





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	MOD/2021/0441
Address	745 Darling Street ROZELLE NSW 2039
Proposal	Section 4.55(2) Modification of Development Consent D/2017/303 which approved three storey mixed use building, comprising commercial use to Darling Street and a nine (9) room boarding house and associated vehicle, motorcycle and bicycle parking, seeking various changes, including amendments to access, boarding room layouts, bin storage, communal area and parking.
Date of Lodgement	5 November 2021
Applicant	Michael Fox Architects
Owner	Asan Construction Management Pty Limited
Number of Submissions	Thirteen (13)
Value of works	\$1,000,000.00
Reason for determination at Planning Panel	Number of submissions exceeding officer's delegation
Main Issues	<ul style="list-style-type: none"> • Compliance with SEPP (Affordable Rental Housing) 2009 • Waste Management • Public Interest
Recommendation	Approval
Attachment A	Recommended Conditions of Consent
Attachment B	Plans of proposed development
Attachment C	Operative Consent – D/2017/303
Attachment D	Plans of Operative Consent – D/2017/303



Figure 1: Locality Map

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to modify development consent D/2017/303 at 745 Darling Street ROZELLE NSW 2039.

The application was notified to surrounding properties and thirteen (13) submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Solar access to communal living area;
- Waste management; and
- Public interest.

2. Proposal

The proposed development involves the following works:

Ground floor amendments:

- Provision of an accessible parking space;
- Removal of the ventilation shaft to room 1, which is replaced by the provision of an open shared area with increased vertical circulation;
- Accessible Darling St and Oxford St entries;
- Relocation of the level 2 communal area to provide a ground floor accessible communal area, which results in the removal of the approved laundry/store room and amendments to the bin storage area;
- Amendments to the configuration of the bathroom and kitchens servicing the accessible Boarding Room 1, resulting in the provision of an accessible bathroom and laundry; and
- Complying stair handrails to both sides and tactile indicators.

First floor amendments:

- Deletion of the skylight above boarding room 2;
- Amendments to the configuration of the bathroom and kitchens servicing boarding rooms 2-6, which includes the provision of a laundry within each boarding room; and
- Provision of complying stair handrails to both sides and tactile indicators on the first floor.

Second floor amendments:

- Amendments to the configuration of the bathroom and kitchens servicing boarding rooms 7-9, which includes the provision of a laundry within each boarding room;
- Complying stair handrails both sides and tactile indicators; and
- Amendments to the configuration of the communal area, private open space, and boarding room 9.

3. Site Description

The subject site is located on the western side of Darling Street making the corner with Oxford Street. Surrounding development along Darling Street comprise similar terrace-style buildings comprising commercial uses, with properties along Oxford Street comprising dwellings of various scales.

The site is not in a Conservation Area but opposite, across Oxford Street is the Former Fire Brigade/Ambulance Training Centre (747 Darling Street – 1750), which is a Heritage Item.

The site is Lot 4 in DP 440104 and has an area of 204sqm.

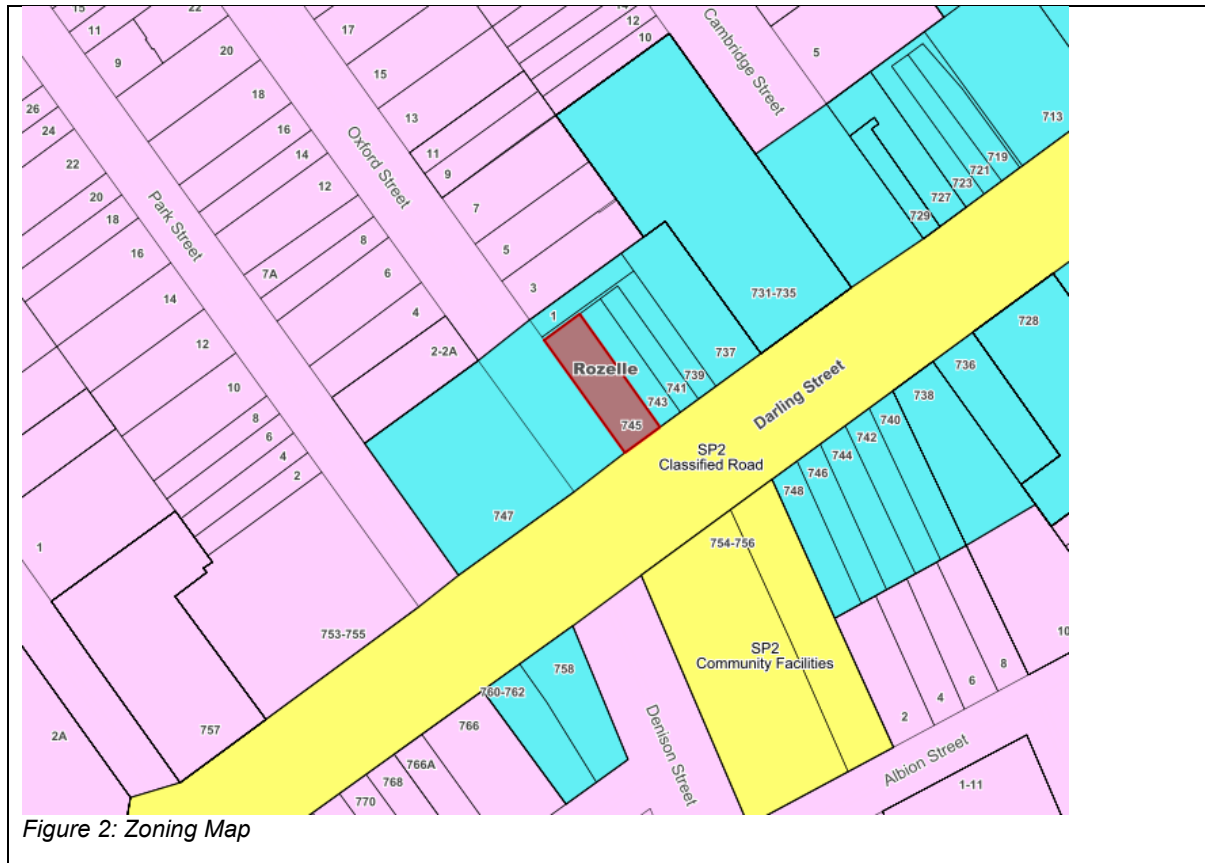


Figure 2: Zoning Map

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

Application	Proposal	Date & Decision
CCP/2021/0651	Construction Certificate – Private Certifier – D/2017/303.	Approved – 18/08/2021

D/2017/303	Partial demolition of existing building and construction of new three storey mixed use building, comprising commercial use to Darling Street; and a nine (9) room boarding house accommodating 17 lodgers. Associated vehicle, motorcycle and bicycle parking.	Approved – 13/08/2018
PREDA/2016/125	Demolition of existing structure and proposed new boarding house and commercial space.	Issued – 07/09/2016
D/2000/12	Alterations and additions to the existing building at ground floor level to provide a meeting room to be used in conjunction with the existing ground floor commercial use.	Refused – 18/10/2000
DA/1997/228	Erect one flush wall sign (2000mm x 1200mm) on the south-west wall of the existing building.	Approved – 26/06/1997
BA/1996/940	Fitout of shop for sale and storage of spices (Herbies). Hanging sign over footpath.	Approved – 19/05/1997
DA/1996/439	Use of premises as a retail “small shop” with residence attached at first floor.	Approved – 14/10/1996
BA/1992/774	Alterations and additions to two storey dwelling comprising rebuilding of existing front fence, refurbish ground floor alcove, kitchen and rear first floor deck.	Approved – 18/11/1992

4(b) Application history

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

Date	Discussion / Letter / Additional Information
05/11/2021	Application lodged
09/02/2022	<p>Council wrote to the applicant, recommending that the application be withdrawn for the following reasons:</p> <ul style="list-style-type: none"> • Inadequate documentation: <ul style="list-style-type: none"> ○ ‘deferred commencement’ plans were labelled and provided as ‘DA approved plans’ for assessment, despite being superseded by the ‘operative consent’ plans; ○ The statement of environmental effects (SEE) failed to outline the amendments proposed to approved development in the scope of works, nor demonstrated how the proposed modifications complied with the boarding house requirements under SEPP (Affordable Rental Housing) 2009 • The modified boarding rooms not meeting the minimum floor area requirements under Clause 29(2)(f) of SEPP (Affordable Rental Housing) 2009. • The modified private open space not meeting the minimum requirements under Clause 29(2)(d) of SEPP (Affordable Rental Housing) 2009. • The modified communal area not achieving 3 hours of direct solar access between 9am and 3pm in mid-winter as required under Clause 29(2)(c) of SEPP (Affordable Rental Housing) 2009.

	<ul style="list-style-type: none"> Insufficient information being provided to confirm whether the modified development maintains the required number of parking spaces for bicycles and motorbikes under Clause 30(1)(h) of SEPP (Affordable Rental Housing) 2009.
08/03/2022	<p>The applicant submitted amended plans and additional information via email, which were subsequently submitted via the NSW Planning Portal on 08/03/2022. These entailed the following:</p> <ul style="list-style-type: none"> Demonstration of line marking for the ground floor bicycle and motorbike parking spaces; Windows provided to the northern elevation of the ground floor communal area; Provision of a pergola on level 2, which will create a covered walkway that provides access to amended private open space area; and Relocation of boarding room 9 to accommodate amendments proposed to the private open space area. <p>The amended proposal represents a similar/lesser development to address issues raised by Council, and as such, re-notification was not required by Council's Community Engagement Framework.</p>

5. Assessment

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

5(a) Section 4.55 Modification Provisions

Section 4.55(2)

Section 4.55(2) of the EPA Act 1979 allows a consent authority to modify a development consent granted by it, if:

“(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) *it has notified the application in accordance with—*

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- Does not require concurrence or GTA from and approval body.
- The submissions have been considered. Refer to a later section of the report.

5(b) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009;*
- *State Environmental Planning Policy (Housing) 2021; and*
- *Leichhardt Local Environmental Plan 2013 (LLEP 2013)*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.6 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

“(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

The potential for remediation of the land has not altered since the original approval. As a result, it is considered that the proposal remains suitable for the site and does not require remediation in accordance with SEPP (Resilience and Hazards) 2021.

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

ARH SEPP 2009 has been repealed, however, Schedule 7A Savings and transitional provisions within Housing SEPP 2021 state,

*“The former provisions of a repealed instrument continue to apply to the following—
 (a) a development application made, but not yet determined, on or before the commencement date”*

In this regard, the provisions of ARH SEPP 2009 are applicable to this application.

<u>Standard</u>	<u>Compliance/Comment</u>
<p><u>24 Standards that cannot be used to refuse consent</u></p> <p><i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than, inter alia...</i></p> <p><i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less.</i></p>	<p>The land is zoned B2 – Local Centre.</p> <p>The maximum allowable FSR under Clause 4.4A LEP 2013 is 1.5:1 – with the ARH SEPP ‘bonus’ of 0.5:1 results in a FSR to which the application cannot be refused of 2:1.</p> <p>The approved development proposed an FSR of 1.97:1. As a result of the amendments with the private open space, communal living room and boarding room 9 on the second floor, the FSR of the modified development is 1.72:1.</p>
<p><i>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p><i>(a) building height</i></p> <p><i>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</i></p>	<p>No changes to the approved development in this regard.</p>
<p><i>(b) landscaped area</i></p> <p><i>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located</i></p>	<p>No changes to the approved development in this regard.</p>

<p><i>(c) solar access</i></p> <p><i>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p>	<p>The submitted shadow diagrams have confirmed that the ground floor communal living room does not receive 3 hours of solar access. However it is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The approved communal living room under D/2017/303 achieved 1.5 hours of solar access, in which the proposed modifications are not further depriving the communal living rooms of the required solar access; • Its central location on the ground floor is desirable for access by all users, and is directly adjacent to the adaptable boarding room; • Siting this space at the rear may present greater potential amenity impacts to residential properties along Oxford Street. <p>As a result, on balance, it is considered that the room and its overall amenity with the open space is acceptable in its context.</p>
<p><i>(d) private open space</i></p> <p><i>if at least the following private open space areas are provided (other than the front setback area):</i></p> <p><i>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</i></p> <p><i>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</i></p>	<p>The amended private open space area provides 1 space that is approximately 31.1sqm in area.</p>

<p>(e) parking if:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	<p>No changes to the approved development in this regard.</p>
<p>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>Each boarding house room accommodating 1 lodger has an area greater than 12sqm. Each boarding house room accommodating 2 lodgers has an area greater than 16sqm.</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Each boarding room maintains a bathroom and a kitchenette.</p>
<p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>As discussed throughout this report, it is recommended that consent be granted to the application.</p>
<p>30 Standards for boarding houses</p>	
<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p>	
<p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p>	<p>One (1) communal living room is maintained to service 9 boarding rooms.</p>
<p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p>	<p>The modified development does not result in any boarding rooms having an area exceeding 25sqm (excluding any area used for the purposes of private kitchen or bathroom facilities).</p>

<p><i>(c) no boarding room will be occupied by more than 2 adult lodgers,</i></p>	<p>Development consent D/2017/303 conditioned for each room to have a maximum capacity for 2 lodgers with the exception of Boarding Room 7, and the total amount of lodgers to be 17. No changes to the approved development are proposed in this regard.</p>
<p><i>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</i></p>	<p>Each modified boarding room maintains bathroom and kitchen facilities.</p>
<p><i>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</i></p>	<p>The boarding house had an approved capacity to accommodate 17 lodgers under consent D/2017/303, with the proposed modifications not affecting the approved development in this regard.</p>
<p><i>(f) (Repealed)</i></p>	
<p><i>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</i></p>	<p>No changes to the approved development in this regard.</p>
<p><i>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i></p>	<p>The approved development provided 3 bicycle and 2 motorcycle parking spaces. No changes to the approved development are proposed in this regard.</p>
<p>30A Character of local area <i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p>	<p>The modified development is not considered to alter the approved development's compliance with the above clause.</p>
<p>52 – No subdivision of boarding houses</p>	
<p><i>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</i></p>	<p>Satisfactory.</p>

5(a)(iii) State Environmental Planning Policy (Housing) 2021

Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and (1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was submitted on 5 November 2021. At this time, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was a draft EPI, had been publicly exhibited and was imminent and certain. The Housing SEPP commenced on 26 November 2021. Under the savings provisions of the SEPP Housing 2021 – Schedule 7 (2)(a) any development application made but not yet determined on or before the commencement date of the new

SEPP is to apply the provisions of the former SEPP. Regardless the consent authority in its determination of the current application must consider the provisions of new SEPP.

In accordance with the findings in *Tamvakeras v Inner West Council* [2022] NSWLEC 1140, SEPP (ARH) 2009 and Housing SEPP 2021 are not required to be considered concurrently. However, the Housing SEPP should be considered on the basis that it is certain and imminent, and in the public interest that it be considered, as it is shaping the future development in boarding houses (SEPP ARH).

An assessment of these provisions is found below:

Clause	Standard	Proposed	Compliance
23 - Zone may be carried out on land	23 - Zone may be carried out on land.	Boarding houses are permitted within the B2 – Local Centre Zone.	Yes
24(2)(a) - FSR	2:1 or 408sqm	The maximum allowable FSR under Clause 4.4A LEP 2013 is 1.5:1 – with the ARH SEPP 'bonus' of 0.5:1 results in a FSR to which the application cannot be refused of 2:1. The approved development proposed an FSR of 1.97:1. As a result of the amendments with the private open space, communal living room and boarding room 9 on the second floor, the FSR of the modified development is 1.72:1.	Yes
24(2)(e) Solar Access	Min 3 hours direct sunlight between 9am-3pm for at least one communal living area	The submitted shadow diagrams have confirmed that the ground floor communal living room does not receive 3 hours of solar access. However, for the reasons outlined above under the assessment of ARH SEPP, the proposed communal living area is considered acceptable on merit.	Yes
24(2)(f) Communal living area	For a boarding house containing 6 boarding rooms a total of at least 30sqm of communal living area, and minimum dimensions of 3m for each communal living area	A total of 15sqm of communal living area is proposed.	No, however acceptable on merit
24(2)(h) Communal open spaces	A total area of at least 20% of the site area, (this being 204sqm) and each with minimum dimensions of 3m	The boarding house provides an area of 31.1sqm (15.25%) of communal open space. The site is required to provide 40.8sqm of communal open space since this equates to 20% of the site area. Given the constraints that are presented by an existing approved development under D/2017/303 and the transition	No, however acceptable on merit

		between the requirements of the ARH SEPP and Housing SEPP, additional communal open space cannot be accommodated without resulting in the decreases of the size of boarding rooms, which would result in a non-compliance with another development standard to achieve compliance with the above clause.	
24(2)(i) Parking	0.2 spaces per boarding room in accessible areas	2 car parking spaces are proposed to service 9 boarding rooms, which exceeds the minimum requirement of 1.8 spaces.	Yes
25(1)(a) Maximum room sizes	No boarding room will have a gross floor area of more than 25sqm excluding private kitchen or bathrooms	No rooms are greater than 25sqm.	Yes
25(1)(b) Maximum occupation	No more than 2 adult lodgers with occupy each room	No more than 2 adult lodgers are proposed to occupy each room.	Yes
25(1)(c) Adequate facilities	Adequate bathroom and kitchen facilities are available for use of each lodger	Each modified boarding room maintains bathroom and kitchen facilities.	Yes
25(1)(e) Business zoned land	If the site is zones primarily for business purposes, the ground floor cannot be used for residential uses.	A residential use of the ground floor is proposed, as boarding room 1 on the ground floor is an adaptable unit. As boarding room 1 was approved on the ground floor under D/2017/303, this existing non-compliance is acceptable on merit,	No, discussed below in further detail
25(1)(f) Communal Living Area	If at least 6 rooms are proposed, there is at least 1 communal living area	One communal living area is proposed.	Yes
25(1)(h) Accommodation Size	Excluding private kitchen and bathroom facilities each single lodger room is a minimum of 12sqm and 16sqm in any other case	Each boarding house room accommodating 1 lodger has an area greater than 12sqm. Each boarding house room accommodating 2 lodgers has an area greater than 16sqm.	Yes
25(2)(a) Compatibility with local and/or desired future character	The design of the boarding house will be compatible with the desirable elements of the character of the local area, or for precincts undergoing transition, the desired future character of the precinct	The overall form and character of the proposed development is considered to be compatible with the existing and desired future character of the local area.	Yes

25(2)(c) Building separation	<p>If the boarding house has at least 3 storeys the building will comply with the minimum building separation distances specified in the Apartment Design Guide</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies; • 9m between habitable and non-habitable rooms; • 6m between non-habitable rooms 	<p>The ground floor commercial space and kitchen, along with boarding rooms 5 and 8 adjoin the common boundary with 743 Darling Street and therefore provide no building separation. The ground floor garage and boarding room 2 are built to the boundary adjoining 1 Oxford Street and provide approximately 800mm from the adjoining dwelling on this lot.</p>	No, discussed below in further detail
25(2)(d) Motorcycle Parking	At least 1 motorcycle parking space will be provided for every 5 boarding room	2 motorcycle spaces for the 9 rooms are proposed.	Yes
25(2)(e) Bicycle parking	At least 1 bicycle parking space will be provided for each boarding room	3 bicycle spaces for the 9 rooms are proposed, which equates to a shortfall of 6 spaces.	No, discussed below in further detail
26(1) Must be used for affordable housing in perpetuity	Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity, the boarding house will be used for affordable housing, and, the boarding house will be managed by a registered community housing provider	The development is not proposed to be affordable housing.	No, discussed below in further detail

The proposal is inconsistent with additional measures within the Housing SEPP that have come into effect following approval of the original development under the ARH SEPP, including an undersized communal open spaces and living areas, the provision of residential accommodation on the ground floor shortfall in bicycle parking and building separation requirements. As previously discussed, the proposal seeks to modify an existing development consent for the construction of a new three storey mixed use building which includes a nine (9) room boarding house accommodating 17 lodgers. As the built form is already established by the approved development, no further parking or building separation can be accommodated. The built form was approved prior to building separation requirements under the Housing SEPP coming into effect. In addition, the shortfall of communal open spaces under the Housing SEPP is reasonable considering that the private open space complies with the ARH SEPP, the applicable planning instrument at the time of the original development's determination and lodgment of the subject modification.

However, the listed non-compliances are generally consistent with the requirements with SEPP Affordable Rental Housing 2009 listed above. As such the consent authority is required to ensure compliance with the lesser standard. In this instance the proposal is compliant with the lesser requirements outlined within SEPP Affordable Rental Housing 2009 and is therefore acceptable. With regards to permissibility the current proposal obtains is permissibility through the provisions of the SEPP 2009 Affordable Rental Housing.

Additionally, boarding houses under the Housing SEPP are required to be held as affordable housing in perpetuity and managed by a registered not for-profit community housing provider. The application is not proposed to be affordable housing as required by Clause 26(1). Whilst boarding houses provide an affordable housing option to the public, there was no previous requirement under ARH SEPP which necessitated boarding houses to be held as affordable housing in perpetuity and managed by a registered not for-profit community housing provider.

These non-compliances are considered for the reasons discussed earlier in this report in consideration of ARH SEPP.

5(a)(iv) *Leichhardt Local Environment Plan 2013 (LLEP 2013)*

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone Objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A – Landscaped Areas for Residential Accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A – Floor Space Incentives for Active Street Frontages
- Clause 4.5 – Calculation of Floor Space Ratio and Site Area
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater Management
- Clause 6.11A – Residential Accommodation in Zone B1 and Zone B2

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

The objectives of the B2 – Local Centre Zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that development is appropriately designed to minimise amenity impacts.*
- *To allow appropriate residential uses to support the vitality of local centres.*
- *To ensure that uses support the viability of local centres.*
- *To provide a mixture of compatible land uses.*
- *To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations.*

It is considered that the proposal provides a balance across the objectives by maintaining both residential and commercial uses within the local centre. It also offers a level of servicing (including car, bicycle and motorcycle parking), consistent with regard to the ARH SEPP and the above.

It is not considered that the proposal will result in adverse amenity impacts to surrounding properties that can be reasonably protected when assessed against the controls, in particular the residential properties along Oxford Street. The amenity of future occupants is considered to be improved, as a result of enhancing site facilities for each room, along with a collectively improved configuration of the communal living room and outdoor private open space area.

As a result, the proposal is considered to satisfy the objectives of the zone.

(ii) Development Standards

a. Clause 4.4 – Floor Space Ratio

No changes are proposed – the application seeks consent for internal alterations to the approved built form.

(iii) Clause 6.4 Stormwater management

Council's Development Engineer has assessed the proposal and, subject to existing stormwater conditions being retained as part of any modified development consent, raised no concerns and the proposed modification complies with this clause.

(iv) Clause 6.11A – Residential Accommodation in Zone B1 and Zone B2

Compliance with Clause 6.11A of the LLEP 2013 is not affected for the following reasons:

- No amendments are proposed which affect the land uses of the approved development, given the building will continue to comprise of a mixed-use development, including residential accommodation;
- The building maintains active street frontages; and
- As minimal changes are proposed to the external finishes and overall building facades, the building maintains compatibility with the desired future character of the area in relation to its bulk, form, uses and scale.

5(b)(v) Draft Environmental Planning Instruments

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

Draft Environmental Planning Instruments	Compliance
Draft State Environmental Planning Policy (Environment) 2018	Yes
Draft State Environmental Planning Policy (Remediation of Land) 2018	Yes
Draft State Environmental Planning Policy (Environment) 2017	Yes
Draft Inner West Local Environmental Plan 2020	Yes

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

5(d)(i) Leichardt Development Control Plan 2013

The following provides a summary of the relevant provisions of the Leichardt Development Control Plan 2013 (LDCP 2013).

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	No change
C1.2 Demolition	No change
C1.3 Alterations and additions	No change
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	No change
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	No change
C1.9 Safety by Design	No change
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No change
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A

C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.5.5 Rozelle Commercial Distinctive Neighbourhood and C2.2.5.5(a) Darling Street Sub Area	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No change
C3.3 Elevation and Materials	No change
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	No change
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space (POS)	Refer to ARH SEPP
C3.9 Solar Access	Refer to ARH SEPP
C3.10 Views	No change
C3.11 Visual Privacy	No change
C3.12 Acoustic Privacy	No change
C3.13 Conversion of Existing Non-Residential Buildings	No change
C3.14 Adaptable Housing	No change
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	No change
C4.3 Ecologically Sustainable Development	No change
C4.4 Elevation and Materials	No change
C4.5 Interface Amenity	Yes – Discussion below
C4.6 Shopfronts	N/A
C4.15 Mixed Use	No change
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	Yes

Part E: Water	N/A
Part F: Food	N/A
Part G: Site Specific Controls	
Insert specific control if relevant	N/A

C1.7 Site Facilities

Private laundry facilities are proposed to 7 out of 9 boarding rooms as part of the modified development, with the exceptions being boarding rooms 5 & 6. The provision of private laundry facilities are considered to improve on-site amenity, as this provides each dwelling with site facilities and thus enhances the approved development's compliance with Part C1.7 (Site Facilities) of the LDCP 2013.

Acoustic impacts from the laundry facilities are considered acceptable, given that aside from boarding room 7, all other boarding rooms have the laundries situated as far as practical away from the nearest glazing that services each room. Whilst the laundry is situated near the bathroom along the north-east elevation for Boarding room 7, the boarding room has a sufficient setback from the nearest dwellings at 743 Darling Street and 1 Oxford Street, in which it is deemed that acoustic privacy impacts will be acceptable as a result.

C1.10 Equity of Access and Mobility & C3.14 – Adaptable Housing

Tactile indicators, along with complying stair handrails to both sides are proposed on both sides of all staircases within the development. The amendments proposed are based upon the advice from the Access Management Plan that was prepared in response to condition 10 of development consent D/2017/303.

Condition 10. d) required the ground floor boarding room (Boarding Room No. 1) to be made adaptable, in which the subject application has clearly nominated Boarding Room 1 as an adaptable unit as part of the application.

C1.11 Parking

The amended proposal seeks to maintain the 2 car parking spaces that were approved to the operative consent, along the number of motorcycle parking spaces (2) and bicycle spaces (3) that is required under ARH SEPP. No changes are proposed regarding the allocation of these parking spaces, in which the requirements of the deferred commencement conditions to make development consent D/2017/303 operational required the two (2) car parking spaces to be allocated to the boarding rooms.

Amendments are proposed to the bicycle parking spaces, which have occurred because of consolidating the bin storage area. The amendments to the bin storage area and bicycle parking spaces have significantly reduced the accessibility for the sewer vent, given no access diagrams have been provided to accompany these aspects of the proposed modifications. However in light of this, there are no requirements under ARH SEPP 2009 or the LDCP 2013 which necessitate such a requirement. As such, refusal cannot be granted on this basis.

As a result, it is considered that the proposal satisfies the parking provisions of ARH SEPP and this Clause.

C4.5 Interface Amenity

As the site resides on the interface between the B2 and R1 zones, Clause 4.5 – Interface Amenity of the LDCP 2013 has been considered for assessment. The objectives are:

O1 To ensure that development does not impact the surrounding area or cause unreasonable nuisance to any other use by way of:

- a. Noise*
- b. Odour*
- c. Vibration*
- d. Overshadowing; and*
- e. Overly bulky or overbearing development that significantly reduces outlook or privacy*

As the proposed modifications do not alter the approved built form that was previously considered to be reasonable in its context, the modified development maintains a built form that demonstrates acceptable interface amenity for the surrounding residential properties. The modifications which may present some impact upon nearby residential properties are the amendments to the configuration of the communal area, private open space (POS), and boarding room 9 on level 2, given the private open space and covered walkway are elevated and open when viewed from the public domain.

As the operative consent for the site endorsed a POS area that was open on level 2, which may present impacts such as acoustic privacy concerns for the surrounding residential properties, it is not considered that the proposal results in adverse amenity impacts to surrounding properties that can be reasonably protected. As such, it is considered that the modifications do not result in a greater impact than the configuration that was approved under D/2017/303, and that the proposal maintains its relationship between the business and residential zone in this instance.

C3.11 Visual Privacy and C3.12 Acoustic Privacy

The modified proposal is not considered to present any greater visual or acoustic privacy impacts than the approved development. The relocation of the outdoor private open space towards the corner of Darling Street and Oxford Street increases the separation of this space from the nearest residential properties.

In relation to potential external noise from the amendments to the outdoor area, the specific ongoing condition for no entertainment in the form of amplified music on any part of the outdoor area at any time is maintained as part of the recommendation. As no amendments are proposed to the Plan of Management, (which provides controls for the lodgers and their onsite behaviour) it is not anticipated that any adverse noise shall be generated, however if this does occur, it can be investigated and action taken as necessary.

Part D – Energy (Waste)

The modified development incorporates amendments to the approved waste storage areas, as the provision of the ground floor accessible communal area results in the removal of the bin storage area that previously adjoined the approved ground floor laundry/store room. Subsequently, the two (2) separate bin storage spaces have been consolidated into one space which adjoins the on-site detention area.

In relation to commercial waste management, advice has been provided that subject to the doorway from the commercial bin storage room to the street being free of obstructions such as steps and having a minimum wall to wall clearance of 1200mm, no concerns are raised.

In relation to residential waste management, deferred commencement condition 1. e) required the residential bin storage area must have a minimum floor area of 5.2sqm to accommodate a minimum of:

- i) four (4) 240L general waste bins (red lid);
- ii) one (1) 240L paper recycling bin (blue lid); and
- iii) one (1) 240L co-mingled container recycling bin (yellow lid).

The amended plans demonstrate that the total area for waste storage equates to approximately 5.54sqm, which exceeds the minimum area required to activate development consent D/2017/303. The amended plans demonstrated that the bin storage area is not self-contained there will be no steps or gradient. However, this access arrangement does not change from the approved development.

Advice has been provided that the space for 6x240L bins will be inadequate for the waste and recycling needs of a building containing 9 boarding rooms, and the lack of bulky waste storage space will present ongoing concerns for the residents of these boarding rooms. However as outlined above, the modifications proposed a net increase in the dedicated waste storage on site, and does not alter any existing access arrangements that were previously approved.

In regard to waste collection for the building, standard conditions are maintained in relation to bins only being placed on the street for collection and not to be left on the footpath on either Darling Street or Oxford Street. Additional conditions have been recommended in relation to demolition and construction, as well as design of the bin storage area.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework to surrounding properties from 11 November 2021 to 2 December 2021.

Thirteen (13) submissions were received in response, in which the following concerns were raised:

Concern	Comment
<p>Communal Area / Private Open Space</p> <p>Downsizing and relocation of communal area and removal of private open space</p>	<p>The original set plans lodged as part of this application proposed a walkway on level 2, which removed the private open space area that was approved under application D/2017/303. This matter was identified in Council’s original assessment, in which the amended plans reinstated the private open space area to maintain compliance with ARH SEPP 2009.</p> <p>The communal living room has no minimum floor area requirements. However, there are solar access requirements which the amended location has not satisfied, which are discussed separately in this report.</p>
<p>Car Parking</p> <p>Removal of car parking and need for additional off-street car parking</p>	<p>See assessment section above. The approved development provided 2 on-site car parking spaces. No changes to the approved development are proposed in this regard.</p>
<p>Accessibility</p> <p>Bikes and motorbikes</p>	<p>See assessment section above. The approved development provided 3 bicycle and 2 motorcycle parking spaces. No changes to the approved development are proposed in this regard.</p>
<p>Changes in room lay-out</p>	<p>See assessment section above. The modified room layouts do not result in any rooms being smaller than the approved room layouts or smaller than what the requirements of ARH SEPP permit.</p>
<p>Reduced amenity of neighbouring properties</p>	<p>See assessment section above. An assessment has determined that the modified proposal does not result in adverse amenity impacts upon surrounding residential properties.</p>
<p>Reduced on-site amenity of occupants</p> <p>Solar access</p> <p>Communal area/private open space concerns</p> <p>Laundries in bedrooms</p> <p>Lack of on-site storage</p>	<p>See assessment section above. An assessment has determined that the modified proposal is acceptable with regards to solar access, the configuration of the communal living area and private open space area, the provision of laundries within each boarding and on-site storage.</p>

Waste management	See assessment section above. An assessment has determined that the modified proposal is reasonable with regards to waste management. Condition 6 requires all domestic and commercial waste bins to not be placed in the road frontage until after 7.00pm on the day prior to collection and are to be returned to their on-site storage location within two (2) hours of the bins being collected by Council. Condition 22. e) of consent D/2017/303 requires a clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013. No changes are proposed to the condition or this requirement under this application.
Removal of signage Notification signage	It is noted that Council's Community Engagement Framework states that if Council is notified that the sign is removed or destroyed before the end of the notification period, the sign will be replaced. Whilst Council was informed of this matter prior to the end of the notification period, the application was notified for a period of time which enabled enough submissions to be received that exceeded Council's Delegation. As such, the removal of notification signage is not considered to prejudice neighbour notification in this instance.
Proposed skylight for bedroom 2	Whilst the skylight for boarding room 2 is proposed for removal, the room maintains glazing along the southern elevation akin to the adjoining boarding room 3. As such, the removal of the skylight simply results in boarding room 2 providing a level of solar access that is identical to the adjoining boarding room.
Consideration of noise and disturbance from AC unit	The air-conditioning (AC) units originally proposed in boarding rooms 2, 3, 8 and on the non-trafficable roof space adjoining boarding room 7 have all been removed from the amended plans. Furthermore, conditions 4 and 11 of consent D/2017/303 provide appropriate measures with regards to installation of air-conditioning units.
Low floor to ceiling heights	No changes are proposed to the internal floor to ceiling heights of the approved development.
No details of external finishes	The proposed entrances off Oxford and Darling Street are proposed to be aluminium framed with glazing, which is consistent with annotations of the approved development. No changes are proposed to the external materials of the approved building.
Bulk and scale	No changes are proposed to the approved built form, and therefore the modified development proposes no increase in the overall bulk and scale.

Overdevelopment	No additional floor area is proposed under this modification, and no additional boarding rooms are proposed within the development.
No on-site manager	The number of lodgers (less than 20) does not require a mandatory 'on site' boarding manager. The subject modification does not propose any amendments that would necessitate the requirement for an 'on site' boarding manager.
Undermining of original determination	The proposal is for a section 4.55 modification, in which an applicant has a right to request a modification to an approved development application under the EP&A Act within reason. In the planning assessment of the application, it is considered that the proposed modifications are of minimal environmental impact when considered in context of the approved development.

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 proposal is not contrary to the public interest.

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 other sections above.

- Community Services/Social Planning
- Building Certification
- Development Engineer
- Waste Management Residential
- Waste Management Commercial

6(b) External

- Nil

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Section 4.55 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013.

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

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

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.55(2) of the *Environmental Planning and Assessment Act 1979*, grant consent to Application No. MOD/2021/0441 to modify approval for the construction of a three storey mixed use building, comprising commercial use to Darling Street and a nine (9) room boarding house and associated vehicle, motorcycle and bicycle parking, seeking various changes, including amendments to access, boarding room layouts, bin storage, communal area and parking at 745 Darling Street, Rozelle subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

- Development must be carried out in accordance with Development Application No. D/2017/303 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA02 Rev D – Site Plan CC 22.01 – Site Plan	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
DA03 Rev D – Ground Floor Existing	Raymond Panetta Architects	27/02/2018
DA04 Rev D – First Floor Plan Existing	Raymond Panetta Architects	27/02/2018
DA06 Rev D – Roof Plan Existing	Raymond Panetta Architects	27/02/2018
DA07 Rev D – Elevations Existing (North & East)	Raymond Panetta Architects	27/02/2018
DA08 Rev D – Elevations Existing (West & South)	Raymond Panetta Architects	27/02/2018
DA09 Rev D – Sections Existing	Raymond Panetta Architects	27/02/2018
DA11 Rev F – Ground Floor Plan Proposed CC 22.02 – Ground Floor Plan	Raymond Panetta Architects Michael Fox Architects	08/06/2018
DA12 Rev D – Level 1 Floor Plan Proposed CC 22.03 – First Floor Plan	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
DA13 Rev D – Level 2 Floor Plan Proposed CC 22.04 – Level 2 Plan	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
DA15 Rev D – Roof Plan Proposed CC 22.05 – Roof Plan	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
DA16 Rev D – Elevations Proposed (East & North) CC 22.06 – N & E Elevations	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
DA17 Rev D – Elevations Proposed (South & West) CC 22.07 – S & W Elevations	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
DA20 Rev D – Sections Proposed (Long 1 & 2) CC 22.08 – Long Sections	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
DA21 Rev D – Sections Proposed (Cross 1 & 2) CC 22.09 – Cross Sections	Raymond Panetta Architects Michael Fox Architects	27/02/2018 01.03.22
Drawing No 17MB7407/D01 Issue D – Stormwater Drainage Concept Plan	United Consulting Engineers	12/06/2018
Document Title	Prepared By	Dated
Boarding House Plan of Management		February 2018

Building Code Capability Report & Fire Safety Schedule	Peter O'Neill & Associates Pty Ltd	24/07/2017
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In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

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

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

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

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

~~(Condition 1 amended 13 August 2018 under the operational consent)~~

(Condition modified under MOD/2021/0441 on INSERT DATE)

2. The boarding house must comply at all times with the following:
- a) The use must comply at all times with the Plan of Management referred to in condition 1 above and as amended by the conditions in this Determination;
 - b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
 - c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
 - d) The Plan of Management must not to be amended without the prior consent of Council;
 - e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
 - f) The boarding house must contain a maximum total of 9 lodger rooms with not more than 17 adult lodgers residing in the premises at any one time;
 - g) Not more than 2 lodgers must occupy each boarding room;
 - h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
 - i) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
 - j) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all-times;
 - k) Each boarding house room must be used exclusively as such and not be adapted for use as backpackers' accommodation, serviced apartments and not be used for any industrial or commercial purpose;

3. Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room and not on any balcony or terrace.
4. No air conditioning units are to be installed in any position visible from the public domain without the prior approval of Council.
5. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. All tenants and occupiers of the building, are to be advised of this at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.

Signs reading "all owners, tenants and occupiers of this building advising that they are not eligible to obtain Resident Parking Scheme parking permits from Council", must also be located in prominent places such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.

6. All domestic and commercial waste bins must be presented on the street for collection. The waste bins are not to be placed in the road frontage until after 7.00pm on the day prior to collection and are to be returned to their on-site storage location within two (2) hours of the bins being collected by Council.
7. Unless permitted under another Environmental Planning instrument a separate Development Consent or Complying Development Certificate must be obtained for the use of the ground floor commercial premises prior to the occupation of that part of the premises.
8. Consent is granted for the demolition on the property, subject to strict compliance with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 9. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
- 10. An Access Management Plan must be provided by an Accredited Access Consultant prior to the issue of a Construction Certificate. Details of the Access Management Plan must include:
 - a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether an upgrade of the 'Affected part' is required.
 - b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
 - c) Conduct an assessment and identify any non-compliances with the Disability Standards 2010 and/or the Building Code of Australia where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
 - d) The ground floor boarding room (Boarding Room No. 1) is to be made adaptable.
 - e) Suitable access is to be provided to all communal areas including the common room and private open space on Level 2.
- 11. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.

- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15\text{min}}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

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

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

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

12. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and provided prior to the issue of a Construction Certificate.

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

13. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.

14. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

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

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

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

16. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
17. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
- Must preserve and protect the adjoining building from damage
 - Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

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

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

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

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

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

20. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

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

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

consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.

- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

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

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

22. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:

- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
- b) On site material storage areas during construction.
- c) Material and methods used during construction to minimise waste.
- d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
- e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

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

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

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No 17MB7407/D01 / B prepared by United Consulting

Engineers and dated 5 September 2017, amended in accordance with the garage design approved under **Deferred Commencement Condition 1**.

- b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system. Charged or pump-out stormwater drainage systems are not permitted.
- c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- d) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas.
- e) All external courtyards and their associated drainage systems must be designed in accordance with the following criteria:
 - i) The finished surface level of the courtyard(s) must be not less than 150mm below the adjacent internal floor level(s).
 - ii) For the external courtyards without provision of an overland flowpath, the sag pit(s) and associated pipe drainage system draining the courtyard(s) must be designed to capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlets and 50% blockage of the pipes. The design must cater for any potential overflow from the roof gutters or downpipes in the vicinity of the courtyard.
 - iii) The inlets for the sag pit(s) draining the courtyard(s) must be designed in accordance with Clause 5.4.10.1 of Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage to ensure that the maximum ponding level over the sag pit(s) is not less than 150mm below the adjacent internal floor level(s).
- f) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
- g) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- h) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
- i) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- j) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- k) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

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

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

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

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

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

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

25. The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standards, including but not limited to *AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking*, *AS/NZS 2890.6-2009 Off-street parking for people with disabilities* and *AS 2890.3-1993 Parking Facilities - Bicycle parking facilities*. The following specific issues must be addressed in the design:
- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those obtained in the Levels Certificate issued by Council. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
 - b) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Note that the headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, services, ducts, etc. The headroom at any door opening must be measured to the lowest point of the open door.
 - c) Longitudinal sections must be provided along each outer edge of all ramps within the parking facilities demonstrating compliance with the above requirements. The longitudinal sections at the entry/exit access ramp(s) must extend to the centreline of the connecting road carriageway.
 - d) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of *AS/NZS2890.1-2004*.
 - e) Garage doors must not encroach into the driveway or the internal space of each garage.
 - f) The Bicycle parking facilities must be provided in accordance with the numerical and dimension requirements of Sections C1.11 Parking and C1.11.3 & C1.11.6 tables within DCP 2013.
 - g) The external form & height of the approved structures must not be altered from that depicted on the approved plans to address this condition. If the applicant seeks a design that would require such, the approved plans must be modified in accordance with Section 96 of the Environmental Planning and Assessment Act 1979.

- h) The car parking spaces are to be allocated and marked for use for the tenants/lodgers of boarding house.

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

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

- 26. The applicant must bear the cost of construction of the following works:
 - a) Construction of a concrete vehicle crossing at the Oxford Street frontage of the site.
 - b) Reconstruction of the concrete kerb and gutter and asphalt footpath for the full length of the Darling Street frontage of the site.
 - c) Reconstruction of the sandstone kerb and concrete gutter and asphalt footpath for the remainder of the Oxford Street frontage of the site.

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

The Roadworks Permit must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- 27. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued (whichever occurs first), a security deposit as set out below must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Works	Security Deposit
Roadworks (ROADWB)	\$ 28,100
Total	\$ 28,100

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date. A request for release of the security may be made to the Council after all construction work has been completed. The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

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

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

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

28. Canopy and/or root pruning which is necessary to accommodate the approved building works shall be undertaken by, or supervised by, an experienced Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard 4373 - 2007 Pruning of Amenity Trees.

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owners consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the Access To Neighbouring Lands Act 2000 to seek access.

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

29. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.

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

30. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

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

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

31. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever

occurs first), a security deposit and inspection fee as detailed below must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Security Deposit (FOOT)	\$7,210.50
Inspection fee (FOOTI)	\$225.00

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

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

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

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

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

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

- 32. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property
No. 743 Darling Street

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

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

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of

the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

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

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

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

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

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by

or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

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

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

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

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

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

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

36. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

37. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

38. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.

39. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:

a) Unauthorised entry to the work site is prohibited.

b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.

c) The name, address and telephone number of the Principal Certifying Authority for the work.

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

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

40. All trees adjacent to the site not approved for removal must be protected at all times during demolition and construction. Details of the method(s) of protection of such trees must be submitted to and be approved by Council before commencing works.

DURING WORKS

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

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

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

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

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

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

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

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

45. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);

- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

52. A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.
53. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued.
54. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
- Compare the post construction report with the pre-construction report required by these conditions,
 - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

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

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

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

58. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

59. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principle Certifying Authority stamped Construction Certificate plans.

60. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on-site detention facilities. 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.

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

61. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the car park has been completed, line marked and all signage relating to car parking erected.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

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

63. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

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

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

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate

64. A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development 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.

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

65. The premises must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Boarding House - Boarding Houses Act 2012.

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

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

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

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

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

- 66A. Prior to the issue of an Occupation 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 within the site 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 Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

(Condition added under MOD/2021/0441 on INSERT DATE)

- 66B. Prior to the issue of an Occupation Certificate, the Certifying Authority must ensure 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.

(Condition added under MOD/2021/0441 on INSERT DATE)

- 66C. 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.

(Condition added under MOD/2021/0441 on INSERT DATE)

ONGOING CONDITIONS OF CONSENT

67. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

68. There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.
69. The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and on-going inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

The boarding house must be operated in accordance with the Boarding Houses Act 2012.

70. The use of the premises shall 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 shall not give rise to the transmission of a vibration nuisance or damage other premises.
71. The Operation and Management Plan for the on-site detention facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
72. Driveways and parking spaces must not be used for manufacture, storage or display of goods, materials and equipment. The spaces must be available at all times, for all vehicles associated with the development.
73. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
74. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.

- 75. The boarding house component of the development is not to be subdivided.
- 76. The boarding house is to operate and comply with the Management Plan that forms part of this consent.
- 77. The commercial tenancies are only to be open and used for the purpose approved within the following hours.

Days	Hours
Monday to Saturday	7:00am to 7:00pm
Sunday & Public Holidays	9:00am to 6:00pm

- 78. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. boarding house and commercial premises without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a boarding house and commercial premises, is defined under the *Leichhardt Local Environmental Plan 2013*.

- 79. 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.

(Condition added under MOD/2021/0441 on INSERT DATE)

- 80. All commercial bins and re-usable items such as crates and trays are to be stored within the site.

(Condition added under MOD/2021/0441 on INSERT DATE)

- 81. 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.

(Condition added under MOD/2021/0441 on INSERT DATE)

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

- a) Relevant BASIX Certificate means:

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

B. Building Code of Australia

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

C. Home Building Act

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

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

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

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

NOTES

- 1. This Determination Notice operates or becomes effective from the endorsed date of consent.
- 2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
- 3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
- 4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
- 5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
- 6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
- 7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.

- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.
9. 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.

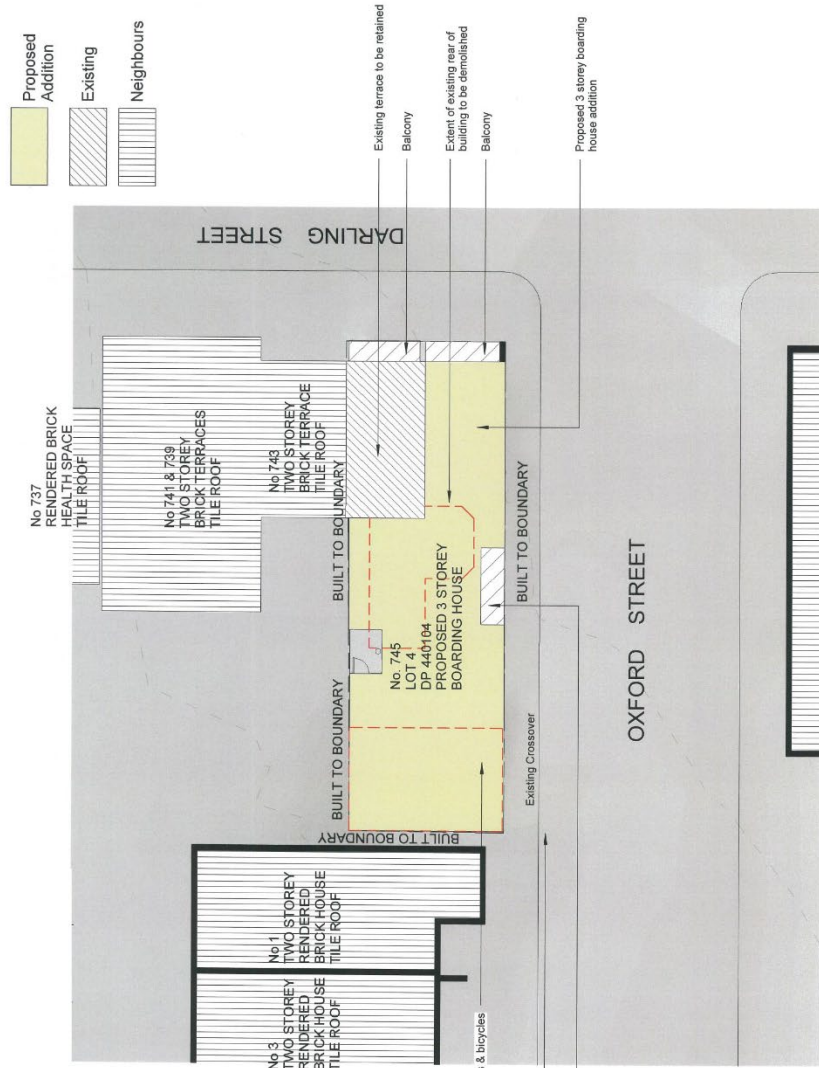
(Advisory Note added under MOD/2021/0441 on INSERT DATE)

10. Council should be notified of bin requirements three weeks 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.

(Advisory Note added under MOD/2021/0441 on INSERT DATE)

Attachment B – Plans of proposed development



Total Site Area	204.1 m ²
LEP allowable for	0.6:1

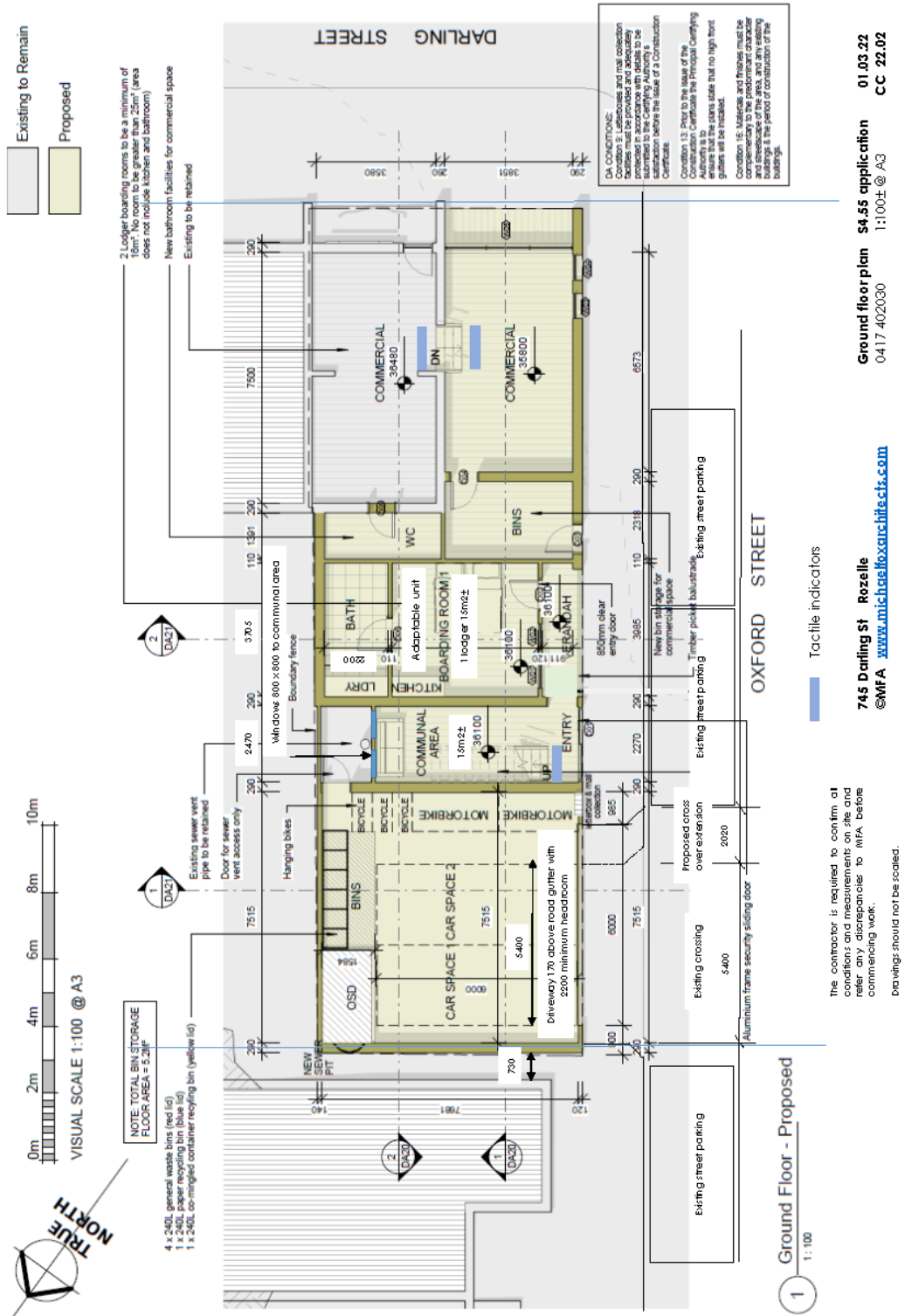
LEP	
Existing Ground Floor Area	54m ²
Existing Floor Floor Area	43m ²
Existing Total Area	97m ²
Existing FSR	0.48:1
Proposed Ground Floor Area (Boarding house)	73.5 m ²
Proposed Ground Floor Area (Total)	127.5 m ²
Proposed Second Floor Area	145.6m ²
Proposed Total Floor Area	273.1m ²
Proposed Total Floor Area	401.5 m ²
Proposed FSR	1.97:1

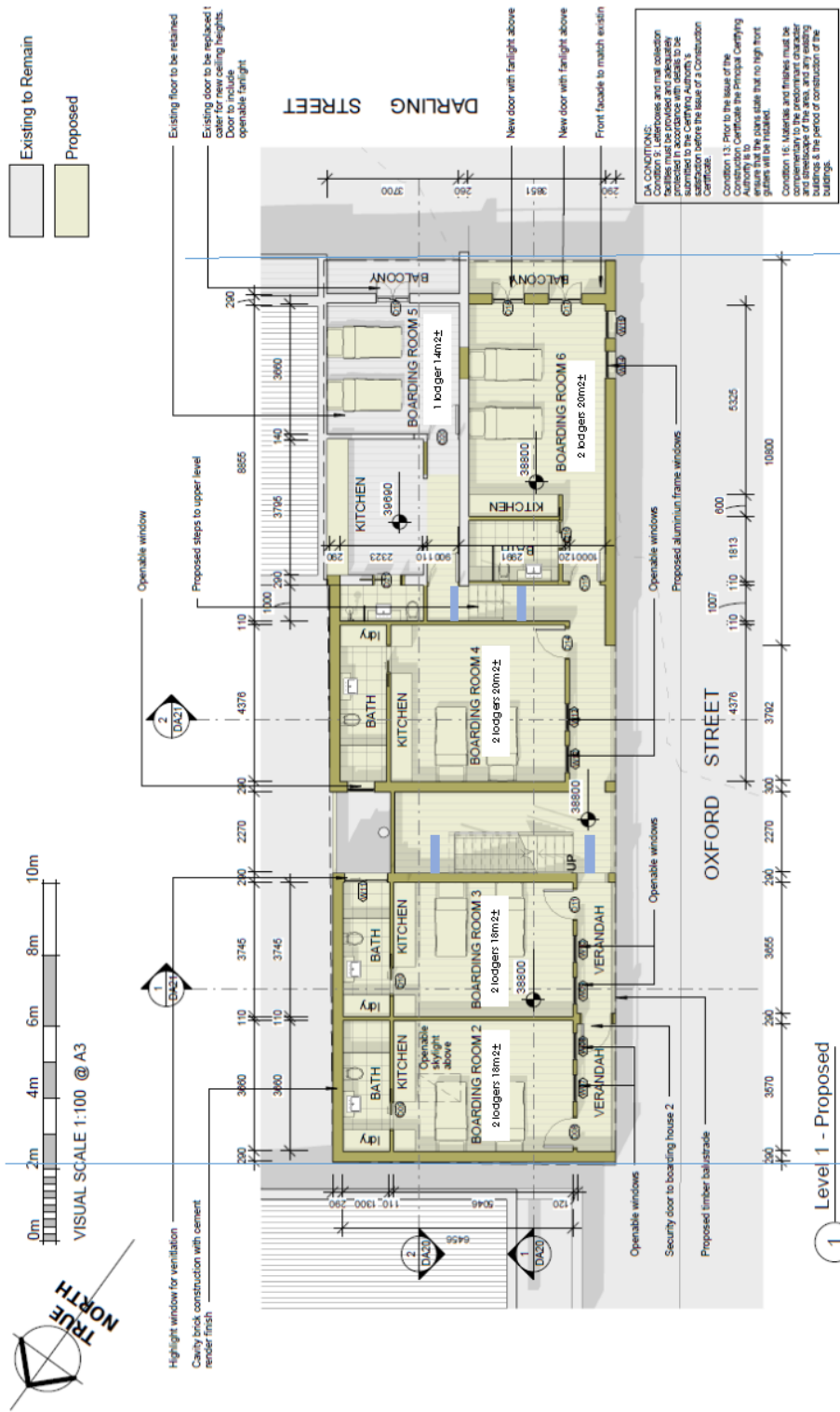
Reduced second floor area	80m ²
Revised total FSR	390m ²
Revised FSR	1.92:1

1 Site
1:200

The contractor is required to confirm all conditions and measurements on site and refer any discrepancies to MFA before commencing work.
Drawings should not be scaled.

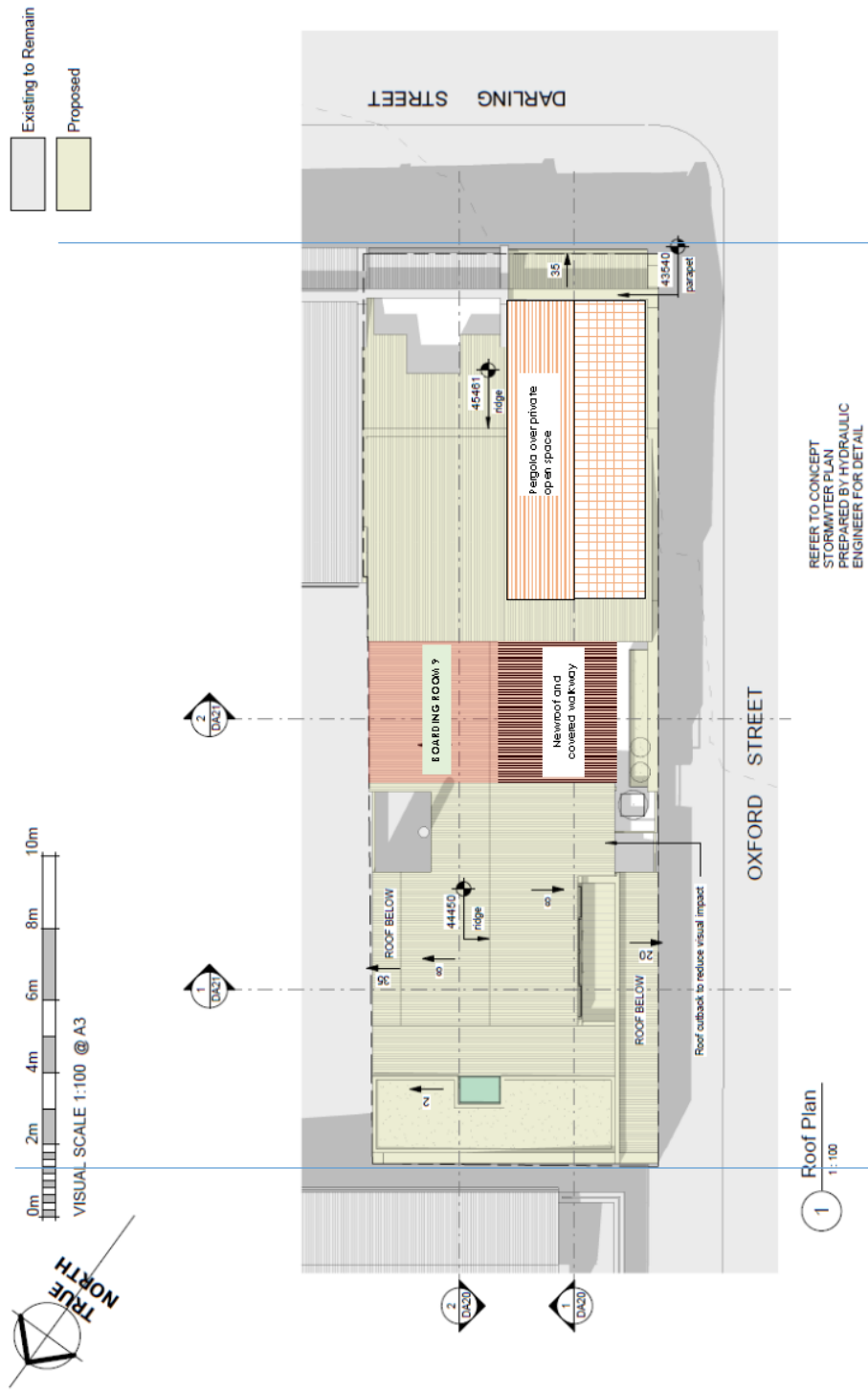
745 Darling St Rozelle
www.michaelloxarchitects.com
Site plan 0417 402030
\$4.55 application
01.03.22 ©MFA
CC 22.01





The contractor is required to confirm all construction details with the Council before commencing work.
 Drawings should not be copied.

745 Darling St Rozelle
 ©MFA www.michaelfoxarcitects.com
 First floor plan S4.55 application 01.03.22
 0417 402030 1:100± @ A3 CC 22.03



REFER TO CONCEPT
STORMWATER PLAN
PREPARED BY HYDRAULIC
ENGINEER FOR DETAIL

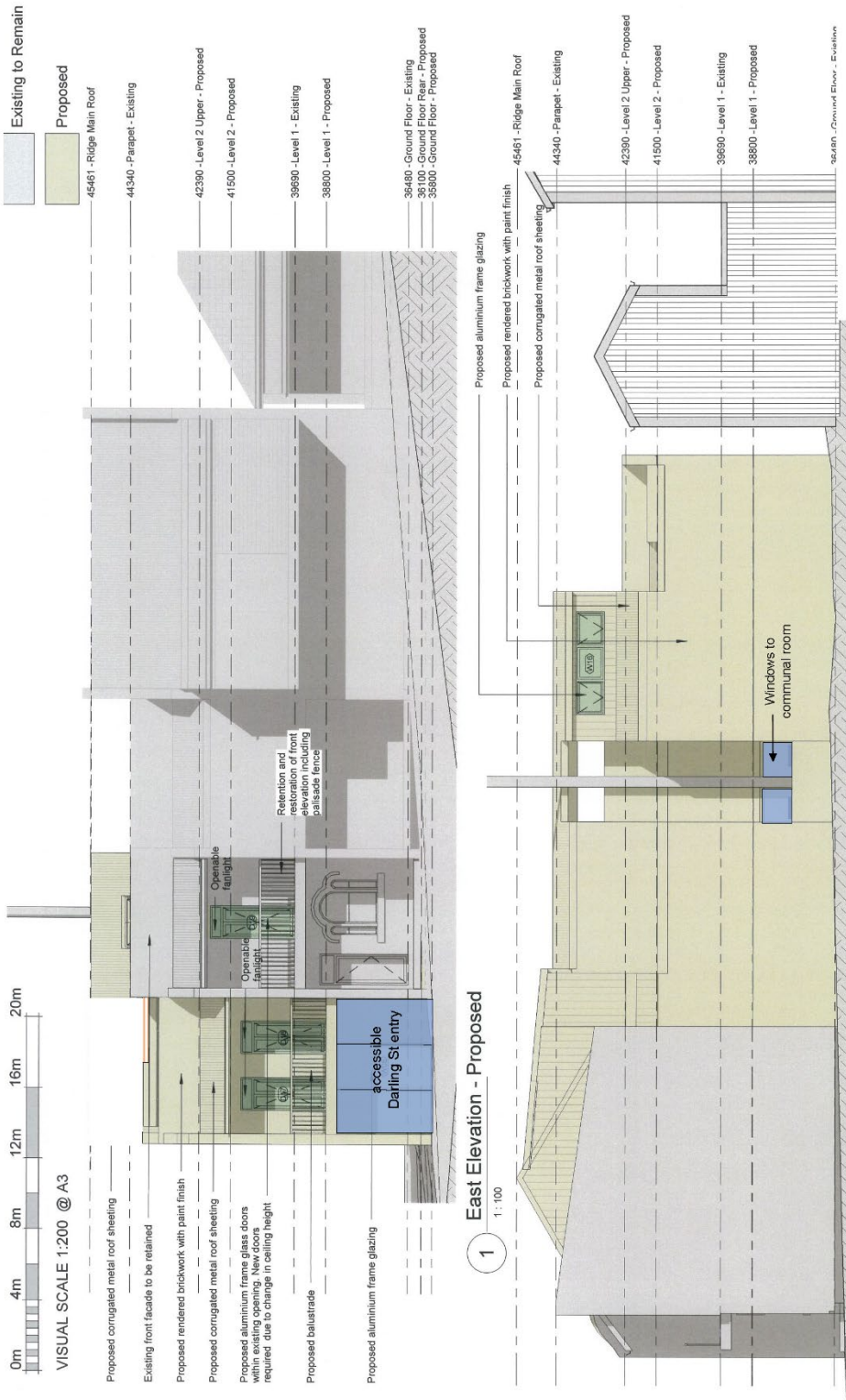
1 Roof Plan
1:100

The contractor is required to confirm all conditions and measurements on site and refer any discrepancies to MFA before commencing work.
Drawings should not be scaled.

745 Darling St
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Roof plan S4.55 application
0417 402030 1:100H @ A3

01.03.22
CC 22.05



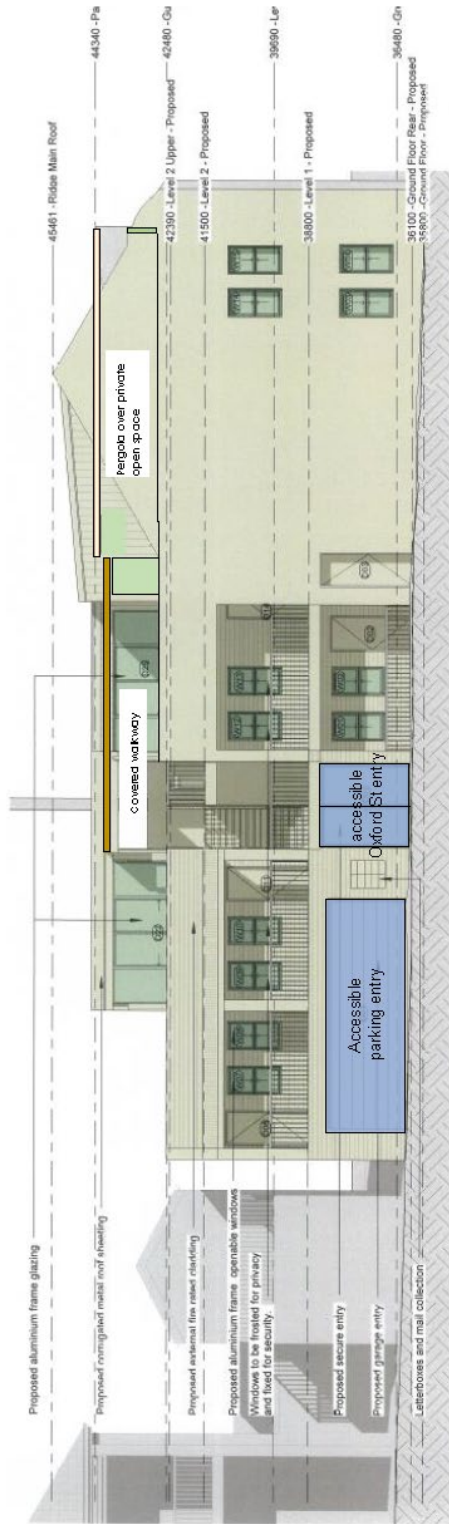
The contractor is required to confirm all conditions and measurements on site and refer any discrepancies to MFA before commencing work.
Drawings should not be scaled.

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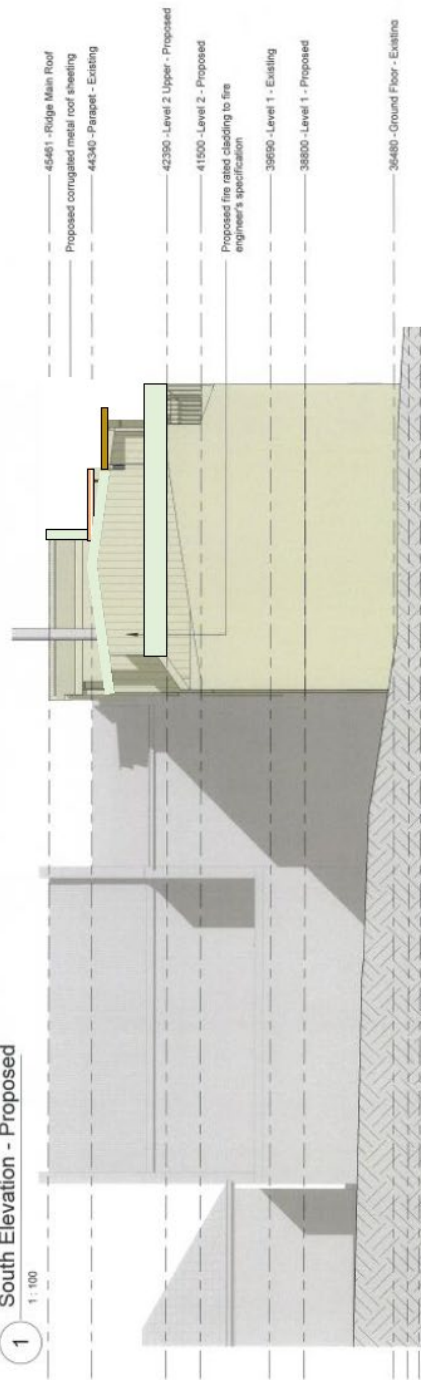
N & E elevations 0417 402030

\$4.55 application 01.03.22

1:100±@A3 CC 22.06



1 South Elevation - Proposed
1:100



2 West Elevation - Proposed

The contractor is required to confirm all conditions and measurements on site and refer any discrepancies to MFA before commencing work. Drawings should not be scaled.

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S & W elevations S4.55 application 01.03.22
0417 402030 1:100 庄 @ A3 CC 22.07



1 Long Section 1
1:100

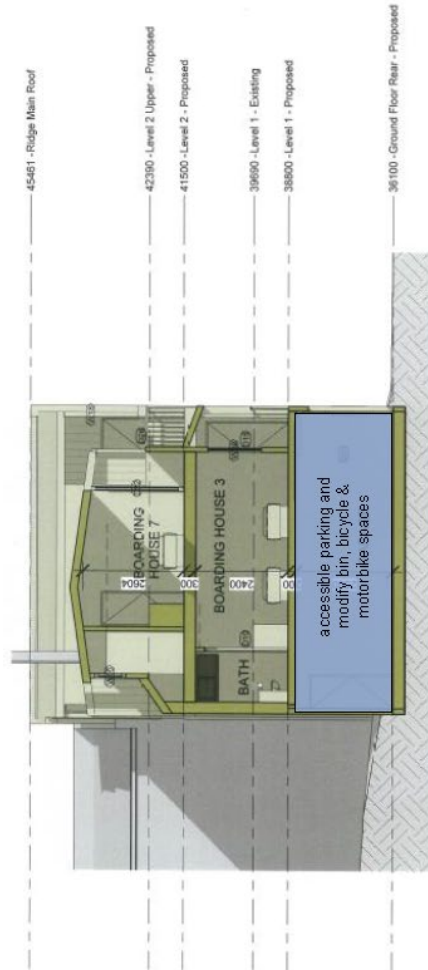


2 Long Section 2
1:100

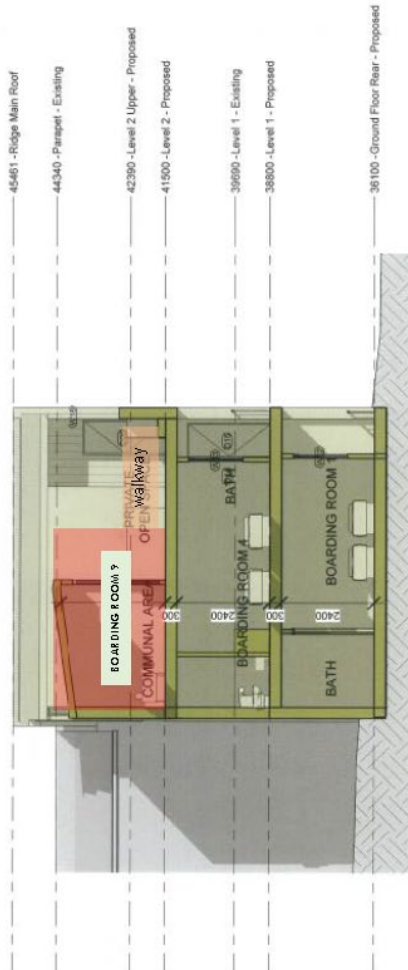
The contractor is required to confirm all conditions and measurements on site and refer any discrepancies to MFA before commencing work.
Drawings should not be scaled.

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Long sections 0417 402030
Long sections 54.55 application 01.03.22
1:100±@A3 CC 22.08



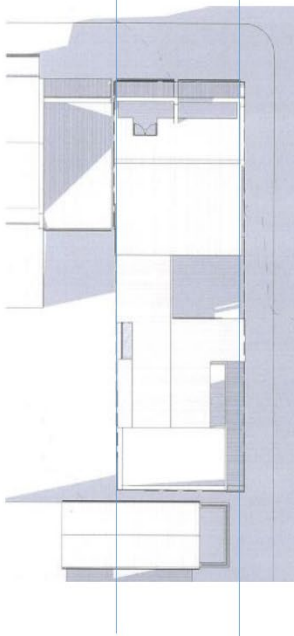
1 Cross Section 1
1:100



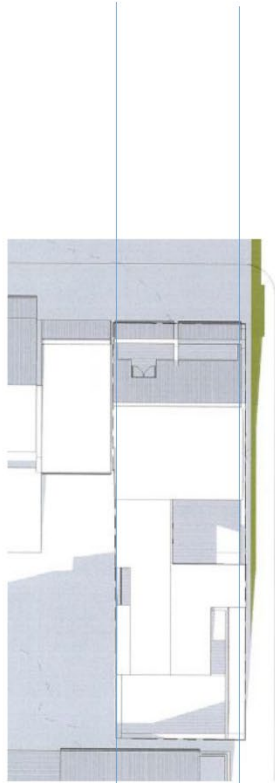
2 Cross Section 2
1:100

The contractor is required to confirm all conditions and measurements on site and refer any discrepancies to MFA before commencing work.
Drawings should not be scaled.

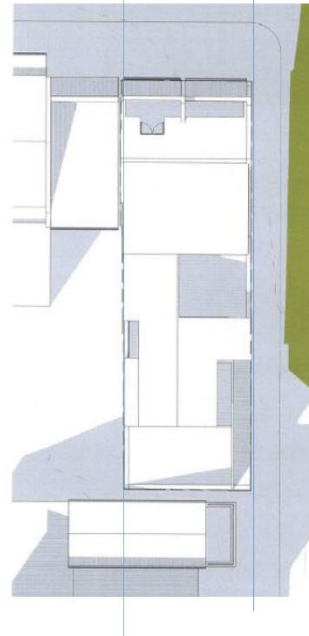
745 Darling St Rozelle
©MFA www.michaelfoxarchitects.com
Cross sections 54.55 application 01.03.22
0417 402030 1:100± @ A3 CC 22.09



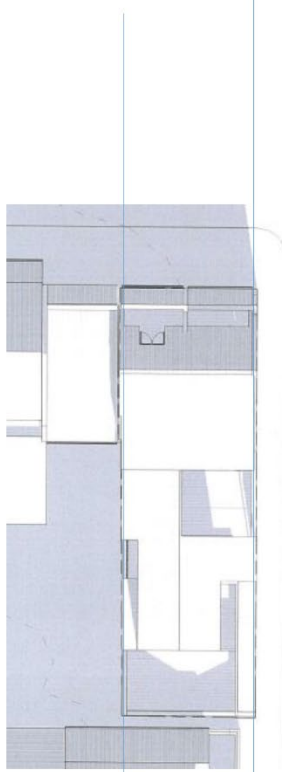
9am 21 June



2pm 21 June



10am 21 June



3pm 21 June

745 Darling St Rozelle
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Shadow diagrams 0417 402030
S4.55 application 01.03.22
1:100± @ A3 CC 22.10

Attachment C – Original Conditions of Consent – D/2017/303



Contact: Martin Amy
 Phone: 9392 5066
 Date: 16 August 2018

Black Tie Developments Pty Ltd
 PO BOX 816
 DRUMMOYNE NSW 1470

Dear Sir/Madam

**PREMISES KNOWN AS: 745 DARLING STREET, ROZELLE NSW 2039
 APPLICATION NO: D/2017/303**

I refer to the Notice of Determination of Development Consent No. D/2017/303 for the above property issued on 14 November 2017

Conditions 1, 2, 3 and, 4 of the development consent were required to be satisfied prior to the consent becoming operational. It is advised that the information submitted on the following plans satisfies these conditions:

Plan Reference	Drawn By		Dated
DA02 Rev D - Site Plan	Raymond Architects	Panetta	27/02/2018
DA03 Rev D – Ground Floor Existing	Raymond Architects	Panetta	27/02/2018
DA04 Rev D – First Floor Plan Existing	Raymond Architects	Panetta	27/02/2018
DA06 Rev D – Roof Plan Existing	Raymond Architects	Panetta	27/02/2018
DA07 Rev D – Elevations Existing (North & East)	Raymond Architects	Panetta	27/02/2018
DA08 Rev D – Elevations Existing (West & South)	Raymond Architects	Panetta	27/02/2018
DA09 Rev D – Sections Existing	Raymond Architects	Panetta	27/02/2018
DA11 Rev F – Ground Floor Plan Proposed	Raymond Architects	Panetta	08/06/2018
DA12 Rev D – Level 1 Floor Plan Proposed	Raymond Architects	Panetta	27/02/2018
DA13 Rev D – Level 2 Floor Plan Proposed	Raymond Architects	Panetta	27/02/2018
DA15 Rev D – Roof Plan Proposed	Raymond Architects	Panetta	27/02/2018

PO Box 14 Petersham 2049 | P 02 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road

DA16 Rev D – Elevations Proposed (East & North)	Raymond Architects	Panetta	27/02/2018
DA17 Rev D – Elevations Proposed (South & West)	Raymond Architects	Panetta	27/02/2018
DA20 Rev D – Sections Proposed (Long 1 & 2)	Raymond Architects	Panetta	27/02/2018
DA21 Rev D – Sections Proposed (Cross 1 & 2)	Raymond Architects	Panetta	27/02/2018
Drawing No 17MB7407/D01 Issue D – Stormwater Drainage Concept Plan	United Engineers	Consulting	12/06/2018
Document Title	Prepared By		Dated
Boarding House Plan of Management			February 2018
Building Code Capability Report & Fire Safety Schedule	Peter O'Neill & Associates Pty Ltd		24/07/2017

These plans form part of the consent. The consent is operational from **13 August 2018**.

I have enclosed an annotated copy of the conditions of consent for your information. If you require any further information please contact Martin Amy between the hours of 8.30 a.m. to 10.00 a.m. Monday to Friday on 9392 9066.

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

Yours faithfully



Iain Betts
Team Leader Development Assessment



Contact: Martin Amy
Phone: 9367 5066
16 August 2018

Black Tie Developments Pty Ltd
PO BOX 816
DRUMMOYNE NSW 1470

**NOTICE OF DETERMINATION OF
DEVELOPMENT APPLICATION NO: D/2017/303
Issued under the Environmental Planning & Assessment Act 1979
(Section 81(1)(a))**

Annotated Copy – Operational Consent

Applicant Name:	Black Tie Developments Pty Ltd
Applicant Address:	PO BOX 816 DRUMMOYNE NSW 1470
Land to be Developed:	LOT 4 DP 440104 CROSS EASEMENTS 745 Darling Street, ROZELLE NSW 2039
Proposed Development:	Partial demolition of existing building and construction of new three storey mixed use building, comprising commercial use to Darling Street; and a nine (9) room boarding house accommodating 17 lodgers, with associated vehicle, motorcycle and bicycle parking.
Determination:	<i>Approved Operational Consent</i>
Date of Determination:	14 November 2017
Consent to Operate From:	<i>13 August 2018</i>
Consent to Lapse On:	14 November 2022

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

DEFERRED COMMENCEMENT – Satisfied 13 August 2018**The following deferred commencement conditions have been satisfied as of 13 August 2018:**

The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.

1. The layout of the Garage, Bins, and Laundry/Storage must be reconfigured to address the following:
 - a) The garage area must be designed to accommodate the following parking spaces at minimum:
 - i) two (2) car parking spaces to be allocated to the boarding rooms;
 - ii) two (2) motorbike parking spaces; and
 - iii) three (3) bicycle parking spaces.
 - b) The roller door to the garage must be set back a minimum 900mm from the north western boundary and no less than 900mm from south eastern wall of the Garage.
 - c) The amended plans must show the existing parking spaces to the north and south of the existing vehicle crossing to demonstrate that there will be no loss of on-street parking in Oxford Street.
 - d) The on-site detention tank must have a minimum storage volume of 3m³ in accordance with the stormwater drainage concept plan on Drawing No 17MB7407/D01 / B prepared by United Consulting Engineers and dated 5 September 2017. The tank must have a minimum internal height of 600mm.
 - e) The residential bin store must have a minimum floor area of 5.2m² to accommodate a minimum of:
 - i) four (4) 240L general waste bins (red lid);
 - ii) one (1) 240L paper recycling bin (blue lid); and
 - iii) one (1) 240L co-mingled container recycling bin (yellow lid).
2. A landscape plan, that includes private open space planting and a green roof(s) at the western end including rationalisation of the roof pitches and parapet heights is to be submitted and prepared by a qualified Landscape Architect or Landscape Consultant. The plan must include:
 - a) Location of all proposed planting;
 - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity;
 - c) At least 85% of the plantings must be native species from the Sydney locale;
 - d) Details of planting procedure including available soil depth;
 - e) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period; and
 - f) Details of drainage and watering systems.

- g) For the green roof a *maintenance* report will be submitted, prepared by a suitably qualified person, outlining the care and *maintenance* strategy for the first two (2) years of the green roof and will include (at a minimum) the following detail:
 - a. strategy for any leaks or weaknesses in the membrane;
 - b. watering in dry periods (if an irrigation system has not been connected to a water supply);
 - c. removal of weeds;
 - d. light fertilization with slow release complete fertilizers; and
 - e. the replacement of dead plants.
 - h) The roof must be structurally sound and able to be appropriately waterproofed. Evidence of this in documentation from a qualified Structural Engineer and waterproofing specialist may be requested by Council during assessment.
3. An amended Plan of Management is to be prepared for the boarding house premises to the satisfaction of Council. The plan shall include but not be limited to, the requirements detailed as follows:
- a) To reflect the amended plans received September 2017
 - b) To include the hours of use of the communal area and private open space;
 - c) Details of a quick response complaints telephone number and procedure; and
 - d) The requirement to create and maintain a community liaison committee.
4. Amended plans being submitted to and approved by Council indicating the following design changes:
- (i) That cross ventilation be provided to room 1 via a ventilation shaft; to rooms 5 and 6 via operable fanlight to Darling Street elevation; and to room 2 via a skylight.
 - (ii) The windows to rooms 2 and 3 be changed to include operable upper sashes.
 - (iii) Reconfiguration of the main roof stair to reduce visual impact.
 - (iv) A note on northern elevation requiring 100% block for privacy screen to the balcony.
 - (v) One pair of vertically proportioned double hung timber framed windows on both the ground and first floor of the southern elevation to serve the ground level commercial suite and boarding room 6.
 - (vi) Retention and restoration of the front elevation of the existing terrace house including a palisade fence at ground floor level.
 - (vii) Retention of the ground and first floor fabric of the existing terrace house with the exception of the stairs.
 - (viii) Reconfiguration of the bin storage area in the garage to allow better access.

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

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

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2017/303 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By		Dated
DA02 Rev D - Site Plan	Raymond Architects	Panetta	27/02/2018
DA03 Rev D – Ground Floor Existing	Raymond Architects	Panetta	27/02/2018
DA04 Rev D – First Floor Plan Existing	Raymond Architects	Panetta	27/02/2018
DA06 Rev D – Roof Plan Existing	Raymond Architects	Panetta	27/02/2018
DA07 Rev D – Elevations Existing (North & East)	Raymond Architects	Panetta	27/02/2018
DA08 Rev D – Elevations Existing (West & South)	Raymond Architects	Panetta	27/02/2018
DA09 Rev D – Sections Existing	Raymond Architects	Panetta	27/02/2018
DA11 Rev F – Ground Floor Plan Proposed	Raymond Architects	Panetta	08/06/2018
DA12 Rev D – Level 1 Floor Plan Proposed	Raymond Architects	Panetta	27/02/2018
DA13 Rev D – Level 2 Floor Plan Proposed	Raymond Architects	Panetta	27/02/2018
DA15 Rev D – Roof Plan Proposed	Raymond Architects	Panetta	27/02/2018
DA16 Rev D – Elevations Proposed (East & North)	Raymond Architects	Panetta	27/02/2018
DA17 Rev D – Elevations Proposed (South & West)	Raymond Architects	Panetta	27/02/2018
DA20 Rev D – Sections Proposed (Long 1 & 2)	Raymond Architects	Panetta	27/02/2018
DA21 Rev D – Sections Proposed (Cross 1 & 2)	Raymond Architects	Panetta	27/02/2018
Drawing No 17MB7407/D01 Issue D – Stormwater Drainage Concept Plan	United Engineers	Consulting	12/06/2018
Document Title	Prepared By		Dated
Boarding House Plan of Management			February 2018
Building Code Capability Report & Fire Safety Schedule	Peter O'Neill & Associates Pty Ltd		24/07/2017

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

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

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

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

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

(Condition 1 amended 13 August 2018 under the operational consent)

2. The boarding house must comply at all times with the following:
 - a) The use must comply at all times with the Plan of Management referred to in condition 1 above and as amended by the conditions in this Determination;
 - b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
 - c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
 - d) The Plan of Management must not to be amended without the prior consent of Council;
 - e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
 - f) The boarding house must contain a maximum total of 9 lodger rooms with not more than 17 adult lodgers residing in the premises at any one time;
 - g) Not more than 2 lodgers must occupy each boarding room;
 - h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
 - i) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers;
 - j) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times;
 - k) Each boarding house room must be used exclusively as such and not be adapted for use as backpackers' accommodation, serviced apartments and not be used for any industrial or commercial purpose;
3. Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room and not on any balcony or terrace.
4. No air conditioning units are to be installed in any position visible from the public domain without the prior approval of Council.

5. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. All tenants and occupiers of the building, are to be advised of this at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.

Signs reading "all owners, tenants and occupiers of this building advising that they are not eligible to obtain Resident Parking Scheme parking permits from Council", must also be located in prominent places such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.

6. All domestic and commercial waste bins must be presented on the street for collection. The waste bins are not to be placed in the road frontage until after 7.00pm on the day prior to collection and are to be returned to their on-site storage location within two (2) hours of the bins being collected by Council.
7. Unless permitted under another Environmental Planning instrument a separate Development Consent or Complying Development Certificate must be obtained for the use of the ground floor commercial premises prior to the occupation of that part of the premises.
8. Consent is granted for the demolition on the property, subject to strict compliance with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.

- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for

hazardous materials.

- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
- i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

9. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
10. An Access Management Plan must be provided by an Accredited Access Consultant prior to the issue of a Construction Certificate. Details of the Access Management Plan must include:
- a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether an upgrade of the 'Affected part' is required.
 - b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
 - c) Conduct an assessment and identify any non-compliances with the Disability Standards 2010 and/or the Building Code of Australia where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
 - d) The ground floor boarding room (Boarding Room No. 1) is to be made adaptable.
 - e) Suitable access is to be provided to all communal areas including the common room and private open space on Level 2.
11. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

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

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

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

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

12. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and provided prior to the issue of a Construction Certificate.

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

13. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
14. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

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

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

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

16. Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
17. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

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

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

19. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1

(2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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

20. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

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

21. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.

- ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

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

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

22. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.

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

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

23. A stormwater drainage design, incorporating on site stormwater detention facilities (OSD), prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be amended to make provision for the following:
- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No 17MB7407/DO1 / B prepared by United Consulting Engineers and dated 5 September 2017, amended in accordance with the garage design approved under **Deferred Commencement Condition 1**.
 - b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or directly into Council's piped drainage system. Charged or pump-out stormwater drainage systems are not permitted.
 - c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - d) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas.
 - e) All external courtyards and their associated drainage systems must be designed in accordance with the following criteria:
 - i) The finished surface level of the courtyard(s) must be not less than 150mm below the adjacent internal floor level(s).
 - ii) For the external courtyards without provision of an overland flowpath, the sag pit(s) and associated pipe drainage system draining the courtyard(s) must be designed to capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlets and 50% blockage of the pipes. The design must cater for any potential overflow from the roof gutters or downpipes in the vicinity of the courtyard.
 - iii) The inlets for the sag pit(s) draining the courtyard(s) must be designed in accordance with Clause 5.4.10.1 of Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage to ensure that the

maximum ponding level over the sag pit(s) is not less than 150mm below the adjacent internal floor level(s).

- f) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
- g) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- h) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
- i) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- j) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- k) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

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

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

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

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

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

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

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

- a) The floor/finished levels within the property must be adjusted to ensure that the

levels at the boundary comply with those obtained in the Levels Certificate issued by Council. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.

- b) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Note that the headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, services, ducts, etc. The headroom at any door opening must be measured to the lowest point of the open door.
- c) Longitudinal sections must be provided along each outer edge of all ramps within the parking facilities demonstrating compliance with the above requirements. The longitudinal sections at the entry/exit access ramp(s) must extend to the centreline of the connecting road carriageway.
- d) The car parking facilities must be appropriately line marked and signposted in accordance with the requirements of Section 4 of *AS/NZS2890.1-2004*.
- e) Garage doors must not encroach into the driveway or the internal space of each garage.
- f) The Bicycle parking facilities must be provided in accordance with the numerical and dimension requirements of Sections C1.11 Parking and C1.11.3 & C1.11.6 tables within DCP 2013.
- g) The external form & height of the approved structures must not be altered from that depicted on the approved plans to address this condition. If the applicant seeks a design that would require such, the approved plans must be modified in accordance with Section 96 of the Environmental Planning and Assessment Act 1979.
- h) The car parking spaces are to be allocated and marked for use for the tenants/lodgers of boarding house.

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

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

26. The applicant must bear the cost of construction of the following works:
- a) Construction of a concrete vehicle crossing at the Oxford Street frontage of the site.
 - b) Reconstruction of the concrete kerb and gutter and asphalt footpath for the full length of the Darling Street frontage of the site.
 - c) Reconstruction of the sandstone kerb and concrete gutter and asphalt footpath for the remainder of the Oxford Street frontage of the site.

Development Consent does NOT give approval to undertake any works on Council

property. **An application must be made to Council and a Roadworks Permit issued under Section 138 of the Roads Act 1993 prior to construction of these works.**

The Roadworks Permit must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- 27. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued (whichever occurs first), a security deposit as set out below must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Works	Security Deposit
Roadworks (ROADWB)	\$ 28,100
Total	\$ 28,100

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date. A request for release of the security may be made to the Council after all construction work has been completed. The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

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

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

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

- 28. Canopy and/or root pruning which is necessary to accommodate the approved building works shall be undertaken by, or supervised by, an experienced Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40

mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard 4373 - 2007 Pruning of Amenity Trees.

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owners consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the Access To Neighbouring Lands Act 2000 to seek access.

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

- 29. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.

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

- 30. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

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

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

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

Security Deposit (FOOT)	\$7,210.50
Inspection fee (FOOT)	\$225.00

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

The inspection fee is required for Council to determine the condition of the adjacent

road reserve & footpath prior to & on completion of the works being carried out.

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

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

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

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

- 32. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property
No. 743 Darling Street

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

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

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

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any

civil dispute over damage rising from the works.

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

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

To ensure that the location of the building satisfies the provision of the approval, a

check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

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

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

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

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

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

36. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
37. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
38. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
39. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

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

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

40. All trees adjacent to the site not approved for removal must be protected at all times during demolition and construction. Details of the method(s) of protection of such trees must be submitted to and be approved by Council before commencing works.

DURING WORKS

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

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

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

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

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

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

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

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

45. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

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

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

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

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

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

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

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

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

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

46. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
47. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
48. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
 - a) after excavation for, and prior to the placement of, any footings, and

- b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
49. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
50. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

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

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

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

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

52. A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.
53. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued.

54. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:

- Compare the post construction report with the pre-construction report required by these conditions,
- Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

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

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

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

58. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

59. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principle Certifying Authority stamped Construction Certificate plans.

60. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on-site detention facilities. 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.

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

61. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the car park has been completed, line marked and all signage relating to car parking erected.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

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

63. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

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

- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate

64. A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development 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.

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

65. The premises must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Boarding House - Boarding Houses Act 2012.

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

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

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

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

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

ONGOING CONDITIONS OF CONSENT

67. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

68. There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.
69. The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and on-going inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

The boarding house must be operated in accordance with the Boarding Houses Act 2012.

70. The use of the premises shall 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 shall not give rise to the transmission of a vibration nuisance or damage other premises.
71. The Operation and Management Plan for the on-site detention facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
72. Driveways and parking spaces must not be used for manufacture, storage or display of goods, materials and equipment. The spaces must be available at all times, for all vehicles associated with the development.
73. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
74. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.

- 75. The boarding house component of the development is not to be subdivided.
- 76. The boarding house is to operate and comply with the Management Plan that forms part of this consent.
- 77. The commercial tenancies are only to be open and used for the purpose approved within the following hours.

Days	Hours
Monday to Saturday	7:00am to 7:00pm
Sunday & Public Holidays	9:00am to 6:00pm

- 78. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. boarding house and commercial premises without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a boarding house and commercial premises, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

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

B. Building Code of Australia

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

C. Home Building Act

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

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

D. Site Sign

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

E. Condition relating to shoring and adequacy of adjoining property

- 1) For the purposes of [section 80A](#) (11) of [the Act](#), it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the

person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.

- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

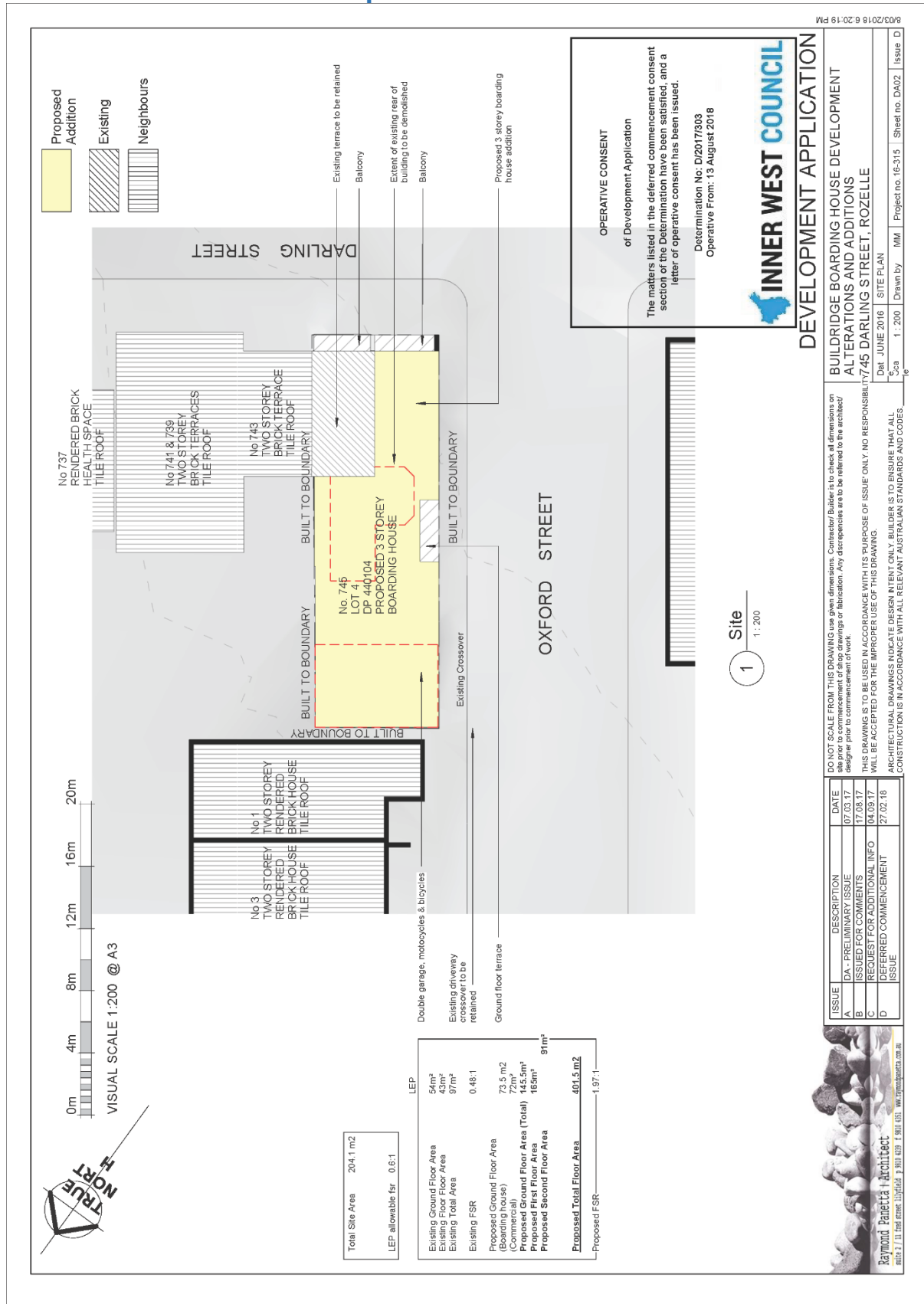
Have you made a political donation?

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



Iain Betts
Team Leader Development Assessment

Attachment D – Plans of Operative Consent – D/2017/303



Total Site Area	204.1 m ²
LEP allowable fsr	0.61

LEP	
Existing Ground Floor Area	54m ²
Existing First Floor Area	40m ²
Existing Total Area	97m ²
Existing FSR	0.48:1
Proposed Ground Floor Area (Boarding House)	73.5 m ²
Proposed Ground Floor Area (Commercial)	72m ²
Proposed Ground Floor Area (Total)	145.5m ²
Proposed First Floor Area	165m ²
Proposed Second Floor Area	91m ²
Proposed Total Floor Area	401.5 m ²
Proposed FSR	1.97:1

1 Site 1:200

OPERATIVE CONSENT
or Development Application

The matters listed in the deferred commencement consent section of the Determination have been satisfied, and a letter of operative consent has been issued.

Determination No: D/2017/303
Operative From: 13 August 2018

INNER WEST COUNCIL

DEVELOPMENT APPLICATION

BUILDING BOARDING HOUSE DEVELOPMENT ALTERATIONS AND ADDITIONS

745 DARLING STREET, ROZELLE

Date: JUNE 2016 | SITE PLAN
Scale: 1:200 | Drawn by: MM | Project no: 16-315 | Sheet no: DA02 | Issue: D

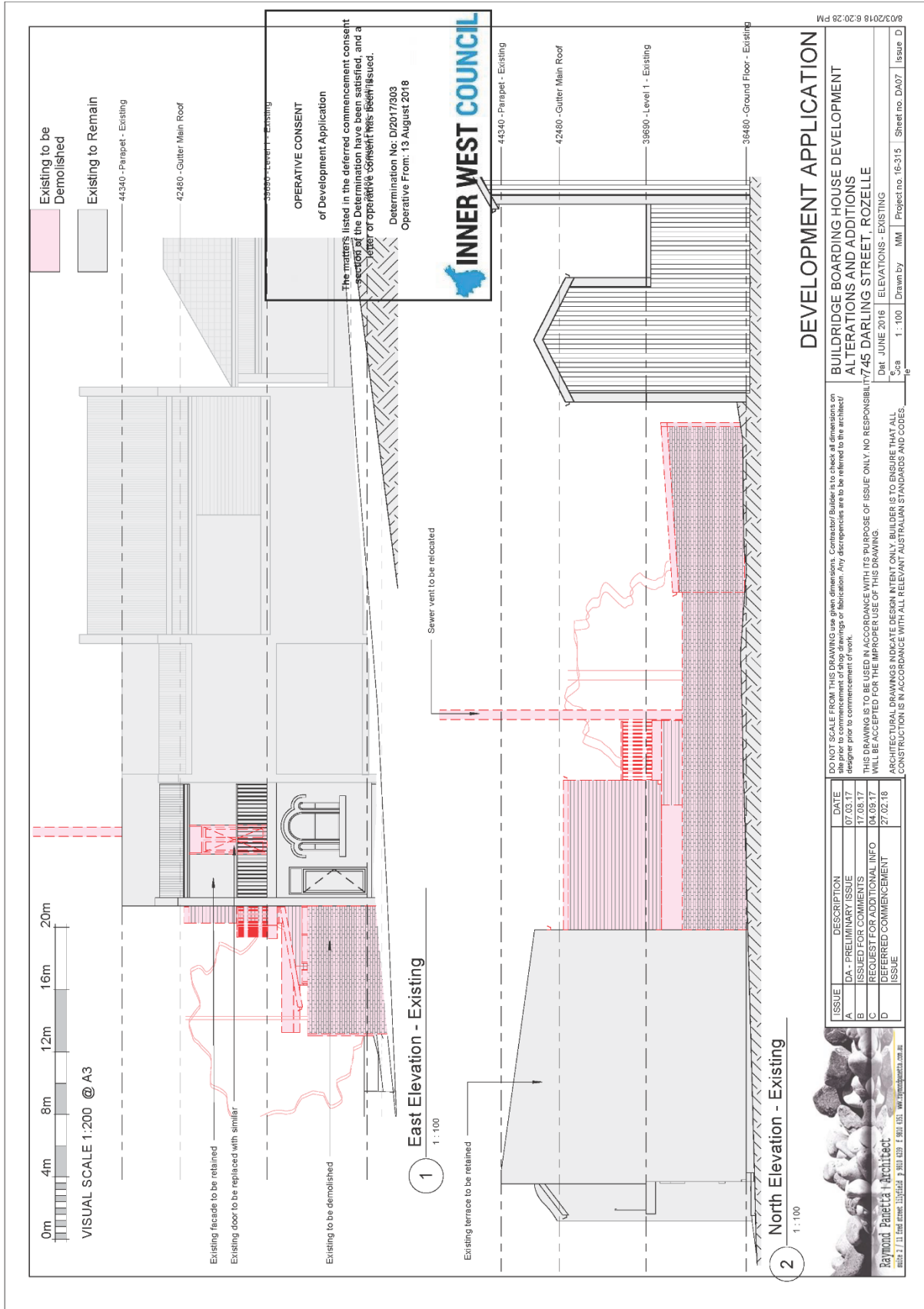
DO NOT SCALE FROM THIS DRAWING. Use given dimensions. Contractor/BUILDER to check all dimensions on site prior to commencement of site work. Any discrepancies are to be referred to the architect/designer prior to commencement of work.

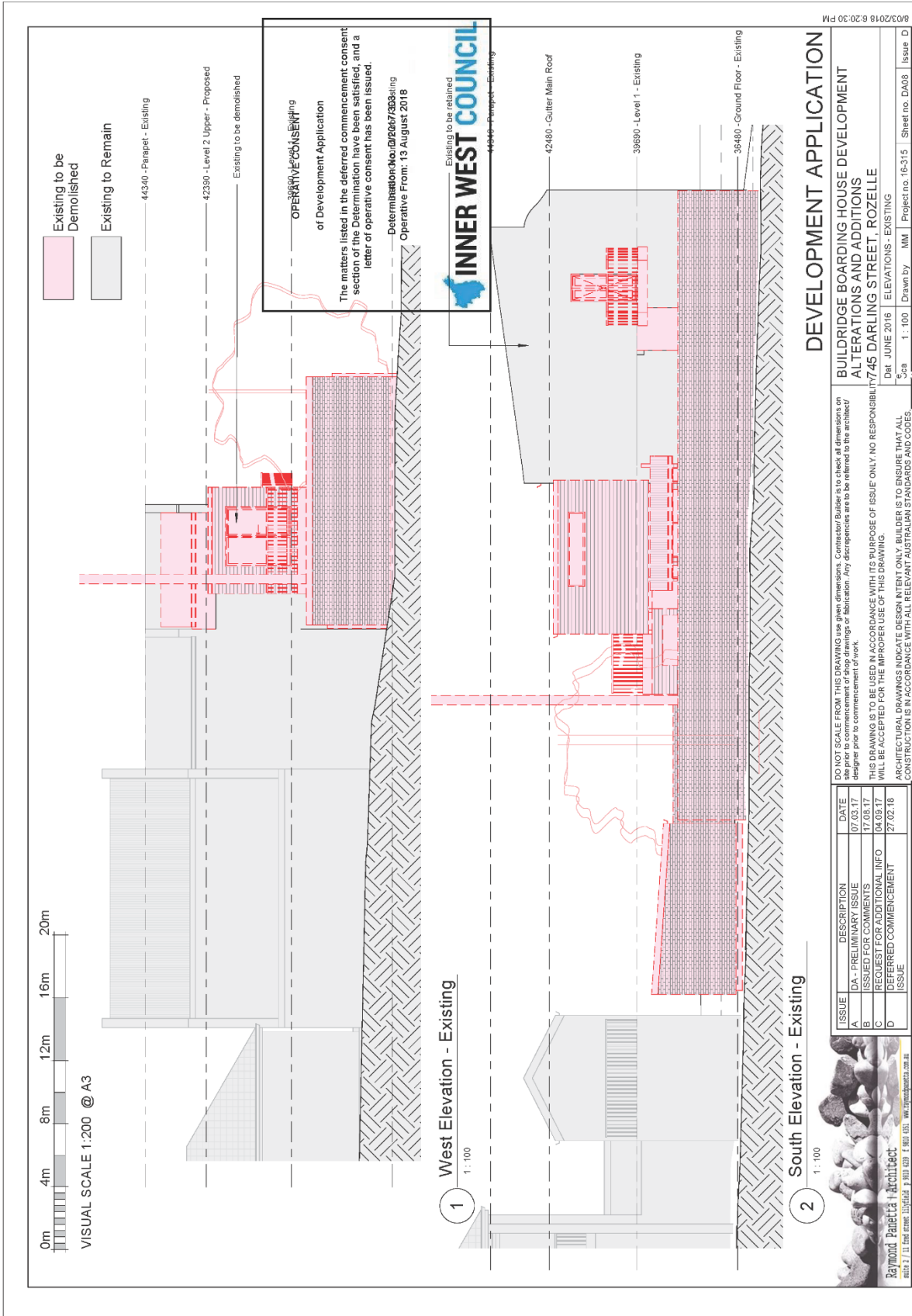
THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.

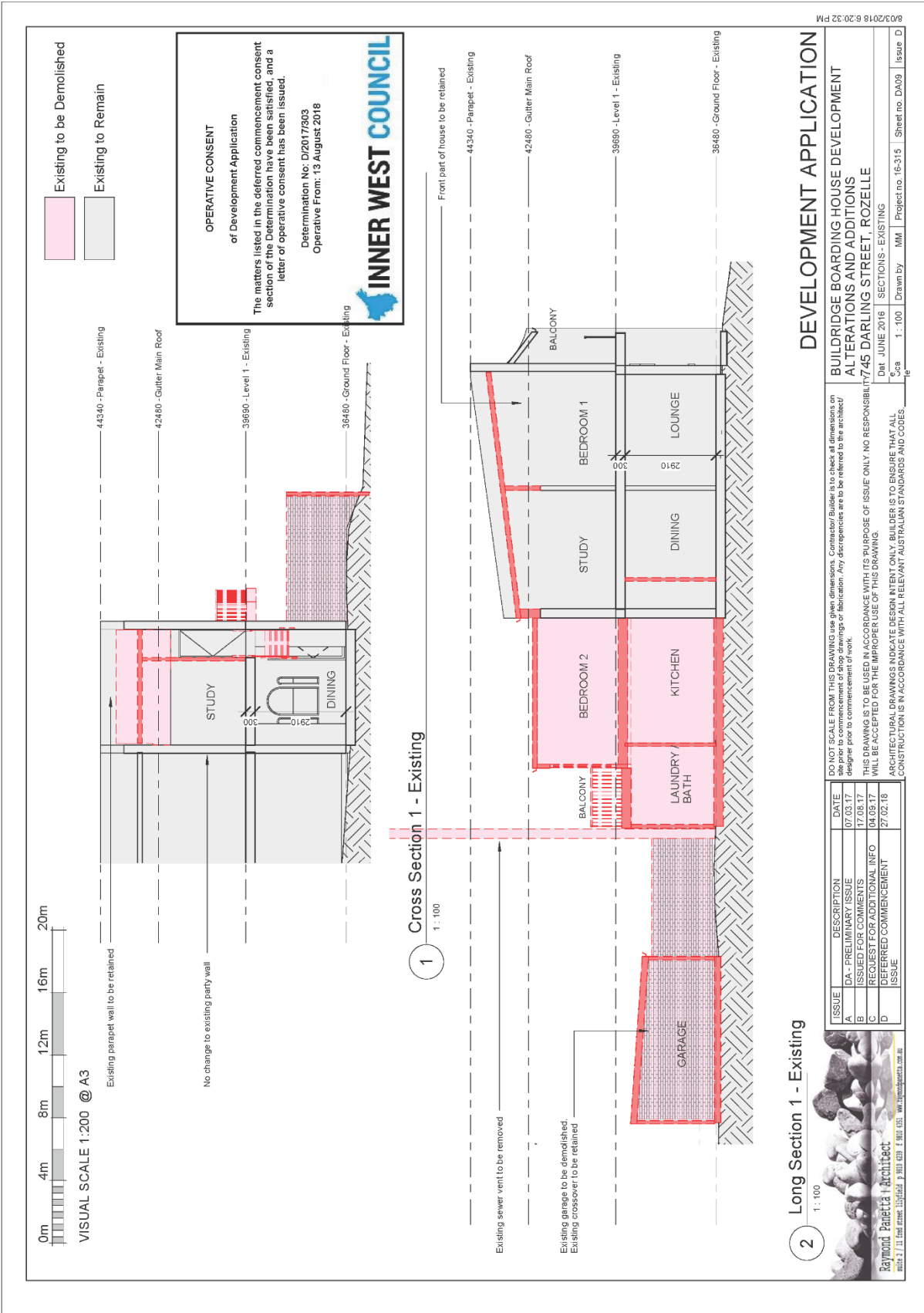
ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

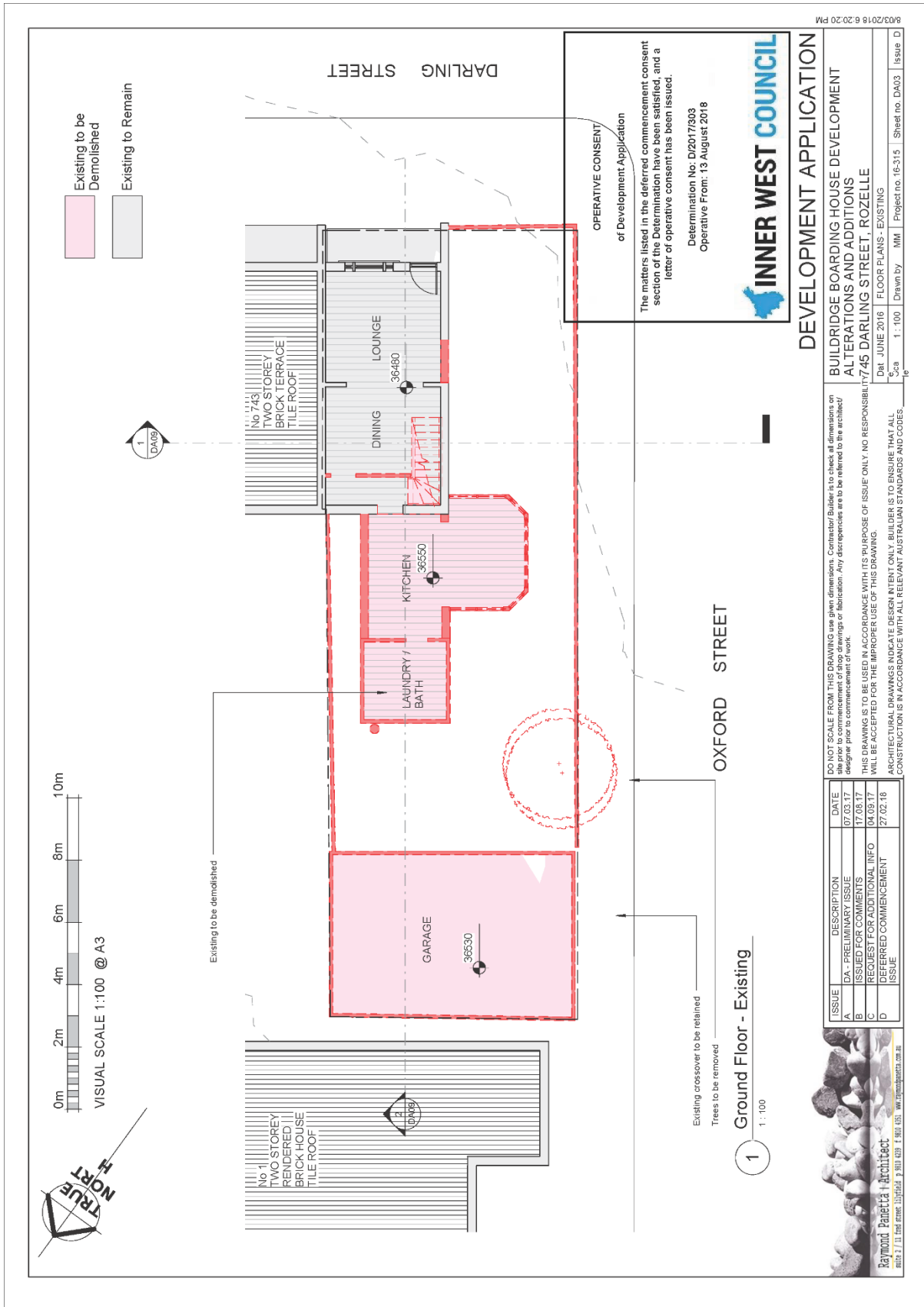
ISSUE	DESCRIPTION	DATE
A	DA - PRELIMINARY ISSUE	07.03.17
B	ISSUED FOR COMMENTS	17.08.17
C	REQUEST FOR ADDITIONAL INFO	04.09.17
D	DEFERRED COMMENCEMENT ISSUE	27.02.18

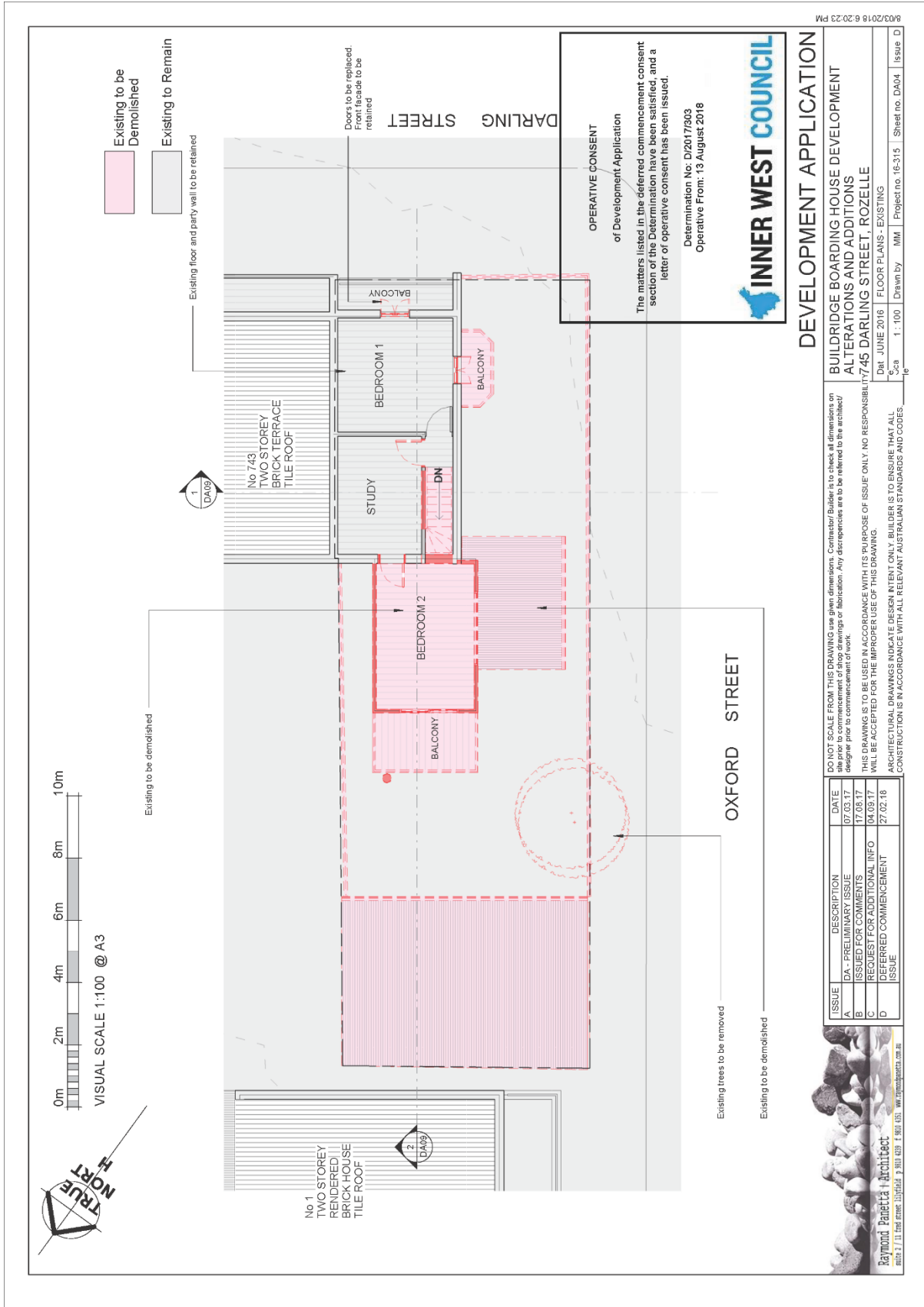


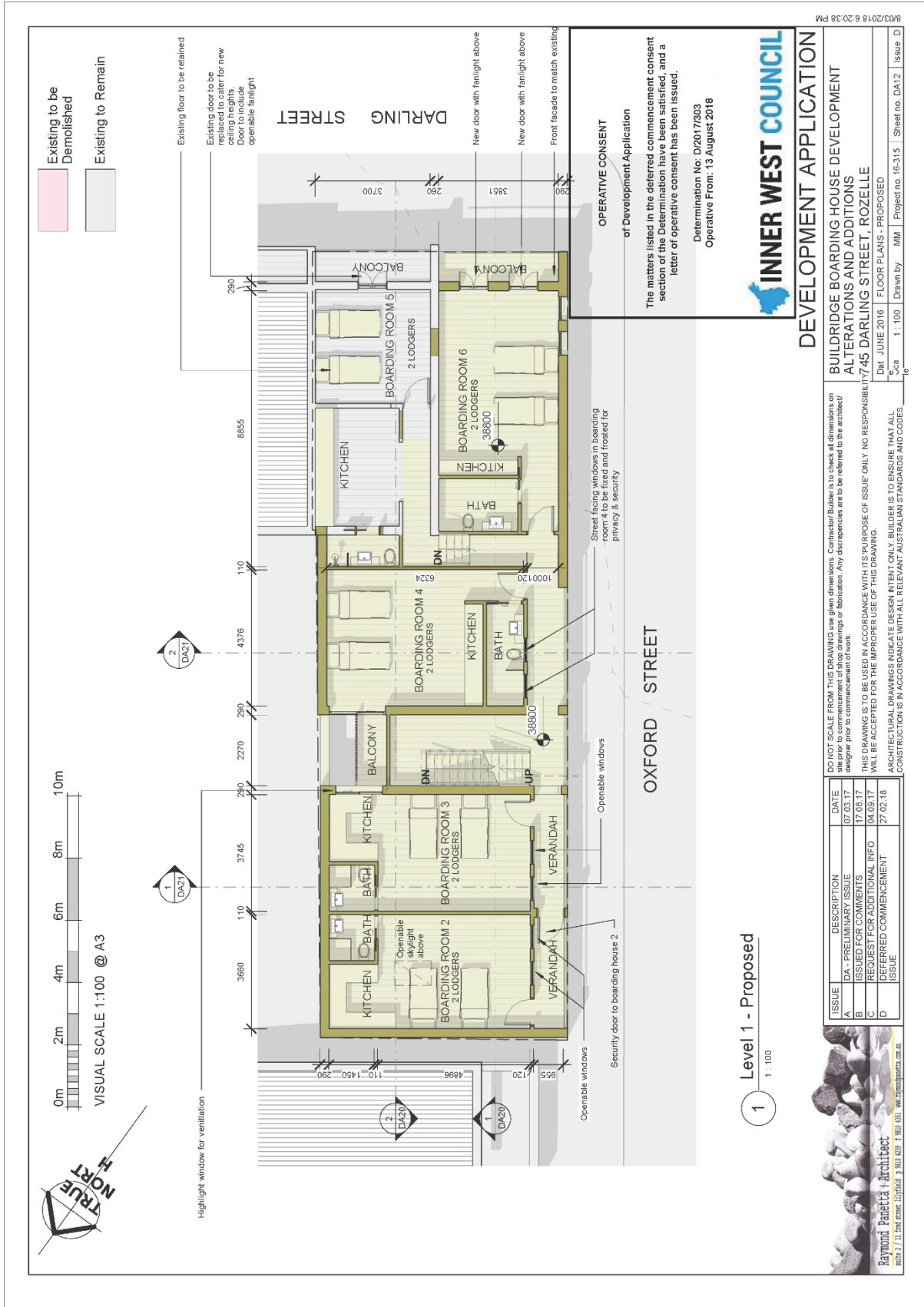


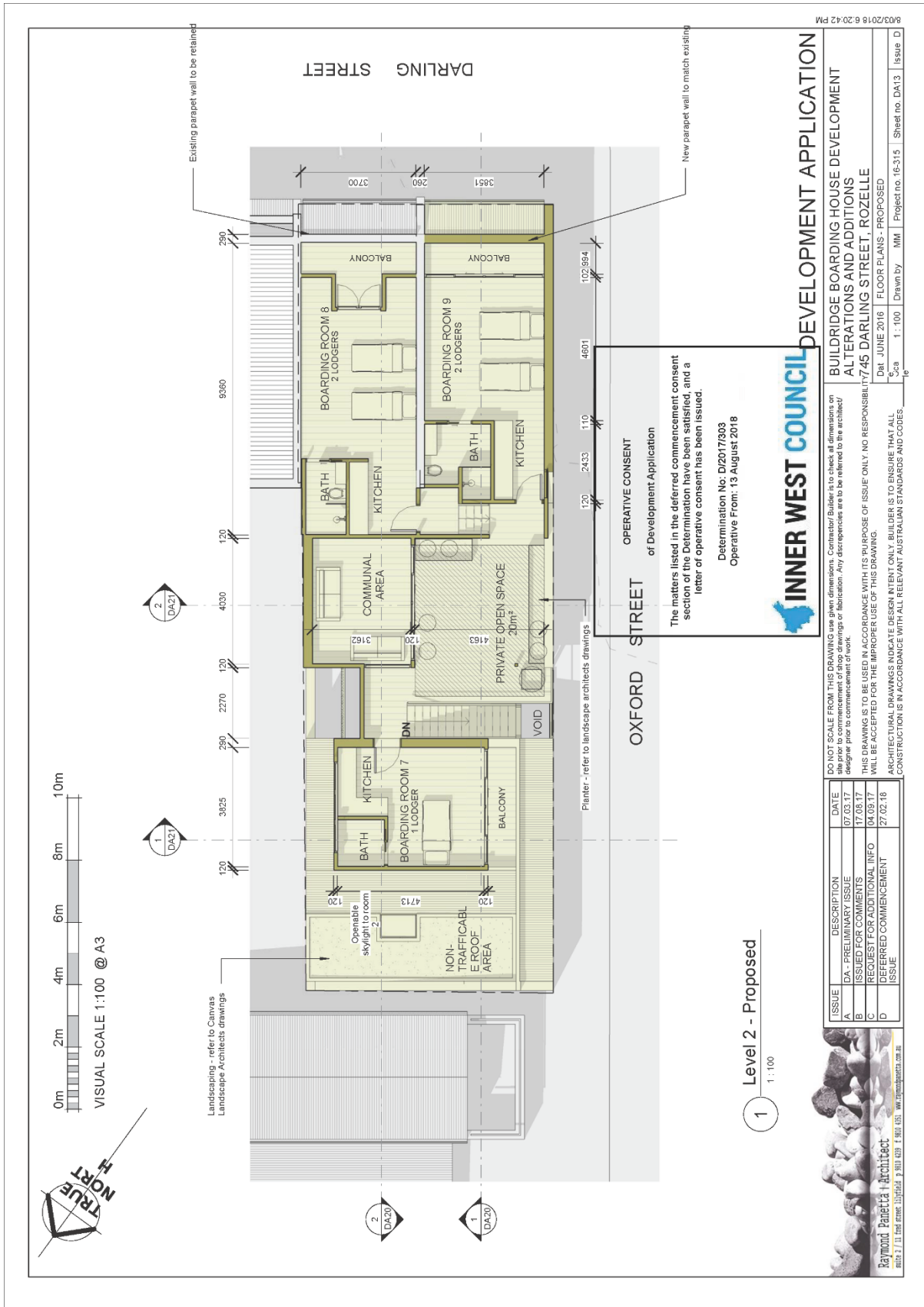


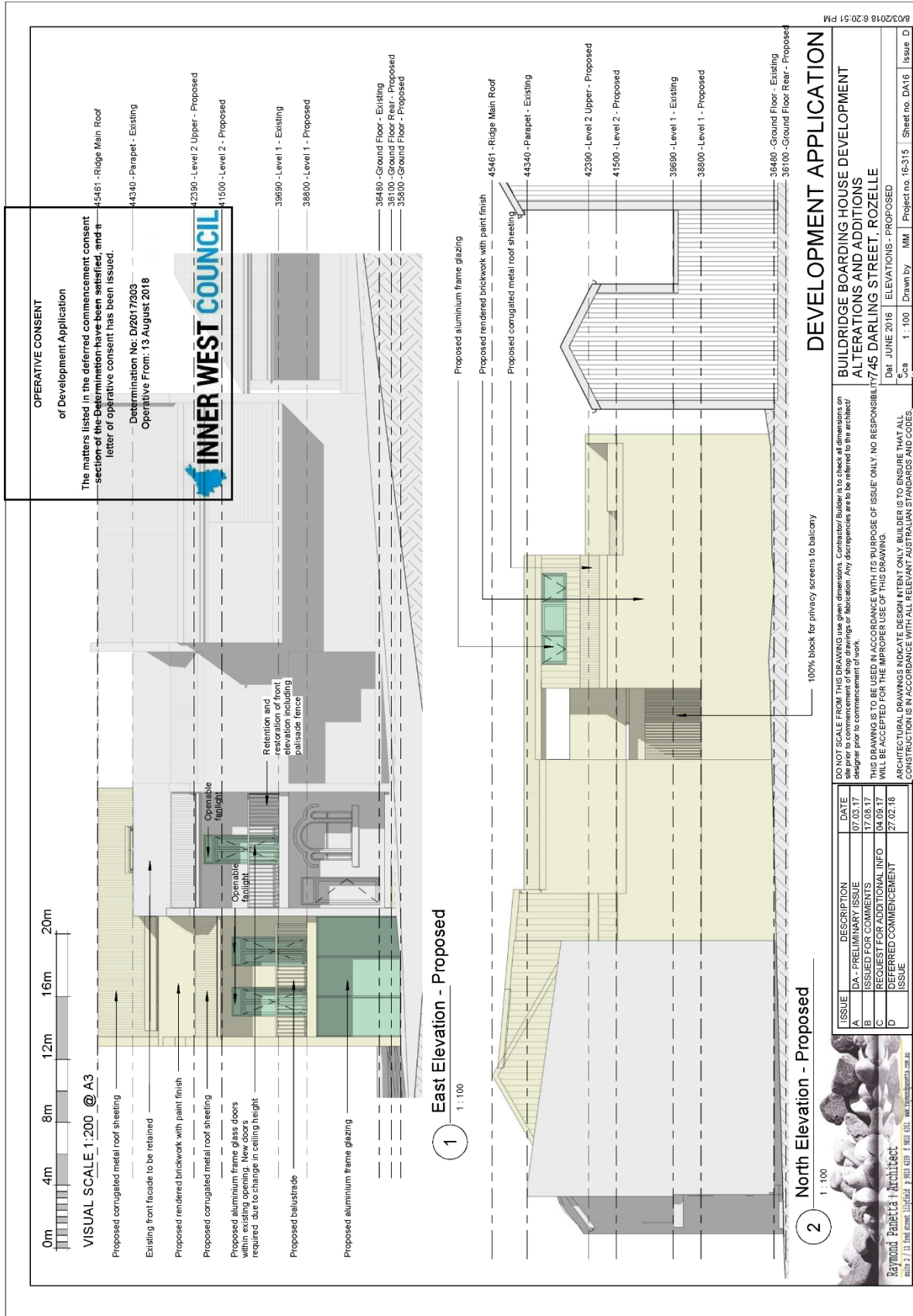












1 South Elevation - Proposed
1: 100

2 West Elevation - Proposed
1: 100

OPERATIVE CONSENT
of Development Application

The matters listed in the deferred commencement consent section of the Determination have been satisfied, and a letter of operative consent has been issued.

Determination No: D/2017/303
Operative From: 13 August 2018

INNER WEST COUNCIL

Raymond Parrella Architect
MBA 3 / 11 Ind Estate 13101018 P 8811 4252 F 8811 4351 www.raymondparrella.com.au

DEVELOPMENT APPLICATION
BUILDRIERGE BOARDING HOUSE DEVELOPMENT
ALTERATIONS AND ADDITIONS
745 DARLING STREET, ROZELLE

DO NOT SCALE FROM THIS DRAWING USE GIVEN DIMENSIONS. CONTRACTOR/BUILDER IS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF STAG DRAWINGS OR FABRICATION. ANY DISCREPANCIES ARE TO BE REFERRED TO THE ARCHITECT/DESIGNER PRIOR TO COMMENCEMENT OF WORK.

THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.

ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
A	DA - PRELIMINARY ISSUE	07/03/17
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C	REQUEST FOR ADDITIONAL INFO	04/09/17
D	DEFERRED COMMENCEMENT ISSUE	27/02/18

8/03/2018 6:20:54 PM

1 Long Section 1
1:100

45461 - Ridge Main Roof
44340 - Parapet - Existing
41500 - Level 2 - Proposed
36800 - Level 1 - Proposed
36100 - Ground Floor Rear - Proposed
35800 - Ground Floor - Proposed

45461 - Ridge Main Roof
44340 - Parapet - Existing
42390 - Level 2 Upper - Proposed
41500 - Level 2 - Proposed

2 Long Section 2
1:100

OPERATIVE CONSENT
36850 - Level 1 - Existing
of Development Application
36850 - Level 1 - Proposed
The matters listed in the proposed commencement consent section of the Determination have been satisfied, and a letter of operative consent has been issued.
Determination No: D/2017/303
26 September 2018
36850 - Level 1 - Proposed
36800 - Ground Floor - Proposed

INNER WEST COUNCIL
DEVELOPMENT APPLICATION

BUILDING BOARDING HOUSE DEVELOPMENT ALTERATIONS AND ADDITIONS
745 DARLING STREET, ROZELLE

DATE: JULIE 2016
Scale: 1:100
Drawn by: MM
Project no: 16-315
Sheet no: DA20
Issue: D

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THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY. NO RESPONSIBILITY FOR THE ARCHITECT'S DESIGN OR THE PROPER USE OF THIS DRAWING WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.

ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
A	DA - PRELIMINARY ISSUE	07/03/17
B	ISSUED FOR COMMENTS	17/08/17
C	REQUEST FOR ADDITIONAL INFO	04/09/17
D	DEFERRED COMMENCEMENT	27/02/18

Raymond Parrella Architect
10/11 Ford Street, Rozelle NSW 1585
P: 9351 4292 F: 9351 4351 www.raymondparrella.com.au

OPERATIVE CONSENT
of Development Application

The matters listed in the deferred commencement consent section of the Determination have been satisfied, and a letter of operative consent has been issued.

Determination No: D/2017/003
Operative From: 13 August 2018

DEVELOPMENT APPLICATION

BUILDING BOARDING HOUSE DEVELOPMENT ALTERATIONS AND ADDITIONS

745 DARLING STREET, ROZELLE

DATE: JULIE 2018
Scale: 1:100
Drawn by: MM
Project no: 16-315
Sheet no: DA21
Issue: D

DO NOT SCALE FROM THIS DRAWING. Use given dimensions. Contractor/Builder is to check all dimensions on site prior to commencement of stop drawings or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of work.

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