ratio.

The proposal results in a variation of the Floor space ratio development standard under Clause 4.4 of the LEP by 1.7% or 19.2sqm in order to facilitate a new fourth floor.

It is noted that the base consent was approved with a compliant Floor space ratio of 1.48:1 or 1123sqm. As the application is a s4.55 modification, a formal Clause 4.6 request is not required. However, the same tests are applied as a guideline.

It is considered the development is not in the public interest because it is not consistent with the objectives of the B6 – Enterprise Corridor zone, in accordance with Clause 4.6(4)(a)(ii) of the LEP for the following reasons:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*

Response: As discussed in part 5(a)(iv)(i) of this report, the proposed use is prohibited in the zone.

- *To provide a range of employment uses (including business, office, retail and light industrial uses).*

Response: The proposal results in the removal of the approved ground level 'business premises' tenancy, reducing the approved range of employment uses.

- *To maintain the economic strength of centres by limiting retailing activity.*

Response: No retail uses are proposed and as such the proposal maintains the economic strength of centres.

It is considered the development is not in the public interest because it is inconsistent with the objectives of the Floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the LEP for the following reasons:

- (a) *to establish standards for development density and intensity of land use,*

Response: The proposal represents a density and intensity in excess of that anticipated or desired by the development standard.

- (b) *to provide consistency in the bulk and scale of new development with existing development,*

Response: The proposal results in poorer consistency between the approved building and the low-scale residential area to the immediate west.

- (c) *to minimise adverse environmental impacts on heritage conservation areas and heritage items,*

Response: N/A – no heritage items or conservation areas within the vicinity.

- (d) *to protect the use or enjoyment of adjoining properties and the public domain,*

Response: The proposal results in overshadowing and visual bulk to the neighbouring properties and public domain in excess of that anticipated by the development standard.

- (e) *to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.*

Response: The proposal provides for a poorer visual relationship with the low-density residential zone to the immediate west of the site which is not anticipated to undergo

substation transformation. The area to the west is zoned R2 – Low density residential and is largely characterised by single storey dwelling houses.

For the reasons stated, the proposed Floor space ratio is contrary to the objectives of the zone and development standard and not supported.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
2 - Good Design	No – see discussion
6 - Safety by Design	No – see discussion
8 - Parking	No – see discussion
D – Precinct Guidelines	
Part 7 Enterprise Zone (B6) – Hurlstone Park	No – see discussion

The following provides discussion of the relevant issues:

Part 2 Chapter A - Good Design

The revised proposal results in a large under-croft area fronting Canterbury Road which functions as the main pedestrian entrance forecourt to the childcare centre and residences. The enlarged under-croft area and removal of the business premises fronting Canterbury Road weakens the desired strong street wall presence and active frontage.

The recess will result in a poorer relationship and interface with the street, will have poor amenity, little practical use, capture waste and debris from the street, and also raises CPTED issues (see discussion below).

The proposal is not considered to demonstrate ‘good design’.

Part 7 Chapter A – Safety by Design

Contrary to DS1.4 and 1.5, the development does not establish a clear delineation between public and private.

The removal of the ground level business premises tenancy results in poorer passive casual surveillance to Canterbury Road.

Safety concerns are raised about the revised rooftop communal open space. The perimeter balustrade around the ‘turf area’ is 1400mm above the slab level below (see Figure 6 below), however the landscape plan indicates that this turf area is raised 400mm, thus the vertical portion of the perimeter balustrade has an effective height of less than 1m, contrary to the National Construction Code (NCC).

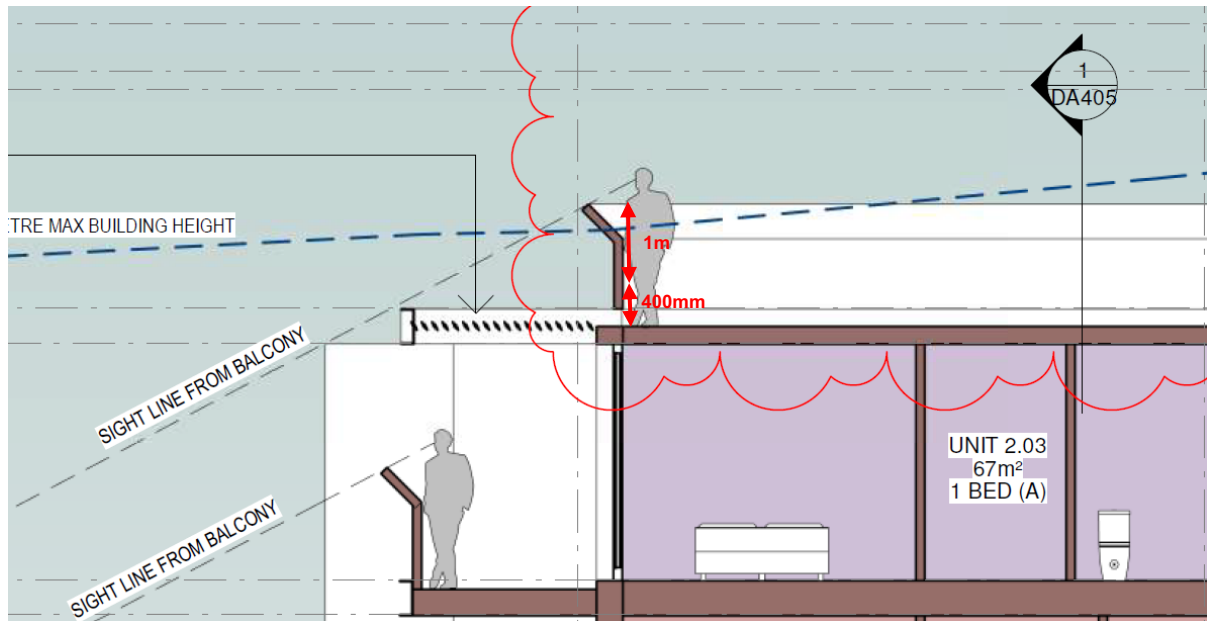


Figure 6: Annotated cross section showing balustrade and level of turf.

Part 7 Chapter D - Precinct Guidelines

The site is located within the Enterprise Zone (B6) – Hurlstone Park precinct and as such the controls in Part 7 Chapter D of the DCP are applicable.

Contrary to DS7.1 and Map 2 (see Figure 7 below), the proposal is 4-storeys in height, in excess of the 3-storey built form control.

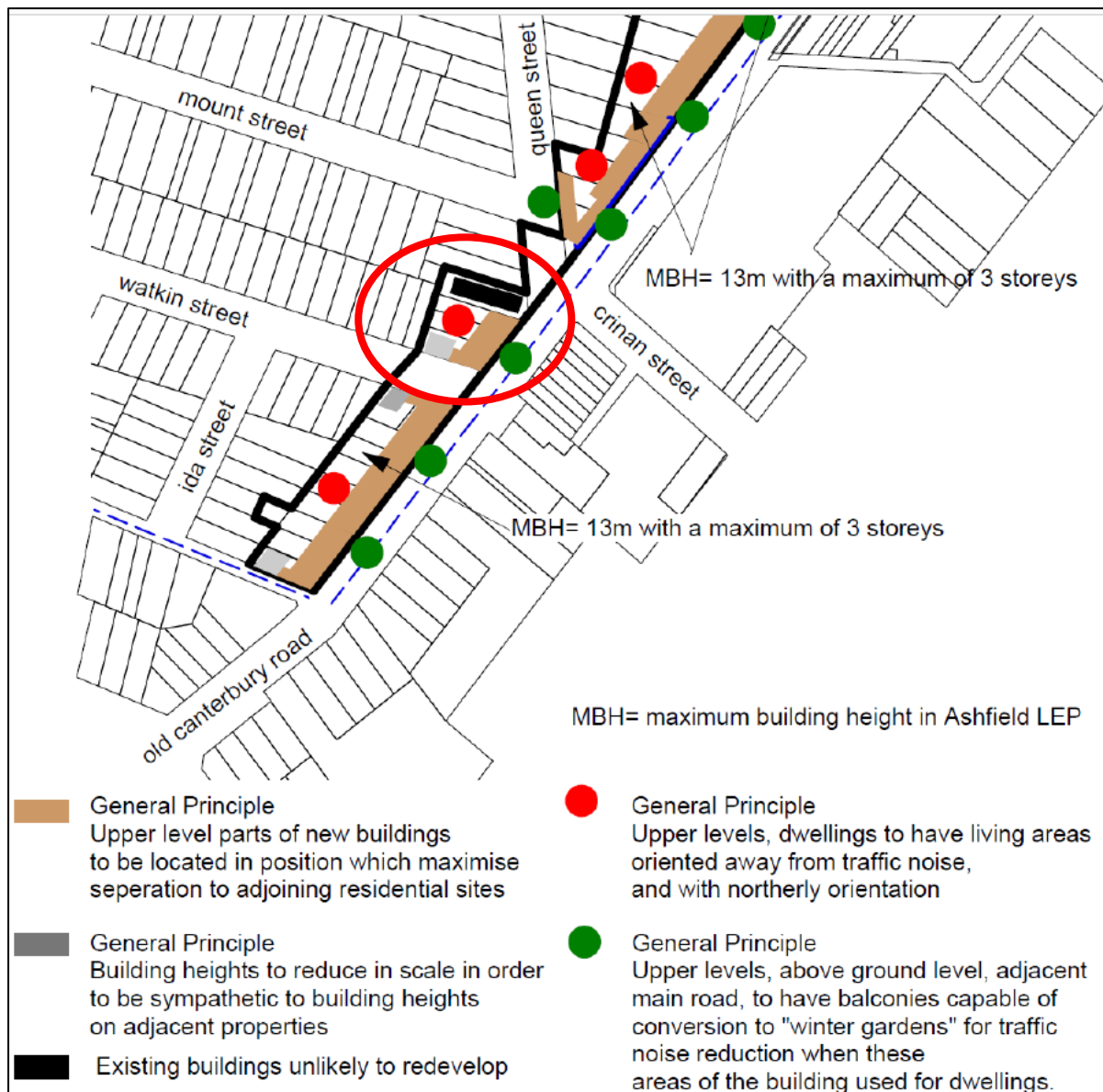


Figure 7: Map 2 from Chapter D of DCP, red circle denotes subject site.

The introduction of a new fourth-floor provides for a poorer transition to the single storey dwelling to the west and is contrary to the built form massing the intent of Figure 3 in Part 7 Chapter D of the DCP (see Figure 8 below).

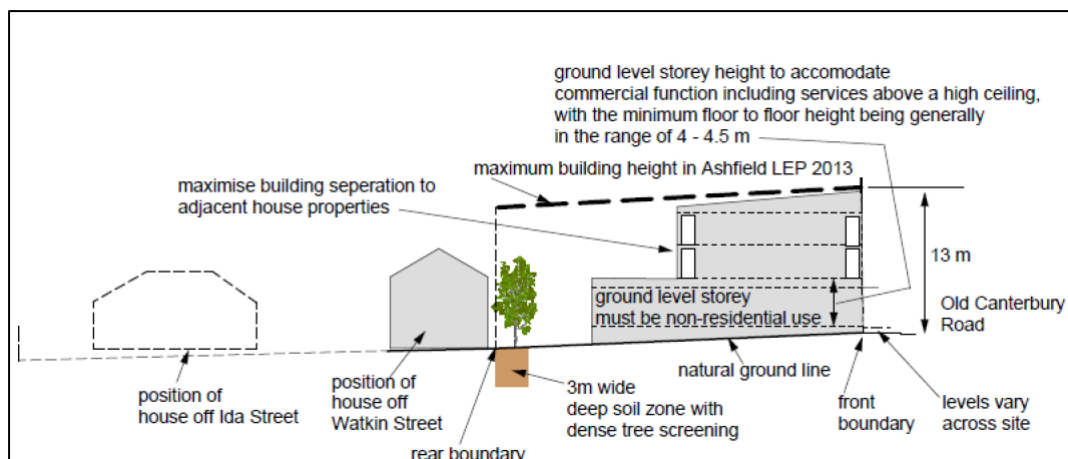


Figure 8: Extract of Figure 3 in Chapter D of the DCP.

Contrary to DS5.1 of this part of the DCP, the deletion of the ground level business premises removes the approved active frontage oriented towards Canterbury Road.

The proposal is contrary to the desired future character of the precinct.

Part 8 Chapter A - Parking

The proposal reconfigures the basement carpark by reallocating the 'business premises' car space on basement level one labelled as 'S1' as a visitor space for the residential component and adding an additional residential car space.

As discussed, as the deletion of the 'business premises' tenancy and the new residential unit are not supported, the associated changes to the basement level are similarly not supported.

5(e) The Likely Impacts

The assessment of the application demonstrates that the proposal will have an adverse impact on the locality.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 14 days to surrounding properties.

5 submissions were received in response to the initial notification.

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

- Height of building – see Section 5(a)(iv)
- Removal of approved business premises tenancy – see Section 5(a)(iv)

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

Issue: Pedestrian safety.

Comment: Pedestrian safety was assessed in the original development application and would not be greatly changed by the modification proposal.

Issue: Traffic congestion and impacts on street parking.

Comment: Traffic congestion and the impacts on street parking were assessed in the original development application and would not be greatly changed by the subject proposal. As discussed in this report, the proposal complies with the relevant car parking requirements and does not result in any additional on-site car parking.

Issue: Overlooking.

Comment: As discussed elsewhere in this report, overlooking concerns are raised with the new units' balcony/ openings.

Issue: Disturbances from demolition and construction.

Comment: The demolition/construction phases are bound by the requirements of the Protection of the Environment Operations Act 1997 and public nuisance under the Local Government Act 1993, which encompasses noise and dust. A condition of consent was imposed on the base consent requiring compliance with Council's standard construction hours of 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm), 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.

5(h) The Public Interest

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

The approved development is generally not contrary to the public interest, however the proposed modifications are not supported as set out above.

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.

- Engineers – Not supported as no revised stormwater plans were submitted.

6(b) External

Nil.

7. Section 7.11 Contributions

Revised Section 7.11 contributions would be payable for the proposal if approved.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. MOD/2020/0314 for modification of approved mixed use building including additional level, removal of ground floor commercial tenancy at 354 Canterbury Road Hurlstone Park for the following reasons:
1. Contrary to Clause 4.55(2)(a) of the Environmental Planning and Assessment Act 1979, the proposal is not substantially the same development as the development for which consent was originally granted.
 2. The proposal does not satisfy the 'Design Quality Principles' in Schedule 1 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.
 3. The proposed 'residential flat building' use is prohibited in the B6 – Enterprise Corridor zone in accordance with the Land Use Table in the Ashfield Local Environmental Plan 2013, and fails to satisfy the relevant objectives of the zone.
 4. The proposal is contrary to the Objectives of Clause 4.3 Height of Buildings in the Ashfield Local Environmental Plan 2013.
 5. The proposal is contrary to the Objectives of Clause 4.4 Floor Space Ratio in the Ashfield Local Environmental Plan 2013.
 6. Contrary to Part 3D of the Apartment Design Guide, the proposal does not provide communal open space equal to at least 25% of the site area.
 7. Contrary to Part 3F of the Apartment Design Guide, the proposal fails to achieve the required 6m setback to habitable windows and balconies in
 8. Contrary to DS7.1, Map 2 and Figure 3 in Part 7 Chapter D of the Inner West Comprehensive Development Control Plan (2016), the proposal exceeds the three-storey height control.
 9. Contrary to DS5.1 of Part 7 Chapter D of the Inner West Comprehensive Development Control Plan (2016), the deletion of the ground level 'business premises' tenancy removes the buildings active frontage.
 10. Contrary to Part 2 Chapter A of the Inner West Comprehensive Development Control Plan (2016), the proposal does not demonstrate 'good design'.

11. Contrary to Part 7 Chapter A of the Inner West Comprehensive Development Control Plan (2016), the development fails to adequately resolve CPTED requirements as it does not establish a clear delineation between public and private and results in poorer passive casual surveillance to Canterbury Road.
12. The proposal is not in the public interest.

Attachment A – Reasons for refusal

Attachment A – Reasons for refusal

1. Contrary to Clause 4.55(2)(a) of the Environmental Planning and Assessment Act 1979, the proposal is not substantially the same development as the development for which consent was originally granted.
2. The proposal does not satisfy the 'Design Quality Principles' in Schedule 1 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.
3. The proposed 'residential flat building' use is prohibited in the B6 – Enterprise Corridor zone in accordance with the Land Use Table in the Ashfield Local Environmental Plan 2013.
4. The proposal is contrary to the Objectives of Clause 4.3 Height of Buildings in the Ashfield Local Environmental Plan 2013.
5. The proposal is contrary to the Objectives of Clause 4.4 Floor Space Ratio in the Ashfield Local Environmental Plan 2013.
6. Contrary to Part 3D of the Apartment Design Guide, the proposal does not provide communal open space equal to at least 25% of the site area.
7. Contrary to Part 3F of the Apartment Design Guide, the proposal fails to achieve the required 6m setback to habitable windows and balconies in
8. Contrary to DS7.1, Map 2 and Figure 3 in Part 7 Chapter D of the Inner West Comprehensive Development Control Plan (2016), the proposal exceeds the three-storey height control.
9. Contrary to DS5.1 of Part 7 Chapter D of the Inner West Comprehensive Development Control Plan (2016), the deletion of the ground level 'business premises' tenancy removes the buildings active frontage.
10. Contrary to Part 2 Chapter A of the Inner West Comprehensive Development Control Plan (2016), the proposal does not demonstrate 'good design'.
11. Contrary to Part 7 Chapter A of the Inner West Comprehensive Development Control Plan (2016), the development does not establish a clear delineation between public and private and results in poorer passive casual surveillance to Canterbury Road.
12. The proposal is not in the public interest.

SYMBOL	DESCRIPTION
(Symbol)	CONCRETE
(Symbol)	BRICKWORK
(Symbol)	GLAZING
(Symbol)	WOODWORK
(Symbol)	MECHANICAL
(Symbol)	PLUMBING
(Symbol)	ELECTRICAL



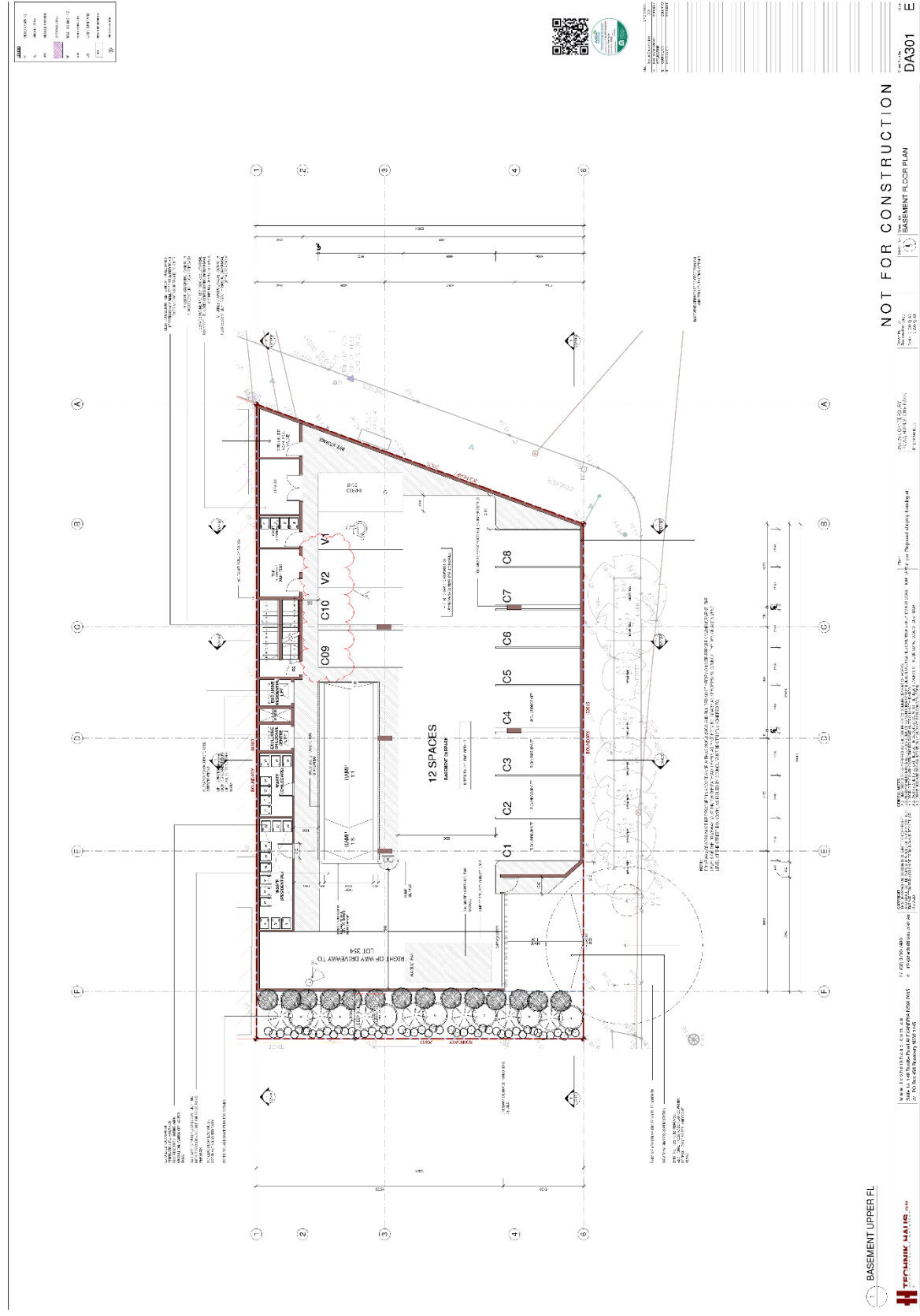
PROJECT NO.	DA300
DATE	10/10/2024
SCALE	1:100
DRAWN BY	DA300
CHECKED BY	DA300
APPROVED BY	DA300

NOT FOR CONSTRUCTION

(1) BASEMENT LOWER FLOOR PLAN

DA300

E



BASEMENT UPPER FL

TECHNICAL **HAUS**

17 GERRARD ST, NORTH MELB VIC 3046
 T: (03) 9379 4800
 F: (03) 9379 4801
 27-29 LAUREL MOUNTAIN WAY

NOT FOR CONSTRUCTION

BASEMENT FLOOR PLAN

DATE: 14/01/2020
 SCALE: 1:100

DA301 E

1	WALL
2	WINDSCREEN
3	ROOFING
4	WINDSCREEN
5	WINDSCREEN
6	WINDSCREEN
7	WINDSCREEN
8	WINDSCREEN
9	WINDSCREEN
10	WINDSCREEN
11	WINDSCREEN
12	WINDSCREEN
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94	WINDSCREEN
95	WINDSCREEN
96	WINDSCREEN
97	WINDSCREEN
98	WINDSCREEN
99	WINDSCREEN
100	WINDSCREEN



NO.	DATE	DESCRIPTION
1.	15/03/2024	ISSUED FOR PERMIT
2.	15/03/2024	ISSUED FOR PERMIT
3.	15/03/2024	ISSUED FOR PERMIT
4.	15/03/2024	ISSUED FOR PERMIT
5.	15/03/2024	ISSUED FOR PERMIT
6.	15/03/2024	ISSUED FOR PERMIT
7.	15/03/2024	ISSUED FOR PERMIT
8.	15/03/2024	ISSUED FOR PERMIT
9.	15/03/2024	ISSUED FOR PERMIT
10.	15/03/2024	ISSUED FOR PERMIT

LEGEND

1	BED
2	BED (A)
3	BED
4	BALCONY
5	CHILD CARE



NOT FOR CONSTRUCTION

FIRST FLOOR PLAN

DA303 D

TECHNIK-HALLIS

FIRST FL

1



LEGEND

- 1 BED
- 1 BED (A)
- 2 BED
- CHILD CARE



NO. OF SHEETS	12
TOTAL SHEETS	12
DATE	10/10/2023
PROJECT NAME	DA402
SECTION	E

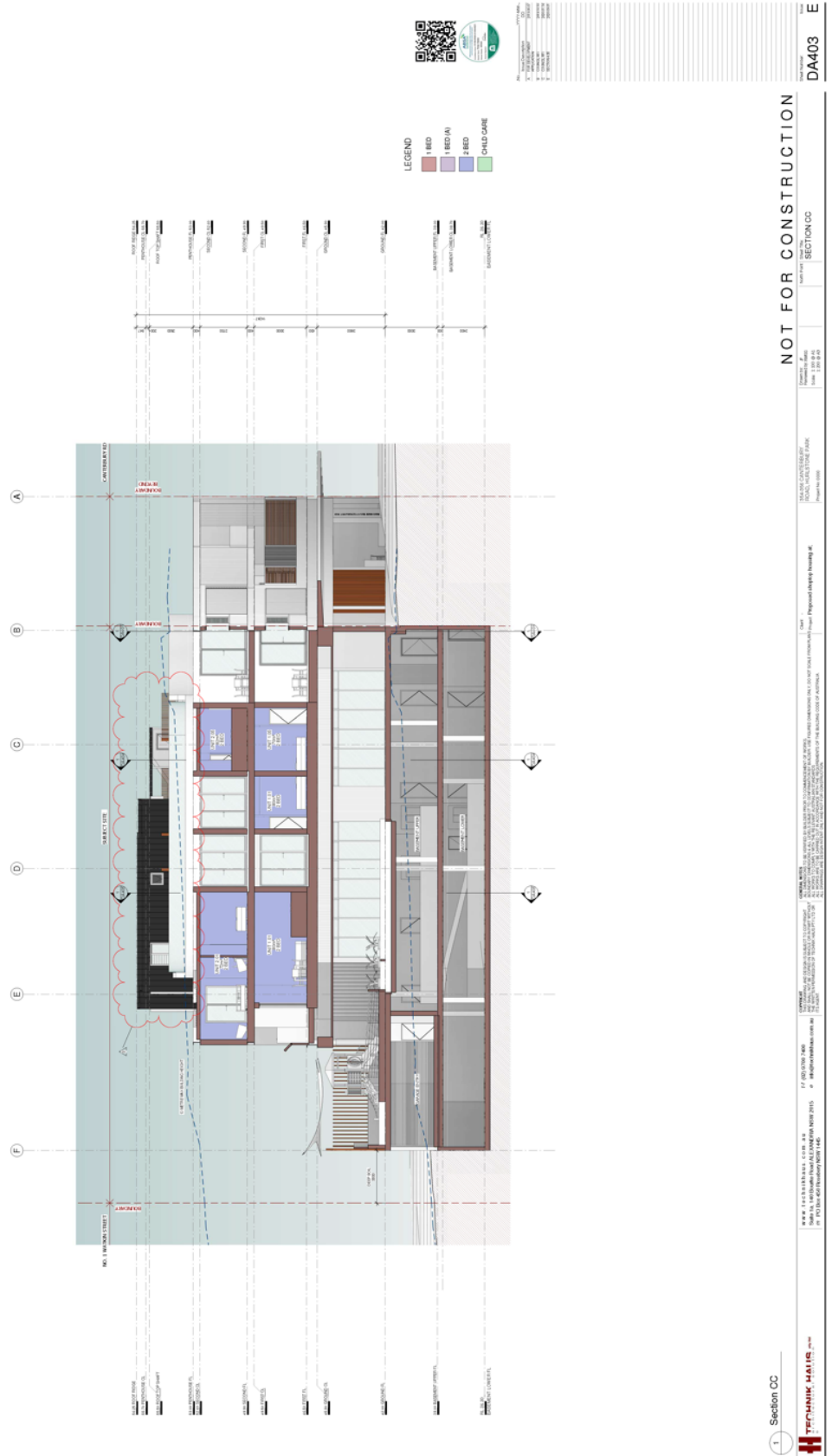
NOT FOR CONSTRUCTION

SECTION BB

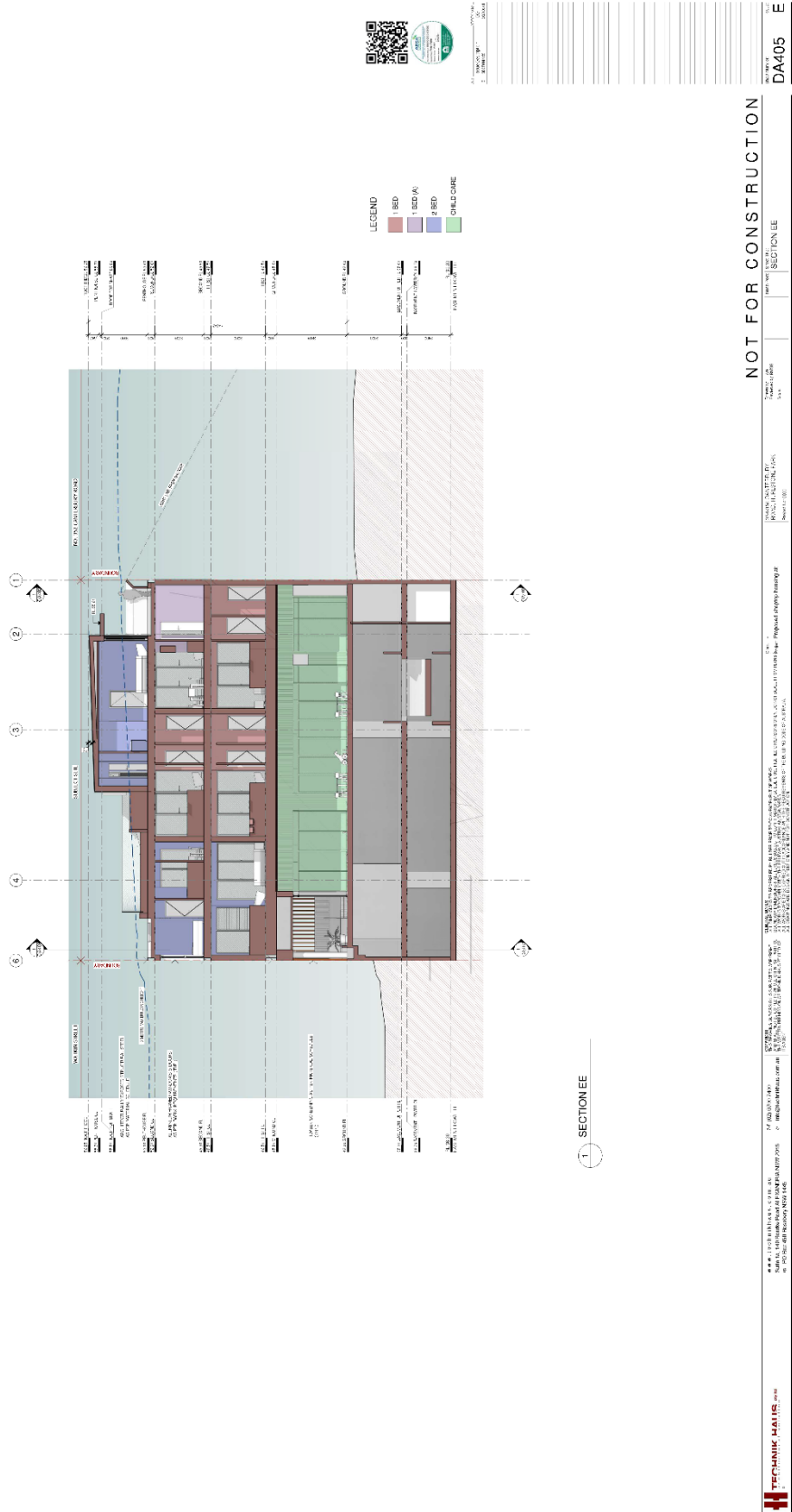
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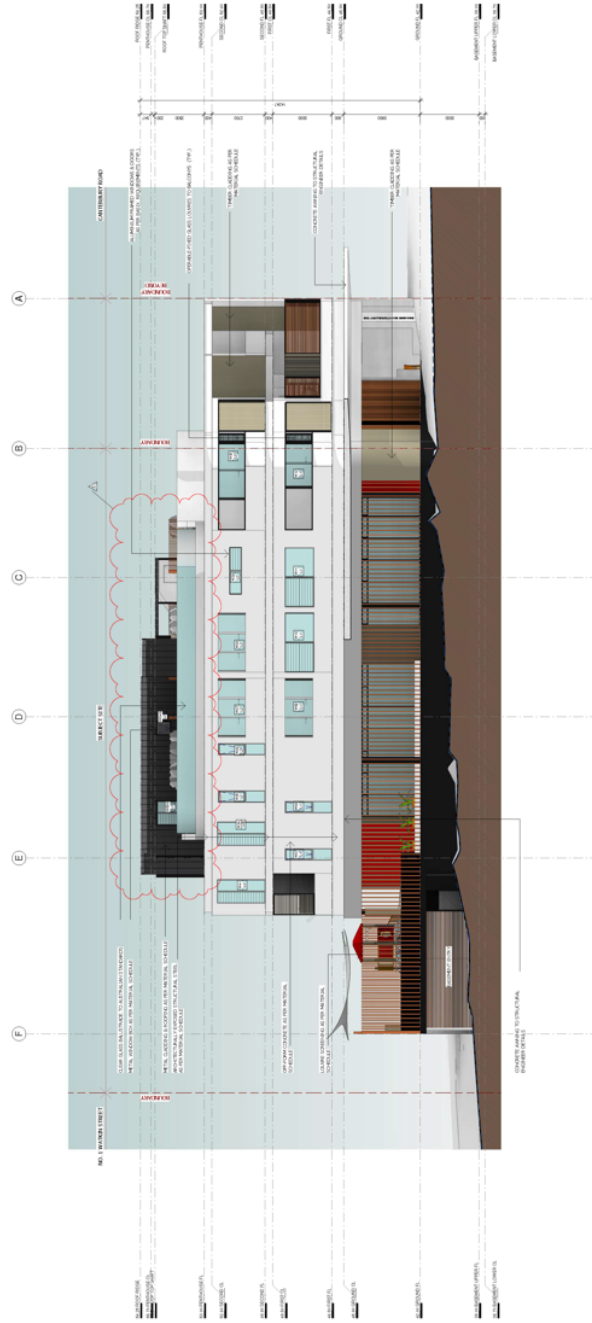
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E









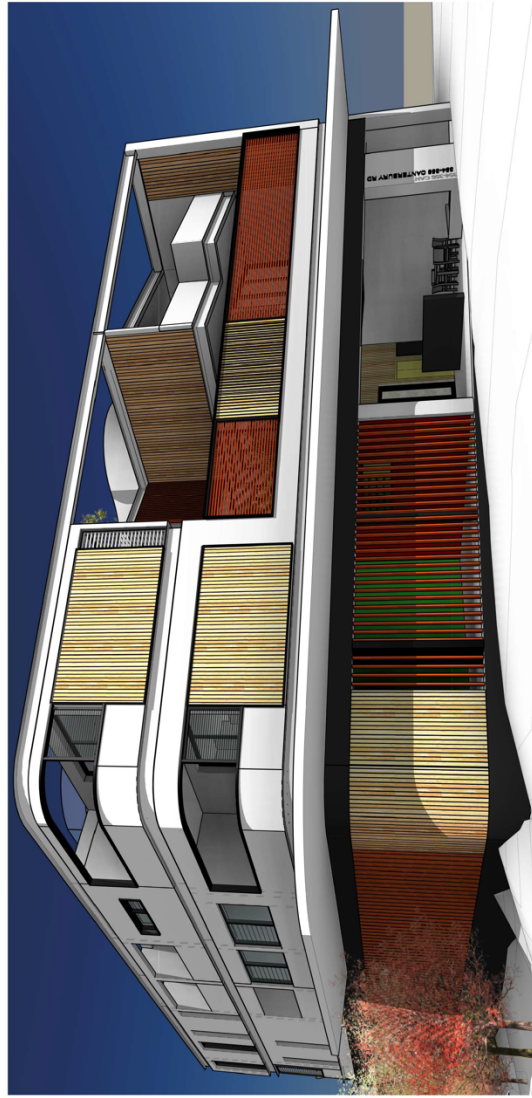
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2. PROJECT ADDRESS	
3. PROJECT NUMBER	
4. PROJECT DATE	
5. PROJECT STATUS	
6. PROJECT CONTACT	
7. PROJECT PHONE	
8. PROJECT EMAIL	
9. PROJECT WEBSITE	
10. PROJECT SOCIAL MEDIA	
11. PROJECT DOCUMENTS	
12. PROJECT DRAWINGS	
13. PROJECT SPECIFICATIONS	
14. PROJECT CONTRACTS	
15. PROJECT AGREEMENTS	
16. PROJECT CONDITIONS	
17. PROJECT NOTES	
18. PROJECT COMMENTS	
19. PROJECT REVISIONS	
20. PROJECT APPROVALS	
21. PROJECT SIGNATURES	
22. PROJECT DATES	
23. PROJECT LOCATIONS	
24. PROJECT REFERENCES	
25. PROJECT SOURCES	
26. PROJECT MATERIALS	
27. PROJECT METHODS	
28. PROJECT TOOLS	
29. PROJECT EQUIPMENT	
30. PROJECT SUPPLIERS	
31. PROJECT CONTRACTORS	
32. PROJECT SUBCONTRACTORS	
33. PROJECT ADVICE	
34. PROJECT GUIDANCE	
35. PROJECT SUPPORT	
36. PROJECT ASSISTANCE	
37. PROJECT HELP	
38. PROJECT AID	
39. PROJECT RELIEF	
40. PROJECT RESCUE	
41. PROJECT RECOVERY	
42. PROJECT RETURN	
43. PROJECT REPAIR	
44. PROJECT RESTORE	
45. PROJECT REBUILD	
46. PROJECT RECONSTRUCT	
47. PROJECT REFORM	
48. PROJECT REORGANISE	
49. PROJECT REORDER	
50. PROJECT REARRANGE	
51. PROJECT REWIRE	
52. PROJECT REPIPE	
53. PROJECT REPAINT	
54. PROJECT RECOVER	
55. PROJECT RECLAIM	
56. PROJECT REUSE	
57. PROJECT RECYCLE	
58. PROJECT REDUCE	
59. PROJECT REFINISH	
60. PROJECT REFRISH	
61. PROJECT REFURBISH	
62. PROJECT REHABILITATE	
63. PROJECT REHANG	
64. PROJECT REHIRE	
65. PROJECT REHOLD	
66. PROJECT REHOUSE	
67. PROJECT REHUNT	
68. PROJECT REHUNT	
69. PROJECT REHUNT	
70. PROJECT REHUNT	

NOT FOR CONSTRUCTION

SOUTH ELEVATION

DATE: 2024-01-15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NUMBER: [Number]
 PROJECT ADDRESS: [Address]
 PROJECT CONTACT: [Contact]
 PROJECT PHONE: [Phone]
 PROJECT EMAIL: [Email]
 PROJECT WEBSITE: [Website]
 PROJECT SOCIAL MEDIA: [Social Media]
 PROJECT DOCUMENTS: [Documents]
 PROJECT DRAWINGS: [Drawings]
 PROJECT SPECIFICATIONS: [Specifications]
 PROJECT CONTRACTS: [Contracts]
 PROJECT AGREEMENTS: [Agreements]
 PROJECT CONDITIONS: [Conditions]
 PROJECT NOTES: [Notes]
 PROJECT COMMENTS: [Comments]
 PROJECT REVISIONS: [Revisions]
 PROJECT APPROVALS: [Approvals]
 PROJECT SIGNATURES: [Signatures]
 PROJECT DATES: [Dates]
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 PROJECT SOURCES: [Sources]
 PROJECT MATERIALS: [Materials]
 PROJECT METHODS: [Methods]
 PROJECT TOOLS: [Tools]
 PROJECT EQUIPMENT: [Equipment]
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 PROJECT CONTRACTORS: [Contractors]
 PROJECT SUBCONTRACTORS: [Subcontractors]
 PROJECT ADVICE: [Advice]
 PROJECT GUIDANCE: [Guidance]
 PROJECT SUPPORT: [Support]
 PROJECT ASSISTANCE: [Assistance]
 PROJECT HELP: [Help]
 PROJECT AID: [Aid]
 PROJECT RELIEF: [Relief]
 PROJECT RESCUE: [Rescue]
 PROJECT RECOVERY: [Recovery]
 PROJECT RETURN: [Return]
 PROJECT REPAIR: [Repair]
 PROJECT RESTORE: [Restore]
 PROJECT REBUILD: [Rebuild]
 PROJECT RECONSTRUCT: [Reconstruct]
 PROJECT REFORM: [Reform]
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 PROJECT REPAINT: [Repaint]
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 PROJECT REUSE: [Reuse]
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 PROJECT REDUCE: [Reduce]
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 PROJECT REFRISH: [Refrish]
 PROJECT REFURBISH: [Refurbish]
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 PROJECT REHIRE: [Rehire]
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 PROJECT REHUNT: [Rehunt]
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 PROJECT REHUNT: [Rehunt]
 PROJECT REHUNT: [Rehunt]





1 PERSPECTIVE - STREET CORNER



1/100 CHURCH ST, SYDNEY NSW 1585
 1/100 CHURCH ST, SYDNEY NSW 1585
 1/100 CHURCH ST, SYDNEY NSW 1585

CONTACT: 02 9550 1234
 EMAIL: info@technikmatier.com.au
 WWW: www.technikmatier.com.au

1/100 CHURCH ST, SYDNEY NSW 1585
 1/100 CHURCH ST, SYDNEY NSW 1585
 1/100 CHURCH ST, SYDNEY NSW 1585

1/100 CHURCH ST, SYDNEY NSW 1585
 1/100 CHURCH ST, SYDNEY NSW 1585
 1/100 CHURCH ST, SYDNEY NSW 1585

NOT FOR CONSTRUCTION

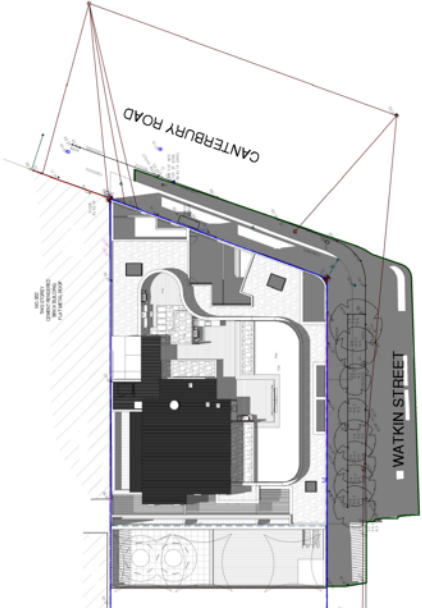
PERSPECTIVES

DA601 E

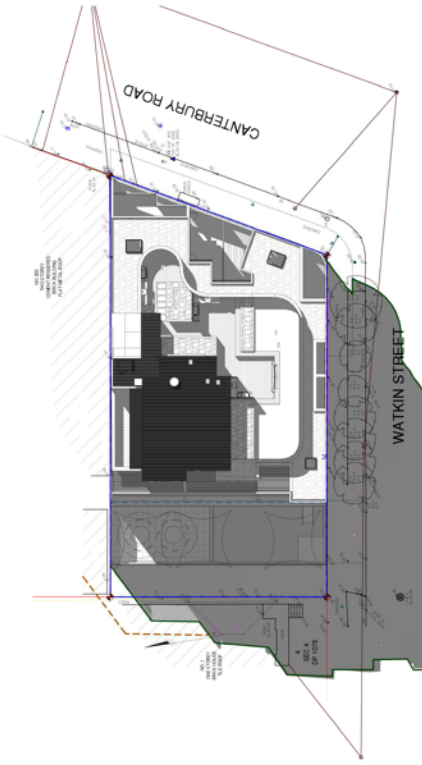


1. TITLE SHEET	DATE
2. SITE PLAN	DATE
3. FLOOR PLANS	DATE
4. SECTIONAL ELEVATIONS	DATE
5. EXTERIOR ELEVATIONS	DATE
6. INTERIOR ELEVATIONS	DATE
7. SCHEDULES	DATE
8. FINISHES	DATE
9. MATERIALS	DATE
10. LIGHTING	DATE
11. LANDSCAPE	DATE
12. OTHER	DATE

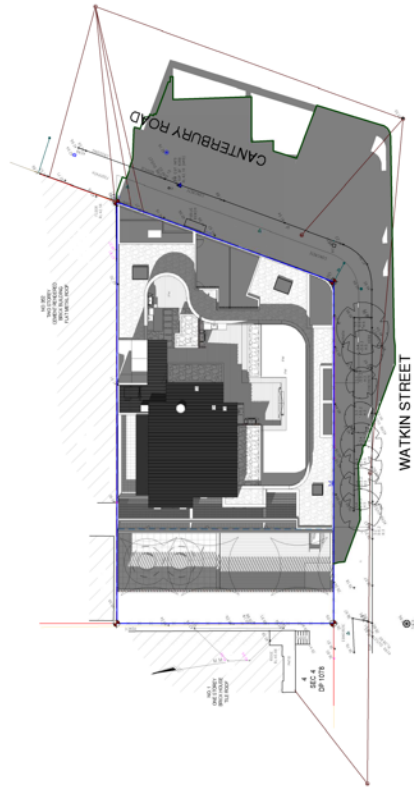
- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- EXISTING FOOTPATH
- ADDITIONAL FOOTWAY
- BUILDING FOOTPRINT
- EXISTING AND PROPOSED
- PROPOSED



1 SHADOW DIAGRAMS MARCH/SEPT 9AM



2 SHADOW DIAGRAMS MARCH/SEPT 12 PM



3 SHADOW DIAGRAMS MARCH/SEPT 3 PM



DATE	DESCRIPTION
1	ISSUED FOR PERMIT
2	REVISED
3	REVISED
4	REVISED
5	REVISED
6	REVISED
7	REVISED
8	REVISED
9	REVISED
10	REVISED
11	REVISED
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24	REVISED
25	REVISED
26	REVISED
27	REVISED
28	REVISED
29	REVISED
30	REVISED

NOT FOR CONSTRUCTION


Tephanik Hatis Pty Ltd
 17/80 DUNDAS ST
 SYDNEY NSW 2010
 TEL: 02 9237 4400
 WWW.TEPHANIKHATIS.COM.AU

PROJECT NO: 17/80 DUNDAS ST
 PROJECT NAME: 17/80 DUNDAS ST
 PROJECT ADDRESS: 17/80 DUNDAS ST, SYDNEY NSW 2010
 PROJECT CONTACT: TEPHANIK HATIS PTY LTD
 PROJECT PHONE: 02 9237 4400
 PROJECT EMAIL: INFO@TEPHANIKHATIS.COM.AU

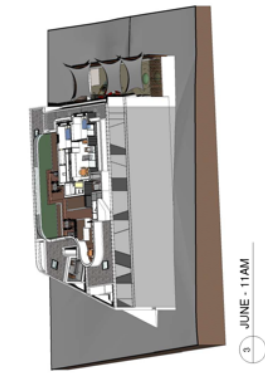
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 DRAWING DATE: 17/03/2023
 DRAWING SCALE: 1:1000

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 PROJECT NAME: 17/80 DUNDAS ST
 PROJECT ADDRESS: 17/80 DUNDAS ST, SYDNEY NSW 2010
 PROJECT CONTACT: TEPHANIK HATIS PTY LTD
 PROJECT PHONE: 02 9237 4400
 PROJECT EMAIL: INFO@TEPHANIKHATIS.COM.AU

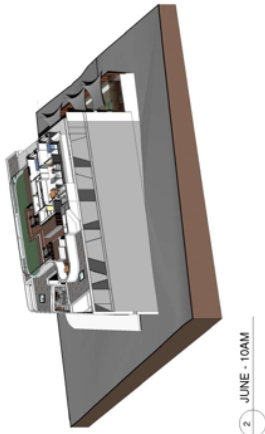
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 PROJECT PHONE: 02 9237 4400
 PROJECT EMAIL: INFO@TEPHANIKHATIS.COM.AU

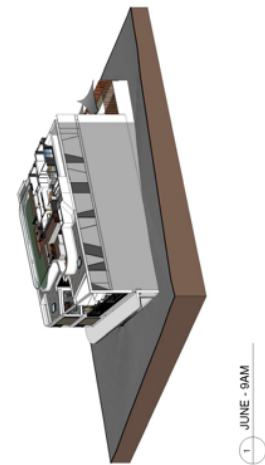
DA702 E



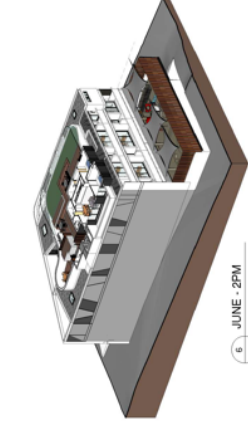
3 JUNE - 11AM



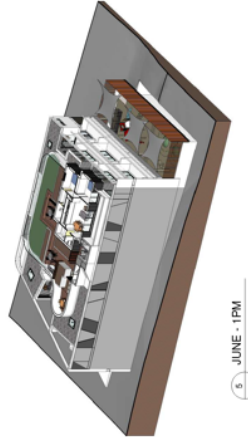
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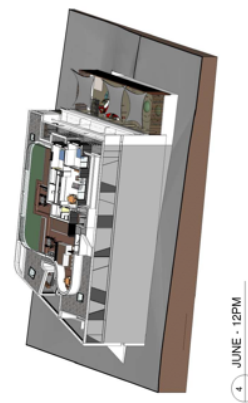
1 JUNE - 9AM



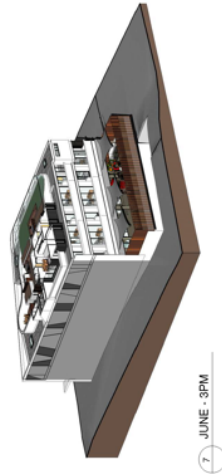
6 JUNE - 2PM



5 JUNE - 1PM



4 JUNE - 12PM



7 JUNE - 3PM



1. PROJECT NAME	DA901
2. PROJECT ADDRESS	
3. PROJECT TYPE	
4. PROJECT STATUS	
5. PROJECT DATE	
6. PROJECT TIME	

SUNLIGHT ACCESS TO PRIVATE OPEN SPACES	
2 HOUR	TOTAL
FIRST FL	0
SECOND FL	0
PERIMETER FL	0
TOTAL UNITS	0
TOTAL UNITS WITH SUNLIGHT	0
TOTAL UNITS WITHOUT SUNLIGHT	0
PERCENTAGE WITH SUNLIGHT	0%

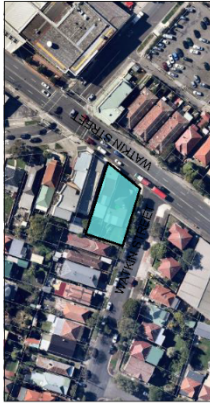
SUNLIGHT ACCESS TO LIVING SPACES	
2 HOUR	TOTAL
FIRST FL	0
SECOND FL	0
PERIMETER FL	0
TOTAL UNITS	0
TOTAL UNITS WITH SUNLIGHT	0
TOTAL UNITS WITHOUT SUNLIGHT	0
PERCENTAGE WITH SUNLIGHT	0%

REQUIREMENTS
 ALL UNITS MUST HAVE A MINIMUM OF TWO ADJACENT WALLS WITH SUNLIGHT ACCESS TO LIVING SPACES FOR A PERCENTAGE OF TWO HOURS DURING THE PERIOD FROM 10 AM TO 3 PM ON ONE DAY IN EACH YEAR.

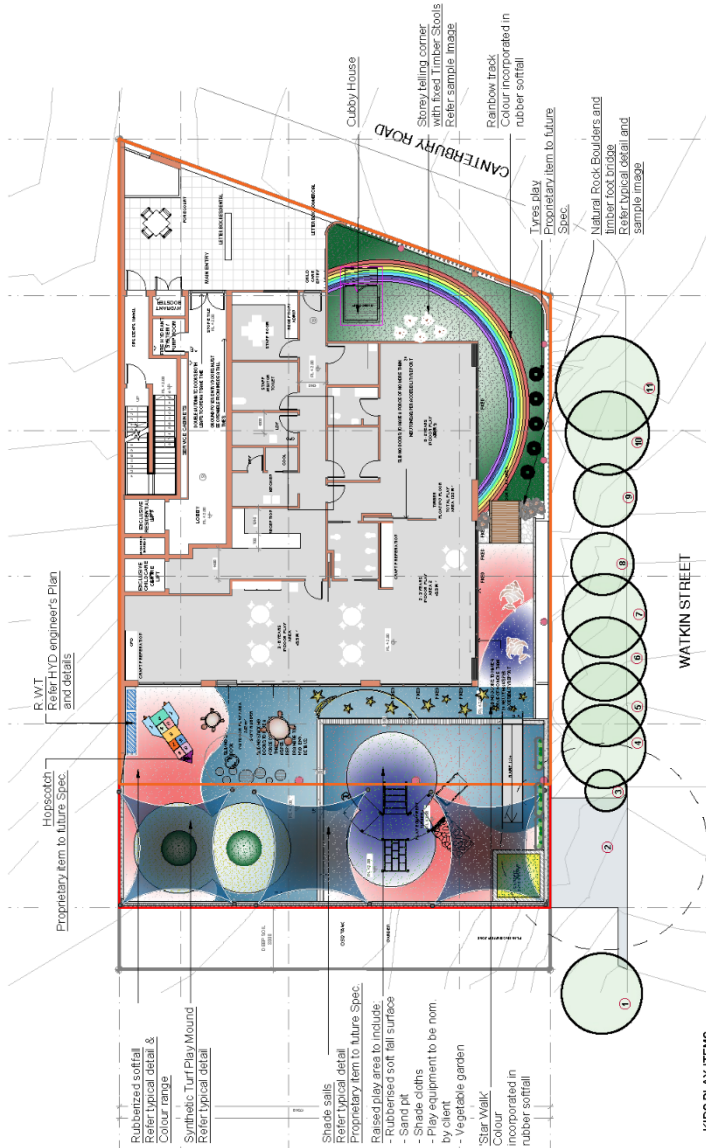
NOT FOR CONSTRUCTION

DA901 E

LOCATION PLAN



No #	Species	Size (Ht. Sp)	Condition	Action
1	Lagrostemia spp.	3x3	Good	Retain
2	Callistemon spp.	5x10	Good	Remove
3	Juniperus spp.	3x2	Good	Retain
4	Juniperus spp.	3x2	Good	Retain
5	Juniperus spp.	5x4	Good	Retain
6	Juniperus spp.	5x4	Good	Retain
7	Juniperus spp.	5x4	Good	Retain
8	Juniperus spp.	5x4	Good	Retain
9	Mitrasa spp.	3x3	Good	Retain
10	Juniperus spp.	5x4	Good	Retain
11	Juniperus spp.	5x5	Good	Retain



DRAWING SCHEDULE

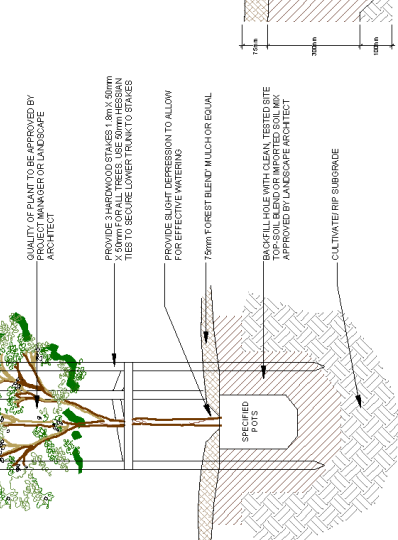
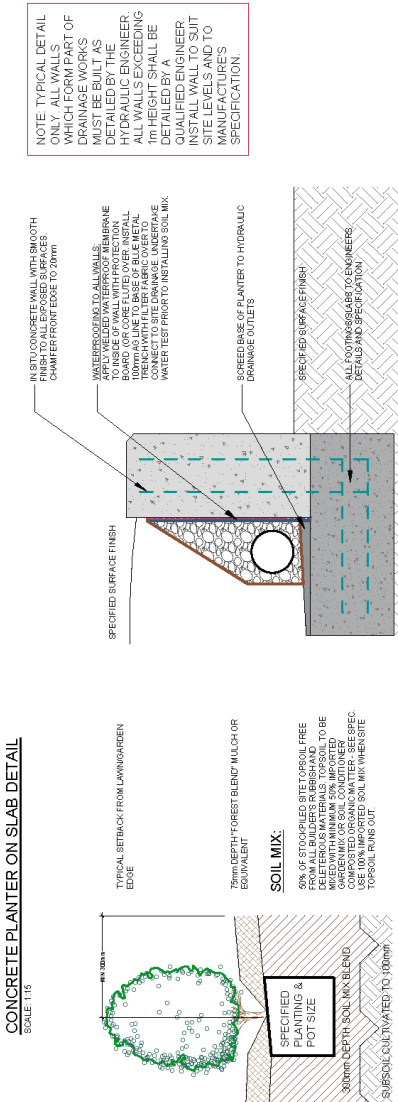
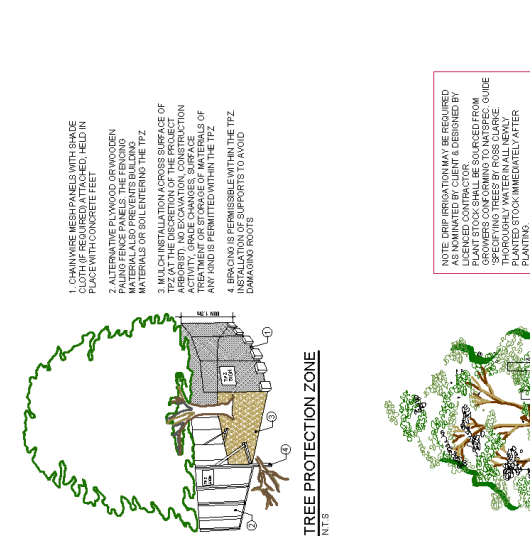
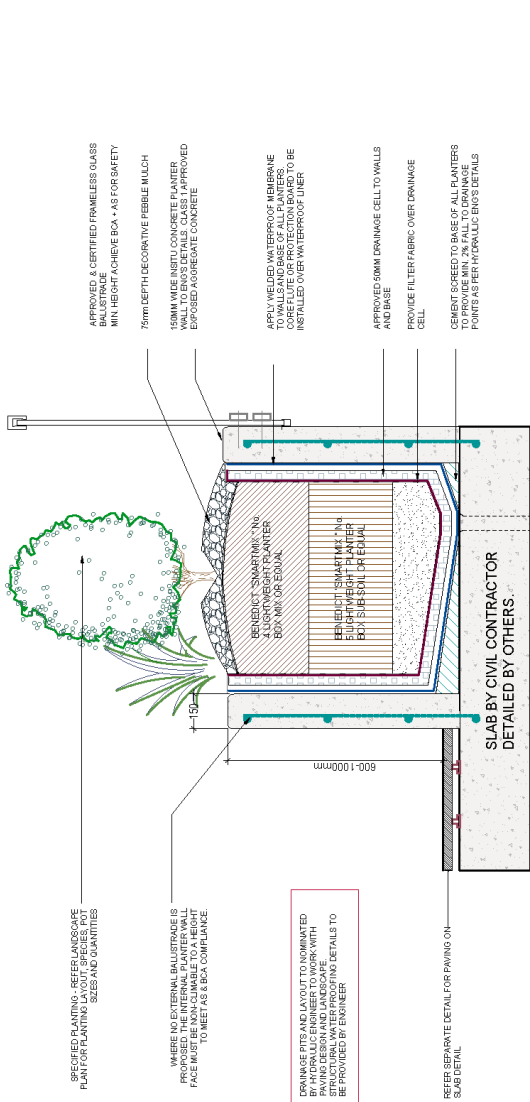
SHEET #	DRAWING TITLE	REV.
/1	HARDSCAPE PLAN	D
/2	LANDSCAPE PLAN	D
/3	LANDSCAPE PLAN 2	D
/4	LANDSCAPE DETAILS	D
/5	LANDSCAPE DETAILS	D
/6	LANDSCAPE DETAILS	D

PROPOSED SHOP-TOP HOUSING DEVELOPMENT
354-356 CANTERBURY RD, HURLSTONE PARK
FOR SECTION 4.55

- KIDS PLAY ITEMS**
- Tyre Play**
Item sourced & painted by contractor
 - Rainbow Track**
Colour incorporated in rubber softfall
 - Raised Vegetable garden**
Refer typical detail
 - Hopsotch**
Colour incorporated in rubber softfall
 - Beanbags**
Commercially available outdoor product to be sourced by contractor
 - Wood Stool**
Item to be nom. by Operator
 - Cubby House**
Refer to manufacturer's specification
- SURFACES**
- Rubber soft fall - refer detail
 - Sandpit - refer detail
 - Artificial turf - refer detail
 - Outdoor paving to architect's details
 - Stepping stones with pebbles in gaps - refer detail
- LANDSCAPE ITEMS**
- Retaining / raised planter wall - refer detail
 - Shade cloths - Shop drawings required from supplier at construction stage
 - Trees proposed to be removed and replaced with new landscaping
 - Existing trees proposed to be retained and protected
 - 2-3 mnd lift bush rock boulders in any public creek

Concept
Landscape Architects

Suite 101, 506 Miller St
CAMMERAY NSW 2062
Phone: 9822 8312
Fax: 0413 887 351
Web: www.concept.net.au
enquiries@concept.net.au



TYPICAL IN-SITU CONCRETE RETAINING WALL
SCALE 1:10

GARDEN AREA PREPARATION DETAIL
SCALE 1:15

INDIVIDUAL TREE PLANTING DETAIL
SCALE 1:30

CONCRETE PLANTER ON SLAB DETAIL
SCALE 1:10

TREE PROTECTION ZONE
SCALE 1:30

DETAILS 1
PROPOSED SHOP-TOP HOUSING DEVELOPMENT
354-356 CANTERBURY RD,
HURLSTONE PARK

CONCEPT
Landscape Architecture
Suite 811, 200 Miller St
Canterbury NSW 2030
Phone: 6229 9822
www.concept.com.au
enquiries@concept.com.au
Mobile: 0413 981 351

CLIENT	INNER WEST (ASHFIELD)
ARCHITECT	MUSTAK SHAIKH
ENGINEER	TECHNIC HAUS
DATE	DA - ISSUE D

REV. DATE	NOTATION/AMENDMENT
A	23.04.17
B	23.04.17
C	28.04.17
D	12.08.20

General Notes:
1. All work shall be in accordance with the applicable code of practice for the relevant work.
2. All work shall be in accordance with the applicable code of practice for the relevant work.
3. All work shall be in accordance with the applicable code of practice for the relevant work.
4. All work shall be in accordance with the applicable code of practice for the relevant work.
5. All work shall be in accordance with the applicable code of practice for the relevant work.
6. All work shall be in accordance with the applicable code of practice for the relevant work.
7. All work shall be in accordance with the applicable code of practice for the relevant work.
8. All work shall be in accordance with the applicable code of practice for the relevant work.
9. All work shall be in accordance with the applicable code of practice for the relevant work.
10. All work shall be in accordance with the applicable code of practice for the relevant work.

Attachment C – Recommended conditions

Conditions of Consent

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$202,349.91 indexed in accordance with Ashfield Development Contributions Plan has been paid to the Council.

The above contribution is the contribution applicable as at ~~29 January 2020~~ **5 November 2020**.

***NB** Contribution rates under Ashfield Development Contributions Plan are indexed quarterly (for the method of indexation refer to Section 2.6 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Infrastructure Type:	Contribution \$
Local Roads	3,174.74 3,421.30
Local Public Transport Facilities	6,695.12 7,076.62
Local Public Car Parking	0.00
Local Open Space and Recreation	111,598.75 115,690.93
Local Community Facilities	5,507.95 5,920.27
Plan Preparation and Administration	5,539.69 5,742.83
TOTAL	132,516.23 137,851.95

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

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

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

***NB** A 0.75% credit card transaction fee applies to all credit card transactions.
(Amended MOD/2020/0314)

2. 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.

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:	\$8,056.50
Inspection Fee:	\$230.65

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

General Conditions

4. 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
DA202 ' B ' ' E '	Site Plan and Construction Management	10/10/2019 1/9/2020	Technik Haus
DA300 ' B ' ' E '	Basement Lower Floor Plan	10/10/2019 1/9/2020	Technik Haus
DA301 ' B ' ' E '	Basement Floor Plan	10/10/2019 1/9/2020	Technik Haus
DA302 ' C ' ' E '	Ground Floor Plan	14/1/2020 1/9/2020	Technik Haus
DA303 ' D ' ' D '	First Floor Plan	22/1/2020 1/9/2020	Technik Haus
DA304 ' C ' ' E '	Second Floor Plan	14/1/2020 1/9/2020	Technik Haus

DA305 'C' 'E'	Roof Plan	14/1/2020 1/9/2020	Technik Haus
DA306 'B' 'B'	Adaptable Unit Plan	10/10/2019 1/9/2020	Technik Haus
DA401 'B' 'E'	Section AA	10/10/2019 1/9/2020	Technik Haus
DA402 'C' 'E'	Section BB	14/1/2020 1/9/2020	Technik Haus
DA403 'C' 'E'	Section CC	14/1/2020 1/9/2020	Technik Haus
DA404 'C' 'E'	Section DD	14/1/2020 1/9/2020	Technik Haus
DA405 'E'	Section EE	1/9/2020	Technik Haus
DA501 'B' 'E'	North Elevation	10/10/2019 1/9/2020	Technik Haus
DA502 'C' 'E'	South Elevation	14/1/2020 1/9/2020	Technik Haus
DA503 'C' 'E'	East Elevation	14/1/2020 1/9/2020	Technik Haus
DA504 'C' 'E'	West Elevation	14/1/2020 1/9/2020	Technik Haus
DA706 'E'	Streetscape Elevation	1/9/2020	Technik Haus
DA705 'B'	Draft Subdivision Plan	10/10/2019	Technik Haus
DA801 'C' 'E'	Materials / Windows Schedule	14/1/2020 1/9/2020	Technik Haus
LPDA 17 - 221/1 'C'	Landscape Spec	28 April 2017	Concept Landscape Architects
LPDA 17 - 221/2 'C'	Landscape Plan	28 April 2017	Concept Landscape Architects
LPDA 17 - 221/3 'C'	Landscape Details	28 April 2017	Concept Landscape Architects
LPDA 17 - 221/4 'C'	Landscape Details	28 April 2017	Concept Landscape Architects
LPDA 17 - 221/5 'C'	Landscape Details	28 April 2017	Concept Landscape Architects
LPS4.55 17 - 221 / 2 'D'	Landscape Plan [Ground Floor]	2 September 2020	Concept Landscape Architects
LPS4.55 17 - 221 / 3 'D'	Landscape Plan [Level1 & Rooftop]	2 September 2020	Concept Landscape Architects
LPS4.55 17 - 221 / 4 'D'	Details 1	2 September 2020	Concept Landscape Architects
LPS4.55 17 - 221 / 5 'D'	Details 2	2 September 2020	Concept Landscape Architects
LPS4.55 17 - 221 / 6 'D'	Specification	2 September 2020	Concept Landscape Architects
16MB7303/D01 1 of 4 'B'	Site and Roof Drainage Plan	27 April 2017	United Engineers Consulting
16MB7303/D01 2 of 4 'B'	Ground Floor Drainage Plan	27 April 2017	United Engineers Consulting

16MB7303/D01 3 of 4 'B'	Basement Drainage Plan	27 April 2017	United Engineers	Consulting
16MB7303/D01 4 of 4 'B'	Details Drainage Plan	27 April 2017	United Engineers	Consulting

As amended by the conditions of consent.

(Amended MOD/2020/0314)

5. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a) The privacy screens over the windows of Bed 1 in Unit 2.05 and Bed 2 in Unit 2.04 must be deleted and the windows changed to have sill heights of 1400mm above the finished floor level to ensure a level of internal privacy and reduce opportunities for overlooking the private open spaces below.
- b) The south-facing window of Bed 1 in Unit 2.04 must be an operable high-level window with a sill height of 1600mm above the finished floor level to maintain adequate privacy.
- c) All bedrooms that solely rely on balcony doors for natural ventilation must either include operable fan-lights or operable louvers or the such to ensure that natural ventilation can be accessed without having to open the balcony doors. These rooms must still comply with the relevant acoustic requirements.
- d) A 1800mm high solid privacy screen be installed between these the balconies of Units 1.04 and 1.05 to ensure adequate separation and privacy.
- e) The fencing around the perimeter of the childcare outdoor play area must be 3m high from the ground floor FFL and be designed in accordance with material '9' 'aluminium screen' on the approved Dwg. No. DA801 'C' in Condition 4 of this consent.
- f) The ground level timber cladding at the corner of Canterbury Road and Watkin Street must be continued around the southern elevation to the start of the western edge of the 'garden' along the southern boundary. The cladding must be to a height of 1.8m above the adjacent portion of the Watkin Street footpath. The cladding to follow the fall of the land to the west.
- g) Fencing/screening above the required cladding referred to in Condition 5(f) along the southern boundary is to match material '9' 'aluminium screen' on the approved Dwg. No. DA801 'C' in Condition 4 of this consent. The fencing/screening must have suitable gaps to provide the required natural light and ventilation to the adjacent 'outdoor play area' and '0-2 years indoor play area' while restricting access and providing safety to the children.
- h) Public art on this prominent corner to promote active visual engagement between to the street. The art must not be for the purposes of business identification, or advertising and will be subject to Councils approval. A condition of consent to this effect has been recommended.

- i) The residential letter boxes must be located within the ground level residential lobby, close to the Canterbury Road front entrance.
- j) An enclosed temporary waste storage area with the capacity to hold the 10 residential bins must be introduced in the pedestrian area directly adjacent to the driveway – to the east of the driveway. This may require the relocation of the pedestrian door and/or the adjacent eastern basement wall. If additional space is required to facilitate the area, the driveway may also be slightly relocated to the west into the landscaped area. Any reduction of landscaped area must be kept to a minimum. The temporary waste storage area must be enclosed with a roller door or the such and be designed to be integrated into the design of the building.
- k) Two (2) x composting bins must be provided in a suitable location on the rooftop communal open space area.

6. Public Art

Public art must be included on the ground level timber cladding on the corner of Canterbury Road and Watkin Street to promote active visual engagement between to the street. The art must not be for the purposes of business identification or advertising.

The content of the 'artwork façade' panels on the Canterbury Road and Watkin Street elevations must be specified and provided to Councils satisfaction prior to the issue of any Occupation Certificate.

7. Break Through Panels and Right of Way – 352 Canterbury Road

- a) Provision shall be made for connection into the adjoining property at No. 352 Canterbury Road, Hurlstone Park being Lot 23 DP1061215 at the locations identified on drawing number DA301 'B' dated 10 October 2019 prepared by Technik Haus Pty Ltd, to allow for possible future access between the sites and sharing of driveways.
- b) The break though panels must be shown on the construction drawings, and related by accurate dimensions to the building grids. The building grids must be accurately dimensioned in two directions to at least two boundary corners of the site. The upper and lower limits of the break through panels must be clearly annotated on the construction drawings with levels related to Australian Height Datum (AHD), and a benchmark with an AHD value shown on the plans.
- c) The dimensions and location of the break through panels must be:
 - a. Minimum 10400mm length x minimum 3500mm height across the full length of the break through panel at Ground Floor level.
 - b. Minimum 4800mm length x minimum 2200mm height across the full length of the break through panel at Basement Floor level.
- d) The bottom of the breakthrough panels must be flush with the adjacent floor slab across the full length of the breakthrough panels.
- e) Details demonstrating compliance with the above requirements shall be submitted to the PCA prior to the issue of a Construction Certificate.
- f) Pusuant to the provisions of Section 88B of the *Conveyancing Act 1919*, a Right-Of-Carriageway for possible future access between the sites via driveway and the break

through panels shall be created and registered with LPI over 354-356 Canterbury Road, Hurlstone Park in favour of 352 Canterbury Road, Hurlstone Park. Proof of the required Right-Of-Carriageway being registered at Land & Property Information shall be provided prior to the issue of a construction certificate.

8. Residential Car Parking

The development must provide and maintain within the site:

- a) ~~40~~ 11 residential car parking spaces must be paved and line marked.
- b) 1 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces.
- c) 2 residential visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site.
- d) 5 Bicycle storage capacity within the residential lobby and/or basement level 2.
(Amended MOD/2020/0314)

9. Childcare ~~/Business~~ Car Parking

The development must provide and maintain within the site:

- a) ~~44~~ 12 childcare centre car parking spaces must be paved and line marked.
- ~~b) 1 'business premises' car parking space must be paved and line marked.~~
- c) 2 Bicycle storage capacity within the site. The 2 bicycle spaces on basement level 1 must be designated to staff of the childcare centre.
(Amended MOD/2020/0314)

10. Childcare Parking

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a) The proposed pick up/drop off spaces on basement level 1 (C1, C2, C3, C4) must be relocated to the northern four car spaces (C9, C10, ~~S1 and~~ V1 and V2) so they are immediately adjacent the childcare lift thus reducing possibilities for pedestrian/vehicle conflicts.
- b) The pickup/drop off spots are painted and clearly demarcated with signage indicating that they are for childcare pickup/drop off only.
- c) The accessible visitors car space (V1) on basement level 1 is to be changed to a dedicated childcare car space. One of the other visitor spaces (V2 or V3) on basement level 2 must be changed to an accessible space if required.
(Amended MOD/2020/0314)

11. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

12. Residential Flat Buildings – Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

13. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate 1 unit is an Adaptable unit.

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

14. Waste Management Plan

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

15. Waste Storage Areas

The designated waste storage areas shall have a concrete floor and concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the areas. The waste storage areas shall be vented to the external air by natural or artificial means. The waste storage areas will provide for a designated space for dry recycling facilities.

The residential temporary waste storage area must have a code lock installed on the outside. The code must be provided to Council's Resource Management Unit for waste collection.

16. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

17. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

18. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.
Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

19. Dry-weather Flows

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater or Sydney Water Trunk Drainage system. Alternatively, the basement or any below ground structure must be designed to be “tanked” preventing the ingress of seepage or groundwater.

20. Works outside the Property Boundary

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

21. Rock Anchors

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

22. Noise – Consultant’s Recommendations

The recommendations contained in the acoustic report prepared by Acoustic, Vibration & Noise Pty Ltd, Reference No.: 2017-024 Rev 1, amended dated 28 June 2019 must be implemented.

23. Asbestos Survey

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

24. Food Premises – Additional Sinks and Hand Wash Basins

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended scale plans confirming the position of all sinks and hand wash basins within the kitchen of the childcare centre in accordance with Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

25. Trees

Removal of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

Tree/location
1 x <i>Callistemon viminalis</i> (Weeping Bottlebrush) Watkin Street
1 x <i>Cupressus sp.</i> (Cypress Pine) Watkin Street

26. Trees

Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Eucalyptus</i> sp (Sapling Gum) rear No 354	Remove

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

27. Trees

The trees identified below are to be retained:

Tree/location
6 x <i>Cupressus</i> sp. (Cypress Pine) Watkin Street, street trees
2 x <i>Syzygium paniculatum</i> (Lilly Pilly) Watkin Street, street trees
1 x <i>Lagetroemeria indica</i> (Crepe Myrtle) street tree, No 1 Watkin St.

Details of the trees to be retained must be included on the Construction Certificate plans.

28. Separation of Commercial and Residential Waste and Recycling

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

29. Roads and Maritime Services Conditions

- a) All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Canterbury Road boundary.
- b) The redundant driveway on the Canterbury Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Canterbury Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee and lodgement of a performance bond is required from the applicant.

- c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to development.sydney@rms.nsw.gov.au.

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

- d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

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

- e) The proposed development should be designed such that road traffic noise from Canterbury Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
- f) Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions will be implemented along the full Canterbury Road frontage of the development site.
- g) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction works zone will not be permitted on Canterbury Road.
- h) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Canterbury Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- i) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

Prior to any Demolition

30. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

31. 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.

32. Hoardings

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

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

33. Construction Traffic Management Plan – Detailed

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with RMS accreditation. The CTMP must be approved by the Certifying Authority prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;
- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;

- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

34. Resource Recovery and Waste Management Plan - Demolition and Construction

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

Prior to Construction Certificate

35. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

36. Sydney Water – Tap In

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

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

37. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a) The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

38. Consolidation of Lots

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

39. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork including stormwater downpipes within the outer walls of the building so they are not visible.

40. Splays

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the building in the ground floor has an unobstructed 3 m x 3 m splay view to provide for sight-distance for vehicles and pedestrians at the intersection of Canterbury Road and Watkin Street.

41. Dilapidation Report – Pre-Development – Major

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 Frederick Street and Watkin Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, in front of the property.
- b) Half-width of Frederick Street and Watkin Street in front of adjacent properties, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.

The dilapidation report is to be prepared by a suitably experienced Civil and/or 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).

42. Parking Facilities – Major (including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans 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) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B99 design vehicle.
- b) The driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing.

- c) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s).
- d) The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
- e) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces and aisles adjacent to walls or fences are increased in width by an additional 300mm;
 - ii. End spaces are provided with an additional 1m aisle extension; and
 - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- f) The relative surface levels of the internal access from the road being controlled so that:
 - i. The surface levels at the property boundary match "alignment levels";
 - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - iii. The maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - iv. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- g) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles.
- h) The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius.
- i) The vehicular access must be designed to provide clear sight lines (triangles) to pedestrians in street frontage in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- j) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- k) Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002.
- l) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- m) A bicycle storage area must be provided to accommodate the numerical requirements of DCP and be designed in accordance with relevant provisions of AS 2890.3-2015.
- n) Provision of a Watts' profile speed hump or similar device and associated stop sign and holding line on the vehicular access, near the boundary to the lane to ensure exiting vehicles stop and give way to pedestrian traffic on the footpath.

43. Stormwater Drainage System – Major Developments (OSD is required)

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

- a) The design must be generally in accordance with the stormwater drainage plan on Drawing No. 16MB7303/D01 to D04, Issue B prepared by United Consulting Engineers Pty Ltd.
- b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the Council's pipe drainage system via the OSD/OSR tanks.
- c) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement.
- e) The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (100years ARI).
- f) Storage for the 1-year ARI storm event must be provided fully below ground;
- g) Details of the Height vs Storage and Height vs Discharge relationships must be submitted.
- h) Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided.
- i) No nuisance or concentration of flows to other properties.
- j) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- k) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- l) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- m) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- n) A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 - i. Comply with all relevant Australian Standards.
 - ii. An overflow, flashing light and audible alarm is to be provided to warn of pump failure.
 - iii. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months.
 - iv. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event.
 - v. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank.
 - vi. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls.
 - vii. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system.
 - viii. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system. e.g. isolate any subsurface drains at boundary walls, inspection pits with solid covers, etc.

- o) Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement must be fully "tanked" so as not to allow the ingress of seepage or groundwater.

The stormwater plans shall be amended satisfying the following requirements.

- p) Modelling for the determination of the pollution load reductions must be undertaken in MUSIC (the Model for Urban Stormwater Improvement Conceptualisation) and in accordance with Marrickville Council's WSUD Reference Guideline.
Stormwater quality load reduction controls are:
 - 90% reduction in the post development mean annual load of Gross Pollutants (greater than 5mm).
 - 85% reduction in the post development mean annual load of Total Suspended Solids (TSS).
 - 60% reduction in the post development mean annual load of Total Phosphorus (TP).
 - 45% reduction in the post development mean annual load of Total Nitrogen (TN).
- q) A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. MUSIC model file (*.sqz file) must be included with the report;
- r) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.

44. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practising Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a) The basement must be fully tanked to prevent the ingress of subsurface flows.
- b) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
- c) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years.
- d) All components of the basement, including footings and subsoil drainage, must be shown on the plans and be located entirely within the property boundary.
- e) No adverse impact on surrounding properties including Council's footpath and road.
- f) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.
- g) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- h) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

45. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a 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) 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 heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) New concrete footpath and any damaged kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer.
- c) 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.
- d) The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4 m lintel) must be installed.
The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, long sections and details must be provided including location of utility services.

46. Noise General – Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

47. Food Premises Grease Trap – Trade Waste Agreement

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.

48. Trees

Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. 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.

49. Trees

The following trees must be planted:

5 x 75 litre size trees as per the Landscape Plan, Conzept Landscape Architects, 28/04/2017, shall be planted within the property at a minimum of 1.5m from any boundary or structure. The trees are to conform to AS2303—*Tree stock for landscape use*.

Details of the species and planting locations of the replacement plants must be included on the landscape plan and site plan prior to the issue of a Construction Certificate. Note: any replacement tree species must not be a palm tree species or tree species listed as an exempt species under Council's Tree Management Controls.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

50. Trees

To preserve the following tree/s, no work shall commence until the natruestrip is fenced off, enclosing the retained trees, to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/location	Fenced off as one group
6 x <i>Cupressus</i> sp. (Cypress Pine) Watkin Street, street trees	
2 x <i>Syzygium paniculatum</i> (Lilly Pilly) Watkin Street, street trees	

A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

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.

51. Trees

To preserve the following tree/s, no work shall commence until their Protection Zone (in accordance with AS4970-*Protection of trees on development sites*) 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. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/location	Radius in metres
1 x <i>Lagstroemia indica</i> (Crepe Myrtle) street tree, No 1 Watkin St.	2 m.

The tree protection fencing being constructed of star pickets (located clear of roots) and connected by 4 strands of 2mm wire at 300mm wide spacing to a minimum height of 1.5 metres in height prior to work commencing.

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.

52. Trees

Upon installation of the required tree protection measures, an inspection of the site is required to verify that tree protection measures comply with all relevant conditions.

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.

53. Trees

Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to the tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals. Each sign shall contain in a clearly legible form (lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:

- a) Tree protection zone;
- b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
- c) Any encroachment not previously approved within the tree protection zone shall be the subject to advice from the Project Arborist in report form and must include the following:
 - Proof shall be provided that no other alternative is available;
 - On completion, the Project Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council;
- d) The name, address and telephone number of the builder.

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.

54. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully

accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour. The bin storage area is to meet the design requirements detailed in the Inner West Comprehensive Development Control Plan (DCP) 2016 and must include doorways/entrance points of 1200mm.

55. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Inner West Comprehensive Development Control Plan (DCP) 2016 and have minimum doorways of 1200mm wide to accommodate large items.

56. Commercial - Additional Storage Space

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating additional space has been allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

57. Waste Transfer Route

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

Each residential level is to have access to a disposal point for all waste streams.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

During Demolition and Construction

58. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

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

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

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

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

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

8:00am to 12:00pm, Monday to Saturday; and
2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

59. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

60. Trees

No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.

61. Trees

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.

62. Documentation of Demolition and Construction Waste

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

Prior to Occupation Certificate**63. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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 at the vehicular access location.
- b) The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.
- c) The existing concrete footpath across the frontage of the site must be reconstructed.
- 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".

64. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

65. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any damaged stone kerb has been replaced including all kerb outlets in stone kerb must be carefully core drilled.

66. Heavy Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations.

67. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

68. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from 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 vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) 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).

69. Public Domain - Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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.

70. Dilapidation Report – Post-Development

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

71. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification 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:

- 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.

72. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.

73. Basement Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

74. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention, stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

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

75. Restrictions on the Use of Land and Positive Covenants

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

- a) Restrictions on the Use of Land to prevent the erection of any structures;
- b) Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- c) Positive Covenant related to on-site stormwater detention and/or retention system; and
- d) Positive Covenant related to stormwater quality improvement devices.

The wording in the Instrument must be in accordance with Councils Standard wording.

76. No Weep Holes

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

77. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

78. Trees

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

79. Trees

Following removal of the *Callistemon viminalis* (Weeping Bottlebrush) and *Cupressus* sp. (Cypress Pine) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Tree Management Officer at no cost to Council.

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

80. Communal compost/worm farming area

Within multi occupancy residential developments, an area is required to be nominated onsite for communal composting. This area is to be incorporated in any submitted landscaping plans. The operation of this facility is to be the responsibility of the owner's corporation.

81. Childcare Centre lift

The childcare centre lift must have a code, key card system or the such restricting its use to those using the childcare centre (parents/children and staff).

Prior to Subdivision Certificate

82. Section 73 Certificate

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

83. Strata Subdivision Plan

Prior to the release of a Strata Subdivision Plan, the Certifying Authority must be provided with plans indicating that the strata subdivision of the development has been carried out in accordance with approved plans and demonstrating that:

- a) Each strata lot comprising a dwelling and one car space.
- b) Disabled spaces must be allocated adaptable dwellings.
- c) Car spaces must not be given separate strata lot numbers.
- d) All visitor parking spaces and car wash bays are to be included in common property.

84. Strata Subdivision Plan to Show Easements and Right of Ways

Prior to the release of a Strata Subdivision Plan, the Certifying Authority must be provided with evidence that all instruments under Section 88B of the *Conveyancing Act 1919* used to create easements or right-of-ways are shown.

85. Release of Strata Plan

Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate.

86. Subdivision Plan Amendment

Prior to the issue of a Subdivision Certificate, the Principal Certifier must verify that:

- a) The draft subdivision plan be updated to reflect the approved architectural plans in Condition 4 and conditions of consent.
- b) The 'right of way driveway to Lot 354' shown on the approved ground floor plan must be shown on the draft subdivision plan.

On-going

87. Hours of Operation

- a) The hours of operation of the childcare centre must not exceed the following:

Day	Hours
Monday – Friday	7.00am – 6.00pm

88. Capacity

The childcare centre has a maximum capacity of 40 children and 7 staff members.

89. Plan of Management - Operation

The operation of the childcare centre complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

90. Operation and Management Plan

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

91. Vehicles Leaving the Site

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

92. Pick up/drop off spaces

The 'pick up/drop off spaces' are exclusively for the use of children and their carers attending the childcare centre.

93. Commercial Deliverers

Deliveries to the ~~business premises and~~ childcare centre must only occur between 7.00am – 7.00pm, Mondays to Fridays, and 8.00am – 5.00pm on Saturdays and Sundays.

(Amended MOD/2020/0314)

94. 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.

95. Residential Waste/Recycling Collection

Residential waste/recycling bins must be stored in the temporary waste storage area adjacent to the driveway for collection.

Waste and recycling bins are to be returned to the waste storage area within the basement within one (1) hour after collection.

96. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 8:00am and 4:00pm Monday to Sunday and public holidays, to avoid noise disruption on the surrounding area.

Garbage and recycling bins associated with the childcare centre ~~and business premises~~ must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

(Amended MOD/2020/0314)

97. Bin Storage

All bins are to be stored within the site. Bins are to be brought back on site within 12 hours of being emptied.

98. Documentation of Businesses waste services

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

99. Trees

The canopy trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

100. Trees

The landscaped green roof shall be maintained on an on-going basis and the approved maintenance report shall be implemented. Maintenance shall include watering in dry periods (if an irrigation system has not been connected to a water supply); removal of weeds, light fertilisation with slow release complete fertilizers; and the replacement of dead plants.

101. Communal Open Space

- a) The communal rooftop open space be restricted to residents and guests of the residences only.
- b) There is to be no entertainment in the form of amplified music on any part of the common rooftop terrace at any time.
- c) The operating hours of the common rooftop terrace is 8:00am to 10:00pm Monday to Sunday, with the exception of New Years Eve.

Advisory notes**Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's

determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

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

Fire Safety Certificate

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

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

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

Lead-based Paint

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

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 AS1 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 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Dial before you dig

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

Subsurface drainage pump-out systems

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.

Electrical Substations

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

Permits

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

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

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

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.

- b) Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Public Domain and Vehicular Crossings

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council. Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

- a) **Work-As-Executed Plans**
A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.
- b) **Engineer's Certificate**
 - i. A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
 - ii. the soundness of the storage structure;
 - iii. the capacity of the detention storage;
 - iv. the emergency overflow system being in place;
 - v. the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
 - vi. the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;

- vii. basement car park pumps are class one zone two;
 - viii. OSR pumps and SQIDS have been installed and commissioned.
- c) **Restriction-As-To-User**
 A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.
- Such restrictions must not be released, varied or modified without the consent of the Council.
- A typical document is available from Council's Development Assessment Engineer
- d) **A Maintenance Schedule.**

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.

Notice to Council to deliver Residential Bins

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

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

Recycling / Garbage / Organics Service Information and Education

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

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 asbestos removal and disposal.