
INNER WEST LOCAL PLANNING PANEL MEETING

TUESDAY, 27 November 2018



**INNER WEST
COUNCIL**

NOTICE IS HEREBY GIVEN THAT THE INNER WEST LOCAL PLANNING PANEL WILL BE HELD ON **TUESDAY, 27 November, 2018 AT THE COUNCIL CHAMBERS, FIRST FLOOR, LEICHHARDT TOWN HALL, CNR. MARION AND NORTON STREETS, LEICHHARDT.**

COMMENCEMENT OF THE INNER WEST LOCAL PLANNING PANEL MEETING WILL BE 2.00 PM.

**RIK HART
INTERIM GENERAL MANAGER**

INNER WEST LOCAL PLANNING PANEL MEETING

TUESDAY, 27 November 2018



A. ACKNOWLEDGEMENT OF COUNTRY

I acknowledge the Gadigal and Wangal people of the Eora nation on whose country we are meeting today, and their elders past and present.

B. DECLARATIONS OF INTEREST

PART A – commencing 2pm

| Item | | | | Page |
|-------------|------------|---|--|-------------|
| 1 | D2018/186 | 707 Darling Street Rozelle | Change of use to gym with internal alterations and new signage. | 6 |
| | Applicant: | Fitness Business Experts | Rec: Approval | |
| | Owner: | Maxted Thomas Holdings Pty Ltd | | |
| 2 | D/2018/189 | 67 Ballast Point Road Birchgrove | Lower ground, ground and first floor alterations and additions to existing dwelling-house, and associated works, including construction of a new swimming pool at rear, tree removal and replacement of shed | 42 |
| | Applicant: | Vaughan Architects Pty Ltd | Rec: Deferred Commencement | |
| | Owner: | SA Calobra Nominees Pty Ltd | | |
| 3 | D/2018/418 | 1 Cross Street Rozelle | Alterations and additions to existing dwelling-house | 112 |
| | Applicant: | Christopher Jordon Architecture & Design | Rec: Approval | |
| | Owner: | Mr B J Sneddon Ms J E Leeder | | |

| Item | | | | Page |
|-------------|----------------------|--|---|-------------|
| 4 | D/2018/262 | 56 Burt Street Rozelle | Ground and first floor alterations to existing heritage listed boarding house building, resulting in a total of 26 boarding house rooms. | 183 |
| | Applicant: Owner: | M Barbara Mr G Marzullo | Rec: Approval | |
| 5 | D/2018/375 | 7 Emily Street Leichhardt | Building works to existing residence, including ground floor internal renovations, and a first floor addition. | 231 |
| | Applicant: Owner: | Precision Planning Mrs L B Scott Mr M F Scott | Rec: Deferred Commencement | |
| 6 | DA10.2018.75 | 77 Ramsay Street Haberfield | Alterations and additions to an existing dwelling | 266 |
| | Applicant: Owner: | Darren McCoubrie & Ivana Bombardieri Darren McCoubrie & Ivana Bombardieri | Rec: Refusal | |
| 7 | DA10.2018.236.01 | 16-16A Tintern Road Ashfield | Demolition of existing structures and construction of a 3 storey, 15 room residential flat building with basement carpark. | 290 |
| | Applicant: Owner: | Tony Boutros Tony, George, Said and Malke Boutros | Rec: Deferred Commencement | |
| 8 | DA201800235 | 59 Warren Road Marrickville | To demolish existing improvements and construct a 5 storey mixed use building containing a shop and 20 boarding rooms with associated car parking | 372 |
| | Applicant: Owner: | MGA Architects Pty Ltd Newbury Ventures Pty Ltd | Rec: Approval. | |

| Item | | | | Page |
|-------------|----------------------|--|---|-------------|
| 9 | DA201800105 | 28-30 George Street Marrickville | To demolish existing improvements and construct a 4 storey residential flat building containing 15 units with basement car parking | 456 |
| | Applicant: Owner: | BKA Architecture Mr Theo Krilis & Mrs Kanella Krilis | Rec: Deferred Commencement | |
| 10 | DA201800302 | 2 Bourne Street Marrickville | To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house, install a pool in the rear yard and a new parking space at the front of the site | 565 |
| | Applicant: Owner: | Mr H Alvarez Ms M Nestoriadis & Ms P M Quinn | Rec: Approval. | |

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TUESDAY, 27 November 2018



**INNER WEST
COUNCIL**

DECLARATIONS OF INTEREST



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

| | |
|---|---|
| Application No. | D/2018/186 |
| Address | 707 Darling Street, ROZELLE NSW 2039 |
| Proposal | Change of use to gym with internal alterations and new signage. |
| Date of Lodgement | 16 April 2018 |
| Applicant | Fitness Business Experts |
| Owner | Maxted Thomas Holdings Pty Ltd |
| Number of Submissions | No Submissions |
| Value of works | \$20,000 |
| Reason for determination at Planning Panel | Alterations to a heritage item |
| Main Issues | <ul style="list-style-type: none"> • Parking • Noise generation |
| Recommendation | Approval |
| Attachment A | Recommended conditions of consent |
| Attachment B | Plans of proposed development |



LOCALITY MAP

| | | | | |
|---------------|--|------------|--|-----|
| Subject Site | | Objectors | | ↑ N |
| Notified Area | | Supporters | | |

1. Executive Summary

This report is an assessment of the application submitted to Council for change of use to gym with internal alterations and new signage at 707 Darling Street, Rozelle. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Parking
- Noise generation

Having considered the submitted acoustic and parking reports, it was concluded that these issues can be addressed subject to the recommendations of these reports. The application can be supported subject to conditions that restricts the number of patrons and staff to be consistent with the parking report and the employment policy submitted with the application.

2. Proposal

Development consent is sought for the change of use and operating hours of the existing commercial tenancy to an indoor 'recreation facility' (gym).

The proposed works are largely internal and do not seek to increase the existing gross floor area of the building. Façade additions are limited to the display of business identification signage along Waterloo Street, while Darling Street facade is retained.

At ground floor, two office tenancies are retained at the front of the site. Office manager's room, therapy rooms, member's lounge and gym space are proposed towards the central and rear portion of the site. Minor internal modifications including partial demolition of an internal wall and removal of an existing door are proposed at the ground floor level. The existing bathrooms and kitchen are retained.

Additional gym area is also provided on the first floor level, including the provision of bathrooms and showers. Internal walls will be demolished to accommodate the bathrooms.

There are two signs proposed on the Waterloo Street frontage. A plaque sign above the door along Waterloo Street and a painted garage door sign. Both signs are non-illuminated.

The proposed hours of operation are as follows:

Monday – Thursday - 6am - 9pm
Friday - 6am - 8pm
Saturday - 7am -7pm
Sunday - 8am - 6pm

3. Site Description

The site is located at 707 Darling Street, Rozelle and is legally described as Lot 3 in DP421. The site is bounded by Darling Street to the south, Waterloo Street to the east and Cambridge Street to the west.

The subject site is located on the northern side of Darling Street and western side of Waterloo Street. The site is generally rectangular in shape with a total area of 319 sqm.

The site has a frontage to Darling Street of approximately 10.387 metres and a secondary frontage of approximate 30.489 metres to Waterloo Street. The site supports a single storey form at the front portion of the property and a two storey structure at the rear.



Figure 1 – Location of subject site.



Figure 2 – View of the subject site from Darling Street

The site is currently vacant, but contains an existing office fitout. Council has no record of consent for an office use.

Figure 3 – View of the internal spaces in the rear portion of the subject site.

The subject site is listed as a heritage item. The original structures (former police station) are located at the front of the property and the two storey structure at the rear is a modern addition (it was previously opened). The property is located within a conservation area and is not identified as a flood prone lot.

4. Background

4(a) Site history

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

Subject Site

| Application | Proposal | Decision & Date |
|-------------|--|-------------------|
| BA 89/876 | Alterations and Additions – Offices (warehouse) | Approved 28/8/89 |
| D/1999/754 | Internal fitout of existing commercial building. | Withdrawn 13/6/00 |

4(b) Application history

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

| Date | Discussion / Letter/ Additional Information |
|-----------------|---|
| 20 July 2018 | Request for additional information in relation to concerns raised by council's engineering and building sections. |
| 16 August 2018 | Meeting with applicant and applicant's consultant in relation to the contents of the council letter. |
| 22 October 2018 | Requested additional information satisfied which includes: <ul style="list-style-type: none"> • Amended traffic report • Access report • Fire Safety certificate • Structural Engineer's report |
| 7 November 2018 | Employment policy submitted. |

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) Environmental Planning Instruments

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

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried

out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

5(a)(ii) 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 2.6 – Subdivision Requirements
- Clause 2.7 – Demolition Requires Development Consent
- 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 4.6 – Exceptions to development standards
- Clause 5.9 – Preservation of trees or vegetation
- Clause 5.9AA – Trees or vegetation not prescribed by development control plan
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management

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

| Standard (maximum) | Proposal | % of non compliance | Compliances |
|--|----------------|---------------------|---|
| Floor Space Ratio Required: [1:1] [319m2] | 1.3:1 419m2 | 30% | No. However, the proposed works does not result in the increase of any additional gross floor area. Therefore the application doesnot? seek any further breaches to the FSR development standard. |

5(b) Draft Environmental Planning Instruments

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

- Draft State Environmental Planning Policy Environment
- Expansion of Annandale Heritage Conservation Area – Leichhardt Local Environmental Plan 2013

The Draft Environmental Planning Instruments listed above is not applicable to this application.

5(c) Development Control Plans

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

| Part | Compliance |
|---|--------------------------------|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| | |
| Part B: Connections | |
| B1.1 Connections – Objectives | Yes |
| B2.1 Planning for Active Living | Yes |
| B3.1 Social Impact Assessment | Yes |
| B3.2 Events and Activities in the Public Domain (Special Events) | N/A |
| | |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.2 Demolition | N/A |
| C1.3 Alterations and additions | Yes |
| C1.4 Heritage Conservation Areas and Heritage Items | Yes |
| C1.5 Corner Sites | Yes |
| C1.6 Subdivision | N/A |
| C1.7 Site Facilities | Yes, subject to conditions |
| C1.8 Contamination | Yes |
| C1.9 Safety by Design | Yes |
| C1.10 Equity of Access and Mobility | Yes |
| C1.11 Parking | Yes, refer to below discussion |
| C1.12 Landscaping | Yes |
| C1.13 Open Space Design Within the Public Domain | N/A |
| C1.14 Tree Management | N/A |
| C1.15 Signs and Outdoor Advertising | Yes |
| 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 | |
| Suburb Profile | |
| C2.2.5.5 Rozelle Commercial Distinctive Neighbourhood | Yes |
| | |
| Part C: Place – Section 3 – Residential Provisions | |
| C3.1 Residential General Provisions | N/A |
| C3.2 Site Layout and Building Design | N/A |
| C3.3 Elevation and Materials | N/A |
| C3.4 Dormer Windows | N/A |
| C3.5 Front Gardens and Dwelling Entries | N/A |
| C3.6 Fences | N/A |

| | |
|---|--------------------------------|
| C3.7 Environmental Performance | N/A |
| C3.8 Private Open Space | N/A |
| C3.9 Solar Access | N/A |
| C3.10 Views | N/A |
| C3.11 Visual Privacy | N/A |
| C3.12 Acoustic Privacy | N/A |
| C3.13 Conversion of Existing Non-Residential Buildings | N/A |
| C3.14 Adaptable Housing | N/A |
| Part C: Place – Section 4 – Non-Residential Provisions | |
| C4.1 Objectives for Non-Residential Zones | Yes |
| C4.2 Site Layout and Building Design | Yes |
| C4.3 Ecologically Sustainable Development | Yes |
| C4.4 Elevation and Materials | Yes |
| C4.5 Interface Amenity | Yes, refer to below discussion |
| C4.6 Shopfronts | Yes |
| C4.7 Bulky Goods Premises | N/A |
| C4.8 Child Care Centres | N/A |
| C4.9 Home Based Business | N/A |
| C4.10 Industrial Development | N/A |
| C4.11 Licensed Premises and Small Bars | N/A |
| C4.12 B7 Business Park Zone | N/A |
| C4.13 Markets | N/A |
| C4.14 Medical Centres | N/A |
| C4.15 Mixed Use | N/A |
| C4.16 Recreational Facility | Yes, refer to below discussion |
| C4.17 Sex Services Premises | N/A |
| C4.18 Vehicle Sales or Hire Premises And Service Stations | N/A |
| C4.19 Vehicle Repair Station | N/A |
| C4.20 Outdoor Dining Areas | N/A |
| C4.21 Creative Industries | N/A |
| Part D: Energy | |
| Section 1 – Energy Management | Yes |
| Section 2 – Resource Recovery and Waste Management | Yes |
| D2.1 General Requirements | Yes |
| D2.2 Demolition and Construction of All Development | Yes |
| D2.3 Residential Development | N/A |
| D2.4 Non-Residential Development | Yes |
| D2.5 Mixed Use Development | N/A |
| Part E: Water | |
| Section 1 – Sustainable Water and Risk Management | N/A |
| E1.1 Approvals Process and Reports Required With Development Applications | N/A |
| E1.1.1 Water Management Statement | N/A |
| E1.1.2 Integrated Water Cycle Plan | N/A |
| E1.1.3 Stormwater Drainage Concept Plan | N/A |
| E1.1.4 Flood Risk Management Report | N/A |
| E1.1.5 Foreshore Risk Management Report | N/A |
| E1.2 Water Management | N/A |
| E1.2.1 Water Conservation | N/A |
| E1.2.2 Managing Stormwater within the Site | N/A |

| | |
|---|-----|
| E1.2.3 On-Site Detention of Stormwater | N/A |
| E1.2.4 Stormwater Treatment | N/A |
| E1.2.5 Water Disposal | N/A |
| E1.2.6 Building in the vicinity of a Public Drainage System | N/A |
| E1.2.7 Wastewater Management | N/A |
| E1.3 Hazard Management | N/A |
| E1.3.1 Flood Risk Management | N/A |
| E1.3.2 Foreshore Risk Management | N/A |
| Part F: Food | |
| Section 1 – Food | N/A |
| F1.1 Food Production | N/A |
| F1.1.3 Community Gardens | N/A |
| Part G: Site Specific Controls | |
| Old Ampol land, Robert Street | N/A |
| Jane Street, Balmain | N/A |
| Old Balmain Power Station | N/A |
| Wharf Road Birchgrove | N/A |
| Anka Site – No 118-124 Terry Street Rozelle | N/A |
| 233 and 233A Johnston Street Annandale | N/A |

The following provides discussion of the relevant issues:

C1.4 Heritage Conservation Areas and Heritage Items

Heritage Listing:

The former Rozelle Lock Up (Police Station) at 707 Darling Street has been identified as a local heritage item (Item I747) under Schedule 5 of the Leichhardt LEP 2013. The item is not listed on the State Heritage Register. As it is no longer an active police station the building is included under Section 3 of the State Heritage Inventory: Local Government and State Agencies, reflecting its LEP listing rather than a Section 170 Register listing.

The item is adjacent to The Valley Heritage Conservation area, which encompasses parts of Rozelle and Balmain, which commences on the opposite side of Waterloo Street.

Heritage Items in the vicinity:

- Terrace, including interiors (Alice Terrace), 1, 3, 5, 7, 9 Belmore Street Items I724-728 and Mary terrace, including interiors, 4-12 Red Lion Street Items I789-795.
- Two corner buildings on the next block, Single Storey shop including interiors, 731-35 Darling Street Item I748
- Single Storey commercial building, including interiors, 736 Darling Street Item I749

Significance

The heritage significance of the former Rozelle Police Station has been identified in the heritage listing:

No. 707 Darling Street is of local historic, aesthetic and social significance as a good and intact representative example of a Federation period former Police Station constructed around 1900. Despite some additions to the rear, the building retains a sense of its original scale, form, character and details including face brick facades,

contrasting and decorative brick and face stone details, roof form and chimneys and pattern of openings including front arch and small window to the rear lock up. The building occupies a prominent corner site and makes a positive contribution to the Darling Street and Waterloo Road streetscapes and intersection.

The authors of the SOHI have added to the assessment of significance, in the categories of rarity and technical / research significance. Given that the Statement of Heritage Impact did not manage to determine the exact date of the building nor identify the designer nor obtain copies of the original drawings, it is not possible to come to the conclusion that the building is not significant in these categories. Likewise when it comes to rarity, no comparative analysis was undertaken to determine rarity. Existing studies on the work of the NSW Government Architect (who was responsible for the design of police stations) and studies on the development of NSW police stations were not consulted to determine rarity. No comparison with other examples has been provided that would determine the rarity of the police station and its interiors. There is one other Federation era former Police Station in the former Leichhardt LGA but it is of a different design as it was constructed in a residential area.

The walls of the cell block have technological significance as they have been constructed from thick masonry walls including substantial sandstone 'through stones' that were exposed (or retained as exposed elements) during the 1989 works. The construction method of the cells demonstrates their intended use; these blocks are of a scale and thickness designed to prevent escape.

Discussion

The proposal involves the change of use of the building to a gym and modifications associated with this new use. The police occupied the premises until the late 1980s. A two storey warehouse to the rear was added, designed by Crone and Associates in 1989 for Hunt Leather P/L.

A site inspection revealed that evidence of original configuration was retained during the restoration of the building in 1989. Internally a number of features of the police station and lock up were retained including metal cell doors, bolts, barred window openings, gate that divides the police office/charge room from the cells and two fireplaces survives.

The use is compatible with the original design of the building, which included an exercise yard. The majority of the changes are to the warehouse component to the rear. No conservation works are proposed to the 1890s police station and lock up. A Maintenance Plan needs to be prepared to outline future works to the building that will address issues such as the leaking slate roof.

Recommendation

The proposed change of use is acceptable on heritage grounds however the documentation submitted with the application does not provide sufficient information regarding the extent of the proposed changes within the historic portion of the building. The proposed external changes shown on the drawings are acceptable on heritage grounds. The provision of additional information detailing the surviving significant fabric is required. As this is a heritage item an Archival Record and Interpretation will be required. Refer to draft conditions in attachment A.

C1.7 Site Facilities

The applicant had provided a sketch plan that indicates the intention to provide a waste storage area within the designated bicycle parking which is not accepted. A condition is recommended that the waste storage area is to be located outside the designated bicycle parking area but within the building.

C1.11 Parking

The last occupants of the building was the use as an office for a beauty directory company and prior to that, it was owned and used by a Charity organisation as its head office. It can be noted that the offices at the rear are not formally approved and the last approved application for this property is BA 89/876 which approved the two storey structure at the rear where the ground floor was entirely used for parking (5 spaces) and the upper floor used for warehousing.

In response to Council's request for additional information, the applicant provided an amended Traffic and Parking Assessment report prepared by TRAFFIX and dated 28 August 2018. The report included a modal survey with a sample size of 209 responses and parking surveys of the available parking in close proximity to the site, being Waterloo Road, Cambridge Road, Dowling Street in proximity to the site and the Waterloo Street Council Carpark. The amended traffic report had reached the following findings:

- *89% of members walk or cycle to the fitness centre (active transport)*
- *1 % of members take public transport*
- *10% of members utilise a private vehicle.*
- *The average length of time spent at the fitness centre was less than one hour.*
- *In light of the above surveyed results, it is considered a reasonable maximum capacity of the Rozelle centre for operation is 30 patrons.*
- *Furthermore the application of the travel mode splits to this capacity indicates an anticipated 'worst case' demand of three private vehicle spaces during the peak period (with the peak period assumed as 5.30pm - 6.30pm on a weekday and 10am to 11 am on a Saturday for a fitness centre).*
- *During the weekday a minimum of 45 spaces were recorded as being available in this location, occurring from 5pm to 6pm consisting of 34 spaces on street and 11 spaces in the Council carpark.*
- *For the Weekend survey a minimum of 25 spaces were recorded as being available (occurring between 1 pm to 2pm), consisting of 2 spaces on street and three (3) spaces in the Council carpark.*
- *A minimum of 37 spaces were available between 10am and 11 am (the peak demand period for the site).*

The amended report prepared by TRAFFIX concluded that "...there is ample parking available surrounding site to accommodate the expected demand, even when the site is operating at the expected capacity."

Council's traffic section had provided the following comments in relation to the amended traffic report:

1. *The travel mode survey was undertaken for a similar type development in Randwick. The survey results present that approximately 10% of the gym user arrive in private vehicle, this percentage appears to be low for Rozelle. It should be advised that the demographic of the Randwick site is different from Rozelle site, where there's higher density residential in Randwick site compare to Rozelle site. Therefore, comparable travel mode surveys should be undertaken for a similar type development in Rozelle, an example, the gym on Victoria Road (corner of Prosper Street, Rozelle).*
2. *The report claims that a maximum demand of three (3) parking spaces during peak periods, however, as per the RMS 'Guide to Traffic Generating Developments' stipulates that metropolitan sub-regional areas, the minimum parking rate is 4.5 spaces per 100m² GFA. Which equates to a parking provision of 16 spaces. As the surveyed location is deemed incomparable as described in statement no.1, further*

justification is required for the parking demand calculation for this type of development.

3. *As per the initial advice, the revised report did not show waste storage and recycling areas.*
4. *The Waterloo Street car park is not a permanent car park and therefore it should be excluded in the on-street parking availability.*
5. *The last approved application for this property has five off-street parking with the removal of the existing driveway and returning the kerbside as a public on-street parking, will result in a deficit of four off-street parking spaces. At minimum staff parking should be provided off-street, else a travel plan is to be provided to ensure that staff parking is managed.*

In response to the engineering comments, the applicant had provided the following justification:

"The proposed "Gym707" is a different business model to Anytime Fitness on Victoria Rd and so modes of travel by members would not be comparable.

Gym707 draws its members within a 2km radius, with a limited number of members, while Anytime is a large chain with all members throughout Sydney having access to all Anytime gyms. Gym707's focus is on being "our local" neighbourhood gym.

Randwick Gym115 is run by the same operators and the member travel survey provided from that site is still relevant to the Rozelle site. Our limited research showed similar density in the surrounding areas of both sites.

Staff are actively recruited from the local area providing flexibility and local knowledge, hence their commute is likely to be on foot or bicycle. Refer attached employment policy."

The additional information in the form of an employment policy statement that outlines:

- *Maximum number of staff on at anytime is 2.*
- *Policy of employing staff from the local area is preferred for the following reasons;*
 - *Just existing networks (both people and businesses) we can leverage off.*
 - *They know the area well, which significantly assists with business growth.*
 - *Gives us the flexibility (if and when required) to have a staff member be at/in the gym facility within 5 minutes of their home.*

It can be noted that on page 2 of the amended Traffic report by TRAFFIX dated 28 August 2018, the gym of which the modal survey was conducted is described as:

"The operator of the proposed fitness centre operates similar establishments in Sydney and as such TRAFFIX is in a position to undertake travel mode surveys of patrons at a similarly operating site. A travel mode survey of a comparable fitness centre located at 115 Avoca Street Randwick has been included in Attachment 2 for reference. The location of the surveyed site is highly comparable to the proposed site, being a corner block on a main thoroughfare (operating with clearway restrictions in place). In addition, Randwick town centre is compatible to Rozelle town centre with similar transport options available. Furthermore, the Randwick centre has a capacity of 600m², significantly larger than the proposed Rozelle site with a capacity of just 350m². It is notable however that despite this increased capacity the maximum activity for the Randwick site was 40 patrons, occurring at 6am. "

Having considered the nature of the subject gym of which the survey was based on where the gross floor area is larger than the proposed site and the maximum number of patrons is also greater than the proposed development, it is considered on balance that the contents and findings of the amended traffic report is a satisfactory response to the matters raised in relation to traffic and parking.

However, in order to ensure that adequate bicycle parking within the site will be provided, placement of waste and storage within the previously designated bicycle parking area is not supported and a condition will be imposed that requires the waste storage area to be located outside the designated bicycle parking area. Conditions will also be recommended in relation to the maximum number of patrons and staff on site to be consistent with the traffic report.

C4.5 Interface Amenity and C4.16 Recreational Facility

A Plan of Management was submitted as part of the subject development application that outlines the following key recommendations to mitigate amenity impacts:

Noise Management

- *Background music is allowed within the gym, creating a sound pressure level of no more than 75dB(A)L 10 within the space.*
- *Noise level from music is not to exceed 65dB(A) at 2m from the speakers. Speakers to be directed away from windows in each area.*
- *All windows will be closed at all times to minimise noise and allow temperature from air conditioning units to stay a consistent temperature.*
- *Installation of A 1 rubber impact tiles in all resistance/weight areas. Installation of these tiles will keep dropping of weights noise at no more than 25db.*
- *Fitness equipment such as - Weight lifting platforms, 'strongman' and heavy dumbbells (excess of 40kgs) will not be part of the gym fit out allowing further reduction of noise.*
- *The operation of the premises will be in compliance with requirements of the Protection of the Environment (Operations Act) 7997.*

Controlling & Managing Usage

- *The facility will be offering 'small group' exercise classes. These classes will have a limited capacity of 20 members.*
- *In order to attend a small group exercise class, members are required to book online in to the desired class allowing the facility to ensure that the maximum class capacity is not exceeded.*
- *Each of these classes will be run by a qualified instructor to further ensure the maximum number is not exceeded.*

The Plan of Management is referenced in the recommended conditions of consent. Conditions will also be recommended to amend The Management Plan to be consistent with the number of patrons and staff referenced in the amended traffic report and employment policy.

Noise Impact Assessment prepared by WSP dated 14 March 2018 was submitted in support of this application. The report recommends a number of acoustic management controls to be implemented by management.

- *Background music within the gym will be managed to meet a control level of 75 dBA L_{10,15min} measured inside the gym.*
- *The ground floor gym may operate with amplified music and the roller door open during the day. Windows on the first floor will remain closed, which is expected to*

control noise egress sufficiently to meet daytime criteria levels. If amplified music is in use before apm, the roller door should remain closed.

- *No exceedances of the sleep disturbance screening levels at the nearest residential receiver are predicted. When the gym is operating between 6am and 7am, it is recommended that the roller door remain closed.*

The report was reviewed by Council's Health Compliance Section and it is considered that the proposal is acceptable subject to appropriate conditions are included in the recommendation of this report, including a condition requiring a report prepared by a suitably qualified and experienced acoustic consultant to be submitted to Council prior to the issue of any Occupation Certificate 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.

Matters in relation to parking are discussed in more detail in an earlier section of the report and is considered to be acceptable.

Therefore the proposal is considered to be satisfactory in relation to C4.5 Interface Amenity and C4.16 Recreational Facility.

5(d) The Likely Impacts

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

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

The site is zoned B2 Local Centre. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Leichhardt DCP 2013 for a period of 14 days to surrounding properties. No submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer – Satisfactory subject to conditions. Refer to relevant conditions in Attachment A.
- Development Engineer – Discussed in detail in earlier section in relation to Car Parking. Conditions will be recommended to limit the number of patrons and staff as well as requiring the waste storage area to be located away from the designated bicycle area.
- Health – Acceptable subject to standard conditions.
- Building Surveyor - The submitted reports address the concerns raised in relation to access and to the non-compliances with the Building Code of Australia. The structural report also indicates the premise is structurally adequate for the intended purposes. There are no further issues subject to standard conditions and the undertaking of the recommendations of the reports.

6(b) External

The application was not required to be referred to any external bodies.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2018/186 for Change of use to gym with internal alterations and new signage at 707 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/2018/186 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

| Plan Reference | Drawn By | Dated |
|---|--|------------|
| Dwg No. DA-02 – Site Plan | Excell Design Consultants | 20/3/2018 |
| Dwg No. DA-04 – Proposed Ground | Excell Design Consultants | 20/3/2018 |
| Dwg No. DA-05 – Proposed First Floor | Excell Design Consultants | 20/3/2018 |
| Dwg No. DA-06 – East Elevation | Excell Design Consultants | 20/3/2018 |
| Dwg No. DA-07 – South Elevation and Section | Excell Design Consultants | 20/3/2018 |
| Document Title | Prepared By | Dated |
| Reference: 17.595L02v01 - Traffic Impact Statement | Traffix | 6/3/2018 |
| Reference: 17.595L02v03 – Response to Council Request Information | Traffix | 28/8/2018 |
| Ref: NW17/2609, Rev:1 - BCA Report | Newland Wood | 17/08/2018 |
| Ref: 18/ACC/1281, Rev:1 – Access Report | Newland Wood | 28/9/2018 |
| Noise Impact Assessment | WSP | 14/3/2018 |
| Annual Fire Safety Statement | Forward Planning Fire Protection | 16/10/2018 |
| Structural assessment | Structural Design Solutions Consulting Engineers | 5/9/2018 |
| Plan of Management | Shane Byrne | 20/3/2018 |

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.

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

| Elements | Location |
|--|---------------------------------------|
| Structures associated with the existing building | As indicated on the approved drawings |

- 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 ISSUE OF A CONSTRUCTION CERTIFICATE

- 3. In accordance with the provisions 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.

4. Amended plans are to be submitted incorporating the following amendments:
- a) The waste storage area be shown and the designated bicycle parking area is not to be withdrawn.
- b) More detail is to be added to the existing and proposed plans of 707 Darling Street that identifies the surviving elements of the former police station retained in the 1989 works, namely:
- Cell doors and bolts
 - Bars to windows and barred gate separating the cells from the police charge room/office
 - Exposed sandstone lintels throughout the former cells
 - Exposed sandstone and face brick work to the rear wall of the former police station.
 - Fireplaces in the charge room/office.
 - Existing paint finishes, ceilings, floor coverings to be retained are to be indicated.

The Construction Certificate plans must clearly depict all surviving evidence of the cell block and charge room/office with a notation that each element is to remain unaltered during the proposed works

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

5. Amended Plan of Management is to be submitted incorporating the following amendments:
- a) Maximum patrons to be of 30 people
- b) Maximum of 2 Staff at any one time.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

6. A maintenance plan for the 1890s portion of the building (the former police station and lock up) is to be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.
7. A brief Heritage Interpretation strategy must be prepared by a suitably qualified heritage consultant in accordance with NSW Heritage Office Guide on Heritage Interpretation Policy (www.heritage.nsw.gov.au). A panel (or panels) detailing the former use of the building is to be installed within the former cells.

The interpretation strategy is to be completed by a suitably qualified consultant with experience in undertaking interpretation strategies. Two (2) copies of the strategy are to be submitted to Council and written confirmation obtained and provided to the Principal Certifying Authority that the strategy and the proposed location of the signage meets the prior to a Construction Certificate being issued.

8. 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.
9. The existing unpainted brick surfaces and sandstone are not to be painted, bagged or rendered but to remain as original face brick work of sandstone. The Construction Certificate plans must clearly depict all original brickwork with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.
10. 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.

11. A Building Code of Australia audit is to be carried out. The audit must cover all clauses within Section C, D and E of the Building Code of Australia.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provision either by alternate solution or adherence to deemed-to-satisfy provision by satisfying the performance requirements of Sections C, D and E of the Building Code of Australia.

A schedule of existing and proposed essential fire safety measures, including their standard performance must be included in the strategy. The report, strategy and compliance certificate from a fire engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Certifying Authority.

12. 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

13. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

14. 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.
 - iii) 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.
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - vii) 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.

15. 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.

16. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - b) A concrete pump across the roadway/footpath
 - c) Mobile crane or any standing plant
 - d) Skip bins
 - e) Scaffolding/Hoardings (fencing on public land)
 - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
 - g) Awning or street verandah over footpath
 - h) Partial or full road closure

- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

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

17. Prior to the commencement of demolition or any works or issue of a Construction Certificate (whichever occurs first), the Principal Certifying Authority shall be satisfied that an Archival Record has been completed and 3 copies have been submitted to Council for the following properties:

Address/Building

Former Police Station, 707 Darling Street

The report must be prepared by a suitably qualified and experienced heritage consultant, be consistent with the Heritage Office 'Photographic Recording Of Heritage Items Using Film Or Digital Capture' and must contain the following minimum requirements:

- a) Title page with subject, author, client, date, copyright etc.
- b) Statement of why the record was made
- c) Outline history of the item and associated sites, structures and people.
- d) Statement of heritage significance of the items in accordance with the Burra Charter and the Heritage Inventory.
- e) Inventory of archival documents related to the item and their location (eg company records, original drawings, photography), when available.
- f) Location plan showing relationship to surrounding geographical features, structures, roads etc. Include a north point.
- g) Floor plans/site plans cross-referenced to photographs and showing the order & orientation in which the photos were taken. Name the relevant features, structures and spaces. Show a north point.
- h) Photographic record, labelled and cross-referenced to floor / site plans and accompanied by informative catalogues and two copies of proof sheets. Images should include:
 - View to and from the site (possible from four compass points)

- Views showing relationships to other relevant structures, landscape features and movable items.
- All external elevations.
- Views of all external and internal spaces (e.g. courtyards, rooms, roof spaces etc).
- External and internal detail (e.g. cells doors, barred windows, joinery).

Selected prints to give an overall picture of the item may be required. They should be mounted and labelled.

One (1) electronic copy (including digital copies of images – not scanned copies) of the report must be submitted to Council; one of the hard copies shall contain negatives (if using film) or DVD with digital copies of photos (if using digital). A written acknowledgment from the Consent Authority (Leichhardt Council) must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or commencement of works (whichever occurs first).

18. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee 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 and as surety for the proper completion of any road, footpath and drainage works required by this consent.

| | |
|-------------------------|------------|
| Security Deposit (FOOT) | \$ 2152.00 |
| Inspection fee (FOOTI) | \$ 230.65 |

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

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

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

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

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

20. 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.

21. 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.
22. 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.
23. 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.

24. The location and facilities for the collection, storage and disposal of waste generated within the premises shall be submitted to and approved by Council prior to the commencement of works.

DURING WORKS

25. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

26. 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.

27. 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.

28. The site must be appropriately secured and fenced at all times during works.

29. 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.

30. Unless otherwise approved by Council, 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.

31. The development site must be inspected at the following stages during construction:
 - a) after the commencement of the excavation for, and before the placement of, the first footing.
 - b) prior to covering any stormwater drainage connections, and
 - c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
32. 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.
33. 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

34. 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.

- 35. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that a Fire Safety Certificate for all essential fire or other safety measures has been completed.
- 36. 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.

- 37. 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.
- 38. Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Leichhardt Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

| Document Title | Prepared By | Dated |
|---|--------------|---------------------|
| Ref: NW17/2609, Rev:1 - BCA Report | Newland Wood | 17/08/2018 |
| Ref: 18/ACC/1281, Rev:1 – Access Report | Newland Wood | 28th September 2018 |
| Noise Impact Assessment | WSP | 14 March 2018 |

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

- 39. A street / shop number must be clearly displayed at the ground level frontage of the building prior to the issue of an Occupation Certificate. A separate application must be made to Council if new street numbers or a change to street numbers is required.

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.

ONGOING CONDITIONS OF CONSENT

- 40. 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 assess 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).

- 41. 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.
- 42. 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 to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration.
- 43. To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 10pm and 7am.
- 44. A maximum of 2 employees and 30 Patrons being located on the premises at any given time.
- 45. The premises are only to be open for business and used for the purpose approved within the following hours.

| Day | Indoor Area |
|--------------------|-----------------|
| Monday to Thursday | 6.00am – 9.00pm |
| Friday | 6.00am – 8.00pm |
| Saturday | 7.00am – 7.00pm |
| Sunday | 8.00am – 6.00pm |

- 46. The Plan of Management approved under this consent must be complied with at all times.

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

- a) Relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 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 4.17(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 8.2 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 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 8.2.
3. If you are unsatisfied with this determination, Section 8.7 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 4.55 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.

Attachment B – Plans of proposed development

| ID | DATE | AMENDMENT |
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Proposed Change of Use to Gym
707 Darling St, Rozelle
For
FITNESS BUSINESS EXPERTS

SCOREBOARD THE EXHIBITOR'S OBJECTS AND THE INFORMATION CONTAINED HEREIN REPRESENTS TO DATE OF THIS APPLICATION. EXHIBITOR'S CONSULTANTS AND DESIGNERS HAVE REVIEWED THE EXHIBITOR'S SCOREBOARD INFORMATION, AND TO BE CLARIFIED AND CORRECTED TO SHOW ON SITE.

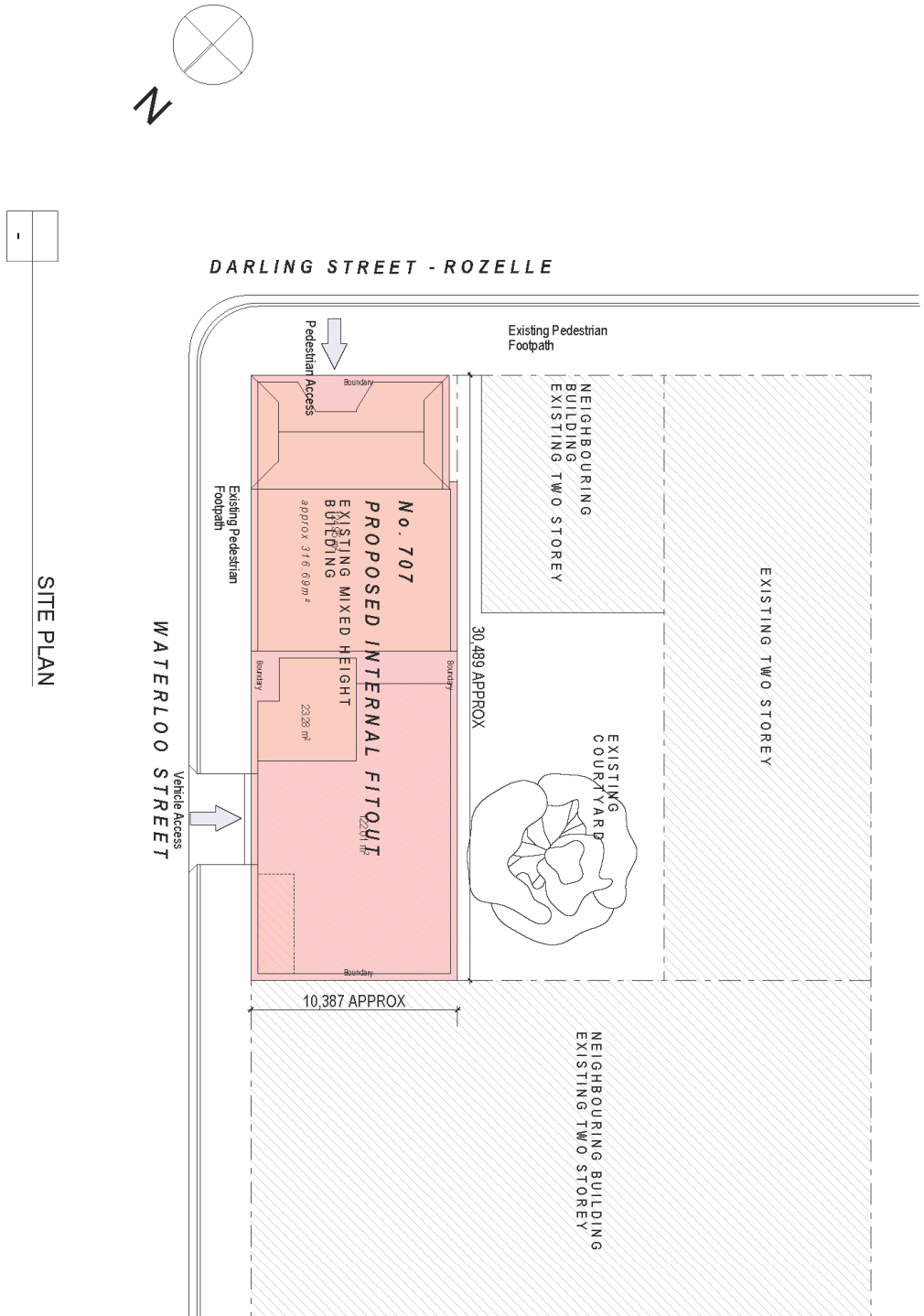
SITE PLAN

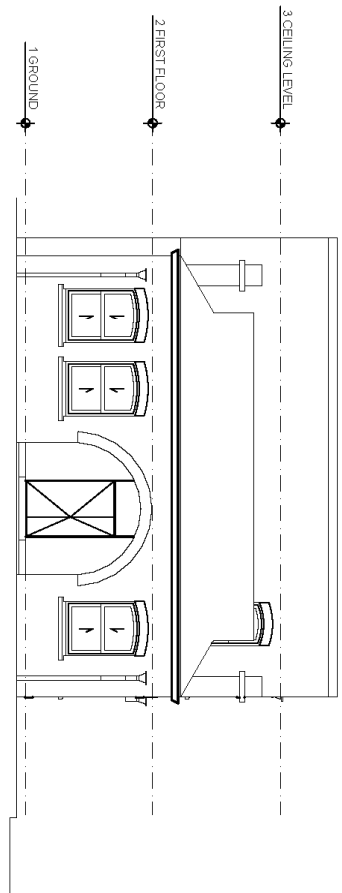


Excell Design Consultants
Architects & Design

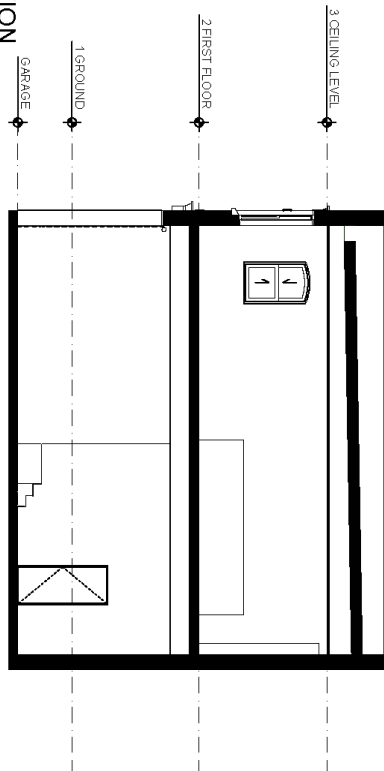
47 Annandale Rd, Annandale, NSW 2111
M: +61 2 9422 2222 F: +61 2 9422 2230
E: info@excelldesign.com.au

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|-----------|---------------|----------|-------|
| Date: | 20th April 18 | Job No: | 18021 |
| Scale: | 1:200 | Draw No: | DA-02 |
| Drawn By: | | Issuer: | |
| NS | | | |





E-02
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DARLING ST. ELEVATION



S-1
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SECTION

| ID | DATE | AMENDMENT |
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Proposed Change of Use
to Gym
707 Darling St, Rozelle
For
FITNESS BUSINESS EXPERTS

SOUTH ELEVATION AND SECTION

CONFRONT THE BOUNDARY IS OWNED BY AND THE REGULATION CONTAINED IN THIS INSTRUMENT IS SUBJECT TO THE PROVISIONS OF THE EXCELLENT DESIGN CONSULTANTS ACT 2016 AND THE REGULATIONS MADE UNDER THAT ACT. ANY DEVELOPMENT OR WORKING OF THE LAND TO WHICH THIS INSTRUMENT APPLIES MUST BE IN ACCORDANCE WITH THE PROVISIONS OF THAT ACT AND THE REGULATIONS MADE UNDER THAT ACT.



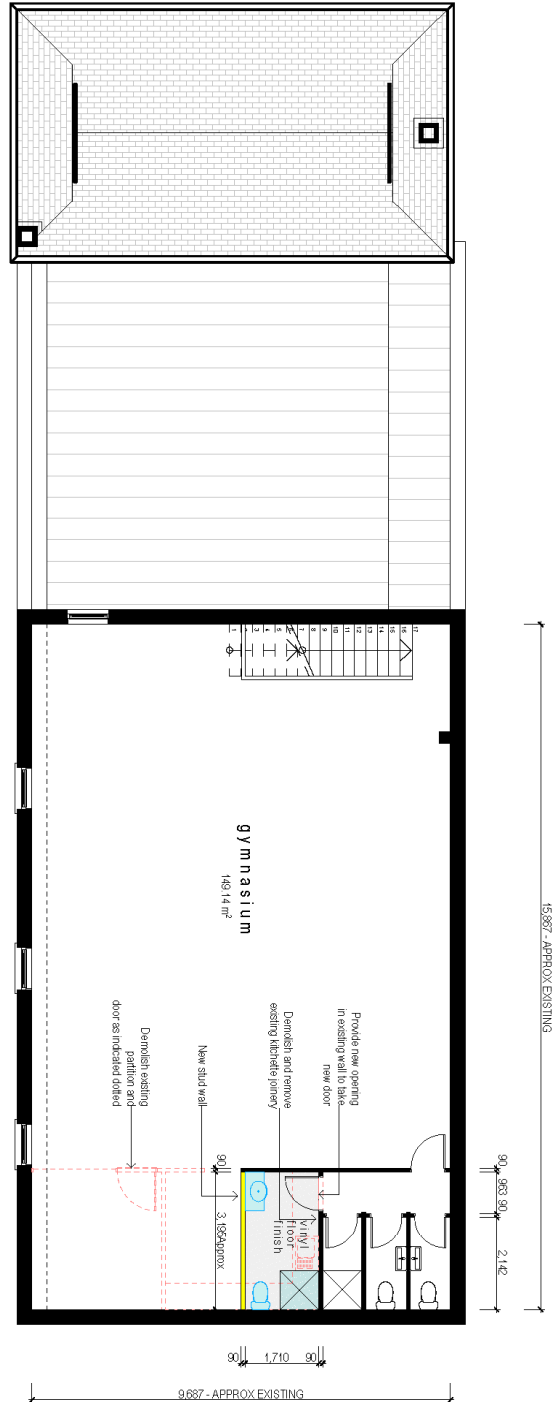
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| Date: | 20-Mar-18 | Job No: | 18021 |
| Scale: | 1:100 | Dwg No: | DA-07 |
| Drawn By: | NS | Issue: | |

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PROPOSED FIRST FLOOR



| ID | DATE | AMENDMENT |
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Proposed Change of Use to Gym
707 Darling St, Rozelle
For FITNESS BUSINESS EXPERTS

PROPOSED FIRST FLOOR PLAN

REMARK: THE DOCUMENT CONVEYS AND THE INFORMATION CONTAINED THEREIN REPRESENTS ONLY THE DESIGNER'S BEST ESTIMATE OF THE INFORMATION AVAILABLE AT THE TIME OF THE DESIGN. THE DESIGNER DOES NOT WARRANT, REPRESENT OR GUARANTEE THE ACCURACY, COMPLETENESS OR SUITABILITY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.



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| Date: | 20/Mar/18 | Job No: | 18021 |
| Scale: | 1:100 | Dwg No: | DA-05 |
| Dwg By: | NS | Issue: | |

