



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2009.157.2
Address	141 Parramatta Road, Haberfield
Proposal	Modification of hours of operation to 24 hours a day, 7 days a week
Date of Lodgement	16 July 2019
Applicant	McDonald's Australia Ltd C/- KDC Pty Ltd
Owner	McDonald's Australia
Number of Submissions	64
Value of works	Nil
Reason for determination at Planning Panel	Number of submissions exceeds officer delegation
Main Issues	Hours of Operation, Noise, Safety and Litter
Recommendation	Approval subject to conditions
Attachment A	Modified Conditions of Consent
Attachment B	Plan of Management
Attachment C	Land and Environment Court Judgement N 2009/157



LOCALITY MAP

Note: Approximately 2300 properties were notified of the proposal and 64 submissions were received. Due to the scale of the notification, those properties have not been shown.

1. Executive Summary

This report is an assessment of the application submitted to Council to modify the hours of operation to 24 hours a day, 7 days a week at the existing McDonald's at 141 Parramatta Road, Haberfield. The application also seeks to modify the approved plan of management. The application was notified to those properties notified as part of the original development application and those who made submissions in respect of the application. As a result of the notification, 64 submissions were received.

The main issues that have arisen from the application include:

- The increased noise impact of the proposed hours of operation;
- The increased safety risk of the proposed hours of operation; and
- The increased litter impact of the proposed hours of operation.

Given the above concerns, the modification to permanently increase the hours of operation of the McDonald's is not considered acceptable. A trial period of 12 months to operate 24 hours a day, 7 days a week is considered appropriate to allow the applicant to demonstrate good management and mitigate any potential impacts of extended trading hours.

2. Proposal

The application pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, as amended, seeks Council's approval to modify Development Application No.10.2009.157.1 for hours of operation of 24 hours a day, 7 days a week and the deletion of conditions which require security personnel and noise monitoring systems on the site. These conditions relate to a plan of management.

3. Site Description

The subject site is located on the northern side of Parramatta Road, between Dalhousie Street and St Davids Road, Haberfield. The site has a total area of 2514sqm and is legally described as Lot 16 in Deposited Plan 520199.

The site has a frontage to Parramatta Road of 70.83 metres and secondary frontages of 39.575 metres to Dalhousie Street and 32.13 metres to St Davids Road. The site supports a single storey McDonald's restaurant with basement parking. The adjoining properties support mostly single storey dwelling houses and two (2) storey residential flat buildings.

The Haberfield Conservation Area is located immediately to the north of the subject site. The site is opposite Ashfield Park and an Inter War former sub station is located at 11 St Davids Road, both being identified as Heritage Items under Ashfield Local Environmental Plan 2013.



Image 1: Subject Site

4. Background

4(a) Site history

Development Application No.10.2009.157.1 for the demolition of all existing structures and the construction of a refreshment room/drive-in take away establishment with associated car parking and signage to be operated by McDonald's was refused by Council on 8 December 2009. A Section 8.2 Review of the application was submitted to Council and subsequently refused. The reasons for refusal included:

- The unacceptable impact on heritage significance;
- The unacceptable noise impact on the surrounding residential properties;
- The inadequate landscaping on the site;
- The adverse traffic impacts; and
- The appropriateness of 24 hours a day, 7 days a week operation hours.

A Class 1 Appeal of the determination was upheld by the Land and Environment Court NSW on 2 June 2011, subject to design amendments and imposition of a 24 hours a day, 7 days a week trial period. Further discussion on the findings of the Court are discussed under Part 5 of this report.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
16 July 2019	Application lodged with Council
15 August 2019	Site Inspection Undertaken

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 and 4.56 of the *Environmental Planning and Assessment Act 1979*.

5(a) Section 4.56 Assessment

S4.56 Clause 1	Provision	Performance	Compliance
(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) and	The development as modified is substantially the same development as the development for which consent was originally granted	Yes
(b)	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	The proposed modifications were notified in accordance with the Comprehensive Inner West Development Control Plan 2016	Yes
(c)	It has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modifications by sending written notice to the last address known to the consent authority of the objector or other person	The proposed modifications were notified to each person who made a submission in respect of the original development application and review	Yes
(d)	it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	The proposed modifications were notified in accordance with Council's notification policy and 64 submissions were received which have been considered in Part 5 of this report.	Yes

The proposed modifications are listed below, followed by the Officer's Comments:

Amend Condition A(2B) Hours of Operation

Officer's Comment:

Condition A(2B) of the consent permits base hours of operation between 5.00am and 12.00am Monday to Sunday and a 24 hours per day, 7 days a week trial period of 12 months from the date of issue of the Occupation Certificate.

This application seeks consent to modify the hours of operation to be 24 hours per day, 7 days a week.

The original development application submitted to Council sought consent for operating hours of 24 hours per day, 7 days a week. The hours of operation were considered unacceptable given the likely impacts of the use on the surrounding residential properties, particularly having regard to noise, safety, traffic, litter and odour.

The findings of the Class 1 Appeal raised concern regarding the noise and safety impacts of the proposed hours and as such, granted consent to a 12 month trial period to assess the likely impacts, subject to the requirement for a noise monitoring system and security personnel on the site.

The trial period was undertaken on the site between 9 November 2012 and 8 November 2013. During the trial period, Council received a number of complaints regarding the operation of the premises. These complaints raised concern relating to private waste collection trucks using St Davids Road and excessive noise, odour and litter in the surrounding streets.

Condition H(7) of the consent requires all trucks and heavy vehicles servicing the site to enter and exit the site from St Davids Road directly via Parramatta Road. Condition H(9) of the consent requires litter patrols be undertaken of the surrounding streets and Ashfield Park.

The complaints were investigated by Council, including independent noise and odour testing and no further action was required in relation to noise, odour and litter. It was however found that private waste collection trucks had travelled to the site southwards along St Davids Road on numerous occasions during the trial period and Penalty Infringement Notices were issued to the applicant as a result. Similar Penalty Infringement Notices have been issued since the conclusion of the trial period.

Significant concern has been raised in the submissions received regarding the impact of the proposed operating hours on the surrounding residential properties.

Given the period of time since the initial trial period was undertaken, in addition to the breaches of the development consent and concerns raised by the public, it is not considered appropriate to permit the hours of operation be permanently extended. It is considered acceptable to grant a new 12 month trial period to allow the operator to demonstrate good management and to enable a thorough and current assessment of the likely impacts of the extended hours.

Amend Condition A(2A) Plan of Management

Officer's Comment:

The application seeks consent to modify the approved Plan of Management to delete the requirement for security personnel and update the Incident Report management to include an online reporting system. . No objection is raised to the amendment to the incident reporting.

In relation to the request to remove the security personnel the original purpose of the condition needs to be considered. The findings of the Class 1 Appeal raised concern regarding the potential for anti-social behaviour and increase safety risk to neighbouring properties as a result of the proposed 24 hours a day, 7 days a week hours and highlighted the need for security personnel on the site. It was determined in the findings that the effectiveness of the security personnel could only be assessed during the trial period.

The application was referred to the Burwood Police Area Command who raised no objection to the removal of security personnel given the safety record of the premises since 2017. The premises has not operated in a 24 hour capacity for approximately 6 years. No assessment can therefore be made regarding the removal of this requirement and it is recommended the requirement be retained.

Given the above, Condition A(2A) has been amended to include the amended Plan of Management and an additional condition imposed regarding the provision of security personnel (Condition A(4)).

Delete Condition C(21) Noise Monitoring System

Officer's Comment:

The application seeks consent to delete the requirement for a noise monitoring system to be maintained and operated on the site. The noise monitoring system was imposed as a means of minimising the acoustic impact of the premises on the surrounding residential properties.

An Acoustic Report was submitted with the application which determined that the proposed hours of operation would not result in any unacceptable acoustic impact on the surrounding properties. The application was referred to Council's Environmental Health Officer who raised no objection to the removal of the noise monitoring system, subject to the imposition of an appropriate condition relating to offensive noise.

Given the above, Condition C(21) has been deleted and an additional condition imposed relating to offensive noise (Condition H(11)).

5(b) Environmental Planning Instruments

The application has been assessed against the Ashfield Local Environmental Plan 2013. The proposal does not alter compliance with the Ashfield Local Environmental Plan 2013.

5(c) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(d) Development Control Plans

The proposal does not alter compliance with the Comprehensive Inner West Development Control Plan 2016.

5(e) 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(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 Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill Development Control Plan 2016 for a period of 21 days to surrounding properties and those who made submissions with respect to the original development application. A total of 64 submissions were received.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Noise

Comment:

Concern was raised in a number of submissions regarding increased noise on the premises from both pedestrians and vehicles and potential disturbance to the surrounding residential properties as a result of the extended operating hours and removal of the noise monitoring system. An assessment of the likely noise impact has been undertaken by both the applicant and Council and it has been determined that the operating hours will not result in any unacceptable acoustic impact and that the noise monitoring system is not necessary on the site. In addition, the trial period will allow further assessment of the matter.

Issue: Litter

Comment:

Concern was raised in a number of submissions regarding the amount of litter generated in the surrounding streets as a result of the existing operating hours and the likely increase due to the extended operating hours. The existing condition requiring litter patrols is considered adequate to minimise the amount of litter in the surrounding streets and is of appropriate times so as to collect any litter produced during the extended operating hours.

Issue: Safety

Comment:

Concern was raised in a number of submissions regarding an increase in anti-social behaviour as a result of the extended trading hours and deletion of security personnel. Given the premises has not operated in a 24 hours capacity for approximately 6 years the applicant has not had the opportunity to demonstrate good 24 hour a day management, a condition has been imposed ensuring security personnel are maintained on the site. The trial period will allow for an adequate assessment of the effectiveness of the security personnel.

In addition, concern was raised in some submissions regarding a lack of police presence in the area. The amount of police servicing the area is not at the control of Council.

Issue: Traffic

Comment:

Concern was raised in a number of submissions regarding the impacts of increased vehicle numbers during the extended operating hours including pedestrian safety, loss of on-street parking, noise and lights shining in the surrounding residential premises. It is considered that the site has been optimised to ensure pedestrian safety and has provided sufficient car parking spaces to accommodate all customers and staff. This will not alter as the result of extended trading hours.

There is potential for an increased noise and light impact on the surrounding properties between the hours of 12.00am to 5.00am. The trial period will allow for an accurate assessment of such impacts to be undertaken and considered in any future applications.

Issue: Odour

Comment:

Concern was raised in a number of submissions regarding increased odour impact from the site on the adjoining residential premises as a result of extended operating hours. The existing consent contains conditions relating to the management of odour and these are considered sufficient to minimise any additional impact as a result of the extended hours.

Issue: Character of Haberfield

Comment:

Concern was raised in a number of submissions regarding the impact of the proposal on the character of the Haberfield Conservation Area. Specifically, concern was raised that the proposed hours are not consistent with the hours of other commercial premises in the area. No change to the building itself is proposed and as such, it is not considered that the proposal will impact the heritage significance of the area. The premises is located away from the main commercial area of Haberfield, being Ramsay Street, and as such, is not likely to impact the nature of commercial premises in the area.

Issue: Trial Period

Comment:

Concern was raised in a number of submissions that the initial trial period was not completed and that data collected during this time has not been made public. Council records indicate that the trial period was undertaken for the entire 12 months. No analysis of the data during the initial trial period was undertaken as no application to continue the extended hours was pursued. The trial period permitted by this consent will enable data to be collected and analysed.

Issue: Notification Process

Comment:

Concern was raised in a number of submissions regarding the availability of notification documents. The application was notified in accordance with the notification requirements of the Comprehensive Inner West Development Control Plan 2016.

Issue: Proximity of other McDonalds restaurants

Comment:

Concern was raised in a number of submissions regarding the need for the extended hours given the proximity of other McDonald's which currently operate 24 hours a day, 7 days a week. The proximity of other McDonald's is not relevant to the assessment of this application.

Issue: Health Risks

Comment:

Concern was raised in some submissions regarding the health impact of the food served, impact on the environment of meat consumption and the availability of 24/7 McDonald's in America. These are not matters for consideration as part of the development application process.

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.

Subject to the recommended conditions, the proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to Council's Environmental Health Officer who raised no objection to the modifications, subject to the imposition of an appropriate condition relating to noise.

6(b) External

The application was referred to the Burwood Police Area Command who raised no objection to the modifications, subject to the imposition of an appropriate condition which requires a convex mirror be placed at the base of the underground car park stairs to improve visibility and increase safety (Condition B(4)).

7. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any unacceptable impacts on the amenity of the adjoining premises/properties and the streetscape and 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 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to approved Development Application No. 10.2009.157.2 for modification of hours of operation to 24 hours a day, 7 days a week subject to a trial period at 141 Parramatta Road, Haberfield subject to the conditions listed in Attachment A below.

Attachment A – Modified conditions of consent

Modified Conditions of consent

DA: 10.2009.157.2

Description of Work as it is to appear on the determination:

Demolition of the existing car showroom and associated structures, the construction of a restaurant (refreshment room)/drive-in take-away establishment with associated car park and the erection of signage.

A General Conditions

(1) **Approved plans stamped by Council**

The development must be carried out only in accordance with the plans and specifications set out on the following plans:

- DA00 Rev 'D' prepared by Timmins and Whyte Architecture and Design, dated 24 March 2011;
- DA01 prepared by Timmins and Whyte Architecture and Design, dated 14 August 2009;
- DA02 Rev 'E' prepared by Timmins and Whyte Architecture and Design dated 24 March 2011;
- DA03 Rev 'C', prepared by Timmins and Whyte Architecture and Design dated 24 March 2011;
- DA04 Rev 'A', prepared by Timmins and Whyte Architecture and Design dated 18 November 2010;
- DA05 Rev 'C' prepared by Timmins and Whyte Architecture and Design dated 24 March 2011;
- DA06 Rev 'D' prepared by Timmins and Whyte Architecture and Design dated 3 May 2011;
- DA07 Rev 'D' prepared by Timmins and Whyte Architecture and Design dated 3 May 2011;
- DA08 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 3 May 2011;
- DA09 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 24 March 2011;
- DA10 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 24 March 2011;
- DA11 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 24 March 2011;
- DA13 Rev 'A' prepared by Timmins and Whyte Architecture and Design, dated 19 November 2010;
- DA14 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 22 November 2010;
- DA15 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 29 March 2011;

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- DA16 Rev 'C' prepared by Timmins and Whyte Architecture and Design, dated 3 May 2011;
- DA17 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 24 March 2011;
- DA18 Rev 'B' prepared by Timmins and Whyte Architecture and Design, dated 24 March 2011;
- DA19 Rev 'C' prepared by Timmins and Whyte Architecture and Design, dated 3 May 2011;
- DA20 prepared by Timmins and Whyte Architecture and Design, dated 11 November 2010
- DA00P prepared by Timmins and Whyte Architecture and Design, dated 14 August 2009;
- DA01P prepared by Timmins and Whyte Architecture and Design and dated 14 August 2009;
- DA02P Rev 'B' prepared by Timmins and Whyte Architecture and Design and dated 3 May 2011;
- AS01 Rev 'A' prepared by Timmins and Whyte Architecture and Design and dated 24 March 2011;
- AS02 Rev 'A' prepared by Timmins and Whyte Architecture and Design and dated 24 March 2011;
- AS03 Rev 'A' prepared by Timmins and Whyte Architecture and Design and dated 24 March 2011;
- AS04 Rev 'A' prepared by Timmins and Whyte Architecture and Design and dated 24 March 2011;
- AS05 Rev 'B' prepared by Timmins and Whyte Architecture and Design and dated 24 March 2011;
- AS06 prepared by Timmins and Whyte Architecture and Design and dated 14 August 2009;
- AS00 Rev 'A' prepared by Timmins and Whyte Architecture and Design, dated 24 March 2011;
- 'Concept Design' SD 01 Rev 'I' prepared by Urbis and dated 6 December 2010;
- 'Concept Design' SD 02 Rev 'H' prepared by Urbis and dated 27 January 2010; and
- 'McDonald's Haberfield Planting Advice' Rev 'A' prepared by Urbis and dated 1 December 2010

... and any supporting documentation received with the application, except as amended by the conditions specified hereunder, including conditions B1, B2 and B3.

(2A) Plan of Management

The operation of the restaurant shall be undertaken in accordance with the 'Plan of Management' prepared for 141 Parramatta Road, Haberfield dated July 2019, except where amended by the conditions of this consent

*Amended 19 November 2019
(DA.10.2009.157.2)*

(2B) Hours of operation

The hours of operation of the restaurant are regulated as follows:

(a) The hours of operation are restricted to between 5.00am and 12.00am midnight Monday to Sunday.

(b) ***Notwithstanding (a) above, the restaurant may operate 24 hours per day 7 days per week for a trial period of one year from the date of consent of Development Application No.10.2009.157.2.***

(c) A modification application may be lodged to continue the trading hours outlined in (b) above before the end of the trial period.

(d) If the modification application is lodged at least 2 months before the expiry of the trial period, the applicant will be permitted to continue with the extended trading trial period until the modification application has been determined by Council (or the Court on appeal provided that such appeal is lodged within 30 days of the Council determination). If the modification application is not lodged before the expiry of the trial period then the approved trading hours will revert back to the base trading hours of 5.00am to 12.00am midnight 7 days per week.

*Amended 19 November 2019
(DA.10.2009.157.2)*

(2C) Surveillance records

Deleted - see Plan of Management

(3) Compliance with Building Code of Australia (BCA)

All works are to comply with the Building Code of Australia (BCA) and referenced Australian Standards.

(4) Security Personnel

Two security guards will carry out regular patrols within the site including car park areas and in an area within 100m of the site. Patrols are to be undertaken every 2 hours (on a random basis) on Sunday to Thursday and every 1 hour on Friday and Saturday from 10.00pm to 6.00m.

*Added 19 November 2019
(DA.10.2009.157.2)*

(B) Design Changes

(1) The northern acoustic wall shall have a maximum height of 1.1m for a length of 1m from the western boundary (as opposed to the nominated 1.2m).

(2) The Applicant is to substitute Dulux "Ceylonese" for the colour "Mali", and substitute Dulux "Linseed" for the colour "Berkshire White" in the nominated schedule of colours and finishes for the proposed restaurant building.

(3) The extent of "Terracade" cladding to the western and southern facades of the proposed building is to be amended to conform with the accompanying drawings numbered for reference as DA05C(c) and DA06C(c) and attached as Attachments 1 and 2 respectively.

(4) A convex mirror is to be installed at the base of the underground car park stairs to provide visibility on both sides of the underground stairwell area.

**Added 19 November 2019
(DA.10.2009.157.2)**

(C) Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

(1) Section 94A Contribution

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$40,000.00** shall be paid to Ashfield Council. This contribution rate is based on the supplied estimated value-of-works of \$4,000,000.00 and the contribution rate of 1% for works over \$101,000.00.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in the following manner:

$$\$C_c = \frac{\$C_p \times CPI_c}{CPI_p}$$

Where:

$\$C_c$ is the amount of the contribution for the current financial quarter

$\$C_p$ is the amount of the original contribution as set out in this development consent

CPI_c is the Consumer Price Index (Sydney - All Groups) for the current financial quarter as published by the ABS.

CPI_p is the Consumer Price Index for the financial quarter at the time of the original consent

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

(2) Long service levy

Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979* - payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) - is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy at the rate of 0.35%.

$0.35\% \times \$4,000,000.00 = \$14,000.00$.

(3) Damage deposit - Footpath, road, kerb and gutter

A Damage Deposit of **\$50,000.00** is to be submitted prior to the release of the Construction Certificate covering the repair and/or replacement of adjoining footpaths, road pavements, kerbing and guttering along the frontages to Parramatta Road, Dalhousie Street and St David's Road. This is to be paid to Council and may be refunded subject to satisfactory completion of the construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

- A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.
- Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.
- Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.
- At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(4) Street Tree Protection

A bond or bank guarantee for the amount of **\$6,000** shall be lodged with Council prior to the release of the Construction Certificate. This bond is to ensure that existing trees located in the grass verge of St Davids Road which will be affected by the new council pipeline (from the site to No. 12 St Davids Road) remain in a healthy state. The bond shall be released 6 months after completion of the pipeline in St Davids Road, provided that all trees have been successfully retained in a healthy and vigorous state (to the satisfaction of Council's Tree Technical Officer).

(5) Removal of Underground Storage Tank, Asbestos Sheeting and Soil Validation

In order to ensure that the site is suitable for the proposed land use, and comply with dangerous goods regulations, the underground storage tank and all associated pipework and infrastructure shall be decommissioned and removed from the site prior to the release of the construction certificate.

Appropriate notification concerning all remediation and validation works shall be completed in accordance with State Environmental Planning Policy (SEPP) No. 55 Remediation of Land.

All remediation and validation works shall be undertaken in accordance with SEPP No. 55, Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and guidelines made under the Contaminated Land Management Act 1995. All remediation and validation works shall be completed under the supervision of an appropriately qualified consultant.

A Validation Report prepared by an appropriately qualified person shall be submitted to Council within thirty (30) days of the completion of the remediation works. The report must verify that the underground storage tank and all associated infrastructure has been removed according to relevant guidelines and legislation, confirm that soil has been validated in accordance with NSW Environment Protection Authority (1994) Guidelines for Assessing Service Station Sites, and state that the site is suitable for the proposed landuse.

(6) Asbestos and Hazardous Materials

A hazardous materials survey of the buildings and surface of the subject site shall be undertaken by a suitably qualified consultant prior to commencement of any works on site or the release of the construction certificate. A suitably qualified, WorkCover approved contractor must be engaged to remove any suspected asbestos containing material identified on the subject site (including any fibro sheeting previously found to contain asbestos). This material shall be disposed of to an appropriately licensed waste facility in accordance with NSW EPA Environmental Guidelines. The location of any materials found on the concrete/ hardstand area shall be clearly marked on the hardstand and soils underlying and in the vicinity of the asbestos containing materials shall also be tested by an appropriately qualified person.

The Validation Report shall detail soil testing results and any remediation measures undertaken.

(7) Preparation of geotechnical report

To ensure that the structural integrity of the development and neighbouring buildings will be maintained, a full geotechnical report must be submitted to the Council or the PCA prior to the issue of a construction certificate and prior to the commencement of excavation works. The report must include an investigation of site and soil conditions as well as the proposed means of construction and must contain, where required, recommendations to ensure that excavation, backfilling and construction, including temporary works during construction, will not affect the structural integrity of neighbouring buildings or the structural stability of neighbouring public land, property or services. The report is to be prepared and certified by an appropriately qualified practicing geotechnical engineer.

All demolition, excavation, backfilling and construction must be undertaken in accordance with the recommendations of the geotechnical report.

(8) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site;

- (c) 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; and
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.

Where it is proposed to:

- open Council's footpath/roadway or construct a new vehicular crossing/footpath, or pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area, or
- pump stormwater from the site to Council's stormwater drains.

... the submission of an 'Application for Permit to Carry Out Work on Council Property' must be submitted. This form is available from Council's website www.ashfield.nsw.gov.au

(9) Plantation or recycled timbers

To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings. The Construction Certificate is to specify the timbers to be used.

These are to be limited to plantation timbers grown on Australian farms or State Forest Plantations.

(10) Access and services for people with a disability

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of the Building code of Australia (BCA), AS 1428.1:2001 and the provisions of the Access and Mobility Development Control Plan (Part C1 of the Ashfield DCP 2007) prior to the issue of a Construction Certificate. Details of complying levels, ramp slopes, door widths, circulation spaces, the disabled toilet and lifts are to be provided.

(11) Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) Building Code of Australia.
- (b) AS 1668.1:1998.
- (c) AS 1668.2:1991.
- (d) ASINZS 3666.1:2002.

Evidence from an appropriately qualified person certifying that these design requirements have been met shall accompany the application for the Construction Certificate.

(12) Emission control and abatement system

Prior to the issue of the construction certificate for the building the Applicant will submit details of the proposed kitchen exhaust extraction system, and the emission control and abatement system (the Odour Control Unit or 'OCU') to the Council for review and approval.

Prior to commencement of trading the Applicant will shall submit a method statement for:

- (a) the monitoring of odour emissions from the restaurant; and

- (b) the subsequent impact assessment

to the Council for review and approval.

(13) Car parking provision/layout

Forty-seven (47) off-street parking spaces, including a minimum of two (2) disabled spaces, shall be provided onsite and allocated in accordance with the provisions of AS2890.1:2004. Details are to be shown on the plans submitted with the Construction Certificate.

Note: The minimum basement ceiling height above any parking spaces provided for people with disabilities is to be 2.5m.

Details of the heavy vehicle swept path clearance in the car park must also be submitted with the Construction Certificate plans. The heavy vehicle swept paths must conform with AS2890.1:2004, AS2890.2:2002 and Clauses 5.13 b-h of Council's Parking Development Control Plan (Part CII of the Ashfield DCP 2007). Heavy vehicle swept paths are to include a clearance of 300mm on both sides.

(14) RTA Requirements - Construction Certificate

The extension of the existing right turn storage in the westbound carriageway of Parramatta Road on the eastern leg of the Dalhousie Street intersection by 18 metres and the provision of a signalised pedestrian crossing on the northern leg of the Parramatta Road and Dalhousie Street intersection shall be designed to meet the Roads and Traffic Authority's (RTA) requirements and endorsed by a suitably qualified and chartered Engineer (i.e. one who is registered with the Institute of Engineers Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice.

The certified copies of the traffic signal design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate for the building by the certifier and commencement of road works. The RTA fees for administration, plan checking, signal works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a "Works Authorisation Deed (WAD)" for the abovementioned works. Please note that the WAD will need to be executed prior to the RTA's assessment of the detailed traffic signal design plans.

(15) Water conservation

Water saving devices must be used within the development. The kitchen must be fitted with water efficient taps whilst bathrooms shall be fitted with water efficient taps and dual flush cisterns. The external landscaping areas shall be provided with a water efficient irrigation system to enable effective landscape maintenance.

Documentation is to be shown on the plans to be provided with the Construction Certificate.

(16) Stormwater disposal calculations

Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code and submitted to, and approved by, Council or the Private Certifying Authority (PCA) prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

- (a) Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas;
 - (ii) Paved areas;
 - (iii) Grassed areas;
 - (iv) Garden areas;
 - (v) The percentages of Pre-development and Post-development impervious areas.
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for all pipes within the development shall comply with AS 3500 3-1 990).
 - (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan.
 - (d) Calculations and details are to be provided to Council or the (PCA) showing that provisions have been made to ensure run of from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept run off up to and including the 100 year ARI.
 - (e) Each drainage leg leading to the detention tank shall have a slit arrestor pit installed immediately upstream from the detention tank.
 - (f) All garbage and waste areas must drain to the sewer and not the stormwater system.
 - (g) The northern retaining wall shall be designed without the use of weep holes so as to not cause an inconvenience to adjoining property owners. Instead the fill to be retained by this wall shall be drained by the use of aggi pipe or similar devices.

(17) Stormwater disposal – St David's Road

Prior to the release of the Construction Certificate a plan shall be submitted to the relevant Road Authority that being Ashfield Council which consists of the following items:

- (a) The depth and location of all services within the area affected by 375mm pipeline to be constructed in St David's Road (ie. gas, water, sewer, electricity, Telstra, etc).
- (b) A long section of the proposed council pipeline in St David's Road is to be prepared showing the pipe grade (minimum grade 1%) and depth as well as any possible obstructions (eg. Telstra lines).

(18) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's stormwater Management Code. Details of the storage shall be submitted to and approved by Council or the (PCA) prior to the release of the Construction Certificate.
- (b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
 - where the storage and silt arrestor pits are located;

- which parts of the system need to be accessed for cleaning and how access is obtained;
- description of any equipment needed (such as keys and lifting devices) and where they can be obtained;
- the location of screens and how they can be removed for cleaning;
- who should do the maintenance (i.e. commercial cleaning company);
- how often should it be done.

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

(19) Acoustic Treatment to drive-through enclosure

Details of the acoustic treatment on the drive-through enclosure are to be submitted to the Principal Certifying Authority (PCA) for approval prior to the release of the construction certificate. The soffit of the roof structure and internal face of the northern wall (above 1.25m from FFL) shall be treated with an acoustic absorptive material with an NRC greater than 0.9. The absorptive treatment for the underside of the roof must take the form of 75mm thick Ultraphon faced glasswool blanket (32 kg/m³) supported by a galvanised wire mesh. The side wall acoustic treatment must take the form of powder coated perforated galvanised steel, not less than 0.8mm thick, with a minimum 15% open area, overlying a 50mm thick glasswool blanket (32kg/m³).

(20) Acoustic treatment to basement car park entrance area

Details of the acoustic treatment to the basement car park entrance area are to be submitted to the Principal Certifying Authority (PCA) for approval prior to the release of the construction certificate. The basement car park entrance area which has 5 spaces along the northern wall and which includes the bike storage racks is to be acoustically treated so that the soffit and internal face of both the northern and southern wall (above 1.5m from FFL) incorporate an acoustic absorptive material with an NRC greater than 0.8. The fire and smoke ratings must comply with the relevant BCA standards.

(21) Noise Monitoring system

~~A dedicated noise monitoring system is to be installed and maintained in the basement car park and external car parking areas.~~

~~The noise monitoring system is to incorporate a computer based system with a pre-calibrated sound level meter card and appropriate software. The noise monitoring system is to be capable of measuring 30 second LAeq.~~

~~The noise monitoring system must comprise three weather resistant external microphones. Two of the microphones are to be located in the external car park area and must operate between the hours of 10pm to 5am 7 days per week if and when the restaurant is open during these times. One microphone is to be located in the basement car park.~~

~~The noise monitoring system must be connected to a monitor screen inside the restaurant. The system's output signals are to be displayed on the monitor screen, easily visible to relevant staff. The display screen is to have a coloured background which visually and audibly alerts staff to the presence of aberrant patron behaviour in the external or basement car park. The audible alarm should incorporate a characteristic sound whose level is distinguishable from the prevailing noise levels within the working area.~~

***Deleted 19 November 2019
(DA.10.2009.157.2)***

(22) [Not used]

(22A) Acoustic assessment by independent acoustic consultants

After 3 months of the issue of the Occupation Certificate, an acoustical assessment of the restaurant's acoustical performance shall be carried out. The assessment shall be conducted by an independent firm of acoustical consultants, which has not been previously engaged by the Applicant. The results of the acoustical assessment are to be submitted to Council within 7 working days of the report being finalised.

D Conditions that must be complied with before

(1) Notice of Commencement - Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given notification in writing to Council no later than two (2) days before the building work commences.

A 'Notice of Commencement' form is available from Council's website: www.ashfield.nsw.gov.au.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the Environmental Planning and Assessment Act 1979 the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two (2) days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Inspections

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Building location - Check survey certificate

To ensure that the location of the building satisfies the provisions of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority (PCA) prior to the pouring of the basement slab indicating the:

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum); and
- (iii) site coverage of the buildings on the site.

(5) On site detention system - Check survey

Prior to the construction of an on-site detention system involving permanent construction work (e.g. construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for ground floor, car park or garages) a check survey from a registered surveyor must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

(6) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority (PCA) for approval.

(7) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) 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 clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

(8) Dilapidation Reports

Dilapidation Reports on the current structural conditions of the existing buildings at 7 Dalhousie Street and 2 St David's Road must be prepared by a practicing structural engineer. The applicable Dilapidation Reports must be completed and submitted to the owners of the adjoining properties and Council prior to the commencement of any demolition, excavation or construction works.

At the completion of the works, a second Dilapidation Report recording the structural condition of the buildings must be prepared. This second Report must also be submitted to the owners of the adjoining properties and Council.

(9) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(10) Sanitary facilities - Demolition/construction sit

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(11) Public liability insurance Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

(11) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the website: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water on 13 20 92.

(12) Landscaping of the Site

- (a) A detailed landscape plan drawn to scale, by a landscape architect or approved landscape consultant, must be submitted to and approved by Council prior to a Construction Certificate being issued. The plan must include:
- (i) location of proposed structures on the site, including fencing and gates;
 - (ii) details of earthworks including mounding, retaining walls and planter boxes;
 - (iii) location, numbers and type of plant species;
 - (iv) details of planting procedure and maintenance; and
 - (v) details of drainage and watering systems.
- (b) The detailed landscape plan shall be generally consistent with the three Urbis landscaping plans referred to in Condition A(1) of this consent.
- (c) The revised landscaping plan is to include:
- (i) a reference to clumping of trees where there is a reference to a singular tree;
 - (ii) the provision of an advanced planting of a Canary Island Date Palm (with a minimum height of 5 metres) in the location of the circular landscaped area to the western side of the site, adjacent to the drive through area.

E Conditions that must be complied with during construction or demolition**(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to an authorised Council officer at any time when requested.

(2) Signs to be erected on building and demolition sites

(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; and
- (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

(3) Demolition/excavation/construction - Hours of work for developments likely to involve substantial construction works that may affect the amenity of the locality

(a) Subject to sub-clauses Clauses (b) and (c) below, demolition, excavation and construction work, including loading and unloading of material's and the use of machinery, shall be restricted to between hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1:00 pm on Saturday. Work is prohibited on Sundays, on public holidays and on union picnic days or on any fixed building industry agreed "rostered" days off that apply during the period of demolition, excavation and construction works.

(b) In the event that a public holiday is a Friday, work is not to be conducted on the Saturday following the public holiday.

(c) In the event that a public holiday falls on a Monday, Council expects that the following Tuesday should be a rostered day off.

(4) Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

(5) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in Landcom's Managing urban stormwater: So/Is and construction Vol. 1 (The 'Blue Book').

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall include the protection of stormwater inlets and gutter systems within the immediate vicinity of the site, as well as protect neighbouring properties from runoff.

This sedimentation and erosion control plan must be submitted with the application for a construction certificate.

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.

(6) Demolition requirements/standards

Demolition work is to be carried out in accordance with the following:

- (a) Australian Standard AS 2601:2001 and any requirements of the WorkCover Authority.
- (b) The property is to be secured to prohibit unauthorised entry.
- (c) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors are to be used and the disposal of asbestos is to be carried out in accordance with the requirements of the WorkCover Authority.
- (d) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authority's requirements.
- (e) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (f) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (g) Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (h) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not to be allowed to enter the street gutter and stormwater systems.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 'Respiratory Protective Devices' and shall adopt work practices in accordance with WorkCover requirements.
- (j) Waste and materials generated by the proposal must be recycled, reused or disposed of in accordance with the Waste Management Plan submitted with the Development Application. Construction and demolition waste, particularly timber, bricks, tiles, concrete and other materials need not be disposed of - they can be recycled and resold if segregated properly from any hazardous waste contamination. All other materials and debris is to be removed from the site and disposed of to approved outlets.

(7) Unexpected Contamination or Structures

In the event that any potentially contaminated soils or water are observed on site (possibly indicated by odours/ discolouration), or unknown underground storage tanks and associated pipework are encountered beneath the site surface, all works shall cease and an appropriately qualified consultant and Council shall be contacted. Works shall not recommence until an appropriately qualified person has provided written advice that potential contamination does not pose a risk to humans or the environment.

(8) Soils to be used on site

All soil used on site shall be classified as Virgin Excavated Natural Material, in accordance with the Department of Environment Climate Change and Water Waste Classification Guidelines (2008).

(9) Disposal of site soils

All soils excavated from the subject site shall be classified under the NSW Department of Environment Climate Change and Water Waste Classification Guidelines (2008). Testing is required prior to offsite disposal. All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor. Details of soil excavation, transportation and disposal works shall be reported to Council by a suitably qualified consultant prior to issue of the Occupation Certificate.

(10) Location of structures

The structures must stand wholly within the boundaries of the allotment.

No portion of the structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath.

(11) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(12) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part F1 .7(b) of the Building Code of Australia (BCA) and AS 3740 'Waterproofing of wet areas within residential buildings'. The junction between the floor and wall and the construction of any shower recess, basin, sink or the like shall be in accordance with the BCA and AS 3740.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(13) Installation of CCTV cameras and panic switch

CCTV cameras shall be installed throughout the premises and a 'panic' switch button installed within the basement car park in accordance with the 'Plan of Management' prepared by JBA Urban Planning Consultants Pty dated July 2010 and the Assessment Audit report prepared by Ashfield Police dated 27 October 2010.

(14) Work to comply with Ashfield Council's "Guidelines for Food Premise

All work shall comply with Ashfield Council's "*Guidelines for Food Premises*" policy and Australian Standard 4674-2004 "*Design Construction and fitout of Food Premises*".

(15) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate Council stormwater pit in St David's Road at a maximum Permissible Site Discharge of 140 L/sec for the 1:100AR1.

A standard Council pit shall be constructed at the kerb and a pipeline from this kerb pit to Council's pit is to be constructed under the kerb and gutter as per Council's Stormwater Management Code.

(16) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

(17) Surface overflow paths - Storm recurrence event

Surface overflow paths shall be provided to allow for the 1-hour 1 in 100 year storm recurrence event, and any more intense events.

Should it not be possible to provide an overland escape route for excessive stormwater an increase of 50% in the required volume of stormwater storage will be required.

(18) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary except in relation to the northern boundary planter wall.

(19) Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

(20) Road opening permit - Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(21) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (iii) After placement of road base course.
- (iv) After completion of any pits.
- (v) After pipes have been laid and prior to backfilling.
- (vi) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(22) Footpath, kerb and gutter reconstruction

The public footpath and grass verge outside the site both in Dalhousie Street and St Davids Road and along the Parramatta Road boundary of the site shall be completely reconstructed to the requirements of Council's Engineering Services Department at the Applicant's expense. Along the Parramatta Road frontage of the site, there shall be a grass verge between the kerb and the footpath for the length of the frontage. The kerb and gutter outside the site must be reconstructed where it is damaged, again at the Applicant's expense.

This work shall be carried out at the Applicant's expense prior to the release of the Occupation Certificate.

(23) Vehicle access driveways

The proposed vehicular access driveways to be constructed in Dalhousie Street and St Davids Road shall be built in accordance with Council's standard drawing and specifications. The driveways shall be located a minimum of 1.0m clear of any, lintels or poles and 2m clear of any trees within the road reserve. The driveways shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

The kerb inlet located on Dalhousie Street (near the proposed vehicular access driveway) shall be relocated so that it is a minimum of 1.0 m clear of the proposed vehicular access driveway in Dalhousie Street.

This work shall be carried out prior to the release of the Occupation Certificate.

(24) Redundant vehicular crossings - Removal and replacements

All redundant vehicular crossings shall be removed and replaced with concrete footpath, concrete kerb and concrete gutter at no cost to Council at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(25) [NOT USED]**(26) Pedestrian crossing facility**

A signalised pedestrian crossing facility at the northern leg of the Parramatta Road and Dalhousie Street intersection shall be installed in accordance with the requirements of the Roads and Traffic Authority (RTA).

This work shall be carried out prior to the release of the Occupation Certificate, and at the Applicant's expense.

(27) Roadworks/Regulatory sign posting

All roadworks/regulatory signposting associated with the the Applicant.

(28) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

(29) Driveway gate of 7 Dalhousie Street, Haberfield

The southern end of the existing gate running across the driveway of 7 Dalhousie Street, currently affixed to the existing brickwork fence, is to be reattached to the retaining wall or newly constructed post, at the expense of the Applicant, no later than 4 weeks after the demolition of the existing brickwork fence.

(30) Gate to the setback landscaped area

A lockable gate shall be provided adjacent to the existing entry gate to 7 Dalhousie Street and a fence shall be provided along the northern boundary to prevent entry to this neighbouring property beyond the driveway gate. This fence and gate shall have a height of 1.8m and the gate is to be open in appearance.

F Conditions that must be complied with prior to installation of services

Nil.

G Conditions that must be complied with before the building is occupied**(1) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority (PCA).

Note: If Council is chosen as the PCA the payment of a fee prior to the release of the Construction Certificate is required for an Occupation Certificate.

(2) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- Location,
- pipe diameter,

- gradient,
- pipe material, i.e. PVC or EW etc.,
- orifice size,
- trash screen at orifice, and
- all buildings (including floor levels) and finished ground and pavement surface levels.

(b) *Engineer's Certificate*

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- the soundness of the storage structure;
- the capacity off the detention storage;
- the emergency overflow system being in place;
- the works being constructed in accordance with the Council approved plans; and
- the freeboard from maximum water surface level to the finished floor and garage levels are at or protected from the minimum required in Council's Stormwater Code;
- basement car park pumps are class one zone two (if used).

(c) *Restriction-As-To-User*

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(3) Positive Covenant-stormwater detention surface flow paths – Occupation Certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

- surface flow path,
- finished pavement and ground levels,
- prevent the erection of any structures or fencing,
- on site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

(4) Sydney Water - Section 73 Compliance Certificate

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 "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions 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 release of an occupation certificate.

(5) Compliance with submitted ridge height

A survey report is to be submitted upon the completion of the works and prior to the release of the occupation certificate verifying compliance with the approved ridge and total height levels.

(6) Fire safety measures/fire certificate

On completion of the building works and prior to the occupation of the building the owner of the building shall furnish Council with a Fire Safety Certificate for each fire safety measure in the building. The owner of the building shall then furnish Council and the NSW Fire Brigades with a Fire Safety Statement annually for each Fire Safety Measure in the building.

The schedule and annual fire safety statement must be displayed in a prominent position.

(7) Street Number

A street number appropriately designed to complement the character of the buildings must be displayed in a position clearly visible from the street, in numbers having a height of not less than 75 mm. The number must be in place before the premises can be occupied.

H Conditions that are ongoing requirements of development consents**(1) Removal of Graffiti**

The Applicant shall take all reasonable steps to remove graffiti from its property within seventy-two (72) hours.

(2) Odour Control Units - Monitoring

Prior to the commencement of trading, the Applicant will appoint a suitably qualified and experienced consultant to undertake a program of monitoring on the OCU to quantify the odour control efficiency of the OCU, and quantify the odour emission rate of the discharge to atmosphere. The odour monitoring should be undertaken for periods of peak and off-peak operations. The program of monitoring shall be completed within six (6) weeks from commencement of trading.

(3) Odour Control Units - Odour Impact Assessment

Within 2 weeks of completion of the monitoring referred to in Condition H(2), the Applicant will appoint a suitably qualified and experienced consultant (which may be the consultant who carried out the monitoring) to undertake an odour impact assessment report as per by DECCW (2006) 'Assessment and management of odour from stationary sources in NSW' and using the measured odour emissions rates from Condition H(2) to demonstrate that the odour impacts do not cause an unacceptable level

of odour at the surrounding residences. The Applicant shall provide a copy of the odour impact assessment report to Council.

- (a) Where the assessment report predicts potentially unacceptable odour impacts, the report must recommend actions necessary to ensure odour impacts are controlled to the required standard at the surrounding residences.
- (b) The Applicant must implement the recommended actions at 3(a) as necessary to ensure odour impacts are controlled to not cause unacceptable impacts at the surrounding residences. Any rectifications to be made as a consequence of recommended actions must be made within 3 months.

(4) Odour Control Units - Operation and Maintenance

The OCU and extraction system shall be operated and maintained in accordance with the manufacturer's specifications, the Applicant's maintenance schedules, and as required to maintain the odour control efficiency and odour emission rate of the system, to ensure odour impacts are controlled to not cause unacceptable impacts at the surrounding residences. Maintenance records will be held by the Applicant for inspection by the Council upon request.

The Applicant shall implement waste management procedures that effectively control fugitive emissions from waste stored on site.

(5) Retain amenity

Deleted.

(6) Deliveries

All deliveries to and collections from the site (including the collection of rubbish) are to be conducted wholly within the site, and under no circumstances from vehicles standing kerbside in adjacent streets.

Deliveries to and from the site are only to be undertaken between 7 am and 8 pm, 7 days a week, in accordance with the Plan of Management.

(7) Heavy vehicles - Accessing and leaving the site

Trucks and heavy vehicles are required to enter the site from St David's Road via Parramatta Road only. Such vehicles must also exit the site via St David's Road and proceed onto Parramatta Road only. The largest vehicle to service the site is to be an 8.8 m long rigid truck.

(8) Lighting overspill – Amenity

No security or other lighting shall cause light overspill to adjoining property owners, occupiers or residents.

(9) Litter patrols

The operator of the premises must undertake litter patrols of the site's car park, the site's landscaped area, surrounding footpaths, nature strips, gutters and Ashfield Park in accordance with the 'Plan of Management' prepared by JBA Urban Planning Consultants Pty dated March 2011.

The operator of the premises must cause litter patrols to be made of the areas referred to above and all footpaths, nature strips, gutters and Ashfield Park for the purposes of removing from those footpaths, nature strips, park areas and gutters, disposable packaging material and associated food products sold from the site in accordance with the 'Plan of Management' except where amended below. The litter patrols are to be conducted, at a minimum, at the following times:

- (i) promptly after sunrise;

- (ii) after the breakfast period (approximately 10 am);
- (iii) after the lunchtime period (approximately 1 pm); and
- (iv) before sunset.

Additional patrols are to be carried out on Saturday and Sunday mornings. The area of patrol shall be expanded to include Ormond Street to the corner of Gower Street and the seating areas (cabanas) of Ashfield Park near the War Memorial.

(10) Gate to landscaped set back area

The gates to the setback landscaped area running along the northern boundary of the site are to be locked at all times except when access is required for maintenance. Maintenance is only to be undertaken between the hours of 9 am and 5 pm.

(11) Noise

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

**Added 19 November 2019
(DA.10.2009.157.2)**

I Advisory Notes

(1) Modifications to your consent - Prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

(2) Trade waste agreement

A Trade Waste Agreement must be obtained from Sydney water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

(3) Work in close proximity to the boundary

Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act 1991* that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

It is strongly recommended that a formal written agreement be arranged between the parties prior to the commencement of any building works. Such an agreement can assist in the works being completed amicably and with a minimum of inconvenience to all concerned. Noise and/or vibration during construction, repair works, stormwater disposal and fencing are some of the matters that may need to be considered and agreed upon. Where the matters of concern involve costs, contractual

agreements, compensation or other private issues both parties may wish to seek their own legal advice to protect their respective interests.

Note: This consent does not override your obligations under the Dividing Fences Act 1991.

(4) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company or other service authorities to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority.

For information on the location of these services contact the "Dial before you Dig" service on 1100 or visit their website www.dialbeforeyoudig.com.au

Attachment B – Plan of Management



Plan of Management

McDonald's Operation
141 Parramatta Road
HABERFIELD NSW 2045

Prepared for McDonald's Australia Limited | July 2019



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Plan of Management

Final

Prepared for McDonald's Australia Limited, Haberfield Operation | July 2019

Approved by	Michelle Welsh
Title	Project Delivery Manager, NSW/ACT McDonald's Australia Ltd
Date	July 2019



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1 Introduction

1.1 Purpose of Plan of Management

This Plan of Management (PoM) has been prepared for the proposed construction of a 24-hour McDonald's operation at 141 Parramatta Road, Haberfield.

McDonald's Australia recognises the need to ensure the safety and security of customers, staff, residents and the greater community in which the proposed operation will reside. The safety and security issues have been considered carefully to ensure the utmost safety of staff and patrons.

A Risk Assessment has also been included in this PoM to identify, understand, communicate and mitigate security related risks and threats associated with the McDonald's operation and specifically during late-night trading.

The PoM is consistent with the principles of Crime Prevention through Environmental Design (CPTED) as described in the Crime Prevention and the assessment of development applications guideline prepared by the former Department of Urban Affairs and Planning (now Department of Planning and Environment).

CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

The policies and procedures outlined in this Management Plan will help to make the premise a safe, efficient and pleasant environment in which to work and visit. Additionally, the safety and security issues addressed in this Management Plan have been devised to ensure the quiet amenity of neighbouring properties is maintained at all times during the operation of the premises.

All staff, as part of the induction process, will be required to be familiar with this Management Plan.



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2 The Site

The site is located at 141 Parramatta Road, Haberfield and is legally described as Lot 16 in DP 520199 (refer to Figure 1). The site has an approximate area of 2,500m². It has frontage to Parramatta Road, Dalhousie Street and St Davids Road.

Figure 1 – Location Plan





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3 Security and Safety

The security and safety of employees and the general public are highly valued by the management of the premises.

3.1 Surveillance

3.1.1 CCTV Camera Systems

CCTV surveillance cameras are installed in and around the premises in strategic places including the drive-through facility and cashiers / service areas. This system has automated recording technology, sufficient video storage capacity, video motion detection, and advanced camera technology allowing excellent video resolution and coverage. Management will ensure the system is maintained in good working order at all times.

All cameras will operate 24 hours a day. The surveillance tapes/ videos will be kept for at least 1 month for viewing by the Police or Council on 24 hour notice, as required. The quality of the images filmed will satisfy Police requirements.

TV monitors will be located within the premises and will allow staff to monitor the activities on camera.

McDonald's employees will be encouraged to assist with passive surveillance of all areas of the development and in particular the car park, by providing efficient reporting systems for any security or safety concerns.

3.1.2 Lighting

External lighting will be provided around the premises and car park area to enable clear vision and will be designed in such a manner so as to prevent concealment and shadowing. The standard of lighting aims to not only reduce the fear of crime, but also serves to provide clear identification of activity (in accordance with Australian lighting standards) using the high technology CCTV cameras proposed.

Broken light fixtures and bulbs within the premises and car park will be replaced within 24 hours.

3.1.3 Clear Sight Lines

The operation has been designed to and takes into account the need to maximise clear sight lines. The McDonald's incorporates the maximum use of natural surveillance and minimises potential obstructions such as physical barriers to ensure clear sight lines are always available.

Good visibility to the interior of the premises is provided and will be maintained. No blinds, curtains, signage, displays, or internal fittings will obscure the front windows and doors of the premises.

3.2 Access Control

The McDonald's operation will utilise an intruder alarm system, access control devices and CCTV systems to monitor access within the operation and car park.

3.2.1 High Risk Areas

The McDonald's has been designed so as not to create a hostile environment. Access will be restricted particularly in relation to nominated "secure areas" such as the kitchen and back of house areas, exits and the loading dock. This will be achieved by the installation of movement detectors and security hardware (locks, etc).

The PlayLand will be accessible whenever the store is opened with child proof gate locks. Surveillance of the PlayLand will be undertaken on a regular basis by staff.



3.2.2 Signage

Clearly identifiable signage will be installed in and around the site to indicate which areas are open to customers and members of the public and which areas are restricted.

Signage and clear sight lines will assist with the anticipated pedestrian flows within the associated car park and McDonald's.

Warning signs, at strategic locations are to be placed within the premises, to warn people of existing security measures.

A sign at the entry of the premises advising the public to forward any complaints regarding the operation of the premises to the Duty Manager will be provided. The sign will include a phone number and state that complaints can be made 24 hours a day, 7 days per week. All reasonable endeavours are to be used to answer the telephone.

3.3 Space Management

3.3.1 Seating and Design

The McDonald's takes into account the need to provide seating and other comforts for persons visiting the premises without interfering or disrupting pedestrian flows. This philosophy is designed to encourage increased use of the common areas to reduce the potential for security breaches by natural surveillance.

3.3.2 Toilets

Public toilets will be clearly sign posted. The toilets are located in areas which maximise sight lines, are well lit and are in areas which engender an overall sense of safety to the user, particularly females, children and the elderly.

3.3.3 Landscaping

Landscaping is to be maintained regularly with trees and shrubs trimmed away from doors and windows of the building (as relevant).

3.4 Ejection of Patrons

The following procedure will apply to all staff that are involved in the removal of a person from the premises who is intoxicated, drunk or disorderly:

- Verbal communication with the customer(s) will occur;
- The Duty Manager will be instructed to contact Police for assistance in removing any customer who exhibits anti-social or violent behaviour; and
- An Incident Report will be completed following an altercation and/or disturbance stating all the relevant information for reference purposes.
- The use of exclusion notices under the NSW Enclosed Lands Act is available if required to exclude people.

3.5 Hold up Procedure

3.5.1 In the Event of an Armed Robbery

The primary advice is to remain as calm as possible. Other advice is as follows:

- Contact 000 as soon as possible after incident;
- Staff are instructed to comply with the demands of the offender's;



-
- Assess the situation and remain calm;
 - Focus on the offender/s making mental notes of their "appearance" with particular attention to;
 - Any distinguishing features such as clothing, scars, tattoos;
 - Weapon if used, such as firearm, bladed weapon; and,
 - Any language, accent, nicknames or speech peculiarities;
 - Move slowly. Only do this with safety. Advise of any sudden movements you have to make;
 - Observe the direction taken after the bandit leaves the premises;
 - Look to see if a motor vehicle is being used and note any occupants;
 - Separate staff involved to ensure they do not discuss the incident with anyone other than the Police and Senior Management; and,
 - Provide access to McDonald's counselling support agency as soon as possible after the incident.

3.6 Money Handling

An independent security company will be employed to undertake all movement of cash to and from the premises. There will be no cash movements from the premises by the staff at any stage. There will be no movement of monies from the premises by Security Personnel at night.

3.7 Theft

In the event that theft occurs involving a customer, every effort must be made to assist the customer in any way possible, i.e. forms, police report, telephone calls. All personal information must be recorded on the Incident Report Form in case any items are recovered at a future time.

Incidents involving staff members must also be documented on the Incident Report Form and any necessary policy reports must be completed. A list of all items missing must be recorded.

The theft of any property on the premises must be reported to the police for insurance purposes. All thefts must be documented clearly and concisely on an Incident Report form.

3.8 Weapons

Weapons of any type, i.e. knives, firearms, etc., will not be permitted at any time, unless in the hands of authorised personnel or Police.



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4 Operational Procedures

4.1 Communication

Staff training days will be held on a regular basis to reinforce safety and security procedures for the operation. Employees will be encouraged to report any suspicious activity or persons in and around the area to the Duty Manager and / or Local Police.

Staff working during the night-time period will be trained to respond to intoxicated and aggressive behaviour. This is incorporated into management training programs, namely SMX.

4.2 Incident Report

McDonald's uses Donesafe, an online Incident and Hazard Log Reporting system, to record details of incidents that occur in McDonald's Operations. Shift managers have been trained in usage of this system and are trained to "take control" when an incident occurs. The Shift Manager will ensure that an Incident Report is to be completed for all incidents that necessitate action by emergency services such as Police, Ambulance or Fire Brigade.

All incidents including vandalism and graffiti will be photographed and recorded, together with the response time taken to repair or remove the property affected or offending material. The frequency of incidents together with the respective response will be included in the regular site performance reviews to ensure the maintenance of acceptable standards.

Managers have been trained to call "000" immediately to report a serious crime or incident occurring in the McDonalds operation that requires and immediate response from Police and other Emergency Services.

The NSW Police Assistance Line (131 444) will be used to report minor incidents of crime.

4.3 Acts of Violence

When an incident involving an act of violence resulting in an injury to any person occurs on the premises, the duty manager will immediately, if safe to do so:

- Provide First Aid to any injured person;
- Contact "000" for assistance;
- Follow the NSW Police Crime Scene Preservation Guidelines by;
 - taking all practical steps to preserve and keep intact the area where the act of violence occurred;
 - isolate and retain all material and any weapons or implements associated with the act of violence;
 - provide information to the investigating Police as to the cause and circumstances of the incident;
 - Comply with any directions given by the senior Police Officer in attendance; and
 - Secure and produce a copy of all CCTV footage of the incident as required by the investigating Police Officer.

4.4 Telephones

Telephones are to be pre-programmed with the emergency number '000'. Telephone lines are to be secured with an approved lock to avoid unlawful tampering.

4.5 Public Transport Awareness

Staff members that are working in the store during its operation are to be aware and be able to provide information to visitors of the store, of the public transport facilities that are within the area, at all times of the day or night.



4.6 Registering of Complaints

Any complaints received will be documented in a register and followed up by the Duty Manager. The register will include details of the complainant's name, the date the problem occurred, the nature of the complaint and outcome of the complaint.

4.7 Noise Management

The duty manager will closely monitor the following noise management procedures:

- The premises will comply with the relevant acoustic requirements in relation to noise emanating from the premises;
- The duty manager will ensure that customers keep noise to an appropriate level upon entering and leaving the premises. The duty manager will ask customers making any noise to leave quietly and quickly and ask any customers loitering to move on; and
- Signs will be placed at the points of exit requesting customers leave quietly and in a prompt manner so as not to cause any disturbance to the surrounding neighbourhood.

Particular attention will be made to cars which enter the site and either park or enter the drive-through facility where noise from these vehicles (including noise generated from any car stereo) exceed acceptable noise levels. Should this occur, the owners of such vehicles will be instructed to reduce noise levels or move on. McDonald's will not provide a service to customers or vehicles in the drive-through facility who refuse to comply.

4.8 Cleaning of Surrounding Public Domain

The Duty Manager will take action to promote the footpath, gutter, building entry and surrounds clean and clear of litter.

Bins are located through-out the premises. This will help mitigate the potential litter impact upon the surrounding environment.

At a minimum, McDonald's staff will perform litter patrols at the following times:

- after sunrise;
- after the breakfast period (approximately 11am);
- after the lunch time period (approximately 3.00pm); and
- before sunset

Additional litter patrols will be carried out on Saturday and Sunday mornings.

Vandalism and graffiti (where possible) will be removed within 24 hours.

4.9 Waste Management

Waste generated on site primarily consists of general waste (food wastes and miscellaneous customer waste) and paper and cardboard.

The site contains a disposal area comprising two (2) skip bins, one (1) for general waste and one (1) for recycling. Waste is collected by a recognized private contractor in accordance with the approved Site Waste Management Plan.



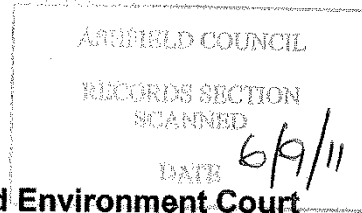
5 Consultation and Assessment

McDonald's are committed to ongoing consultation with adjoining property owners, Police and Council to foster a better understanding of the relevant safety and security issues.



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Attachment C – Land and Environment Court Judgement N 2009/157



Land and Environment Court
New South Wales

Case Title: McDonalds Australia Limited v Ashfield Council

Medium Neutral Citation: TBA

Hearing Date(s): 13,15 December 2010, 20 May 2011

Decision Date: Interim findings 23 February 2011, Final Orders 2 June 2011

Jurisdiction: Class 1

Before: Brown C

Decision: Appeal upheld

Catchwords: DEVELOPMENT APPLICATION - demolition of existing buildings and the construction of a refreshment room/drive-in take away establishment with associated car park and signage - impact on the heritage significance of heritage item and conservation area – building design – noise – landscaping – signage – traffic impacts – whether a 24 hour/ 7 days per week trial period is appropriate – appropriateness of modified plans – façade colours

Legislation Cited: *Environmental Planning and Assessment Act 1979*
Environmental Planning and Assessment Regulation 2000
Land and Environment Court Act 1979
Ashfield Local Environmental Plan 1985

Cases Cited: *Eastlake Golf Club Limited v Botany Bay City Council* [2007] NSWLEC 236
Maxnox Pty Ltd v Hurstville City Council [2006] 145 LGERA 373
Radray Constructions Pty Limited v Hornsby Shire Council (2000) 145 LGERA 292

Texts Cited:

Category: Principal judgment

Parties: APPLICANT
McDonalds Australia Limited

RESPONDENT
Ashfield Council

Representation

- Counsel: APPLICANT
Mr A Galasso SC

RESPONDENT
Mr C McEwen SC with Ms M McMahon

- Solicitors: APPLICANT
Norton Rose Australia

RESPONDENT
Maddocks

File number(s): 10650 of 2010

Publication Restriction:

JUDGMENT

- 1 **COMMISSIONER:** This is an appeal against the refusal of Development Application No 2009/157 by Ashfield Council (the council) for the demolition of all existing structures and the construction of a refreshment room/drive-in take away establishment with associated car parking and signage to be operated by McDonalds at 141 Parramatta Road, Haberfield (the site).
- 2 The contentions raised by the council relate to:
 - the unacceptable impact on the heritage significance of the Haberfield Conservation Area and Ashfield Park by way of the

proximity of the site, the design of the building and the proposed signage,

- the unacceptable noise impact on adjoining and nearby residential properties,
- the inadequate landscaping of the site,
- the adverse traffic impacts and congestion on the surrounding road network, including the need to provide additional pedestrian signals at Dalhousie Street and Parramatta Road, and
- the appropriateness of the 24 hour 7 days per week 12 month trial period.

3 The contentions raised by the council in relation to the colour of the playground screen walls, odour impacts, inadequate setbacks and curtilage to the adjoining dwelling houses, the acoustic wall structure, the layout of the proposed car parking, bicycle parking and stormwater disposal were not pressed by the council following the provision of further information by the applicant.

4 A number of local residents provided evidence of the site view and supported the contentions raised by the council, and raised the following additional concerns:

- loss of street parking, and
- increased crime and anti-social behaviour.

The site and surrounding area

5 The site is Lot 16 in DP 520199. It has a 70.83 m frontage to Parramatta Road, a 39.575 m frontage to Dalhousie Street, a 32.13 m frontage to St Davids Road and a site area of 2514 sq m. A vacant motor showroom occupies the site and contains a two-storey masonry and metal clad building with basement car parking and hard stand concrete areas.

6 Surrounding development is mixed and made up of residential, commercial and car related development, particularly along Parramatta Road.

Residential properties predominate to the north within the suburb of Haberfield and consist mainly of dwelling houses but with a number of older style residential flat buildings. Ashfield Park is located on the opposite side of Parramatta Road to the site.

The proposal

- 7 The proposal seeks the demolition of all existing improvements on the site and the construction of a refreshment room with drive-in take away facility to be operated by McDonalds. The refreshment room will employ up to 12 staff, provide 128 seats, of which 104 seats will be within the building and 24 seats will be on an outdoor terrace. The hours of operation are proposed to be 24 hours a day, 7 days per week although the applicant has indicated that it would accept these hours on a 12 month trial basis. A plan detailing the proposed signage accompanied the development application.
- 8 A total of 47 car parking spaces are provided with 19 spaces at grade and 28 spaces within a basement car park with an entry and exit from Dalhousie Street and St Davids Road.

Relevant planning controls

- 9 The site is located within the Zone 3(b) – (Special Business Zone) under *Ashfield Local Environmental Plan 1985* (LEP 1985). "Refreshment rooms" and "drive-in take away establishments" are permissible within this zone. Part 4 provides Heritage provisions including aims at cl 30 and requirements for development in the vicinity of heritage items and heritage conservation areas at cl 37. Relevantly, the Haberfield Conservation Area adjoins the site to the north and the site is also in the vicinity of Ashfield Park and an Inter War former sub station at 11 St Davids Road; both being identified heritage items in Schedule 7 of LEP 1985.

- 10 *Ashfield Development Control Plan 2007* (DCP 2007) applies. Part C2 addresses signage, with s 4.5 addressing signage for the proposed use and s 4.6 addressing development on Parramatta Road.

Heritage impacts

The evidence

- 11 Mr Robert Moore provided evidence for the council and Mr Robert Staas provided evidence for the applicant; both experts being specialist heritage architects. They addressed the areas of design and location, the gateway status of the Dalhousie Street and Parramatta Road intersection, and the impact on Ashfield Park.

Design and location

- 12 Mr Moore states that the architectural character of the building is strongly inappropriate for a site adjacent to the Haberfield Conservation Area and located between this area and Ashfield Park, a designated heritage item under LEP 1985. In his opinion, the design is unnecessarily assertive, stylistically incompatible for its heritage context and not necessary for the proposed development to function successfully in its context. This incongruity is clearly unavoidable through a more sympathetic design.
- 13 Mr Staas considers the proposed design has appropriately and adequately taken into consideration the context of the site and the principal presentation of the business premises to Parramatta Road. In his opinion, the proximity to the Haberfield Consolation Area and the location in relation to the heritage items were factors that influenced the design, which, in his opinion, is recessive in its presentation and is appropriately treated with landscaping around its perimeter to ensure compatibility with its location.

Gateway status

- 14 Mr Moore considers that the Dalhousie Street/Parramatta Road intersection is an important point of entry to Haberfield and the Haberfield Conservation Area. Mr Moore describes the site as a point of great

influence on the appreciation of the area and should not be developed without regard to this importance. This can be achieved through the considered use of design elements that avoids visually noisy, destructive and assertive built form and materials. The form and materials should complement the Haberfield Conservation Area rather than conflict with it.

- 15 Mr Staas disagreed with Mr Moore. While acknowledging that the streets adjoining the site are gateways, and are particularly significant in heritage terms as the entry to Haberfield Garden Suburb, he states that those parts of the street near the site are patchy in character and do not represent the identified heritage significance in the Statement of Significance for the Haberfield Conservation Area. The site is not part of the Stanton Haberfield Estate having previously been subdivided and developed prior to the Garden Suburb model being adopted further to the north. In his opinion, the site is not significant in understanding the heritage values of Haberfield or the character of the adjoining Haberfield Conservation Area.

Ashfield Park

- 16 Mr Moore reiterates his previous concerns over the design of the building and states that if this issue is addressed, along with some revision of landscaping, the impact of the proposed development on the heritage significance of Ashfield Park can be addressed. In his opinion it is important that any potential design reinforces the relationship of the site with Ashfield Park rather than dissipate the relationship.
- 17 Mr Staas relies on the revised landscape drawings and the selection of plant, shrub and tree species that are, in his opinion, appropriate for its location adjoining the Haberfield Conservation Area and in the wider visual context of Ashfield Park. Mr Staas states that the proposed landscape treatment will provide a substantially enhanced presentation when viewed across Parramatta Road from within Ashfield Park. Mr Staas also states that it is neither necessary nor desirable for commercial or safety reasons to substantially screen the site along Parramatta Road.

Findings

- 18 Clause 37 provides that the Court "must assess and take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area.... and on its setting when determining an application for consent....". In this case, the Haberfield Conservation Area adjoins the site to the north and the site is also in the vicinity of Ashfield Park and an Inter War former sub station at 1.1 St Davids Road
- 19 Both experts acknowledge the heritage significance of the Haberfield Conservation Area. It is not necessary to repeat the agreed significance as it is set out in detail in a number of documents, including *Ashfield Municipal Council Development Control Plan 2007 – Part C7 - Haberfield Heritage Conservation Area*. The significance and character is widely understood and relates to Richard Stanton's Garden Suburb concept with homogenous Federation architectural style, comprehensive planning with features such as separation of land uses and attractive tree-lined streets and garden designs.
- 20 The significance of Ashfield Park, as stated in the Ashfield Park Plan of Management is:

As one of the earliest parks to be created in Sydney, Ashfield Park has always been a place of immense cultural significance to the Ashfield community. From its inception, it has been a place for holding celebrations, for making significant local and national events and a place for memorialising the contributions of local people.

The Park has a number of impressive trees and palms including one of Sydney's finest avenues of Canary Island Date Palms. It also has some turpentine trees that are part of the original bush in existence before the Park was established.

Ashfield Park is greatly valued as a recreation area and is used in a wide range of ways. These include formal team sports, community events, small group exercise activities such as Tai Chi, meditation groups, mediaeval re-enactment groups, individual exercise such as jogging and walking, relaxation, picnics and barbecues. The Park is large and diverse enough to allow these activities to occur together

without impacting on each other.

- 21 Mr Staas identifies the significance of former sub station at 11 St Davids Road in his evidence as:

The Relay Test Centre is of State significance. It is a representative example of a substantial and well maintained "interwar Stripped Classical" purpose designed structure built as part of the infrastructure for the introduction of electricity to the western suburbs of Sydney. It is located within the Haberfield Urban Conservation Area as listed by the National Trust and the Australian Heritage Commission.

- 22 The dispute between the experts centres on the design of the proposed building and the impact on the heritage significance of the Haberfield Conservation Area and the identified heritage items. The dispute between the Mr Moore and Mr Staas was that Mr Moore saw the design as being inappropriate given its heritage context whereas Mr Staas saw the design as being acceptable in the same context. There was however no dispute that any new building on the site should have a contemporary design.
- 23 In balancing the competing evidence of Mr Moore and Mr Staas, I prefer the conclusions of Mr Moore on this issue. I agree that the proposed design has features and materials that display an insensitivity to its context, if only at a subtle level, even though the form, scale, bulk and arrangement of the building on the site are acceptable. The curved external walls that form an extension of the parapet on the south, west and east elevation and extend to ground level are the most dominant features of the design. The curved features on the south elevation to the dining area add to the unsuitability and prominence of the design in this location, although the extent of this feature was not clear from the plans (see Attachment 1).
- 24 In coming to this conclusion, I accept that the impact on the heritage significance of the items and the Haberfield Conservation area is not that significant that a refreshment room/drive-in take away establishment with associated car parking and signage could not be located on the site. I also

accept that the site does not have a strong or direct relationship with Ashfield Park, being separated by the heavily trafficked Parramatta Road and that its relationship with the Haberfield Conservation Area is also limited and somewhat detached because of its commercial zoning and location outside the conservation area. The former sub station site has a similar relationship with the site.

- 25 However it would be inappropriate, in my view, to have no regard to the heritage items and the conservation area in the consideration of this application given their heritage status and their proximity to the site. In my view, the site calls for a design that is more neutral or moderate and does not draw attention to itself through its design, colours and materials. Mr Moore described the appropriate design solution as needing to be "architecturally quiet". I agree. If the rhetorical question was asked of the development; what features of the proposed design respond to its heritage context, I could reasonably conclude that the answer would be none.
- 26 Even though I have found that the proposed design is unacceptable, it is not fatal to the application. The evidence of Mr Moore was that other designs had been discussed prior to the current plans and examples of other designs that are more responsive to its context have been prepared (although not necessarily in sufficient detail for their assessment) and tendered as Exhibit 13. I propose to allow time for the applicant further consider the design of the proposed building, in addition to other matters raised later in the judgment that require further attention by the applicant.

Traffic

- 27 Mr John Hanlon provided evidence for the council and Mr Tim Rogers provided evidence for the applicant. Both experts are traffic engineers. Mr Hanlon and Mr Rogers disagree firstly on, the Parramatta Road and Dalhousie Street intersection and the operation of the access driveway on Dalhousie Street, and specifically whether a median should be provided in Dalhousie Street to prohibit right turn movements in and out of the site.

Secondly, whether an additional signalised pedestrian crossing should be provided at the intersection of Parramatta Road and Dalhousie Street.

- 28 Mr Hanlon and Mr Rogers agree that the areas in dispute are not determinative but simply a question of what option should be included as a condition of consent. There was agreement that other contentions raised by the council can be satisfactorily addressed through appropriate conditions or minor amendments to the plans.

A median in Dalhousie Street?

- 29 Mr Hanlon states that the provision of a median in Dalhousie Street opposite the entry/exit is appropriate as it would reduce congestion at the driveway and minimise undesirable through traffic on local streets. Mr Hanlon states traffic heading towards Haberfield could turn left into Dalhousie Street then left into Parramatta Road and then left into St Davids Road, or alternatively use the St Davids Road driveway.
- 30 Mr Rogers accepts that this approach represents a compromise but states that banning the right turn movement is not required as the current design is appropriate. He states that signage and line marking can be provided on the southbound lanes in Dalhousie Street opposite the site access to guide traffic in this location. The benefits of not providing a median include avoiding the need to relocate the bus stop to the north, avoiding additional traffic in St Davids Road (being a lower order classification road than Dalhousie Street), greater accessibility to the site and an unnecessary increase in traffic in streets adjacent to the site.

Additional signalised pedestrian crossing

- 31 The Parramatta Road/Dalhousie Street intersection currently has only a single signalised pedestrian crossing across Parramatta Road on the west side of the intersection. Mr Rogers states that the installation of a new signalised pedestrian crossing across Dalhousie Street to link with the

Parramatta Road west signalised pedestrian crossing is appropriate for the pedestrian traffic likely to be generated by the proposed development.

- 32 This additional signalised pedestrian crossing is supported by Mr Hanlon although he states that an additional signalised crossing of Parramatta Road to the east of the intersection should also be provided. He states that the proposed development is likely to create a significant increase in pedestrian traffic wishing to cross Parramatta Road. In his assessment, the main pedestrian desire line would be to the east of Dalhousie Street, directly opposite the development, rather than to the west of Dalhousie Street where the existing signalised pedestrian crossing is located. The additional delay in patrons requiring to use two signalised crossings is likely to result in patrons not using the crossing facilities due to the long waiting times and could result in unsafe and uncontrolled movements across Parramatta Road.

Loss of on street parking

- 33 The loss of on-street parking from patrons using the proposed development was raised as an issue by a number of local residents although not raised by the council as a contention. Given that the proposed development satisfies the councils requirements for on-site parking, the refusal of the development application on the basis of potential on-street parking could not be supported.

Findings

- 34 On the issue of whether a median should be located in Dalhousie Street, I agree with Mr Rogers. As I understand, the median will perform two principal tasks, first, the prevention of queuing of vehicles seeking to enter the site in Dalhousie Street queuing into Parramatta Road and second, restricting the number of vehicles using Dalhousie Street. I note that for the majority of time (that is, when the bus stop opposite the entry/exit is not being utilised) there is room for through traffic to pass a vehicle waiting to turn right into the site. I agree with Mr Rogers that line marking should be provided to facilitate the movement of vehicles in this location.

- 35 Also, and with the median in place, those vehicles turning into Dalhousie Street from Parramatta Road to enter the site or vehicles exiting the site to travel in an easterly direction will need to use St Davids Road to enter and leave the site. Given that St Davids Road is a lower order classification road than Dalhousie Street, I do not accept that the additional traffic can be supported. The unchallenged evidence of Mr Rogers (without the median) was that 20% of vehicles would use Dalhousie Street and 10% of vehicles would use St Davids Road. I accept that this represents a reasonable proportion of traffic given the different status of the two roads in question. Condition 25 (or its consequent equivalent) is to reflect this finding.
- 36 On the question of whether the easterly signalised pedestrian crossing across Parramatta Road should be provided, I also agree with the conclusions of Mr Rogers. In accepting that the "desire line" between the site and Ashfield Park more closely reflects Mr Hanlon's preferred solution, the provision of a formalised pedestrian crossings at every "desire line" between two points is clearly unreasonable and impractical, particularly in this case where a safe and controlled means of crossing Parramatta Road from the site is available at the same intersection albeit requiring a movement across Dalhousie Street, as well as Parramatta Road. I do not accept that the likely small additional time required to undertake two street crossings, instead of one, is sufficient justification for the additional crossing. Condition 26 (or its consequent equivalent) is to reflect this finding.

Noise

- The evidence**
- 37 Mr Neil Gross provided evidence for the council and Mr Louis Challis provided evidence for the applicant. Both experts are acoustical engineers. They address the areas of the proposed noise monitoring system, the acoustic treatment to the drive-through enclosure and

basement car park, the left-hand turn movement from the car park onto Dalhousie Street, and the northern boundary wall. There was general agreement on all noise matters, with the exception of the noise monitoring system proposed by Mr Challis.

Noise monitoring system

- 38 Mr Gross and Mr Challis agree that a carefully designed and appropriately configured noise monitoring system would allow management to detect the initial stages of patron anti-social behaviour in the external car park area or the basement car park and provides an advantageous means of minimising the likelihood of adverse community noise impacts.
- 39 Mr Gross and Mr Challis disagree on the need to install such a system for the site, at the commencement of operations. Mr Gross questions whether the cost of procuring, installing and maintaining a system is reasonable based on the frequency of occurrence of unruly behaviour although Mr Gross understands that the applicant can effectively manage anti-social behaviour without the noise monitoring system. Mr Challis states that he has been instrumental in the design and specification of such monitoring systems in a large number of situations. Where the systems have been installed, Mr Challis states that the operators have been able to effectively minimise, or avoid unacceptable community noise problems and the results in each and every case has been described as being a complete success. He rejects the concerns of Mr Gross over the potential cost of the proposed system.

Acoustic treatment to the drive-through enclosure

- 40 While Mr Gross and Mr Challis agreed that the drive-through enclosure could be modified to achieve an acceptable level of noise attenuation, a closer examination of the plans during the hearing indicated that there had been a misunderstanding relating to the ability to attenuate noise generated at the area where patrons order take-away food near the Dalhousie Street frontage. While Mr Challis was still confident that an acceptable level of noise attenuation could still be achieved, in my view,

any further amendments should be properly assessed acoustically, as well as from a design viewpoint.

Basement car park

- 41 Mr Gross and Mr Challis agreed that the basement car park entrance area can be acoustically treated to incorporate acoustic absorption material so that this area will not create unacceptable levels of noise.

Left-hand turn movement from the car park into Dalhousie Street

- 42 This matter relates to whether vehicular departures onto Dalhousie Street shall be restricted to left-hand turn movements only between 10 p.m. and 6 a.m. Mr Gross and Mr Challis accept the traffic evidence that the vast majority of arrivals and departures (70% or more) will occur to and from Parramatta Road. Of the remaining movements that do not enter and leave via Parramatta Road, Mr Gross and Mr Challis accept that these movements will tend to include a preponderance of local residents who arrive from Parramatta Road and depart towards the direction of Haberfield along Dalhousie Street. For the few vehicles which may come from the direction of Haberfield and which may return in the same direction; there is a strong likelihood that a significant proportion will be local residents who are likely to exercise a greater respect for the neighbourhood and its environmental requirements.

- 43 From an acoustical perspective, Mr Gross and Mr Challis conclude that there is only a limited benefit to the residents of Dalhousie Street that would be derived from imposing a left turn only accept on Dalhousie Street between 10 p.m. and 6 a.m., but there is a potentially greater adverse impact for the residents in St Davids Road.

Northern boundary wall

- 44 Mr Gross and Mr Challis agreed that the revised noise barrier along the northern boundary wall fulfils their requirements in respect of their potential

minimisation of vehicular, as well as patron noise emissions, towards the adjacent residential properties.

Findings

- 45 I agree with the evidence of Mr Challis that a noise monitoring system should be put in place prior to the operation of the facility. The effectiveness of this system should be assessed at the end of the 12 month trial period.

Signage

The evidence

- 46 Mr Andrew Johnston provided evidence for the council and Ms Julie Bindon provided evidence for the applicant. Both experts are town planners. They address s 4.5 and s 4.6 of Part C2 and Ms Bindon states that the signage is consistent with these requirements and the controls in *State Environmental Plan Policy No 64 - Advertising and Signage*. Mr Johnston states that the objectives in s 4.5 of Part C2 are not satisfied because of the sheer volume of signage proposed for the site. Further, the western wall mounted sign fronting Dalhousie Street would be visible from the Haberfield Conservation Area and consequently would not comply with s 4.6 of Part C2.

Findings

- 47 The issue of signage is an important consideration given the heritage context of the site and the requirements in Part C2 of DCP 2007 however given that the proposed building is to be redesigned and that different signage is likely to be proposed, any new signage will need to be reassessed against the requirements in Part C2 of DCP 2007.

Landscaping

The evidence

- 48 There was general agreement between Mr Johnston and Ms Bindon that the amended landscaping proposal is generally satisfactory and helps

soften and provide a buffer to the adjoining residential dwelling houses. In accepting that the disused vehicular crossings crossing should be removed and the footpath's reconstructed and grass verges reinstated to St Davids Road and Dalhousie Street, Mr Johnston and Ms Bindon disagree on the treatment to the Parramatta Road footpath.

- 49 Mr Johnston maintains that is the council's policy that no grass verges should be provided to the Parramatta Rd frontage for maintenance and crew safety reasons. Ms Bindon states that the existing grass verge along the Parramatta Rd frontage should be extended for the full street frontage as it would improve the visual amenity of the street and help create a "green mark" relationship with Ashfield Park opposite.

Findings

- 50 On the remaining issue in dispute, I agree with Ms Bindon. I find it curious that the council raises significant concern with the proposed development over its alleged unsatisfactory relationship with Ashfield Park and then oppose a feature of the development that would help create a more positive relationship between the two sites, even accepting that there will be additional maintenance required for the grass verge, as opposed to full width concrete construction. Condition 22 (or its consequent equivalent) is to reflect this finding.

Hours of operation

The evidence

- 51 The 24-hour, 7 days per week hours of operation for the facility was a consistent concern raised by the residents who gave evidence at the hearing and the many submissions provided to the council during the advertising of the proposed development.
- 52 Mr Johnston also opposed the applicants proposed trading hours notwithstanding the general agreement by the acoustic experts, on the basis that the acoustic reports cannot address all noise and amenity

concerns, in particular noise impacts generated by patrons located outside of the proposed development. In his opinion, the acoustic impacts are acceptable only between 6 a.m. and 11 p.m. due to the location of the proposed development next to residential properties. The acoustic impacts and potential risks from anti-social behaviour outside these hours are such that it is not appropriate for the development to trade 24 hours, 7 days per week.

Findings

- 53 The potential noise sources come from two general areas, firstly from activities within the site and secondly, activities external to the site but from patrons using the facility.
- 54 The issue of noise associated with the operation of the proposed development (that is, the activities on the site) was addressed by acoustical experts for both parties and found that any noise could be adequately controlled through design, such as acoustic barriers and other acoustic treatment. The sole area of disagreement was the need for the installation of the noise monitoring system and I have found that this should be included as a condition of consent.
- 55 On the concern over activities external to the site, correspondence was received from the Ashfield Local Area Command on the proposed development. The correspondence states, in part,
- ... police cite late night trading McDonald's restaurants as areas used by young people to meet with other young people without adult supervision in order to "hang out" and entertain themselves. Some of this activity may cause concerns for patrons and local residents on Dalhousie Street and St David Street who reside within close proximity of the development site. Police are aware of the potential for an increase in crime and anti-social behaviour and the impact this may have on police and council resources.*
- 56 The correspondence also states:
- In regard to providing "any incidents and reports" the Ashfield Local Area Command has in regards to the other two*

McDonald's restaurants in the Command at Hurlstone Park and Croydon Park, it can be stated that "reported crime in around Hurlstone Park and Croydon Park McDonald's restaurants is not significantly higher than other areas of the Command".

- 57 The applicant proposes that the issue of anti- social behaviour associated with patrons external to the site is to be addressed through the Plan of Management that includes the provision of security personnel.
- 58 In my view, the question of whether a 24-hour, 7 day per week 12 month trial operation should be allowed is finely balanced. The observations of Mr Johnston are not without some merit however I am inclined to accept the applicants offer of a 12 month trial period for a number of reasons. First, there was no disagreement between the acoustic experts that on site noise generated from the development can be controlled to an acceptable level. Second, while the potential exists for events associated with the proposed development to disturb local residents, external to the site, the Plan of Management addresses the question of potential anti-social behaviour through the provision of security personnel. The effectiveness of this approach can only realistically be assessed during a trial period. I would add however that the Plan of Management should be amended to provide more specific details on the numbers of security personnel, the times that they operate and their specific duties in much the same way as details are provided for security personnel for licensed premises. I note that the police correspondence accepts that incidents may occur however there was no evidence from other McDonald's restaurants in the area to suggest that crime was significantly higher than other areas. Third, the 24 hours 7 days per week hours of operation is subject to review and in the event that the concerns of the residents and Mr Johnston are realised and sufficient evidence is provided to support their concerns, the hours of operation can be amended after 12 months.
- 59 Condition 2 (or its consequent equivalent) is to reflect this finding.

Directions

- 60 The judgment identifies a number of matters that require further consideration by the applicant. These are:
- amended plans that reflect the design of the building similar to that identified in Exhibit 13, including a revised design for the drive-through ordering enclosure, but retaining a similar floor area and configuration to the current application plans,
 - amended signage plan, consistent with Part C2 of DCP 2007,
 - a supplementary acoustical report addressing the means by which any noise impacts from the drive-through ordering enclosure are to be addressed, and
 - amendments to the Plan of Management to include more specific details on the numbers of security personnel, the times that they operate and their specific duties.
- 61 Amended conditions are also to be provided that reflect the findings in the judgment, including:
- right turn movements into and out of the site from Dalhousie Street,
 - the provision of a signalised pedestrian crossing across Dalhousie Street, at the intersection with Parramatta Road only,
 - the provision of a noise monitoring system, as proposed by Mr Challis,
 - the creation of a grassed verge to the Parramatta Road frontage, and
 - a 12 month trial for the 24 hour/ 7 day per week operation.
- 62 Other matters were agreed by the parties, prior to the hearing and these matters should also be included on the amended plans or revised conditions. Further directions will be made after discussions with the parties on an appropriate timetable for the amended plans and amended conditions.

The amended plans

63 The hearing reconvened on 20 May 2011 and additional evidence was provided on:

- the amended building design by Mr Moore and Mr Staas,
- the proposed signage, the conditions of consent and the Plan of Management by Mr Bas and Ms Bindon.

64 Additional resident evidence was also provided on the amended plans. While still opposing the proposed development, those matters not addressed in the earlier hearing were:

- the need to identify that the extent of the proposed litter patrol zone as extending from at the least Dalhousie Street and St Davids Road between Parramatta Road and Ramsay Street, all of Ashfield Park and all streets immediately adjacent to the park four times per day,
- additional and additional details on proposed security measures,
- the terms of the 12 month trial period, and
- the time for retention of CCTV recordings.

65 The revised design for the drive-through ordering enclosure was considered by both acoustic experts and found to be satisfactory.

66 The council also raised whether there was power for the Court to agree to the proposed amendment.

The Courts power to allow the amendment

67 Mr McEwen SC, for the council, submitted that the Courts power to agree to the amendment is found in cl 55 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation). This power is available on appeal by way of s 39(2) of the *Land and Environment Court Act 1979* (the Court Act). While cl 55 specifically contemplates an amendment or variation may result in a change to the proposed development it should be construed so as to give the widest interpretation that its language will allow. However, *Radray Constructions Pty Limited v Hornsby Shire*

Council (2000) 145 LGERA 292 places limits on the power available under cl 55 notwithstanding the beneficial and facultative nature of the provision. While there is power, by way of an interim judgement, to allow an opportunity for the applicant to prepare alternative plans, an error of law will be committed if an applicant is permitted to amend the development application in circumstances where the amendment will amount to a fresh application (*Eastlake Golf Club Limited v Botany Bay City Council* [2007] NSWLEC 236 at [12]).

- 68 Mr McEwen submits that an essential element of the subject development application is its external appearance or design in the context of its location on land adjoining the Haberfield conservation area and the impact of the design on the heritage significance of a conservation area and the identified heritage items. The design of the building dictates its response to the conservation area and is for that reason, part of the essence of the development. The design and appearance of the proposed building is fundamentally altered in the revised plans and a comparison demonstrates that the design approach is now entirely different. Every facade has been altered and the internal layout has been changed. In Mr McEwen's submission, the amendments would operate to convert the original application into a new or fresh development application and accordingly there is no power to agree to the proposed amendments.
- 69 Mr Galasso SC, for the applicant, submits that the Court has power to deliver an interim judgement with directions whereby amendments could be effected, and consequently the appeal upheld (*Maxnox Pty Ltd v Hurstville City Council* [2006] 145 LGERA 373 at [56]). He submits that the amendments agreed (or to be determined) are clearly within the breadth of the Courts power discussed in *Maxnox*. Even if it is accepted that the amendments are made pursuant to cl 55 of the Regulations (which is not accepted as *Maxnox* makes no reference to cl 55), it is clear that the power to amend, conferred by the clause is significantly broad and would easily accommodate the changes now proposed (see *Radray*).

- 70 The proposed amendments, in response to the interim findings, will lead to a "changed development". The amended plans reflect changes to the built form, in particular to the external skin of the development. Nevertheless, the proposed development remains a McDonald's restaurant and drive-through facility with a different architectural expression. The essence of the development remains the same. The amendments, although creating a changed development, have not converted the application into a new application.
- 71 On this matter I agree with the submissions of Mr Galasso. I accept that the general power to allow the development is available through s 38 of the Court Act where it provides that proceedings "shall be conducted with as little formality and technicality" as possible and in the course of such proceedings the Court " may inform itself on any matter in such manner as it thinks appropriate as to the proper consideration of the matters before the Court permits". The decision of Biscoe J. in *Maxnox* [at 59] provides the power for an interim judgment in Class 1 proceedings provided that the modified development is not "significantly different from the proposal currently before the Court".
- 72 In this case, I can comfortably conclude that the development, as modified by the directions given on 23 February 2011 (see par 60), is not significantly different to the development considered by the Court and the subject of the interim findings. The modification centred on the appearance of the proposed building and largely adopted the evidence provided by the council's heritage expert, Mr Moore. The directions were clear in that only the treatment of the facade external appearance of the building was to be modified as a specific reference was made to "retaining a similar floor area and configuration to the current application plans".
- 73 The need for a revised advertising sign plan was a consequence of any modification of the design and the supplementary acoustical report addressing the any noise impacts from the drive-through ordering enclosure was a direct result of a misunderstanding of the plans by the

acoustic experts during the hearing. In any event, this area potentially required revision as result of the proposed modification.

- 74 For these reasons, the power is available and should be exercised by the Court for the consideration of the amended plans.

The amended building design

- 75 Mr Moore and Mr Staas provided additional heritage evidence on the amended plans. Mr Moore raises the following issues:
- the extent of glazing is excessive however it may be tolerated however the heavy framed hood devices extending across the south and east facades and painted white are unhelpful in the buildings response to its context,
 - the inappropriate use of white and off-white colours,
 - the need for greater use of lighter colours and "terracade" units .
- 76 Mr Moore states that the amended design remains capable of simple amendments, which would both subtly and considerably improve its outcome in context. At the request of the Court, Mr Moore provided conditions, which reflected his evidence on the appropriate colours and materials for the amended building design.
- 77 Mr Staas disagrees with the conclusions of Mr Moore and maintains that the amended plans are acceptable in its context. He states that the proposed colours are appropriate and that additional "terracade" units are not necessary.
- 78 Having previously agreed with Mr Moore that an appropriate design solution needs to be "architecturally quiet", I adopt his reasoning for the colours and materials he advocates in his evidence (see conditions B2 and B3).

Signage

- 79 Mr Bas acknowledges that the signage has been reduced from the original plans however the volume of signage still proposed for the site fails to satisfy the objectives in Pt C2 of DCP 2007. With the exception of the principal sign, cl 4.5(b) of Pt C2 discourages other freestanding signage on the basis that it leads to "self-defeating clutter". Clause 4.5(c) requires secondary signage to be located on the building.
- 80 Mr Bas states that the amended signage plan indicates a wide variety of different signage, in particular 5 freestanding directional signs. Mr Bass acknowledges the purpose of the signs and that they have been reduced in height from 2.3 m to 1.8 m however questions the need for the McDonald's corporate branding on each of the signs and states that they should be deleted and replaced with line marking.
- 81 Further, the 9 m high pylons sign would be visible within the public domain of the Haberfield conservation area in contravention of cl 4.6(b). While accepting that the height of this sign complies with the numerical controls, such compliance must be balanced against the heritage considerations and in the opinion of Mr Bas, a 9 m high pylon sign is unacceptable in this instance. He suggests a 3 m high sign, re-scaled to be consistent with this height.
- 82 Ms Bindon states that the proposed signage must be considered in its context. The site is located along Parramatta Road being a major east-west arterial road framed by an eclectic mix of businesses and developments including service stations, retail shops, warehouses, furniture display stores, car showrooms and sales yards and residential flat buildings. In her opinion, the proposed development is not inconsistent with that character and is an improvement to the streetscape character compared to the majority of other commercial premises along Parramatta Road, in the vicinity of the site.

- 83 The pylon sign complies with the DCP 2007 requirement of being 9 m in height. This height is necessary to provide visibility by raising the sign above intervening buildings and structures for patrons, at both day and night when travelling at 60 kph along Parramatta Road. At this height, the pylon sign will not be highly visible from within the conservation area. A sign that is 3 m in height would render the sign virtually ineffectual.
- 84 The 5 freestanding directional signs are located at:
- 2 signs in Dalhousie Street, 29 m and 35 m from Parramatta Road,
 - a sign at the drive-through entrance, approximately 13 m from Parramatta Road, and
 - 2 signs in St Davids Road, 23 m and 30 m from Parramatta Road.
- 85 Ms Bindon states this signage is directional only and is primarily intended to facilitate the safe and efficient movement and flow of vehicles to, from and within the site. To achieve these functions, the signs must be positioned in relevant and appropriate locations within the site. Reliance on line marketing, as suggested by Mr Bas, would reduce their effectiveness and do little to change the visual amenity of the site overall. Given the separation distance, the limited size of these signs, the location over three separate road frontages and building elevations and the length of each individual road frontages, it is considered that the proposed signage either individually or as a whole will not lead to "self-defeating clutter". On this basis, this signage is in accordance with DCP 2007.
- 86 On the principal sign, or the pylon sign, I note that the sign complies with the 9 m requirement and other relevant locational requirements in cl 4.5 (a). Given the 142.53 m frontage to Parramatta Road and the sign is not "substantially visible" from within the Haberfield conservation area to the extent that it would detract from its garden suburb values from the Haberfield conservation area, I agree with Ms Bindon that the pylon sign is acceptable.

- 87 I also agree with Mr Bindon on the 5 freestanding directional signs. These signs fall within the requirements for "secondary signs" in DCP 2007. DCP 2007 provides that other freestanding signs are "discouraged" because they lead to "self-defeating clutter" and that other signs should be located on the building. DCP 2007 does not seek to prohibit other freestanding signs beyond the principal sign except where they create "self-defeating clutter". I am not satisfied that the additional directional signs, given their number, design and location on a site of 2514 sq m located on Parramatta Road, could be regarded as "self-defeating clutter". I also do not accept that the inclusion of the McDonald's branding on the signs somehow increases their potential to be "self-defeating clutter".

Conditions of consent

- 88 The following conditions of consent are in dispute:

Condition A(2C) - Surveillance records

- 89 The council proposes the following condition:

- (a) *McDonald's shall keep a copy of the surveillance tapes/video in a secure place to ensure their integrity. The surveillance recording for the day shall be stored for a period of at least 1 year before the tape/video is re used. The surveillance recording must have the time and date automatically recorded.*
- (b) *To the extent permitted by law, a copy of the surveillance tapes/video shall be provided to Ashfield Council at the end of each month. Each tape shall be sequentially numbered.*
- (c) *McDonald's shall keep copies of all log books, incident reports and record of all complaints made by the public. These shall be made available to Ashfield Council on request.*
- (d) *McDonald's shall provide to Ashfield Council and the residents of Haberfield the details of a dedicated staff which will manage and handle all complaints and incidents on site.*
- (e) *Patrols by security guards should be undertaken every hour from 6.00 pm to 6.00 am 7 days a week and that Ashfield Park should also be patrolled. During the patrol all litter generated from McDonald's shall be removed by the security guards.*

- 90 The applicant proposes that the condition be deleted as these matters are addressed in the Plan of Management.
- 91 I agree with the applicant's submission as it is unnecessary to have these matters addressed in both the conditions and the Plan of Management. The Plan of Management is enforceable through condition 2A however there are a number of differences between the parties on similar requirements. These differences are appropriately addressed in the following manner:
- the council requirement for storage of CCTV tapes is excessive for 12 months and should be limited to one month,
 - the CCTV tapes should be available for the council to review on 24 hour notice,
 - the Plan of Management adequately addresses the maintenance of the log book at cl 3.2.2, the reporting of incidents at cl 4.2 and the registering of complaints at cl 4.4. Patrols by security guards are addresses at cl 3.2 however cl 3.2.1 should be amended to replace the words "in the immediate locality of the site" with "in an area within 100 m of the site" and the 2 hour patrols are acceptable on Sunday to Thursday nights but 1 hour patrols should be undertaken on Friday and Saturday nights.

Condition E(22) - Footpath, kerb and gutter reconstruction

- 92 The council proposes the following condition:
- The public footpath and grass verge outside the site both in Dalhousie Street and St Davids Road and along the Parramatta Road boundary of the site shall be completely reconstructed to the requirements of Council's Engineering Services Department at the Applicant's expense. Along the Parramatta Road frontage of the site, there shall be a grass verge between the kerb and the footpath for the length of the frontage. The kerb and gutter outside the site must be reconstructed where it is damaged, again at the Applicant's expense.*

This work shall be carried out at the Applicant's expense prior to the release of the Occupation Certificate.

- 93 The applicant proposes the following condition:

The public footpath and grass verge outside the site both in Dalhousie Street and St Davids Road and along the Parramatta Road boundary of the site shall be completely reconstructed to the requirements of Council's Engineering Services Department at the Applicant's expense. Along the Parramatta Road frontage of the site, there shall be a grass verge between the kerb and the footpath for the length of the frontage. The kerb and gutter outside the site must be reconstructed where it is damaged as a result of on-site construction, again at the Applicant's expense.

This work shall be carried out at the Applicant's expense prior to the release of the Occupation Certificate.

- 94 On this condition, I agree with the terms of the council's condition. Reconstruction of all damaged kerb and gutter along the Parramatta Road frontage should be undertaken and not limited to kerb and gutter damaged by on-site construction.

Condition H(5) - Retain amenity

- 95 The council proposes the following condition:

The approved uses are to be conducted at all times without unreasonable interference to the amenity of the area. Effective measures must be taken at all times to prevent any nuisance being caused by noise, vibrations, smells, fumes, dust, smoke, waste water products and the like.

The use and occupation of the premises, including all plant and equipment installed thereon, shall not give rise to any offensive noise or vibration from the premises within the meaning of the Protection of the Environment Operations Act 1997.

- 96 The applicant proposes that the condition be deleted because it is unclear and imprecise in relation to the words "interference with the amenity of the area". The amenity impacts have been fully addressed at the hearing and there were no impacts that warranted the refusal of the application.

97 I agree with the applicant's submission and delete the condition.

Plan of Management

98 The directions required amendments to the Plan of Management to include more specific details on the numbers of security personnel, the times that they operate and their specific duties. The amended Plan of Management includes the additional details on Operation of Security Personnel at cl 3.2.1, Duties at cl 3.2.2, Log book entries at cl 3.2.3 and Code of Conduct for Security Personnel at cl 3.2.4.

99 I am satisfied that the additional details adequately address the previous deficiencies and with the amendments identified in par 91.

Orders

100 The orders the Court are:

1. The appeal is upheld.
2. Development Application No 2009/157) for the demolition of all existing structures and the construction of a refreshment room/drive-in take away establishment with associated car parking and signage to be operated by McDonalds at 141 Parramatta Road, Haberfield is approved subject to the conditions in Annexure A.
3. The exhibits are returned with the exception of exhibits 12, C, M and N.
4. Costs are reserved.



G T Brown
Commissioner of the Court



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2019.13
Address	202 Parramatta Road, Ashfield
Proposal	Demolition of existing structures, tree removal and construction of a Woolworths supermarket with liquor outlet and café over an at-grade and basement car park, signage and associated landscaping and drainage works.
Date of Lodgement	24 January 2019
Applicant	Fabcot Pty Ltd
Owner	Fabcot Pty Ltd
Number of Submissions	18
Value of works	\$22,086,536
Reason for determination at Planning Panel	Number of submissions Value of works
Main Issues	Hours of operation Loading dock Vehicle movements
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Plan of Management



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

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

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures, tree removal and construction of a Woolworths supermarket with liquor outlet and café over an at-grade and basement car park, signage and associated landscaping and drainage works at 202 Parramatta Road, Ashfield. The application was notified to surrounding properties and 18 submissions were received.

The main issues that have arisen from the application include:

- Hours of operation
- Loading dock
- Vehicle movements

The non-compliances are acceptable subject to the imposition of recommended conditions of consent for the reasons discussed within this report and therefore the application is recommended for approval.

2. Proposal

The proposal is for the demolition of all existing structures and construction of a 2-storey 'Woolworths' supermarket with basement level.

Overview

- 'Woolworths' supermarket with 3690sqm of retail floor area;
- 'BWS' liquor outlet with 169sqm of retail floor area;
- Café/kiosk with 80sqm of retail floor area or 35sqm if the associated seating area is excluded;
- A total 'retail floor area' (inclusive of the mall on the first floor) is 4,240sqm.
- Operating hours for supermarket, liquor outlet, and café:
 - 6.00am – 12.00am, Mondays to Sundays
- Operating hours of loading dock:
 - 7.00am – 10.00pm Monday to Saturday; and
 - 8.00am – 10.00pm on Sundays/public holidays.
- 160 customer/staff car spaces;
- Two loading bays within a loading dock.

Basement Level

- 66 customer/staff car spaces;
- Trolley storage;
- Plant rooms.

Ground Floor

- 94 customer/staff car spaces and 3 'pick up' loading spaces;
- 5 bicycle spaces within Bland Street setback, and 16 internal bicycle spaces;
- Carpark vehicle access ramp to the basement level from Bland Street;
- Carpark vehicle access ramp to the ground level from Parramatta Road;
- Service and delivery dock accessed from Parramatta Road,
- Travellator providing pedestrian access to the first floor from Bland Street;
- Pedestrian entrance to car park from Parramatta Road;
- External substation fronting Bland Street.

First Floor

- 'Woolworths' shopping centre and associated storage and offices;
- 'BWS' liquor outlet;
- Café/kiosk;
- Pedestrian link to the existing pedestrian bridge over Parramatta Road;
- Mezzanine plant room

Signage

- Three (3) x 'Woolworths' and one (1) 'BWS' branding business identification signage on the Bland Street elevation;
- One (1) x 'Woolworths' and one (1) x 'BWS' branding business identification signage on the Parramatta Road elevation;
- One (1) x 'Woolworths' branding business identification signage on the south-west (side) elevation.
- One (1) artwork façade panels to Bland Street and Parramatta Road elevations;
- Additional vehicle identification signage on both Parramatta Road and Bland Street elevations.

Landscaping

- Removal of three (3) existing trees within the Bland Street setback and one (1) tree in the southern corner of the site;
- Four (4) x street trees to Bland Street frontage, three (3) of which are street trees;
- Perimeter landscaping within the south-west and south-east side setbacks;
- Raised planter box and landscaping to Parramatta Road frontage;
- Landscaped area in Bland Street setback.

3. Site Description

The site is irregular in shape with an area of approximately 6,119sqm. It has a primary street frontage to Parramatta Road to the east and a secondary frontage to Bland Street to the north.

Currently the site is occupied by a severely dilapidated commercial structure (formerly Brescia Furniture) which occupies land at the south western corner immediately adjacent to residential flat buildings on the neighbouring properties. A substation is situated at the north western corner of the site adjacent to the Bland Street frontage along with several mature trees.

The recently completed 'WestConnex' tunnel runs under the eastern portion of the site.

A pedestrian bridge which spans Parramatta Road is located immediately to the east of the site and is accessed from the adjacent footpath.

The site is neighboured by a 7-storey residential flat building to the south and a 4-storey residential flat building to the west. The site is bounded by Parramatta Road to the east and Bland Street to the north. On the opposite side of Bland Street is a two (2) storey commercial building which fronts Parramatta Road, as well as two (2) 3-storey residential flat buildings.

This portion of Bland Street is largely characterised by multi-storey residential flat buildings transitioning to detached houses and lower-scale flat buildings to the west.

Haberfield Public School is located on Bland Street to the north of Parramatta Road.

The site is not identified as containing any Heritage Items and is not located within a heritage conservation area. On the opposite (eastern) side of Parramatta Road is 'Yasmar' estate which is identified as a local Heritage Item (I444) which is also part of the Haberfield Conservation Area (C42).



Figure 1: Aerial image showing site and surrounds

4. Background

4(a) Site history

On 25 November 2014, the former Ashfield Council granted consent (10.2014.7) for the demolition of existing structures and the construction of shop incorporating a Woolworths supermarket with ancillary café and liquor store. The approved development included an internal loading dock, basement parking for 189 car parking spaces, landscaping and signage. Given the slope of the land and ceiling heights, the building presented as two (2) storeys and had a maximum height of 15m.

In the approved scheme, vehicular access to the car park was from both Parramatta Road and Bland Street. Access to the loading dock was via Parramatta Road. The basement footprint extended to the eastern property boundary being the Parramatta Road frontage.

Shortly after consent was granted, the Roads and Maritime Services (RMS) acquired the land at the front of the site, and a stratum of land below the site, for the purposes of the WestConnex tunnel and Parramatta Road widening.

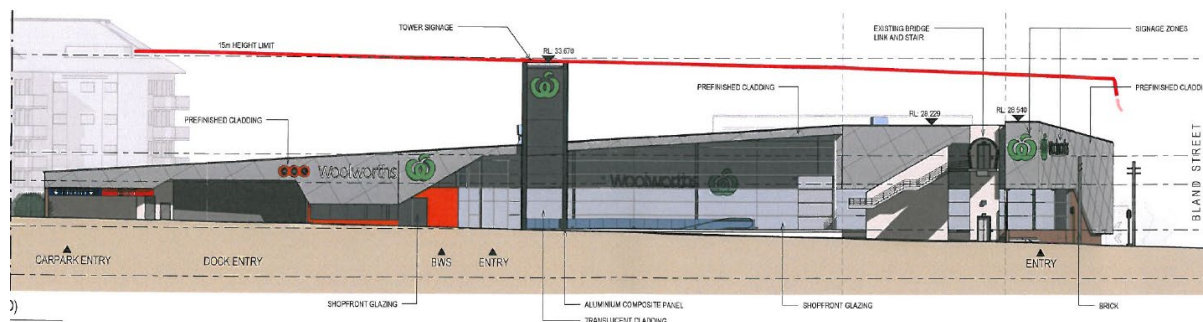


Figure 2: Approved Parramatta Road elevation of DA No. 10.2014.7.

4(b) Application history

- On 28 May and 1 June 2019, Council planners sent the applicant letters outlining a number of issues with the proposal most notably in relation to street activation, setbacks, traffic generation, safety and access, tree removal and canopy replenishment, heritage and overshadowing.
- On 2 September 2019, the applicant provided amended plans and additional information in response to the issues raised in Councils letters.

The amendments most notably included:

- Increased building setback to Bland Street from 0m to 1.5m to allow for a greater landscaped setback and wider pedestrian footpath;
- Additional landscaping along Bland Street setback including the planting of four (4) trees;
- Slight reduction in the maximum height of the building;
- Introduction of new pedestrian access point from Parramatta Road;
- Reduction of car parking from 167 to 160; and
- Additional bicycle parking at ground and basement levels.

The additional information most notably included:

- Revised Traffic and Parking Statement including additional traffic modelling;
- A Heritage Impact Statement (HIS);
- A Retail Impact Assessment (RIA); and
- A Plan of Management (POM).

The amendments and additional information adequately addressed most of the issues raised. All outstanding issues and non-compliances are discussed throughout this report.

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:

- *Roads Act 1993*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

The following provides further discussion of the relevant issues:

5(a)(v) Roads Act 1993

The application was referred to the RMS in regards to Section 138 'Works and structures' of the Roads Act 1993 as the proposal includes vehicular connection to Parramatta Road (a classified road).

In a letter dated 4 June 2019, the RMS provided concurrence to the application subject to the imposition of recommended conditions of consent.

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

Development with frontage to classified road (Clause 101)

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

The RMS raised no objections with the application with regard to ingress and egress to the site which remains adequate to support the intended vehicle movements by road. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

Traffic-generating development (Clause 104)

In accordance with Column 3 in Schedule 3 of Clause 104 *SEPP Infrastructure 2007*, 'shops' with at least 500sqm of gross floor area with access to classified road are classified as traffic generating development. Accordingly, the application was referred to RMS for comment.

In a letter dated 4 June 2019, the RMS raised no objection to the development subject to the imposition of recommended conditions of consent as the traffic generated by the proposed works would have minimal impact on the classified road network under Clause 104 of *SEPP Infrastructure 2007*.

Determination of development applications—other development (Clause 45)

The application was referred to Ausgrid in accordance with Clause 45(2). On 4 June 2019, Ausgrid provided a response and raised no objections to the proposal subject to the imposition of recommended conditions of consent.

5(a)(vii) *State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)*

The following is an assessment of the proposed development under the relevant controls contained in *SEPP 64*.

SEPP 64 specifies aims, objectives, and assessment criteria for signage as addressed below. Schedule 1 of *SEPP 64* specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of *SEPP 64*.

Signs and Advertising Structures

The application seeks consent for the erection of 19 signs, 11 of which relate the businesses, and 8 of which relate to wayfinding.

1. Character of the area	Comment
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The area is characterised by commercial and residential uses on Parramatta Road and residential uses on Bland Street.</p> <p>The site is zoned B6 - Enterprise Corridor.</p> <p>The objectives of the B6 - Enterprise Corridor zone in which the subject site is located promotes businesses along main roads and provide employment, amongst other things. The signage reflects the commercial use of the building and reinforces the desired business use of Parramatta Road.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area given the diverse mix of uses and building typologies.

2. Special areas	Comment
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The site neighbours a number of residential flat buildings to the north, south and west, and is opposite the Haberfield Heritage Conservation Area.</p> <p>The proposed signage will not detract from the amenity of visual quality of these 'special areas'.</p>

3. Views and vistas	Comment
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Does the proposal obscure or compromise important views?	No.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is wholly contained within the envelope of the building. The location and style of signage does not dominate the skyline or negatively impact on vistas.
Does the proposal respect the viewing rights of other advertisers?	Yes. The signage is wholly within the boundaries of the site and contained within the building envelope. The viewing rights of other advertisers will therefore be respected.

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the signage reinforces the commercial nature of the building in accordance with the objectives of the 'B6 - Enterprise Corridor' zone as a business and employment hub.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is appropriately sited on the facades to integrate with the architecture, achieves its purpose of identifying the use and does not detract from the streetscape and setting of the site.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable – existing building is to be demolished.
Does the proposal screen unsightliness?	Not applicable.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes, the signage will protrude above the proposed street and on-site trees and some neighbouring buildings. However, this has been assessed as acceptable as it is wholly contained within the building.
Does the proposal require ongoing vegetation management?	No.

5. Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the signage responds to the horizontal proportions of the primary elevations fronting Bland Street and Parramatta Road.
Does the proposal respect important features of the site or building, or both?	The signage does not affect any important features on the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, the signage responds to the horizontal proportions of the primary elevations.

6. Associated devices & logos with advertisements & advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.

7. Illumination	Comment
Would illumination result in unacceptable glare?	To ensure the illumination of the signs does not affect safety, amenity or result in unreasonable glare, it is a recommended condition of consent that the illuminated signs must not flash, have reduced luminance at night, and are only permitted to be illuminated during approved operating hours.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	

8. Safety	Comment
Would the proposal reduce the safety for any public road?	No, subject to the imposition of conditions of consent.
Would the proposal reduce the safety for pedestrians or bicyclists?	No.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

Based on the assessment of the proposed signage against the aims and objectives of Clause 3 and the assessment criteria of schedule 1 of SEPP64, it is considered that the proposal is consistent with the SEPP.

5(a)(viii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks the removal of vegetation from within the site and on Council land. The application was referred to Council's Tree Management Officer whose comments are discussed elsewhere in this report.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and Chapter C of the DCP subject to the imposition of conditions, which have been included in the recommendation of this report.

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

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

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

The site is zoned B6 – Enterprise Corridor under the *ALEP 2011*. The *ALEP 2013* defines the three proposed uses as follows:

'Woolworths' supermarket:

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area. Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

Liquor outlet:

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

The use 'neighbourhood supermarket' and 'shop' are permitted in the B6 – Enterprise Corridor zone.

Café:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

*Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.*

*Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.*

'Retail premises' are prohibited in the B6 – Enterprise Corridor zone.

In accordance with the Department of Planning's (DOP) Circular PS-13-001 'How to characterise development':

'An ancillary use is a use that is subordinate or subservient to the dominant purpose.'

'To put it simply:

- if a component serves the dominant purpose, it is ancillary to that dominant purpose;*
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.'*

'A component of a development may have features that are both ancillary and independent. If this is the case, consider the following:

- Is the component going to serve the dominant purpose of the development or is it independent?*
- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.*
- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.*
- If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.*
- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).*
- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.*
- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.'*

The proposed café is considered ancillary to the dominant purpose – which is a 'shop' for the following reasons:

- The café is small in size (35sqm) in relation to the dominant purpose (3,858sqm);
- The café is located wholly within and integrated into the larger building envelope;
- The café is not directly accessible from the public domain, but is only accessible via the first floor 'mall' which principally services the dominant purpose;
- It is reasonable to assume that the café will principally serve the shoppers of the dominant purpose.

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

Standard	Proposal	non compliance	Complies
4.3 Height of Building Maximum permissible: 15m	13.5m	N/A	Yes
4.4 Floor Space Ratio Maximum permissible: 2:1 (12,238sqm)	0.8:1 (4,951sqm) (inclusive of parking in excess of Council's requirements)	N/A	Yes

5.10 Heritage Conservation

Although the site is not identified as containing a Heritage item and is not located within a heritage conservation area, on the opposite (eastern) side of Parramatta Road is the Haberfield Conservation Area (C42) as well as 'Yasmar' estate which is identified as a local Heritage Item (I444).

A Heritage Impact Statement (HIS) was supplied by the applicant at the request of Council. The HIS concluded that the visual impact of the proposal on the nearby heritage conservation area and Heritage Item would be 'negligible', largely given the significant created by Parramatta Road.

Council's Heritage Specialist has raised no objections to the revised proposal. Consideration was given to the context of the evolving Parramatta Road environment and the buildings which surround the site, in particular:

- "Yasmar" itself is highly vegetated, contrasting with surrounding development, which protectively conceals the house and its grounds;
- The separation of "Yasmar" from the subject site by the Parramatta Road "freeway" is significant; and
- The obtrusive nature and design of the current pedestrian bridge are factors taken into account.

In summary, the revised proposal will conserve the significance of the existing heritage item and conservation area and complies with the relevant objectives of this part of the plan.

6.1 Earthworks

The proposal involves substantial excavation to facilitate a basement level.

Subject to the imposition of recommended conditions of consent, it is considered that the proposal will not have a detrimental impact on environmental functions and processes, waterways and riparian land, neighbouring uses, cultural or heritage items or features of the surrounding land, in accordance with the objective of this Clause.

5(b) Draft Environmental Planning Instruments

Nil.

5(c) Development Control Plans

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

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes – see discussion below
3 - Flood Hazard	Yes – see discussion
5 - Landscaping	Yes – see discussion elsewhere in this report
6 - Safety by Design	Yes – see discussion below
7 - Access and Mobility	Yes – see discussion below
8 - Parking	Yes – see discussion elsewhere in this report
10 - Signs and Advertising Structures	Yes – see discussion below
14 - Contaminated Land	Yes – see discussion elsewhere in this report
15 - Stormwater Management	Yes – see discussion elsewhere in this report
C – Sustainability	
1 – Building Sustainability	Yes – see discussion
2 – Water Sensitive Urban Design	Yes – see discussion
3 – Waste and Recycling Design & Management Standards	Yes – see discussion
4 – Tree Preservation and Management	Yes – see discussion elsewhere in this report
5 – Tree Replacement and New Tree Planting	Yes – see discussion elsewhere in this report
D – Precinct Guidelines	
1 – Enterprise Corridor (B6) – Parramatta Road	Partial – see discussion below

The following provides discussion of the relevant issues:

Good design

As discussed throughout this report, the development demonstrates good design in that it is well designed and appropriately considers context, scale, built form, density and resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics.

Safety by design**CPTED**

In accordance with DS1.4 and 1.5, the development establishes a clear delineation between public and private and includes legible entries from both Parramatta Road and Bland Street.

Extensive ground and first floor glazing is provided on the Bland Street elevation providing good passive casual surveillance.

Given the high patronage of Parramatta Road, it is considered that proposed level of passive causal surveillance is acceptable in this instance.

Given the lack of extensive glazing on the Parramatta Road elevation, passive casual surveillance to Parramatta Road is minimal. It is a recommended condition of consent that intermediate breaks to the ground level 'powder coated aluminium louvre/sunshade' on the Parramatta Road elevation must be provided in order to provide passive surveillance of Parramatta Road. Subject to the imposition of this condition and due to the high patronage of Parramatta Road, it is considered that proposed level of passive causal surveillance is acceptable in this instance.

The proposal complies with the CPTED principles subject to the imposition of conditions of consent.

Road and pedestrian safety

A Road Safety Audit was supplied with the application which concludes that the safety risk to pedestrians/cyclist will be acceptable subject to the adoption of the recommendations.

The recommendations aim to ensure that the driveways off Bland Street and Parramatta Road incorporate appropriate means for vehicles to stop to give-way to pedestrians crossing at the location, and similarly provide warnings to pedestrians to take caution when crossing at the driveway. The intent of the recommendations are to ensure that pedestrians are given priority over vehicles and include (but not limited to):

- 'Stop' lines and speed hump devices and exit driveways;
- A 'driveway' profile instead of 'road' profile for the driveway crossovers as the former gives legal right-of-way to pedestrians;
- Pedestrian island to separate Bland Street driveway;
- Signage, including a 'stop' sign and hold line at the property boundary exits as well as warning signs such as 'Watch for Children & Cyclists'; and
- Truck generation prohibited during peak school children activity times (i.e. school days from 8.00am to 9.30am and from 2.30pm to 4.00pm).

Some but not all of the recommendations are reflected on the drawings, as such the relevant recommendations made within the audit are to be imposed as conditions of consent.

Access and Mobility

The supplied BCA Report concludes that the building is capable of compliance with The Disability Discrimination Act 1992), The Disability (Access to Premises — Buildings), Standards 2010, Part D3 of the BCA, and Australian Standard AS 1428.1-2009.

A platform lift provides an accessible link from the first floor mall to the pedestrian bridge over Parramatta Road. Councils preference was for a non-mechanical means for providing an accessible link, however due to the significant change in levels from the proposed first

floor and pedestrian bridge, this would either require raising the entire building, or a 34m 1:14 accessible ramp, neither of which were considered a desirable outcome.

Parking and loading dock

Based on a 'gross floor area' of 4,406sqm (exclusive of any car parking), the DCP requires 110 car parking spaces. 160 car spaces are proposed.

The applicants supplied Traffic and Parking Report concluded that the DCP car parking rates are unusually low in comparison to other LGAs and the RMS's parking rates in "Guide to Traffic Generating Developments". The Guidelines recommend 4.2 car spaces per 100sqm of supermarket GFA and 4.5 car spaces per 100sqm of specialty retail GFA.

As opposed to the DCP which bases car parking provision on 'gross floor area', the Guidelines are based on 'gross leasable floor area' which refers '*...most specifically to the factor that generates / attracts trips.*' As such, the 'mall' area on the first floor has excluded from the calculations. Council calculates a gross leasable floor area of 3,705sqm of supermarket GFA and 248sqm of specialty retail GFA (total of 3,953sqm).

Based on these areas, the proposal generates the need for 166 car spaces in accordance with the RMS Guidelines.

Although the provision of car parking exceeds the DCP guidelines it is below the RMS Guidelines.

Council's Traffic Engineers have raised no objections to the conclusions in the Traffic and Parking Report and have concluded that the traffic generation as a result of the proposal will not significantly impact adjacent intersections.

For the reasons stated above, the proposed 160 car spaces are considered acceptable.

The DCP requires 5 accessible spaces per 100 spaces, however only four (4) accessible car spaces are provided at ground level. It is recommended that a condition of consent be imposed requiring a minimum five (5) accessible car spaces.

21 bicycle spaces have been provided at ground and basement level in accordance with the requirements of the DCP. The majority (16 spaces) are located at ground level, 5 of which are located in within the Bland Street setback.

Seven (7) motorcycle spaces are provided at ground level in accordance with the requirements of the DCP.

No objections to the configuration and location of the proposed loading dock were raised by Council's Engineers however it is a recommended condition of consent that delivery vehicles shall be restricted to a maximum length of 12.5 metres long as larger trucks would require a bigger vehicle access point with amenity and safety impacts for the footpath.

As discussed elsewhere in this report, it is a recommended condition of consent that suitable devices and signage been installed at the exit driveways to ensure that pedestrians are given priority over vehicles.

Signage

The proposal includes a total of 19 signs, 11 of which relate to the on-site businesses (Woolworths and BWS) and 8 of which relate to wayfinding.

18 of the signs are fascia sign structures, 15 of which are illuminated. 3 of the signs are painted on walls and 1 of the signs is painted on the roof.

The proposed signage generally complies with the relevant aims and provisions in the DCP in that it minimises adverse effects on the area, does not lead to visual clutter, does not dominate the building, is proportional to the size of the building or space to which it is attached, and is compatible with the character of the area in which it is proposed.

As discussed elsewhere in this report, a condition is recommended in relation to sign illumination.

Sustainability

The proposal incorporates a number of sustainable measures including insulation, rainwater harvesting and use, sun shading devices and tree plantings.

The supplied BCA Report has demonstrated that the building will comply with the Section J 'Energy Efficiency' requirements of the BCA.

The supplied plans shown an indicative 'solar panel layout subject to future design from consultants' on the roof planes. While Council are supportive of solar panels being installed on the roof, given the lack of detail provided, no explicit approval is granted in this consent for solar panels on the roof. A condition to this effect is recommended. A future application can be lodged for solar panels.

Flooding

Although the existing overland flow path through the site has been removed by stormwater drainage works related to WestConnex, the impact of flooding at the existing low point in Bland Street that affects the site has not been assessed. As a result the Basement 1 carpark level and the Bland Street pedestrian entry must be protected to a level of RL 15.37m AHD (Flood Planning Level) to provide adequate flood protection from the 1 in 100 year flood.

Waste and recycling

A waste management report was supplied with the application which has demonstrated that the development can be operated in accordance with the requirements of the DCP subject to the imposition of the recommendations. The report concludes:

'For amenity, access and improved stream separation, two bulk bins and one mobile garbage bin are recommended for use in the waste area in the loading dock to accommodate general waste from the supermarket, and general waste and commingled recyclable waste from the supermarket offices and retail tenancies. A separate area for the compaction and storage of baled cardboard and plastic from the supermarket is recommended in the back-of house areas, close to the bale press. Additionally, food organics is also recommended to be stored away from the general waste and commingled recyclables waste storage to prevent contamination.'

Waste will be collected from the loading dock area by a private contractor. The report recommends daily collection. To ensure the amenity of neighbouring properties is not

unreasonably affected, it is a recommended condition of consent that waste collection be restricted to the recommended loading dock hours (discussed elsewhere in this report) which are as follows:

Base hours

- 7.00am – 8.00am, 9.30am – 2.30pm, 4.00pm – 8.00pm Monday to Friday;
- 7.00am – 8.00pm, Saturday; and
- 8.00am – 8.00pm, Sunday / Public Holidays.

Extended hours

- 7.00am – 8.00am, 9.30am – 2.30pm, 4.00pm – 10.00pm Monday to Friday;
- 7.00am – 10.00pm, Saturday; and
- 8.00pm – 10.00pm, Monday to Sunday.

Enterprise Corridor (B6) – Parramatta Road

The site is located within 'Area 2 – Central' of the Enterprise Corridor (B6) Parramatta Road.

PC1 Public Domain

The proposal provides direct pedestrian access from Parramatta Road. It is acknowledged that the subject (western) side of Parramatta Road (between Bland Street and Chandos Street to the south) currently has minimal pedestrian activity given the predominantly residential uses. Direct pedestrian access is provided from the first floor of the development to existing pedestrian bridge over Parramatta Road.

PC2 Subdivision and Amalgamation

The proposal meets the minimum required 25m frontage to Parramatta Road and therefore site amalgamation is not required.

Although vehicular access is provided off Parramatta Road, the RMS and Councils engineers raise no objections as it will significantly alleviate additional demand and impacts on Bland Street.

It is a recommended condition of consent that all lots be consolidated into one. A plan of consolidation prepared by a registered surveyor is to be submitted to the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Inner West Council or the Principal Certifying Authority prior to the release of a Occupation Certificate.

PC3 Building, Siting and Design

Orientation and activation

In accordance with DS3.1 and DS3.15, the building has been designed to be orientated towards both Parramatta Road and Bland Street.

The primary frontage of the development and street activation occurs on Bland Street given it is more pedestrian-oriented than this part of Parramatta Road. The street activation of Bland Street is achieved by extensive glazing, pedestrian access points, bicycle parking and public art. The street activation of Parramatta Road is achieved by a pedestrian entrance and public art.

Given the nature and scale of supermarkets there are fewer opportunities for providing street activation than a smaller scale generic retail use. Although the ground level is wholly occupied by car parking and vehicle/pedestrian access, as discussed elsewhere in this report the proposal still achieves adequate street activation given the nature of the predominant use.

Further street activation could be achieved by relocating the café to the ground level. However due to the issues with permissibility of the ‘food and drink’ use discussed elsewhere in this report, it is likely that the relocation of the ‘ancillary’ café to the ground level away from the ‘dominant’ supermarket use on the first floor would change its characterisation from ‘ancillary’. The relocation of the liquor outlet to the ground level was not considered a wholly desirable means to further activate a public street.

The recently completed WestConnex tunnel entrance directly opposite the subject site has changed the context and character of this part of Parramatta Road. The subject (western) side of Parramatta Road (between Bland Street and Chandos Street to the south) is wholly residential in use. As such, the need to engage with Parramatta Road with high proportion of glazing and active uses outlined in DS3.1 was not considered prudent for the subject site. As mentioned, street activation to Parramatta Road is still achieved by a pedestrian entrance and public art. The public art will be subject to further details given the lack of information provided.

Design

In accordance with DS3.11m, the large solid portions of the street frontage use high quality and interesting finish materials.

In accordance with DS3.13, the building is generally massed towards the corner of Parramatta Road and Bland Street and steps down towards the neighbouring residential properties.

In accordance with DS3.14, the building incorporates architectural features to provide interesting articulation to both street frontages.

In accordance with DS3.16, all plant equipment has been either located within the building or screened so as to minimise its visual impacts from the public domain. The rooftop plant equipment is centrally located on the roof plane and incorporates architectural screening ensuring it will not be readily visible and screened from the public domain.

Front setbacks

Given the irregular boundary shape at the corner of Parramatta Road and Bland Street and adjacent pedestrian bridge (see Figure 3 below), the proposal has varying setbacks of between 0-1m. Although this doesn’t numerically comply with the required nil corner setback, it achieves the desired outcome of reinforcing the prominence of the corner (see Figure 4 below). It is noted that a portion of the first floor at this corner overhangs Parramatta Road however no objections were raised by the RMS (also see Figure 3 below) and correspondence has been provided indicating the RMS have no issue adjusting this boundary accordingly. This overhanging portion has an adequate clearance for pedestrians.

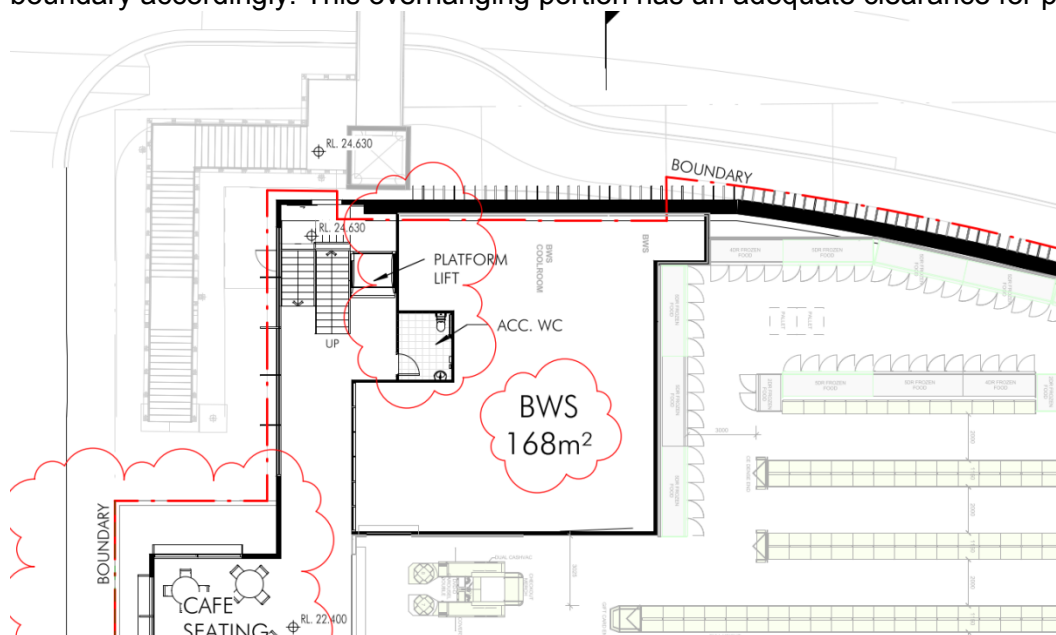


Figure 3: Floor plan showing corner of Parramatta Road and Bland Street as well as the pedestrian bridge.



Figure 4: Diagram from the DCP showing the desired envelope and setbacks for corner sites.

The balance of the Parramatta Road frontage has a 600mm setback (not inclusive of pedestrian articulation zones) which complies with the required 0-3m setback. The notable exception to this is the loading dock at the south-most edge which has a setback of between 5-15m (as measured from the roof structure) to facilitate truck movements. The intent of the setbacks controls is partially to provide a street wall edge along Parramatta Road. The neighbouring site to the south (No. 98 Chandos Street) contains a 7-storey residential flat building with a setback of up to ~9m setback to Parramatta Road. Given No. 98 is unlikely to be redeveloped in the future, it is therefore also unlikely that the desired consistent street wall along Parramatta Road will be achieved. The proposed setback 5-15m setback provides a transition to No. 98, reinforces the prominence of the corner and is supported in this instance.

The balance of the Bland Street frontage has a 1.5m setback (not inclusive of pedestrian articulation zones) which complies with the required 0-3m setback. The notable exception to this is the 7m setback above the vehicular access point at the western-most edge. The increased setback is supported in this instance as it facilitates safer vehicular entrance/exit and provides a transition to the neighbouring residential development at No. 121-125 Bland Street which has a ~10.5m setback to Bland Street.

In accordance with DS3.8, street tree plantings are provided along the Bland Street setback.

Rear setback and neighbouring amenity

The proposal does not wholly comply with the rear setback requirements in Figure 14 (See Figure 5 below) of the DCP.

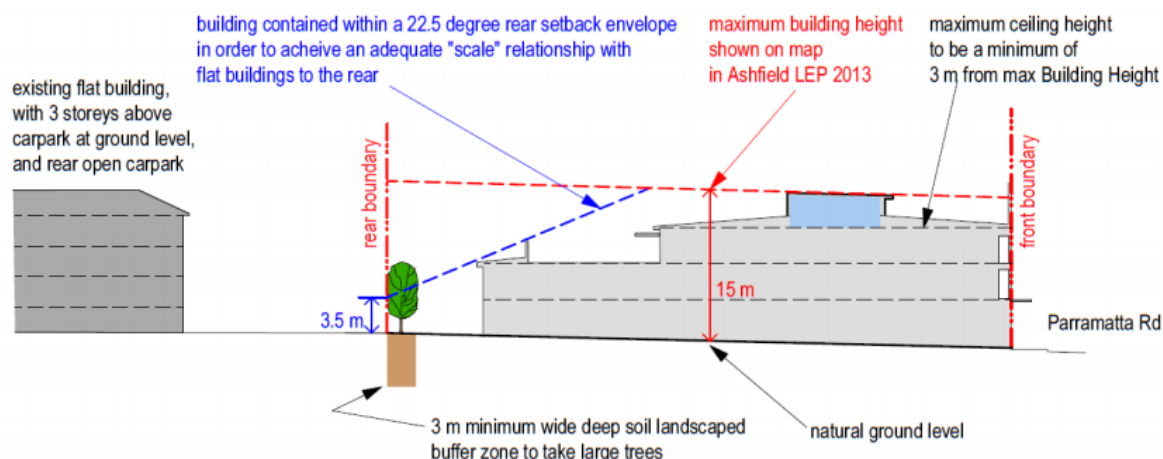


Figure 5: Diagram from the DCP showing the desired rear setbacks.

The intent of this part of the plan is to achieve an adequate 'scale' relationship with neighbouring buildings will maintaining adequate neighbouring amenity.

The neighbouring building to the rear (west) at No. 121-125 Bland Street is a residential flat complex with three separate buildings; a 3-storey plus attic level building fronting Bland Street, a 2-storey flat building in the centre of the site, and a 3-storey flat building at the rear. The building fronting Bland Street has a maximum height of approximately 14m and a nil setback to the common side boundary. The other two buildings also have a nil setback to the common boundary. The subject proposal has a maximum 13.5m height, and a reduced height of 12m directly adjacent to No. 121-125. The proposal is therefore is considered to have an appropriate height scale relationship with No. 121-125.

In accordance with DS3.10, a 3m wide deep soil landscaped area with significant plantings is provided along the majority of the western setback which is adjacent to the neighbouring residential flat building at No. 121-125. This will provide a landscaped buffer between the two buildings and is an improvement over the nil setback of the existing building on the subject site.

The supplied solar access diagrams demonstrate that there will be a small reduction in solar access to the north-facing windows of the north-most units of the residential flat building at No. 121-125. This will be largely confined between 9.00-10.00am during the winter solstice. The diagrams also demonstrate that there will be some loss of solar access to the ground level common circulation and landscaped areas largely between 9.00am-11.00am. The predominant communal open space is located on the western side of No. 121-125 and will largely be unaffected in relation to solar access.

Given the north-south orientation of No. 121-125 and the shadows already cast by the existing building on the subject site, the additional solar impacts from the proposal will not be substantial and are largely confined to early morning during the winter solstice.

The outlook from the units of No. 121-125 over the subject site will not substantially change given the envelope and nil setback of the existing building. It is considered unreasonable to expect to maintain an outlook over a neighbouring site particularly if the outlook is obtained over a side boundary and that the subject proposal is significantly below the maximum allowable 15m height of building development standard.

The visual privacy of No. 121-125 will not be significantly affected as the development contains one first floor window on the western (rear) elevation which relates to the 'mall'. The window will not create any unreasonable visual privacy impacts as it is set significantly

forward of the neighbouring flat building and is setback 7m from the common boundary. The external fire stairs within the western setback are for fire egress only, will not be ordinarily available to the public, and align with the blank side walls of the neighbouring flat buildings.

The acoustic privacy of No. 121-125 in relation to the adjacent customer vehicle access was addressed in the supplied Acoustic Report. The report concluded that the additional traffic movements and flows will cause either no noise increase to existing roadways or compliance with RNP criteria for increased traffic volumes on surrounding roadways and would not adversely impact on the acoustic amenity of surrounding residential receivers.

Side setback and neighbouring amenity

The neighbouring building to the south (No. 98) is a 7-storey residential flat building with a maximum height of approximately 20m. The subject proposal has a maximum 13.5m height, and a reduced height of 9m directly adjacent to No. 98. The proposal is therefore is considered to have an appropriate scale relationship with No. 98.

The proposed development has a varying setback of 1.3-5m from the common side boundary with No. 98. DS3.9 states that the required setback is to be determined on merit having regard to providing an appropriate standard of residential amenity (ie sunlight and daylight access, visual and acoustic privacy).

Although not required by this part of this plan, a 3-5m wide deep soil landscaped area with significant plantings is provided along the majority of the southern setback which is adjacent to the neighbouring residential flat building at No. 98. This will provide a landscaped buffer between the two buildings and is an improvement over the nil setback of the existing building on the subject site.

The supplied solar access diagrams demonstrate that there will be little change, and in some instances an increase, to the solar access received by the private open spaces, common open space areas and north-facing windows of the neighbouring residential flat building at No. 98 during the winter solstice.

The outlook from the units of No. 98 over the subject site will not substantially change given the envelope and minimal setback of the existing building. It is considered unreasonable to expect to maintain an outlook over a neighbouring site particularly as the subject proposal is significantly below the maximum allowable 15m height of building development standard.

The visual privacy of No. 98 will not be significantly affected as the development contains only one (1) first floor window on the southern (side) elevation which relates to the staff dining area. The window is 6.8m from the Parramatta Road frontage, does not face the neighbouring flat building and is setback 30m from the common side boundary.

The acoustic privacy of No. 98 as a result of the adjacent loading dock was addressed in the supplied Acoustic Report. Council's Health Officers reviewed the report and concluded that as the design of the loading dock is fully enclosed, no additional acoustic walls/barriers are required in order to achieve the noise criteria. The report makes a number of noise mitigation measures that are to be built into the design and operation, and subject to these being implemented, will ensure the acoustic privacy of No. 98 is not unreasonably affected. The hours of operation of the loading dock will be restricted (as discussed below). It is recommended that the recommendations in the Acoustic Report be included as conditions of consent.

Operating hours

Supermarket, liquor outlet, and café

The supermarket, liquor outlet, and café have the following proposed hours of operation:

- 6.00am – 12.00am, Mondays to Sundays.

The DCP does not prescribe maximum hours of operation, and as such they are based on merit.

The supplied Acoustic Report predicts that the noise generated from the supermarket, liquor outlet and café will not exceed the relevant noise requirements in Australian Standard AS1055. It is noted that the report states *'management controls should be utilised to manage patron departure particularly at night and at closing times to ensure that patrons leaving development in a prompt and orderly manner'*, however management controls cannot be enforced once patrons and staff leave the site and as such concerns are raised regarding the potential impact of customers and staff leaving the site, particularly late at night. For these reasons, the following hours of operation for the supermarket, liquor outlet, and café are recommended:

Base hours

- 6.00am – 10.00pm, Monday to Sunday.

Extended hours

- 10.00pm – 12.00 midnight, Monday to Sunday

The extended hours are subject to a one (1) year trial period in order for the operator to demonstrate that nearby residential amenity will not be unreasonably affected by hours.

Loading dock

The loading dock has the following proposed hours of operation:

- 7.00am – 10.00pm, 7 days a week.

It is noted that the supplied Acoustic Report recommends the following loading dock operating hours:

- 7.00am – 10.00pm, Monday to Saturday,
- 8.00am – 10.00pm, Sunday / Public Holidays

The proposed loading operating hours are 7.00am – 10.00pm, Monday to Sunday. Based on the Acoustic Report, concerns regarding potential neighbouring amenity impacts and the hours recommended in the Safety Audit (discussed elsewhere in this report), the following loading dock operating hours are recommended:

Base hours

- 7.00am – 8.00am, 9.30am – 2.30pm, 4.00pm – 8.00pm Monday to Friday;
- 7.00am – 8.00pm, Saturday; and
- 8.00am – 8.00pm, Sunday / Public Holidays.

Extended hours

- 7.00am – 8.00am, 9.30am – 2.30pm, 4.00pm – 10.00pm Monday to Friday;
- 7.00am – 10.00pm, Saturday; and
- 8.00pm – 10.00pm, Monday to Sunday.

The extended hours are subject to a one (1) year trial period in order for the operator to demonstrate that nearby residential amenity will not be unreasonably affected by hours.

A further application may be lodged to continue the extended operating hours for both the supermarket/liquor outlet/café and loading dock not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, and any substantiated complaints received.

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

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 Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 36 days to surrounding properties. A total of 18 submissions were received.

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

- Inadequate setback to Bland Street and landscaping – see Section 5(c)
- Inactive street frontages – see Section 5(c)
- Tree removal – see Section 6(a)
- Traffic and parking impacts – see Section 5(c) and 6(a)
- Hours of operation – see Section 5(c)
- Solar impacts – see Section 5(c)
- Heritage impacts – see Section 5(b) and 6(a)
- Provision of excessive car parking – see Section 5(c) and 6(a)
- Economic impact and need for another supermarket in the area – see Section 6(a)

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

<u>Issue:</u>	Visual impact in regards to bulk and façade treatment.
<u>Comment:</u>	As discussed elsewhere in this report, the proposal complies with the Height of building and Floor space ratio development standards, and generally complies with the relevant street setback controls. The façade treatment incorporates a number of different materials and forms, providing visual interest. The treatment and presentation of the building and relationship to its

context are considered suitable given the commercial typology of the proposed use.

Issue: Above ground carpark.

Comment: During assessment of the application, Council officers recommended that the applicant explore locating all car parking wholly within basement levels. The applicant noted that this option was explored at the design stage however due to the site constraints of the WestConnex tunnel below part of the site, the restricted basement footprint would likely require three basement levels in order to provide the same amount of parking as proposed. It was also noted that multiple levels of basement car parking would likely adversely impact the flow of cars entering and exiting the car park, and that observations have found that customers tend to circulate the most convenient car park level (i.e. entry level) as opposed to parking on a lower level, resulting in delays and congestion throughout the car park. As discussed elsewhere in this report, the proposal is still significantly below the maximum allowable building height, achieves adequate street activation and visual presentation to the street frontages.

Issue: Pedestrian safety, particularly around proposed vehicle crossovers/driveways
Comment: The Road Safety Audit supplied by the applicant concludes that the safety risk to pedestrians/cyclist will be acceptable subject to the adoption of the recommendations which included (but are not limited to) a 'driveway' instead of 'road' profile for the crossovers as the former gives legal right-of-way to pedestrians.

Issue: Light spill.
Comment: Conditions of consent are recommended in relation to sign illumination, and lighting in the open to ensure they comply with the revelation Australian Standards and that the design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood.

Issue: No awnings provided on Parramatta Road or Bland Street.
Comment: There are presently no opportunities to provide footpath awnings to the south or west of the subject site given the established residential uses and building setbacks. It is therefore not possible to link any awnings provided on the development to neighbouring sites or provide continuous/substantial weather protection for pedestrians. Nor is it likely that the neighbouring sites will undergo any significant future redevelopment which will include footpath awnings. For these reasons the provision of awnings on the subject proposal are not considered necessary.

Nevertheless, It is noted that an awning is provided a 23m long awning is provided over the Bland Street entrance, which although is located within the subject site, is adjacent to the footpath and could provide temporary weather protection if needed.

Issue: Inaccurate pedestrian count in the Safety Audit Report.
Comment: Concerns have been raised that the pedestrian count used in the audit does not reflect changed movements and pedestrian numbers resulting from a shift of the catchment boundaries of Haberfield Public School (which now includes areas to the west of the subject site). It is considered that subject to the imposition of the recommendations in made in the Safety Audit Report and by Council's Traffic and Parking Services Unit (discussed elsewhere in this

report), the proposal will ensure adequate pedestrian safety. Most notably delivery trucks will be prohibited during peak commuting times for school children, and a number of safety devices (such as stop signs and speed humps) and signs must be installed at the carpark vehicle exits.

Issue: Fire separation/safety concerns.

Comment: Compliance with fire safety and superstation requirements in the NCC are to be addressed at the Construction Certificate phase.

Issue: Seismic requirements in the NCC.

Comment: Compliance with any seismic requirements in the NCC are to be addressed at the Construction Certificate phase.

Issue: Location of liquor outlet next to pedestrian bridge link.

Comment: No objection is raised to the proposed location of the liquor outlet adjacent to the pedestrian bridge link, the link is a 'private' link and is not the primary entrance point to the building. Furthermore, the outlets proposed location ensures that it is not readily visible from the public domain.

Issue: Trolley management.

Comment: It is a recommended condition of consent that the mechanism for ensuring that trolleys stay within the subject site must be specified to the satisfaction of Council before the issue of a Construction Certificate. The applicant has indicated that this will likely be a 'wheel lock' mechanism.

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

Trees

The proposal includes the removal of four (4) mature trees, replacement plantings and extensive landscaping. Councils Tree Officer has provided the following comments:

The eucalyptus tree located in an elevated, narrow strip of land at the rear southern corner of the property is of low retention value and no objections are raised to its removal.

The three (3) trees located on the Bland Street frontage include two (2) 'lemon scented gums', and one (1) 'narrow leaved peppermint', and are mature specimens showing good health and condition which provide visual landscape amenity and environmental significance to the locality.

The three (3) trees are located in the proposed vehicular access from Bland Street. The applicant has stated that *"this proposed access point has largely been dictated by the topography of Bland Street and the requirement to provide an accessible path of travel from the footpath to the supermarket. Due to RMS restrictions associated with WestConnex, there are few suitable locations the proposed travelators can be situated. The proposed location for the travelators does not contain RMS restrictions and therefore the access point must be located in this area"*.

The proposal was revised to provide an increased building setback on Bland Street from 0m to 1.5m to support the planting and healthy tree growth of four (4) 'watergum' trees, three (3) on Bland Street and one (1) within the Bland Street setback. Given the constraints outlined by the applicant, the removal of the existing three (3) trees subject to the compensatory four (4) tree plantings is considered acceptable in this instance.

The landscape plan proposes plantings of 'eumundi quondong' trees along the western and southern site boundaries as a visual buffer between residential land uses. These tall, narrow canopied native trees are appropriate plantings for the site boundaries and will in time ameliorate the visual bulk of the development as perceived from neighbouring properties.

It is acknowledged that significant plantings are not possible along the Parramatta Road frontage and the corner of Bland Street given WestConnex tunnel is directly below ground level. Nevertheless, planter boxes have been provided adjacent the loading dock entry with a minimum soil depth of 500mm.

No objections are raised to the proposal subject to the recommended conditions of consent.

Traffic and Transport

Councils Traffic and Parking Services Unit has reviewed the proposal and the supplied Traffic Statement dated January 2019 and the Traffic and Parking Statement dated 26 August 2019.

The proposal is considered to be acceptable in relation to its impact on the local street network and no objections have been raised subject to the imposition of recommended conditions of consent relating to loading dock restrictions, ensuring landscaping does not affect site lines, and for the treatment be considered at carpark exits to assist the safety of pedestrians.

The following comments were made in relation to the proposal:

- *With no turning movements restricted at the Bland Street exit, it allows vehicles exiting the site to distribute into the surrounding network. The intention of this is to evenly distribute the stress of introducing a new source of traffic generation to the area, in an attempt preventing a failure a specific location in the network;*
- *Bland Street is classed as a collector road and is foreseen to be capable to handle the proposal and the associated traffic generation;*
- *The main concern had been cars entering the site from Bland Street leading vehicles to queue across the intersection of Parramatta Road and Bland Street. However, SIDRA analysis provided by the applicant has demonstrated otherwise and along with DA conditions regarding a review of all future parking control device proposals preventing free flow of vehicles from Bland Street into the site has ensured the prevention of this issue;*
- *The surrounding network of local roads is predicted remain relatively undisturbed as Bland Street allows vehicles to directly access Haberfield and Ashfield town centre without any turning;*
- *With vehicles banking up on Bland Street at the intersection with Parramatta Road, vehicles intending to travel eastbound on Parramatta Road can easily travel south along Bland Street, east along Julia Street and north on Chandos Street to exit on Parramatta Road, eastbound. With this option available, during heavy congestion of Bland Street, drivers continuing to travel eastbound are able to avoid the intersection;*

- *With the requirement of Council approving the applicant's Operational Delivery Management Plan, it ensures that the traffic impacts of trucks entering/exiting the premise are minimised;*

Strategic Transport

A number of initial concerns were raised regarding street surveillance, bicycle parking, pedestrian movements and the intended size of trucks servicing the building.

The revised scheme and additional information provided by the applicant adequately addresses these concerns.

Engineering

No objections subject to the imposition of recommended conditions of consent.

It was noted that the supplied Stormwater Management Report fails to assess the impact of flooding at the existing low point in Bland Street that affects the site. As a result the Basement 1 carpark level and the Bland Street pedestrian entry must be protected to a level of RL 15.37m AHD (Flood Planning Level) to provide adequate flood protection from the 1 in 100 year flood. Recommend

Strategic Planning

Attention was drawn to the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) and the rapid bus lane identified along Parramatta Road. It was requested that the development be setback further from Parramatta Road to facilitate any future rapid bus lane and to widen the footpath. The application was referred to the RMS and no objections to the proposed setback to Parramatta Road were raised, nor any concerns in relation to being able to facilitate a future rapid bus lane, bus stop hub or footpath widening. It is also important to note that the RMS had to provide owners consent for the subject application to be lodged with Council. Nevertheless, the applicant has advised Council that the RMS have indicated that it is their intention that the slip lane on Parramatta Road adjacent to the site will be closed and any future bus stop hub will be located to the north of the Bland Street intersection. This will facilitate a widened footpath

Concerns were raised about the proposals impact on the Haberfield local economy, which were largely based upon a drafted but not yet published '*Employment Land and Retail study*'. The applicant provided a Retail Impact Assessment (RIA) in response to these concerns which most notably summarised the following:

viii. The proposed Ashfield Woolworths main trade area population is currently estimated at 27,230 (2018), including 20,850 persons within the combined primary sectors. The main trade area population is projected to increase to 28,400 by 2031, including 21,630 persons in the combined primary sectors.

In Australia, one major full-line supermarket is typically supportable for every 8,000 – 9,000 persons. On this basis, the main trade population could easily support three full-line supermarkets, with none currently provided. In the primary west sector, the current population of some 14,010 persons is not served by a supermarket.

The existing Haberfield Lamonica IGA, which is the only supermarket in the main trade area, is small by modern standards at some 850 sqm in size. Most modern full-line supermarkets that serve the weekly shopping needs of local residents are

typically 3,200 sqm in size and larger. The Haberfield Lamonica IGA also provides a large range of Italian goods that would have a loyal following for the local and surrounding population.

There are limited food and grocery tenants, and specifically supermarkets, to serve residents of the local and surrounding region. Assuming the Sydney benchmark of 263 sqm of supermarket floorspace per 1,000 persons, there is a current indicative undersupply of some 6,311 sqm of supermarket floorspace across the main trade area. Not all of this supermarket floorspace demand will be retained in the main trade area, however, there is considered to be significant demand for supermarket floorspace in this part of Sydney.

Based on the information provided, the economic impacts of the proposal are not considered unreasonable.

Environmental Health

No objections subject to the imposition of recommended conditions of consent largely in relation to neighbouring amenity (noise and odour), land contamination, mechanical ventilation and the proposed café/kiosk (food premises).

Resource Recovery

No objections subject to the imposition of recommended conditions in relation to waste storage, transfer and collection.

6(b) External

The application was referred to the following external bodies:

- RMS – No objection subject to conditions. See discussion elsewhere in this report.
- Ausgrid – No objection subject to conditions.
- NSW Police – No comment.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The contribution is based on the 'retail shops' rate of calculation and 4,951sqm of gross floor area. No credit could be applied for the existing building as floor plans could not be produced to demonstrate its gross floor area.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$1,010,281.05 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. 10.2019.13 for demolition of existing structures, tree removal and construction of a Woolworths supermarket with liquor outlet and café over an at-grade and basement car park, signage and associated landscaping and drainage works, at 202 Parramatta Road, Ashfield subject to the conditions listed in Attachment A.

Attachment A – Recommended conditions of consent

Conditions of Consent

Fees

Planning

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$1,010,281.05 indexed in accordance with Ashfield Development Contributions Plan has been paid to the Council.

The above contribution is the contribution applicable as at 15 October 2019.

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

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

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

Community Infrastructure Type:	Contribution \$
Local Roads	\$214,740.93
Local Public Transport Facilities	\$20,729.73
Local Public Car Parking	\$0.00
Local Open Space and Recreation	\$738,168.18
Local Community Facilities	\$0.00
Plan Preparation and Administration	\$36,642.21
TOTAL	\$1,010,281.05

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

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

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

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

2. Long Service Levy

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

3. Security Deposit - Custom

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

Security Deposit:	\$98,000
Inspection Fee:	\$461.30

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

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

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

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

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

General Conditions

Planning

4. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA003 'E'	Site Plan	26 August 2019	Nettletontribe
DA011 'D'	B1 Plan	14 October 2019	Nettletontribe
DA012 'E'	Ground Floor Plan	14 October 2019	Nettletontribe
DA013 'C'	L1 Plan	22 August 2019	Nettletontribe
DA014 'D'	Roof Plan	26 August 2019	Nettletontribe
DA021 'C'	Elevations – Sheet 1	14 October 2019	Nettletontribe
DA022 'C'	Elevations – Sheet 2	14 October 2019	Nettletontribe
DA023 'C'	Signage Schedule	22 August 2019	Nettletontribe
DA031 'D'	Sections – Sheet 1	14 October 2019	Nettletontribe
DA032 'C'	Sections – Sheet 2	14 October 2019	Nettletontribe
LDA-01 'A'	Existing Tree Plan	30 August 2019	Ground Ink Landscape Architects
LDA-02 'A'	Landscaped Plan	30 August 2019	Ground Ink Landscape

			Architects
LDA-03 'A'	Landscape Details	30 August 2019	Ground Ink Landscape Architects
DAC401 'C'	Drainage Layout	13 December 2019	Van Der Meer Consulting
DAC402 'C'	Drainage Details	13 December 2019	Van Der Meer Consulting
-	Draft Plan of Management	March 2019	-
20181704.1/1801 A/ R4/HC '4'	DA Acoustic Impact Assessment	18 January 2019	Acoustic Logic

As amended by the conditions of consent.

5. Design Changes

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

- a) A barrier such as a metal palisade fence/gate must be included across the loading dock area fronting Parramatta Road to prevent after-hours access to the site from Parramatta Road;
- b) Intermediate breaks to the ground level 'powder coated aluminium louvre/sunshade' on the Parramatta Road elevation must be provided in order to provide passive surveillance of Parramatta Road.

6. Solar Panels

No approval is granted in this consent for solar panels on the roof given the lack of information provided on the supplied drawings.

7. Public Art

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

8. Signage

All signage must not project more than 200mm from the walls of the building with the exception of Sign 18 which is a project blade wall sign. Sign 18 must not project more than 900mm from the wall.

9. Car Parking

The development must provide and maintain within the site:

- a) 160 car parking spaces must be paved and line marked.
- b) 5 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces.
- c) 21 bicycle storage capacity within the site.
- d) 2 loading docks/bays.

10. Traffic

- a) The driveways off Bland Street and Parramatta Road shall incorporate appropriate means for vehicles to stop to give-way to pedestrians crossing at the location, and similarly must warn pedestrians to take caution when crossing at the driveway. The treatment shall ensure that pedestrians are given priority over vehicles. Prior to the release of any Construction Certificate the following information must be shown on plans/prepared and submitted to Council:
 - i. The Bland Street and Parramatta Road driveways must have a 'driveway profile' rather than a 'road profile' as shown on the drawings.
 - ii. A 'STOP' control line must installed on Bland Street exit driveway boundary.
 - iii. 'STOP' signs are to be placed at the Bland Street exit driveway.
 - iv. 'Give-way to Pedestrians' and warning signs to be aware of pedestrians, including children and cyclists / skateboards are to be included at the Bland Street exit driveway.
 - v. A speed hump device is to be placed at the Bland Street exit driveway.
 - vi. 'Caution cars exiting driveway' signs shall be erected at both sides of the footway to the driveway.
 - vii. 'Caution trucks exiting driveway' on both side of the footway to the loading dock driveway. Sign post, line marking and speed hump detail is to be shown on final plans submitted to Council prior to the release of the Construction Certificate.
- b) The car park driveway off Parramatta Road is to be designed to comply to AS2890.1-2004.

- c) Service deliveries to the site are to be confined to outside the school zone times of the area. Delivery vehicles should be scheduled and programed to arrive and depart in a manner not to congregate and congest the loading dock. The Plan of Management is to be revised and provided to Council to include the frequency and vehicle sizes in servicing the development.
- d) Internal car park layout/circulation is to be designed to ensure vehicles entering the site do not queue onto Parramatta Road or Bland Street.
- e) Minimum pedestrian sight lines are to be provided at driveway exits in accordance to AS2890.1:2004.

11. Waste Management Plan

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

12. Erosion and Sediment Control

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

13. Standard Street Tree Protection

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

14. Verification of Levels and Location

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

15. Works Outside the Property Boundary

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

16. Trees

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

Tree/location	Approved works
<i>Eucalyptus nicholii</i> (Narrow Leaved Peppermint)	Remove
<i>Corymbia citriodora</i> (Lemon Scented Gum)	Remove
<i>Corymbia citriodora</i> (Lemon Scented Gum)	Remove
<i>Eucalyptus sp.</i>	Remove

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

17. Bin Storage Areas

All bin storage areas are to be provided within the site. These areas must fully accommodate the number of bins required for all waste generated by a development of this type and scale. All bin storage areas must have an extra 50% allowance for manoeuvring of bins and meet the design requirements outlined in the DCP.

The bin storage areas are to be located away from habitable rooms, windows, doors and private useable open space to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

18. Additional Storage Space

There must be additional space allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

19. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary. No changes to the existing levels shall be permitted.

20. Dry-weather Flows

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

21. Clearway Restrictions

Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions must be implemented along the full Parramatta Road frontage of the development site.

Prior to any Demolition

Planning

22. Advising Neighbors Prior to Excavation

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

23. Construction Fencing

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

24. Hoardings

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

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

sufficient to prevent any substance from, or in connection with, the work falling onto public property.

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

25. Construction Traffic Management Plan – Detailed

Prior to any Demolition, the Council, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with RMS accreditation. The following matters must be addressed in the CTMP:

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) 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. Please note, a construction zone will not be permitted on Parramatta road;
- k) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- l) Swept paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

26. Road Occupancy – Classified Road

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road (Classified Road) during construction activities. A ROL can be obtained through:

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

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

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

Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal docketts must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

28. New Contamination Evidence

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.

29. RMS Conditions

- a) Roads and Maritime notes that the proposed development involves basement carpark abutting the tunnel as shown in the Drawing Plans Sections – Sheet 2 pg DA032. As such, All buildings and structures, together with any improvements integral to the future use of the site, are erected clear of the tunnel and Parramatta Road boundary; access to the tunnel is not be denied and the integrity of the tunnel is not to be compromised.
- b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the

commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

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

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

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

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

- d) The proposed works of the deceleration lane with associated linemarking along Parramatta Road (refer to Attachment A) shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- e) In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary.

The design and construction of the gutter crossing on Parramatta Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

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

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- f) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- g) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
- h) Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions will be implemented along the full Parramatta Road frontage of the development site.
- i) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- j) Signage within the car park shall indicate "Left only" and should be provided on plans to be reviewed and approved by Roads and Maritime. In addition, a 'Stop' sign shall be provided on the island as indicated on Attachment A. This shall be installed at no cost to Roads and Maritime.
- k) All vehicles are to enter and leave the site in a forward direction.

- l) All vehicles are to be wholly contained on site before being required to stop.
- m) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- n) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta road.
- o) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

30. Ausgrid Conditions

- a) There are existing overhead electricity network assets near the work site.

Safe work NSW Document–Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

- b) There are existing underground electricity network assets in or near work site.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Prior to Construction Certificate

Planning

31. Enclosure of Fire Hydrant

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

32. Sydney Water – Tap In

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

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

33. Fibre-ready Facilities

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

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

34. Concealment of Plumbing and Ductwork

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

35. Food Shop Certification

The food premises is to be designed, constructed and operated in accordance with the:

- Food Act 2003
- Food Regulation 2010
- Australia and New Zealand Food Standards Code
- Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- Australian Standard AS 1668 Part 1 – 1998
- Australian Standard AS 1668 Part 2 – 2012; and
- Building Code of Australia

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

36. Future Food Use - Mechanical Ventilation Provision

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

37. Odour Emission Control

There are to be no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and Regulations.

Emission control equipment shall be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the Construction Certificate for the subject 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.

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.

38. Petroleum Storage Decommission

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

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

39. Trees

The following tree species must be planted, at no cost to Council, in the nature strip along Bland Street. The tree/s must be a minimum 75 Litre bag size at the time of planting.

Tree/species	Quantity	Location
<i>Tristaniopsis laurina</i> (Watergum)	4	Bland Street

Details of the species and planting locations must be included on the landscape and /or site plan prior to the issue of a Construction Certificate. Such plans must also contain details as to the location of power poles and overhead power lines, manholes, vehicular crossings, footpaths, subterranean services and the like.

The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*. The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of AQF 3.

The tree pit dimensions and staking detail shall be in accordance with Detail 10 on page C44 of the *Ashfield Street Tree Strategy 2015, Part C* (available online). Upon completion of planting, the applicant shall arrange an inspection by Council's Public Tree Coordinator (call 93925148) to approve the installation. If trees are unsatisfactory and not in accordance with conditions they will be rejected and replaced at the expense of the

applicant

It needs to be demonstrated that adequate soil volume can be provided for all trees. Tree planting details must include dimensions for tree pits and details of a vault style structural soil with a minimum of 20-30m³ available soil volume for each tree.

Refer to Detail 5 on page C39 of the *Ashfield Street Tree Strategy 2015, Part C*.

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.

40. Trees

The following trees must be planted:

A minimum of 12 x 75 litre size *Elaeocarpus eumundii* (Quondong), 1 x 75 litre size *Waterhousia floribunda* (Weeping Lilly Pilly) and 1 x 75 litre size *Magnolia grandiflora* "Little Gem" (Little Gem Magnolia) as per the landscape plan Ground Ink, 30-08-2019. The trees are to conform to AS2303—*Tree stock for landscape use*.

If the replenishment trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting they must be replaced with the same species.

If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

41. Trees

- a) No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
- b) No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

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

42. Acoustic general

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 LA90, 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 LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

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

43. Access report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

- a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
- 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) Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
- d) Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol
- e) Any exemptions, alternative solutions or deemed-to-satisfy provisions affecting access.

44. Light Spill

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

45. Changes to Levels

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

- a) The Basement 1 carpark and Bland Street pedestrian entry must be protected to a level of RL 15.37m AHD (Flood Planning Level) so as to provide adequate flood protection from the 1 in 100 year flood in Bland Street.

46. Dilapidation Report – Pre-Development

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpaths and roadways adjacent to the site.

47. Driveway Long Section

The vehicular crossings and driveway ramps to the site shall be designed to satisfy the ground clearance template (Figure C1) from AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking. A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted to and approved by Council before the issue of a Construction Certificate. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section approved by Council shall define the Alignment Levels at the property boundary at this location. The long section shall show both existing surface levels and proposed surface levels with chainages.

48. Parking Facilities – Major (including basement)

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

- a) The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance

- requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B99 design vehicle and the largest heavy vehicle to access the site.
- b) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s). Minimum headroom of 4500mm must be provided throughout the path of travel for the loading bay
 - c) The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
 - d) Longitudinal sections along each outer edge of the vehicular access and parking facilities and throughout the path of travel for a HRV utilising the loading bay, demonstrating compliance with the above requirements.
 - e) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces and aisles adjacent to walls or fences are increased in width by an additional 300mm;
 - ii. End spaces are provided with an additional 1m aisle extension; and
 - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
 - f) The vehicular access must be amended to provide clear sight lines to pedestrians and vehicles in Bland Street and Parramatta Road in accordance with the requirements of AS/NZS 2890.1-2004. In this regard the maximum height of planting and/or other structures at Parramatta Road and Bland Street driveways, shall be limited to 500mm above ground level to ensure adequate sightlines to pedestrians. In addition tree must be located clear of the vehicular crossing (minimum 5m) with the location determined by a sight line assessment.
 - g) All loading docks and parking bays are designed in accordance with the requirements of AS2890.2 – 2002 and so that all vehicular movements to and from the proposed development are in a forward direction.
 - h) The location of any existing or future control point at the vehicle entries shall be set within the property so as to provide a suitable queue length within the property before vehicles are required to stop. The queue length shall be designed in accordance with Clause 3.4 of AS/NZS 2890.1:2004.
 - i) Signage within the car park at the Parramatta Road egress shall indicate "Left only" and must be provided on plans to be reviewed and approved by Roads and Maritime.

- j) A "STOP" line must be installed on the Bland Street exit driveway at the boundary of the development.
- k) "Caution Cars Exiting Driveway" signs must be placed on either side of footpath approach to the Bland Street driveway facing pedestrians on approach to driveway.
- l) Proposed pedestrian crossings within the carpark must comply with relevant Australian Standards. Nonstandard crossing treatments shall be painted and/or treated differently than the regulatory pedestrian crossing treatment. (Typical nonstandard treatments include the use of yellow paint).
- m) Delivery vehicles shall be restricted to a HVR maximum length of 12.5 metres.

49. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared to make provision for the following:

- a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100 year ARI Flood Planning Level of RL 15.37m AHD and a Probable Maximum Flood (PMF) RL 15.58m AHD. The precautions must include but not be limited to the following:
 - i. Flood Protection of Basement 1 parking level and the Bland Street entry to RL 15.37m AHD
 - ii. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - iii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iv. Flood warning signs/depth indicators for areas that may be inundated
 - v. A flood evacuation strategy.
 - vi. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

- b) A structural engineer's certificate must be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level/ Probable Maximum Flood (PMF) level.

50. Amended Architectural Plans to Reflect Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural plans that incorporate the recommendations of the Flood Risk Management Plan. The design must be prepared to make provision for the following:

- a) Flood Protection of Basement 1 parking level and the Bland Street entry to RL 15.37m AHD.
- b) Specification of materials.
- c) Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans must occur except as identified by this condition. Any changes to such must be subject to separate approval.

51. Stormwater Drainage System – Major Developments

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

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. DAC401 and DAC402 (Rev C) prepared by Van Der Meer Consulting and as amended by this condition.
- b) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks.
- c) The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm

water system limited to fully pervious (state of nature) conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI) in accordance with the DCP for sites greater than 1000sqm

- d) Details of the Height vs Storage and Height vs Discharge relationships must be submitted.
- e) Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks.
- f) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided. In this regard an overland flowpath must be provided within the setback to the southern and western side boundaries.
- g) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design.
- h) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- i) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- j) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.
- k) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- l) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of subsurface flows and surface flows from the driveway from the basement.

52. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia

(RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, etc. must be reconstructed where damaged in whole panel sections to match pre-development or as new condition;
- b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. These sections will set the alignment levels at the boundary.
- d) Details of the stormwater connection downstream of the proposed driveway in Bland Street at a new stormwater drainage pit. In addition a new kerb inlet pit shall be constructed upstream of the driveway in Bland Street to compensate for the loss of the inlet capacity due to the construction of the driveway

During Demolition and Construction

Planning

53. Construction Hours – Class 2-9

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

- c) 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- d) 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- e) at no time on Sundays or public holidays.

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

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

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

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

8:00am to 12:00pm, Monday to Saturday; and

2:00pm to 5:00pm Monday to Friday.

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

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

54. Survey Prior to Footings

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

55. Documentation of Demolition and Construction Waste

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

Prior to Occupation Certificate

Planning

56. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

57. Consolidation of Lots

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

58. Shopping trolley management plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a shopping trolley management plan within the Plan of Management which specifies a management system that will be used to ensure that shopping trolleys are not abandoned on the surrounding area.

59. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994* (if required).

60. Trees

The following tree species must be planted, at no cost to Council, in the nature strip along Bland Street. The tree/s must be a minimum 75 Litre bag size at the time of planting.

Tree/species	Quantity	Location
<i>Tristaniopsis laurina</i> (Watergum)	4	Bland Street

The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*. The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of AQF 3. Upon completion of planting, the applicant shall arrange an inspection by Council's Public Tree Coordinator (call 93925148) to approve the installation. If trees are unsatisfactory and not in accordance with conditions they will be rejected and replaced at the expense of the applicant

It needs to be demonstrated that adequate soil volume can be provided for all trees. Tree planting details must include dimensions for tree pits and details of a vault style structural soil with a minimum of 20-30m³ available soil volume for each tree. Refer to Detail 5 on page C39 of the *Ashfield Street Tree Strategy 2015, Part C*.

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.

- a) The tree pits must be inspected by Council's Tree Management Officer before and after planting.
- b) The street trees must be maintained for a minimum period of 12 months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning and fertilising and pest and disease control.

- c) At the completion of the 12 month maintenance period written approval must be obtained from Council's Tree Management Officer that the trees are healthy.
- d) If the street trees require replacement due to maintenance deficiencies during the 12 month maintenance period, the 12 month maintenance period will commence again from the date of the planting of the replacement tree.

61. Trees

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape management plan/contract for the maintenance of the landscaping for a period of not less than two years after the installation is to be provided prior to the issue of the Occupation Certificate.

62. Acoustic Report Demonstrating Compliance

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.

63. Contamination Management

Prior to the issue of any interim / final Occupation Certificate, certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the following contamination reports:

Title	Prepared by	Date
Woolworths Group Pty Ltd, 202 Parramatta Road, Updated Detailed Site Investigation	GHD Pty Ltd	December 2018

have been complied with throughout excavation, demolition & development work stages. The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all site used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

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.

64. Disposal of Soil

Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and the Protection of the Environmental Operations Act 1997.

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 Occupation Certificate.

65. Food Premises Notification and Registration

Food premises notification shall be obtained from the NSW Food Authority prior to commencement of business operations /issue of an Occupation Certificate and a copy of the notification shall be submitted to the Principal Certifying Authority. Notification can be completed on the NSW Health Department's website at www.foodnotify.nsw.gov.au

Prior to the commencement of business operations/issue of an Occupation Certificate the owner of the business is to complete and submit Council's food business registration form which can be obtained from Council's website at www.leichhardt.nsw.gov.au. Evidence of registration must be submitted to the Principal Certifying Authority.

Should Council be the nominated Principal Certifying Authority, then the applicant shall notify Council not less than forty-eight (48) hours prior to the proposed occupation of the premises to arrange for a final compliance inspection.

The applicant shall not operate the food premises until an Occupation Certificate has been issued.

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.

66. Registration of Use with Council

The food and drink premises must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Food Shop - Food Act 2003

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.

67. Mechanical Ventilation

At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:

- a) inspection, testing and commissioning details,
- b) date of inspection testing and commissioning,
- c) the name and address of the individual who carried out the test, and
- d) a statement that the service has been designed, installed and is capable of operating to their accordance with AS 1668.2-1991/2012 – Mechanical ventilation for acceptable indoor-air quality above standard.

Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property. The system must be in accordance with the approved plans. Any requirement for the system to be visible from the public domain or adjoining properties and is not consistent with the approved plans will require further consent from Council.

Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

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.

68. Petroleum Storage Decommissioned in Accordance with Requirements

A validation report prepared by a suitably qualified and experienced person shall be submitted to Council. The report is to confirm that the underground petroleum storage system has been removed, replace or decommissioned in accordance with The Protection of

the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, The Protection Environment Operations Act 1997 and Australian Standard AS4976-2008: The removal and disposal of underground petroleum storage tanks.

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.

69. Waste Liquor Trade

Liquid trade waste materials are to be disposed of in accordance with the requirements of Sydney Water under a Trade Waste License Agreement.

A copy of a trade waste agreement 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.

70. No Encroachments

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

71. Protect Sandstone Kerb

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

72. Heavy Duty Vehicle Crossing

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

73. Redundant Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb

and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

74. Undergrounding Power – Major development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the existing overhead power cables along the Bland Street frontage of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

75. Parking Signoff – Major Development

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

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land.
- c) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

76. Loading Dock Management

An Operational Delivery Management Plan is to be submitted to Council for consideration and approval prior to the issue of the Occupation Certificate. The applicant shall address the following issues to Council's Traffic Engineer's satisfaction:

- a) Maximum size truck that to access the site be restricted to a HRV 12.5 metres long;
- b) Any restrictions on delivery times to avoid peak traffic and customer periods;

- c) Deliveries by large trucks are to be staggered to ensure trucks do not enter/depart the site at the same time and that there are no more than two trucks in the dock at the same time.

77. Utility Services

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications etc required as a result of the development must be at no cost to Council or the RMS and undertaken before the issue of an Occupation Certificate.

78. Public Domain - Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

79. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

80. Flood Risk Management Plan - Certification

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

81. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably experienced Civil Engineer that:

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

82. Works as Executed – Site Stormwater Drainage System

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

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

83. Operation and Management Plan

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

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.

- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

84. Easements, Restrictions on the Use of Land and Positive Covenants

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

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

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

On-going

Planning

85. Trial Hours

- a) The hours of operation of the supermarket, liquor outlet and cafe must not exceed the following:

Day	Hours
Monday to Sunday (inclusive)	6.00am – 10.00pm

- b) For a period of not more than 12 months from the issue of the Final Occupation Certificate for the development approved in this consent, the hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Sunday (inclusive)	6.00am – 12.00 midnight

- c) The hours of operation of the loading dock are restricted to the following:

Day	Hours
Monday to Friday (inclusive)	7.00am – 8.00am; 9.30am – 2.30pm; 4.00pm – 8.00pm.
Saturday	7.00am – 8.00pm
Sunday / Public holidays	8.00am – 8.00pm

- d) For a period of not more than 12 months from the issue of the Final Occupation Certificate for the development approved in this consent, the hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Friday (inclusive)	7.00am – 8.00am; 9.30am – 2.30pm; 4.00pm – 10.00pm.
Saturday	7.00am – 10.00pm
Sunday / Public holidays	8.00am – 10.00pm

- e) A continuation of the extended hours will require a further application under the Environmental Planning and Assessment Act 1979.

86. Trees

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

87. Documentation of businesses waste services

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

88. Waste collection

All waste, recyclable and other material collected by a private waste collector must have minimal impact on the amenity of the surrounding properties.

89. Collection point

The collection point is to be on site within the loading dock. The loading dock needs to be to accommodate front lift loading vehicle minimum clearance height of 6.2m.

The collection points must allow collection vehicles to stand safely, at a level gradient and not to obstruct or endanger the passage of pedestrians and other vehicles.

90. Cleaning program

There must be a regular cleaning/collection program in place to address any litter, trolleys or dumping problems that may arise from this business.

91. Acoustic Impacts

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 LA90, 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 LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

92. Health Impacts

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.

93. Waste collection

Waste collection is restricted to the loading dock hours of operation referred to in this consent (including any applicable extended hours of operation for the loading dock). The base hours of the loading dock (and therefore waste collection) are as follows:

- 7.00am – 8.00am, 9.30am – 2.30pm, 4.00pm – 8.00pm Monday to Friday;
- 7.00am – 8.00pm, Saturday; and
- 8.00am – 8.00pm, Sunday / Public Holidays.

All waste, recyclable and other material collected by a private waste collector must have minimal impact on the amenity of the surrounding properties.

94. Signage

To ensure the illumination of the signs does not affect safety, amenity or result in unreasonable glare, the illuminated signs must not flash, have reduced luminance at night, and are only permitted to be illuminated during approved operating hours of operation in this consent.

95. Plan of Management

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

96. Delivery Vehicles

- a) Delivery vehicles are restricted to a maximum length of 12.5 metres.
- b) Deliveries by larger trucks are to be staggered to ensure trucks do not enter/depart the site at the same time and that there are no more than two trucks in the dock at the same time.

97. Parramatta Road and Bland Street Landscaping

- a) The maximum height of landscaping in the Parramatta Road planter box adjacent to the loading dock area shall be limited to 500mm above the planter box to ensure adequate sightlines to pedestrians for vehicles entering/exiting the site.

- b) Landscaping around the Parramatta Road and Bland Street driveways must be maintained to ensure adequate sightlines to pedestrians for vehicles entering/exiting the site.

Advisory notes

Planning

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.

- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

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

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

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

Construction of Vehicular Crossing

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

Lead-based Paint

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

Asbestos Removal

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

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Dial before you dig

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

Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm

www.basix.nsw.gov.au

Department of Fair Trading 13 32 20

www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100

www.dialprior toyoudig.com.au

Landcom 9841 8660

To purchase copies of Volume One of "Soils and Construction"

Long Service Payments 131441
Corporation

www.lspc.nsw.gov.au

NSW Food Authority 1300 552 406

www.foodnotify.nsw.gov.au

NSW Government

www.nsw.gov.au/fibro

www.diySAFE.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555

www.environment.nsw.gov.au

Sydney Water 13 20 92

www.sydneywater.com.au

Waste Service - SITA 1300 651 116
Environmental Solutions

www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development



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 website: www.nettleontribe.com.au
 114 St James Street, Concord NSW 1590
 P: 02 9439 8888
 F: 02 9439 8889

Project Name: **WOOLWORTHS Ashfield**
 Project Address: **202 - 220 Parramatta Road, Ashfield**

Key Plan
 Scale: 1:200
 Date: 12/08/2024
 Drawing No: 10610_DA003
 Revision: E

Project Name: **WOOLWORTHS Ashfield**
 Project Address: **202 - 220 Parramatta Road, Ashfield**

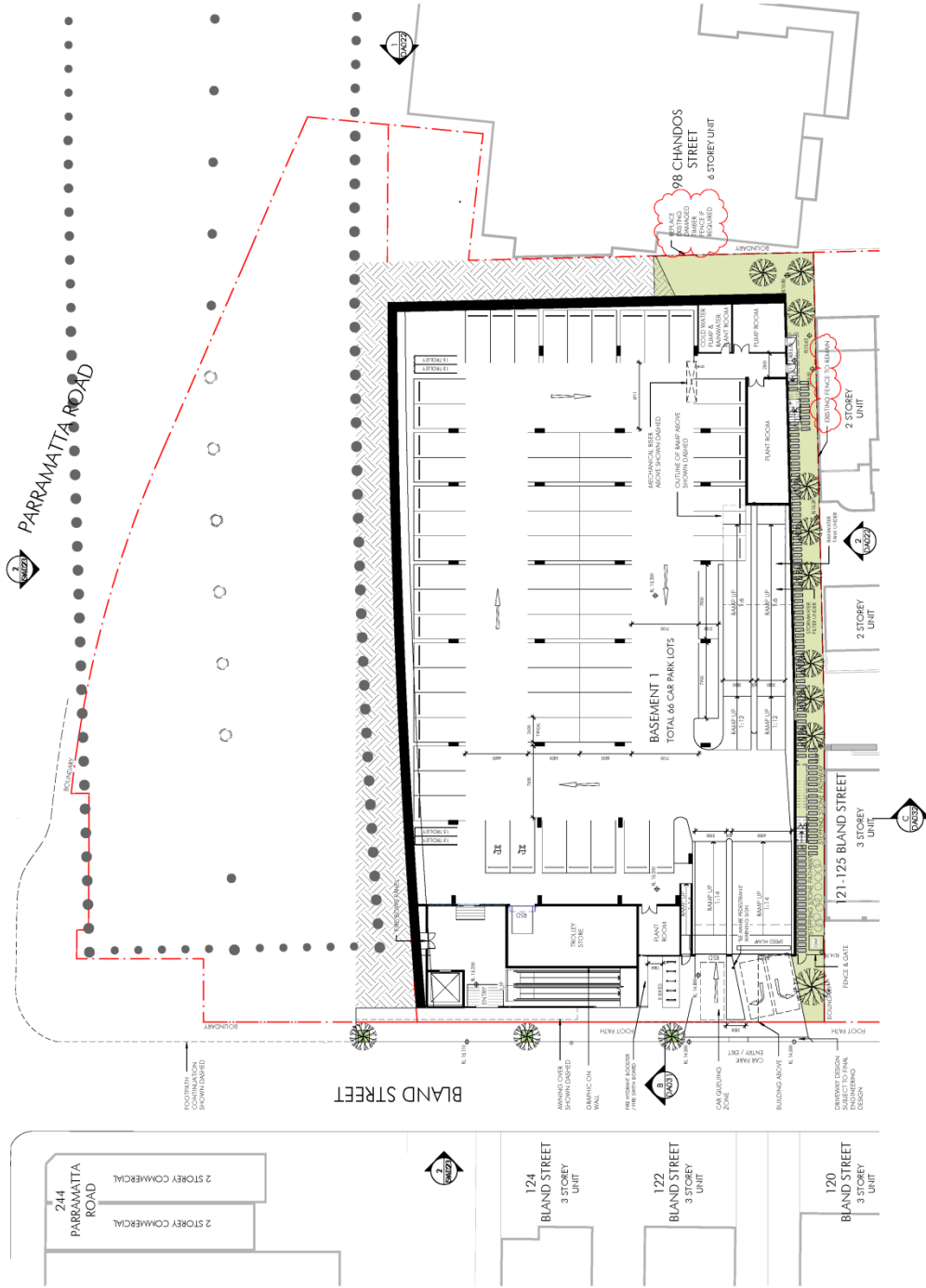
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 Project Address: **202 - 220 Parramatta Road, Ashfield**

Project Name: **WOOLWORTHS Ashfield**
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Project Name: **WOOLWORTHS Ashfield**
 Project Address: **202 - 220 Parramatta Road, Ashfield**





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 1111 77001 (NSW)
 1111 77001 (VIC)
 1111 77001 (QLD)
 1111 77001 (WA)
 1111 77001 (SA)
 1111 77001 (NT)

Project Name
WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield

Project No
10610_DA011

Scale
1:200

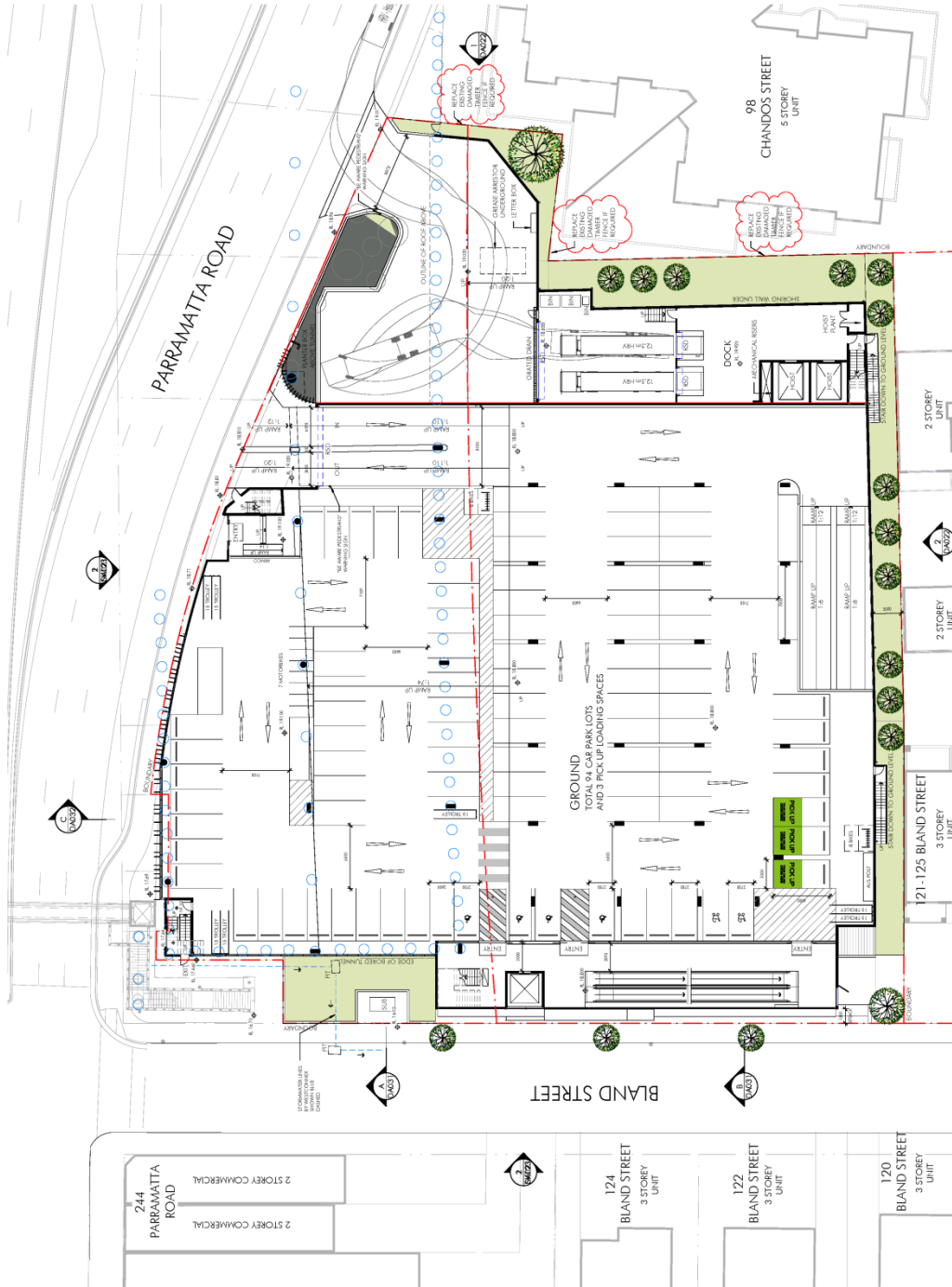
Project No
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Project Name
WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield

Project No
10610_DA011

Project Name
WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield

Project No
10610_DA011



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PROJECT NAME	10610_DA012
PROJECT ADDRESS	202 - 220 Parramatta Road, Ashfield
DATE	12/08/21
SCALE	1:100
PROJECT NO.	10610 DA012
DATE	12/08/21

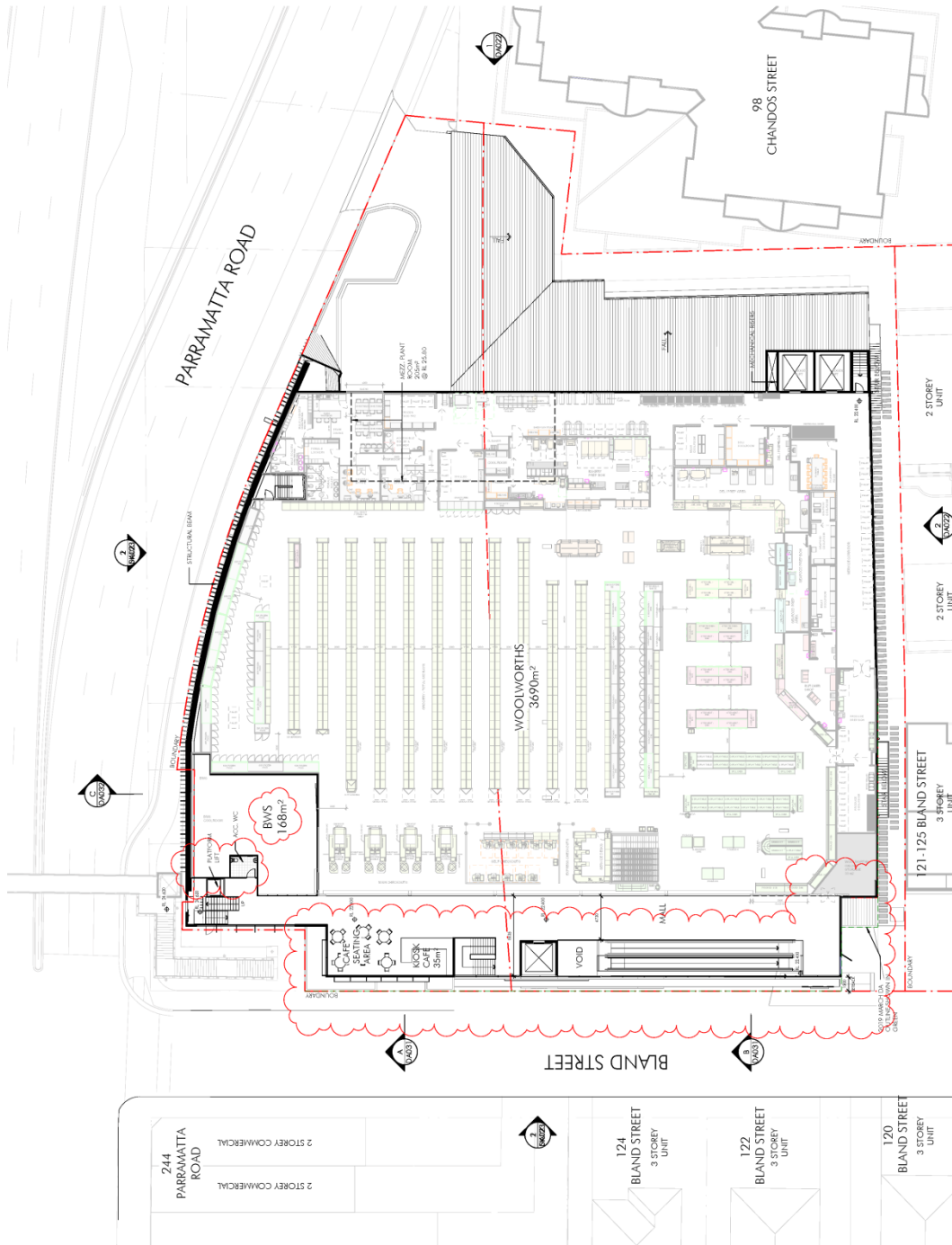


Project Name
WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield

NO.	REVISION
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 Project Address
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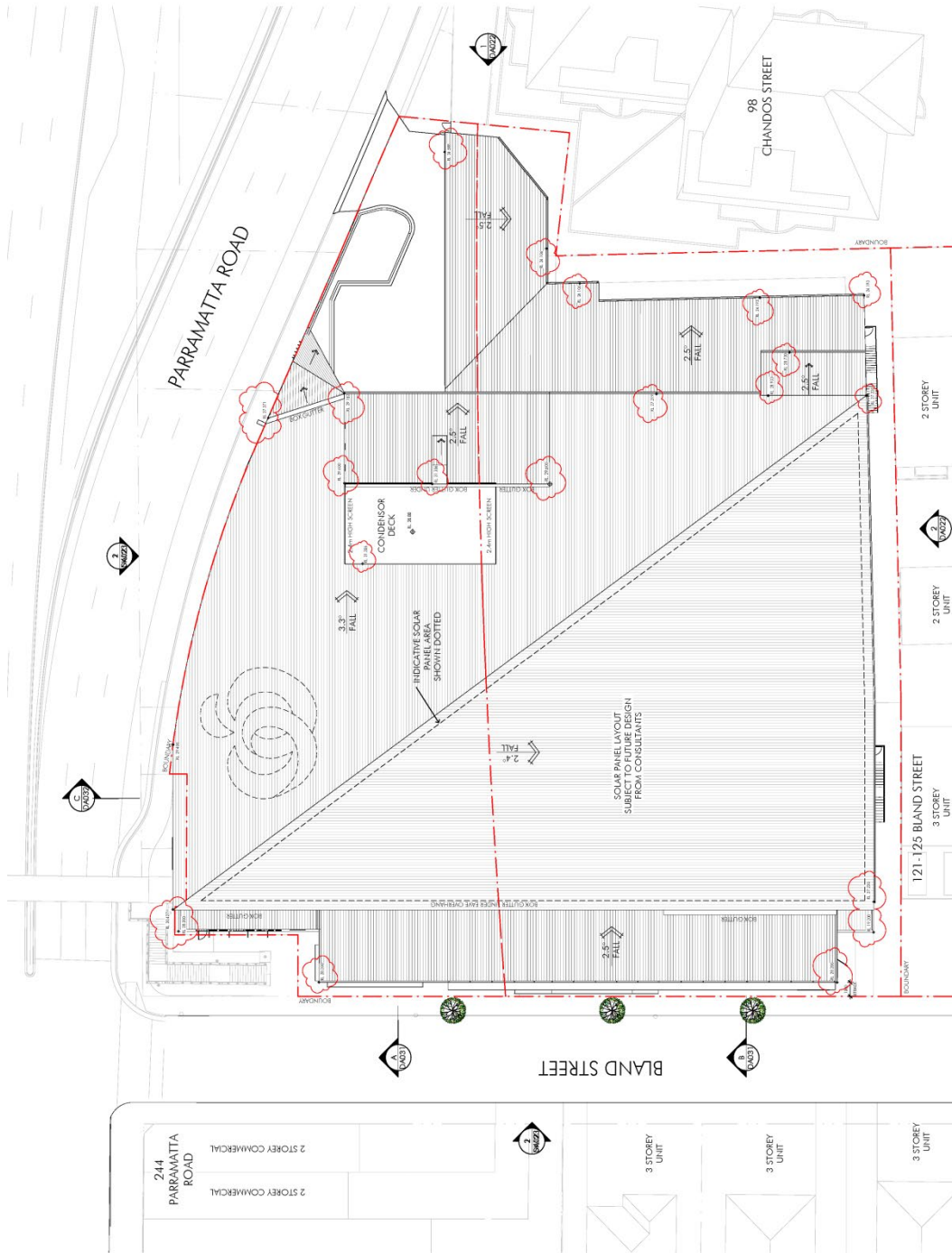
Key Plan
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Lot No
10610 DA013

Scale
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 Date
C

NO.	REVISION	DATE	BY	CHKD
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2
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Woolworths logo



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Project Name	WOOLWORTHS Ashfield
Project Address	202 - 220 Parramatta Road, Ashfield
Client	Woolworths Limited
Scale	1:200
Project No	A1
Revision	BH ES
Project Code	10610_DA014
Author	E



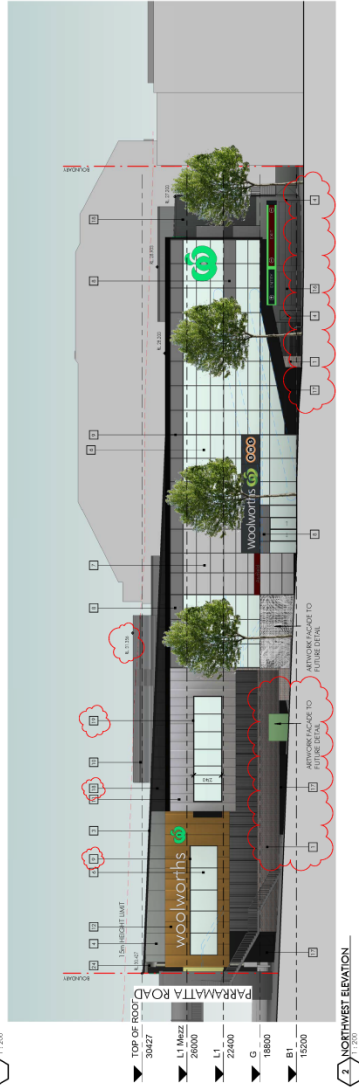
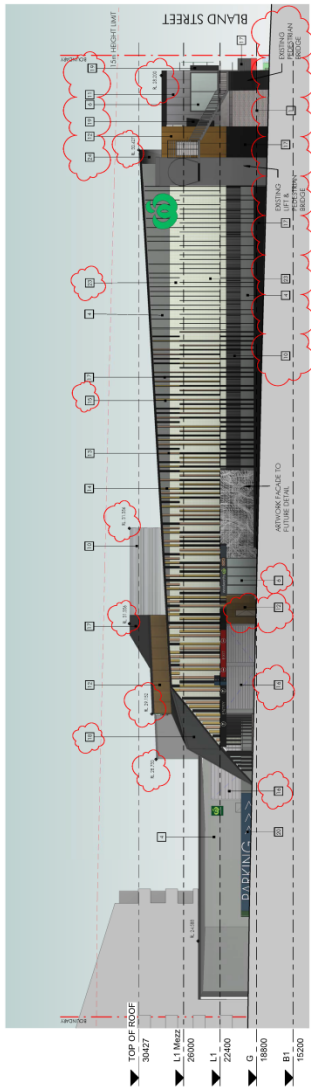
Project Name
WOOLWORTHS Ashfield

Project Address
202 - 220 Parramatta Road, Ashfield

This plan is a preliminary design and is intended to illustrate the concept of the proposed development. It is not intended to be used for any other purpose. The design is subject to change without notice. The owner of the site is responsible for ensuring that the development complies with all applicable laws and regulations. This plan is provided as a service to the client and is not a contract. The client is advised to seek professional advice regarding the development of the site.

Rev	Description	By	Date
1	Issue for consultation	EA	12/10/2022
2	Revised design	EA	13/10/2022
3	Final design	EA	14/10/2022
4	Approved for construction	EA	15/10/2022





EXTERNAL FINISHES

1 BRICK - FORMAL BLUE BRICK	4 PAINTED FINISH - SWAMP FOX	7 FRAMED PANEL - LIGHT GREY	10 POWDERCOATED ALUMINIUM - TO MATCH MONUMENT	13 POWDERCOATED SIDE OF - SOLID	16 POWDERCOATED FINISH - TO MATCH MONUMENT	19 WINDOW REVEALS - MONUMENT	22 METAL BOOD SHEETING - LIGHT GREY	25 PAINTED FINISH - GREEN
2 PAINTED FINISH - SWAMP FOX	5 PAINTED FINISH - ECU	8 FRAMED PANEL - MEDIUM GREY	11 METAL WALL SHEETING - COLORBOND STEEL MATT - LIGHT GREY	14 POWDERCOATED SIDE OF - LIGHT GREY	17 PAINTED FINISH - TO MATCH MONUMENT	20 PAINTED FINISH - BLUE	23 GRANITE CHIPPING CONCRETE	26 GRANITE CHIPPING CONCRETE
3 METAL SHEET, CUTTER & MONUMENT	6 PERFORMANCE VISION GLASS	9 WINDOW FRAME - MONUMENT	12 ALUMINIUM PANEL - PERFORMANCE	15 POWDERCOATED EDGE OF - MONUMENT	18 METAL BOOD SHEETING - MONUMENT	21 CONCRETE - MONUMENT	24 CONCRETE - MONUMENT	27 PAINTED WHITE

Key Plan

Project Name
WOOLWORTHS Ashfield

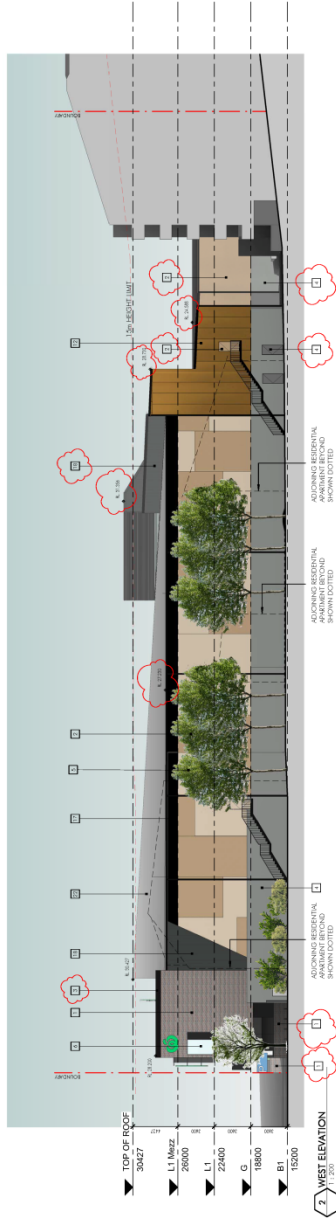
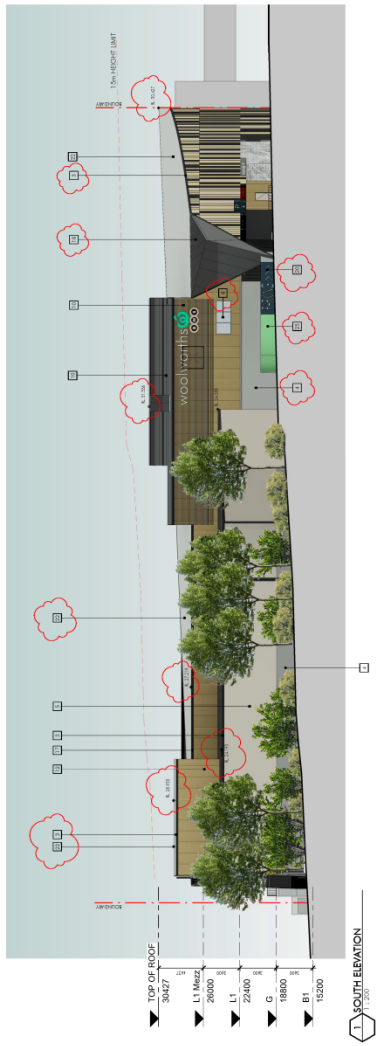
Project Address
202 - 220 Parramatta Road, Ashfield

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SYDNEY NSW 2009

Scale	1:1,200	Sheet	A1	Date	12/09/2023
Project	10610 DA021	Client	AM ES	Drawn	C

ELEVATIONS - SHEET 1



EXTERNAL FINISHES

1	BRICK - EXTERNAL BLUE BRICK	7	BRANDER BRIMS - LIGHT GREY	13	CONCRETE BASE OF METAL ROOF SHEETING - LIGHT GREY	19	WINDOW BRIMS - TO MATCH FINISHMENT	25	PAINTED FINISH - GREEN
2	PAINTED FINISH - LIGHT GREY	8	PAINTED FINISH - METAL ROOF SHEETING TO MATCH BRANDER BRIMS	14	CONCRETE BASE OF METAL ROOF SHEETING - LIGHT GREY	20	PAINTED FINISH - TO MATCH FINISHMENT	26	METAL ROOF SHEETING - LIGHT GREY
3	METAL BRIMS OF BRIMS & DOWNPIPES - TO MATCH FINISHMENT	9	PERFORMANCE METAL GLASS - TO MATCH FINISHMENT	15	CONCRETE BASE OF METAL ROOF SHEETING - LIGHT GREY	21	CONCRETE CLADDING - TO MATCH FINISHMENT	27	CONCRETE CLADDING - TO MATCH FINISHMENT
4	PAINTED FINISH - DARK GREY	10	CONCRETE BASE OF METAL ROOF SHEETING - LIGHT GREY	16	CONCRETE BASE OF METAL ROOF SHEETING - LIGHT GREY	22	CONCRETE CLADDING - TO MATCH FINISHMENT	28	CONCRETE CLADDING - TO MATCH FINISHMENT
5	PAINTED FINISH - LIGHT GREY	11	METAL WALL SHEETING - TO MATCH BRANDER BRIMS	17	CONCRETE BASE OF METAL ROOF SHEETING - LIGHT GREY	23	CONCRETE CLADDING - TO MATCH FINISHMENT	29	CONCRETE CLADDING - TO MATCH FINISHMENT
6	PERFORMANCE METAL GLASS - TO MATCH FINISHMENT	12	ALUMINIUM PANEL - TO MATCH BRANDER BRIMS	18	CONCRETE BASE OF METAL ROOF SHEETING - LIGHT GREY	24	CONCRETE CLADDING - TO MATCH FINISHMENT	30	CONCRETE CLADDING - TO MATCH FINISHMENT

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 ARCHITECTURAL PARTNERS (BY EMAIL) 02 91 463 1122
 1/411 STONEY HILL ROAD, STONEY HILL NSW 1588
 1/41 STONEY HILL ROAD, STONEY HILL NSW 1588

10610 DA022

AM ES A1 1:200

DATE: 10/11/2023

SCALE: C

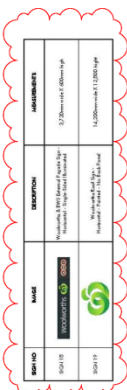
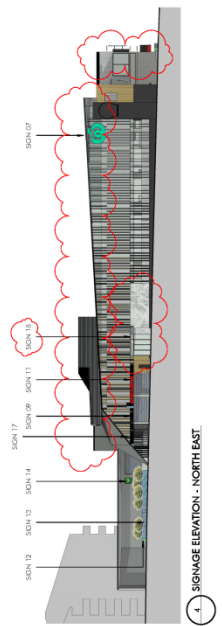
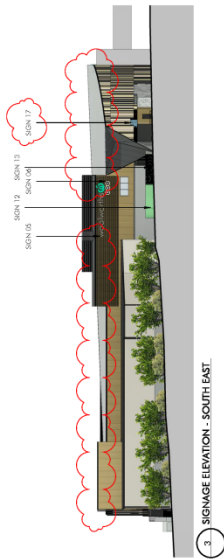
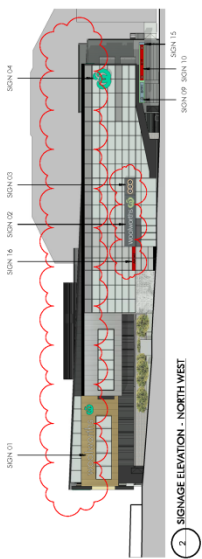
Project Name
WOOLWORTHS Ashfield

Project Address
202 - 220 Parramatta Road, Ashfield

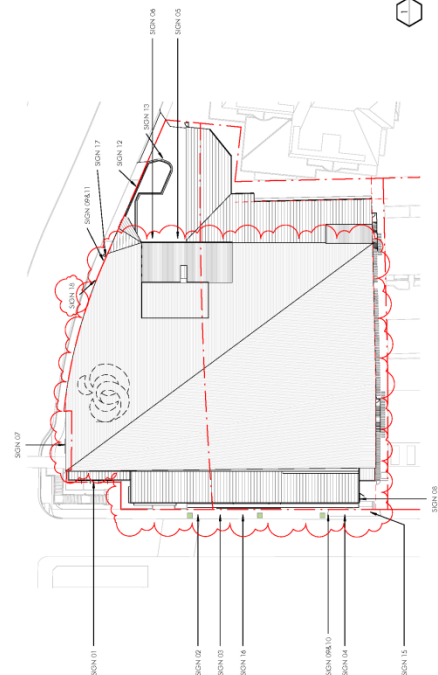
Notes:

1. All finishes are to be applied in accordance with the manufacturer's instructions.
2. All finishes are to be applied in accordance with the manufacturer's instructions.
3. All finishes are to be applied in accordance with the manufacturer's instructions.
4. All finishes are to be applied in accordance with the manufacturer's instructions.





SHARD	MASS	DESCRIPTION	MARKETABLES
SHAR1		Woolworths Main Store	12.70m x 6.10m x 1.00m high
SHAR2		Woolworths Eco Store	12.70m x 6.10m x 1.00m high
SHAR3		Woolworths Community Store	12.70m x 6.10m x 1.00m high
SHAR4		Woolworths Main Store	12.70m x 6.10m x 1.00m high
SHAR5		Woolworths Eco Store	12.70m x 6.10m x 1.00m high
SHAR6		Woolworths Community Store	12.70m x 6.10m x 1.00m high
SHAR7		Woolworths Main Store	12.70m x 6.10m x 1.00m high
SHAR8		Woolworths Eco Store	12.70m x 6.10m x 1.00m high
SHAR9		Woolworths Community Store	12.70m x 6.10m x 1.00m high
SHAR10		Woolworths Main Store	12.70m x 6.10m x 1.00m high
SHAR11		Woolworths Eco Store	12.70m x 6.10m x 1.00m high
SHAR12		Woolworths Community Store	12.70m x 6.10m x 1.00m high
SHAR13		Woolworths Main Store	12.70m x 6.10m x 1.00m high
SHAR14		Woolworths Eco Store	12.70m x 6.10m x 1.00m high
SHAR15		Woolworths Community Store	12.70m x 6.10m x 1.00m high
SHAR16		Woolworths Main Store	12.70m x 6.10m x 1.00m high
SHAR17		Woolworths Eco Store	12.70m x 6.10m x 1.00m high
SHAR18		Woolworths Community Store	12.70m x 6.10m x 1.00m high
SHAR19		Woolworths Main Store	12.70m x 6.10m x 1.00m high
SHAR20		Woolworths Eco Store	12.70m x 6.10m x 1.00m high
SHAR21		Woolworths Community Store	12.70m x 6.10m x 1.00m high



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Project Name: WOOLWORTHS Ashfield
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Key Plan

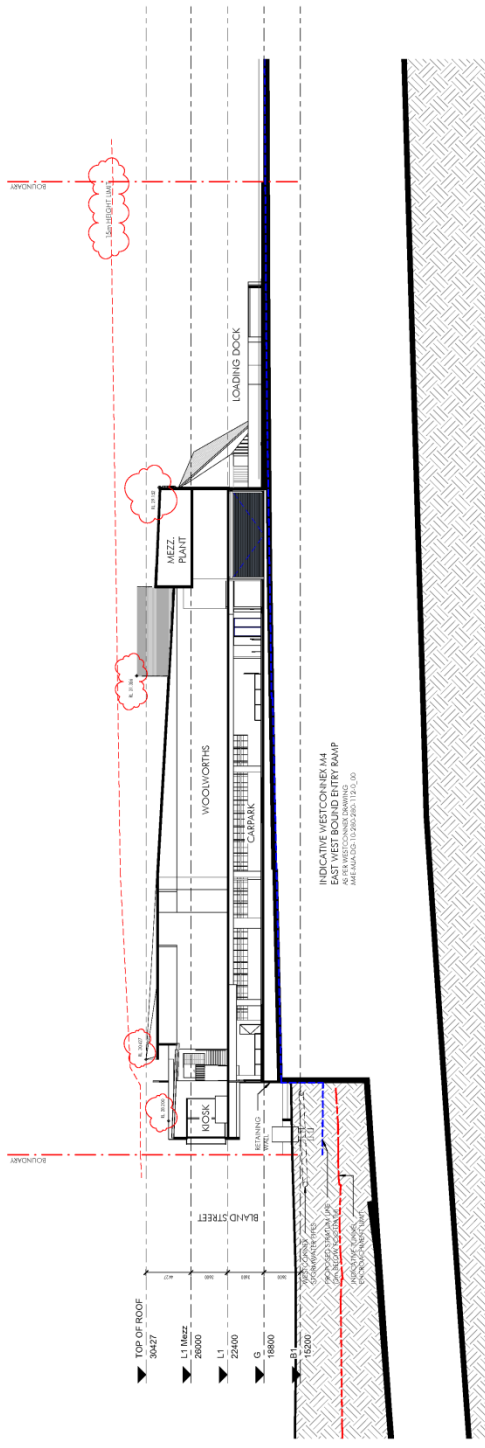
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106110_DAO23

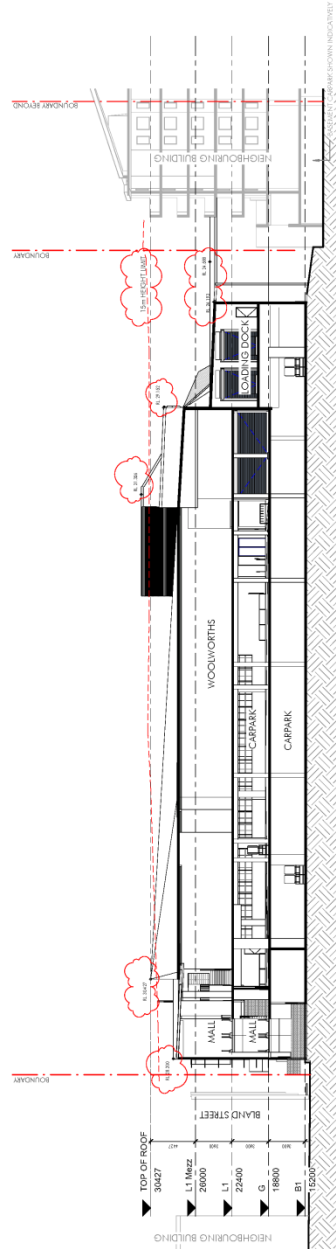
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Project Name: WOOLWORTHS Ashfield
Project Address: 202-220 Parramatta Road, Ashfield

Woolworths logo



A Section A
1:200



B Section B
1:200



SECTIONS SHEET 1
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10610_DA031
D

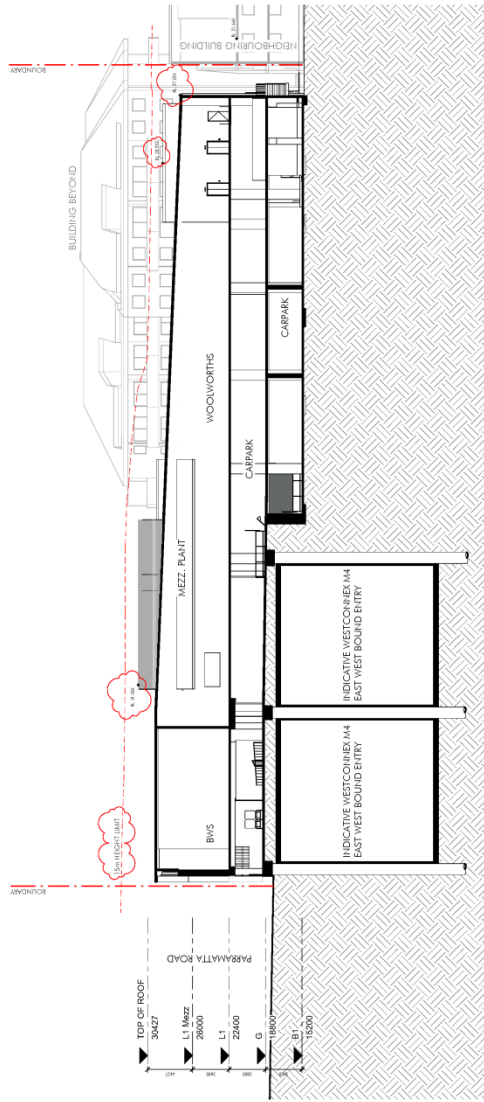


Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

Scale: 1:200
Date: 10/10/2023
Drawing No: 10610_DA031
Revision: 1

No.	Description	Date
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2	Issue for Approval	10/10/2023
3	Issue for Construction	10/10/2023

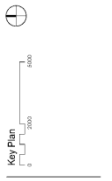




SECTION C
1:100

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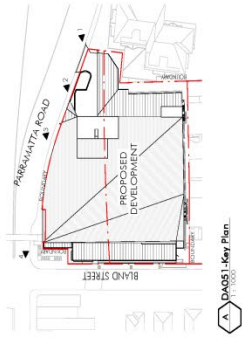


Project Name
 WOOLWORTHS Ashfield
Project Address
 202 - 220 Parramatta Road, Ashfield

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No.	Revisions

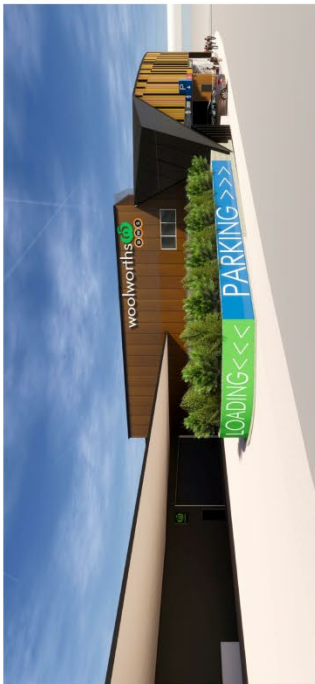




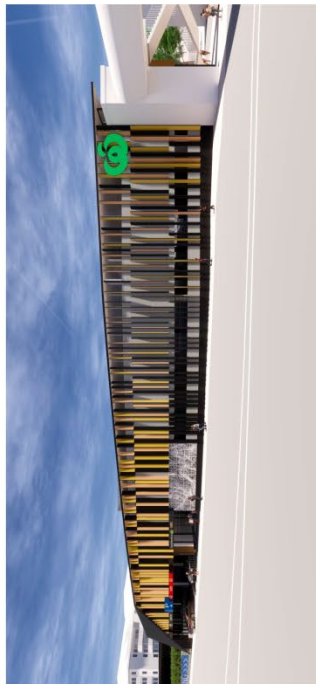
VIEW 2



VIEW 4



VIEW 1

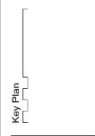


VIEW 3

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 117 White Horse Road, Green Hill, NSW 2060
 n@nettleontribe.com.au | w.nettleontribe.com.au

PERSPECTIVES - SHEET 1

Project No: **AM ES A1**
 Drawing No: **10610_DA051**
 Title: **B**

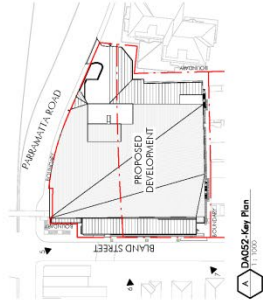


Project Name
WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield

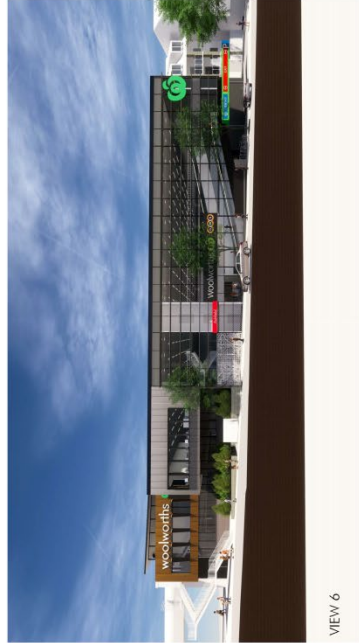
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 Author: [Name]
 Checked: [Name]
 Approved: [Name]

NO.	REVISION	DATE





VIEW 5



VIEW 6



VIEW 7

Key Plan

PERSPECTIVES - SHEET 2			
VIEW	SCALE	DATE	BY
AW	ES	A1	B
Drawing Number			10610_DA052

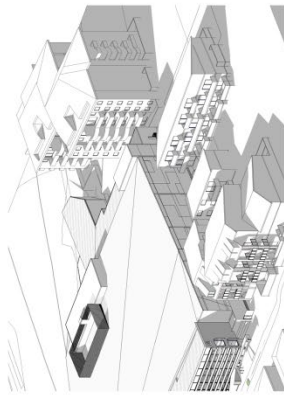
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WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield



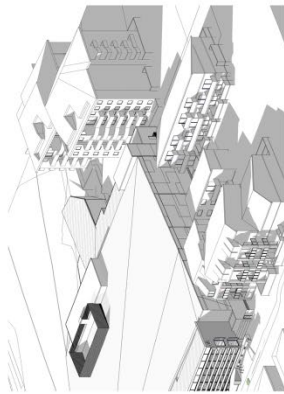
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 nettletontribe.com.au
 Level 10, 175 Pitt Street, Sydney NSW 2000
 Ph: (02) 9550 5000
 Fax: (02) 9550 5001

No.	Description	Quantity	Unit
1			
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4			
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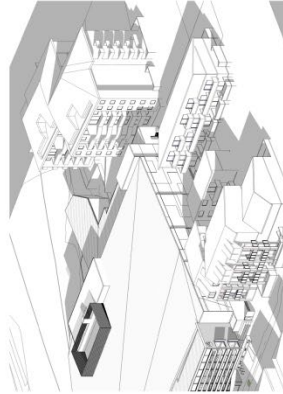




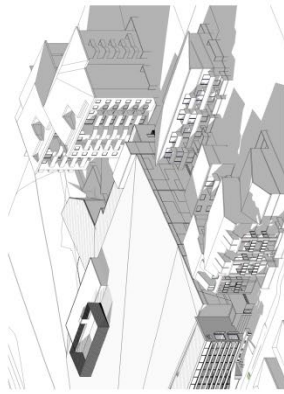
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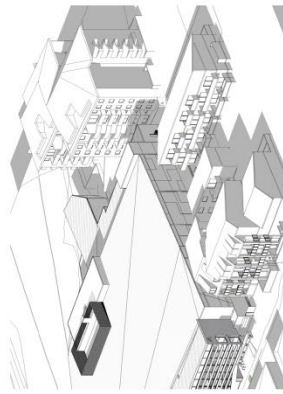
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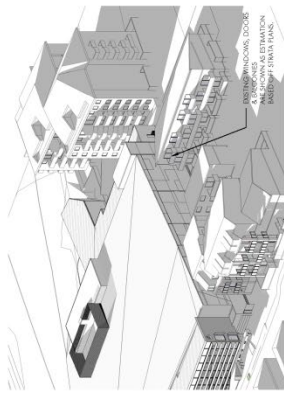
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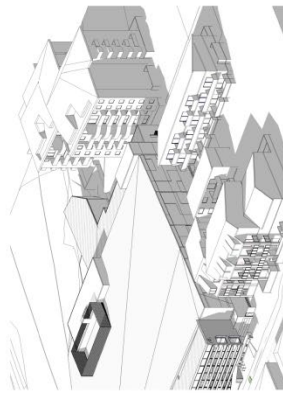
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6. JUNE 21st - 2PM



1. JUNE 21st - 9AM



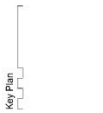
5. JUNE 21st - 1PM

EXISTING WINDOWS, DOORS
AND GLAZING AS ESTIMATED
BASED ONP 2016A PLANS.

PART OF EXISTING BUILDING
IS SHOWN AS ESTIMATED.

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STANDARD Dwg No. PROPOSED DA -
BLAND ST APARTMENTS
BH ES A1 NTS
10610 DA073
Date C



Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

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No.	Description	Date
1	Issue for public comment	21/06/2016
2	Issue for public comment	21/06/2016
3	Issue for public comment	21/06/2016
4	Issue for public comment	21/06/2016
5	Issue for public comment	21/06/2016
6	Issue for public comment	21/06/2016
7	Issue for public comment	21/06/2016
8	Issue for public comment	21/06/2016
9	Issue for public comment	21/06/2016
10	Issue for public comment	21/06/2016



GFA AREA SCHEDULE

Allocation	Area
B1	77m ²
GROUND	483m ²
L1 Mezz	213m ²
CARPARKING above DCP req.	901m ²
TOTAL	5,930m²
SITE AREA	6,171m²
FSK	0.17/1

GFA RETAIL BREAKDOWN

Allocation	Area
WOW SUPERMARKET	3,070m ²
WOW CAR STORE	1,330m ²
KIOSK CAFE	623m ²
MALL	50m ²
OFFICE & LOADING	503m ²

PARKING SCHEDULE

Type	Count
CAR 5500/2600	65

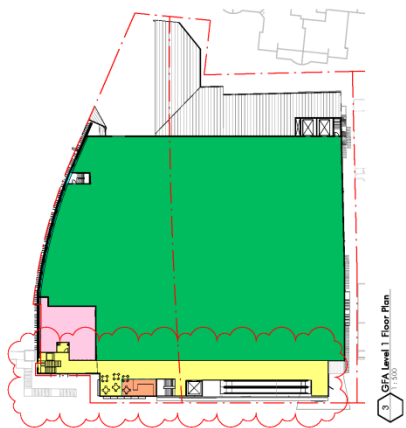
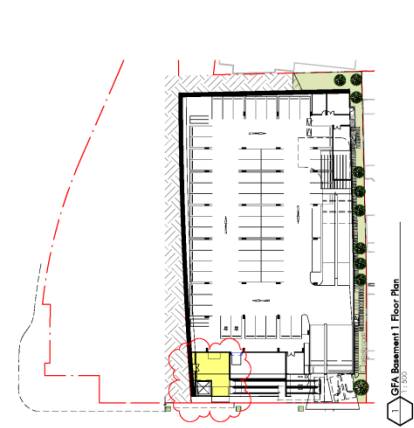
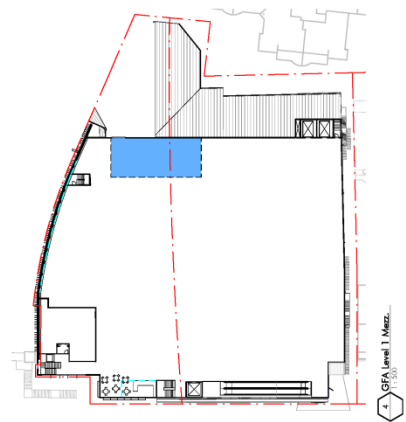
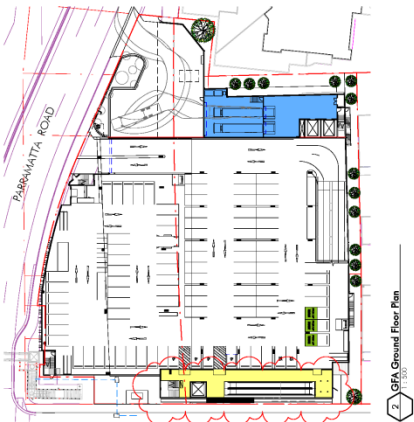
TOTAL PICK UP / LOADING SPACES

GROUND	87
DISABLE	4
CAR 5500/3000	4
TOTAL	94

PER DCP REQ. 1 SPACE PER 4000mm² (net) (space)

BIKE PARKING SCHEDULE

Allocation	Count
B1	5
GROUND	21
TOTAL	26



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DEVELOPMENT AREA - GFA & CARPARK NUMBERS

BH	ES	A1	1500	Area	C
10610	DA091				

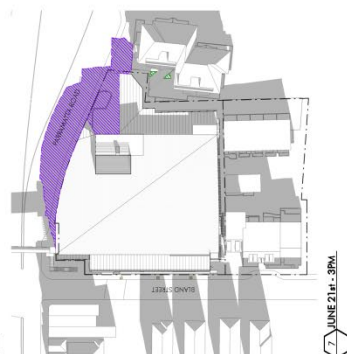
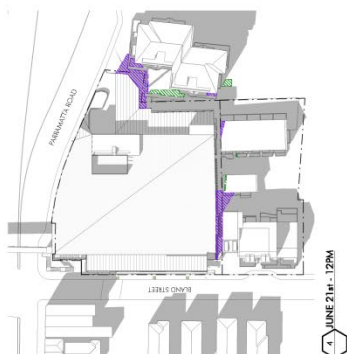
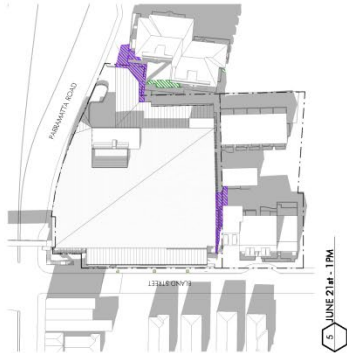
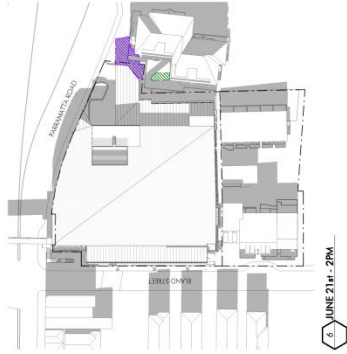
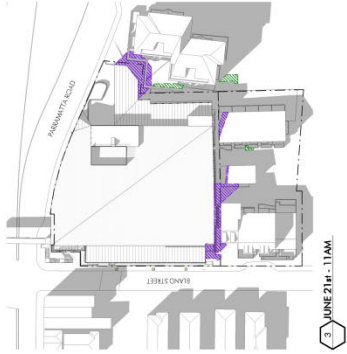
Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

Key Plan

Area	Color
Woolworths	Green
Car Store	Blue
Office & Loading	Yellow
Mall	Orange
Kiosk Cafe	Pink
Other	Grey

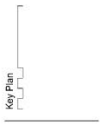


- LEGEND**
- OVERSHADOW DECREASE COMPARED TO EXISTING STRUCTURE
 - OVERSHADOW INCREASE COMPARED TO EXISTING STRUCTURE
 - - - - - PROPERTY BOUNDARY



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 02 9550 8528

SHADOW DIAGRAMS - EXISTING STRUCTURE COMPARISON	
BH	ES
A1	NTS
10610_SK126	A

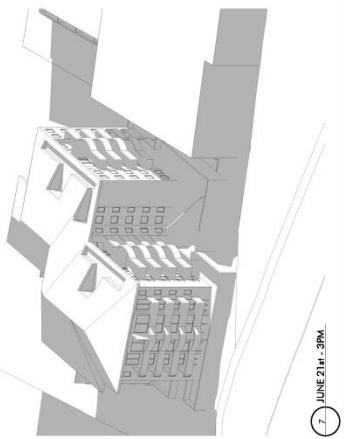
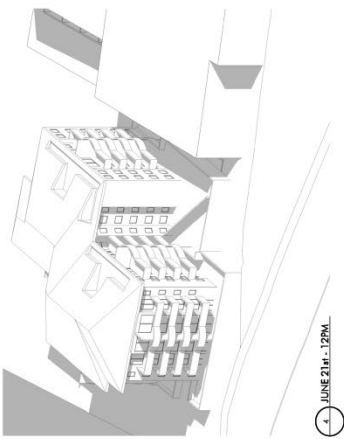
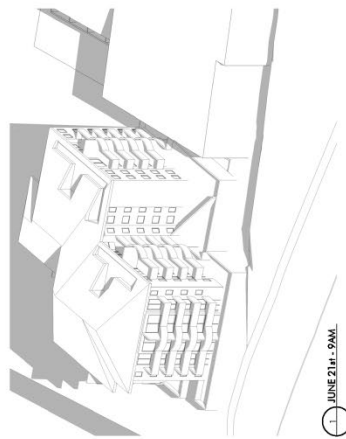
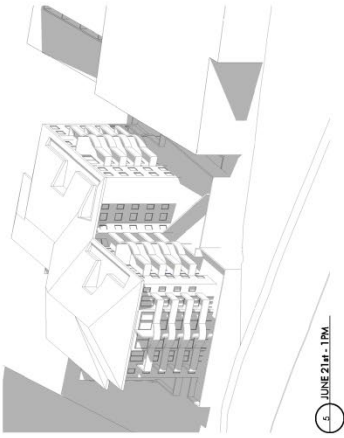
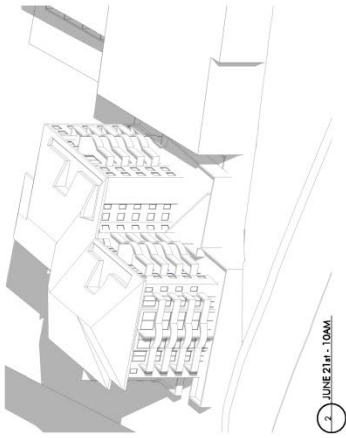
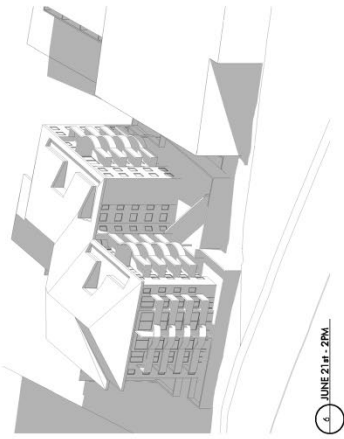
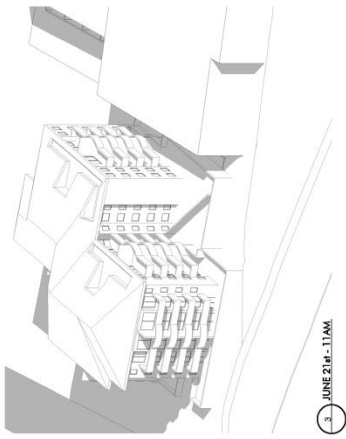


Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

As shown, this site plan is a representation of the proposed development and is not intended to be used as a legal document. It is subject to the approval of the relevant authorities. The final design and construction may differ from this plan.

NO.	DESCRIPTION





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SHADOW ELEVATIONS - EXISTING
STRUCTURE CHANDOS ST.
BH ES A1 NTS
10610_SK127

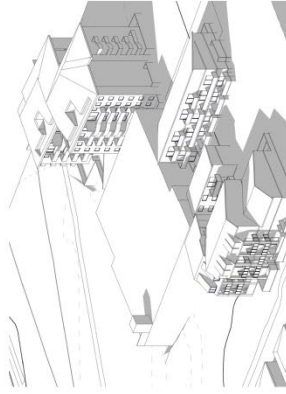
Key Plan

Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

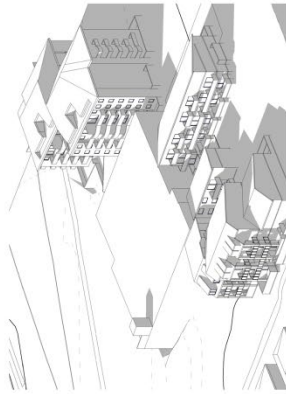
1. This drawing is a computer-generated rendering of the proposed development and is not intended to be used for construction purposes. It is provided for informational purposes only and does not constitute a contract. The design and construction of the proposed development is subject to the approval of the relevant authority.



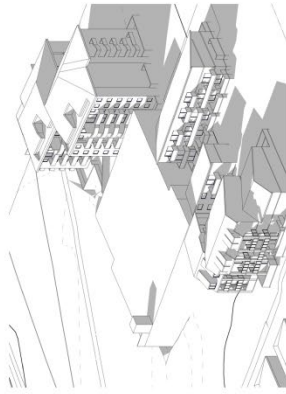
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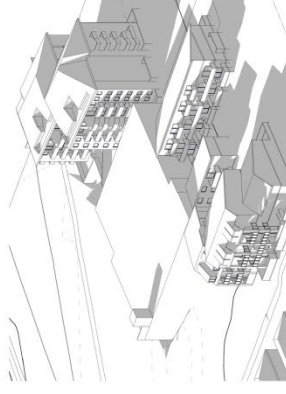
4 JUNE 21st - 12PM



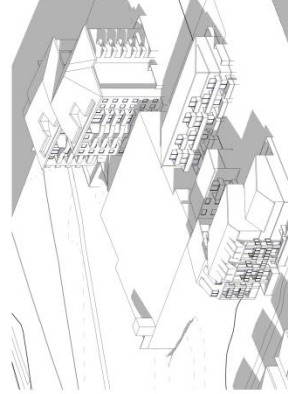
3 JUNE 21st - 11AM



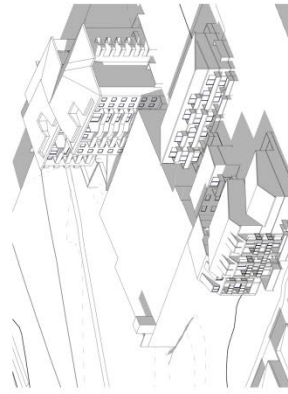
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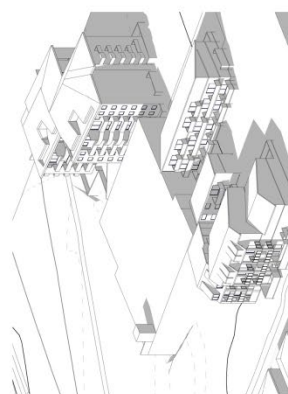
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7 JUNE 21st - 3PM



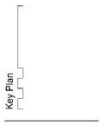
6 JUNE 21st - 2PM



5 JUNE 21st - 1PM



SHADOW ELEVATIONS - EXISTING
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10610_SK129
Scale: 1:100

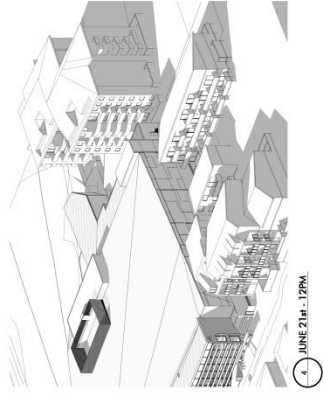


Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

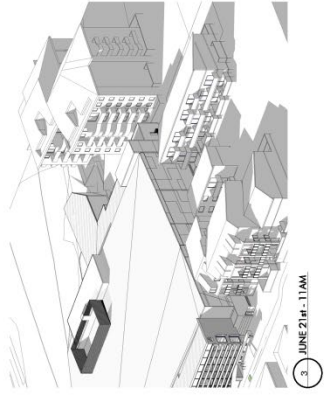
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NO.	REVISION	DATE

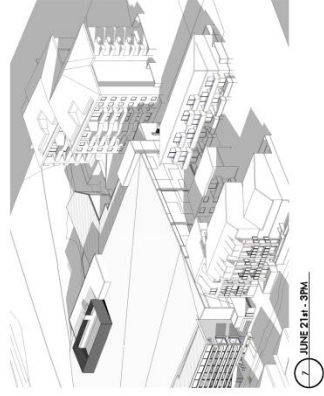




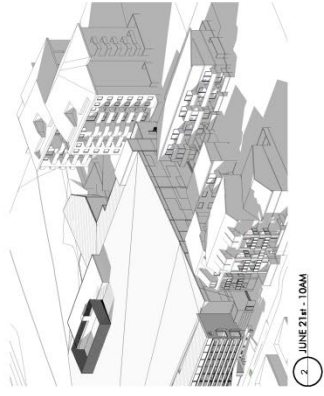
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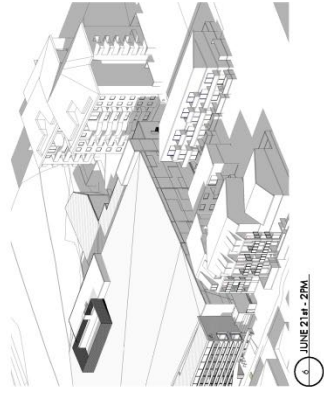
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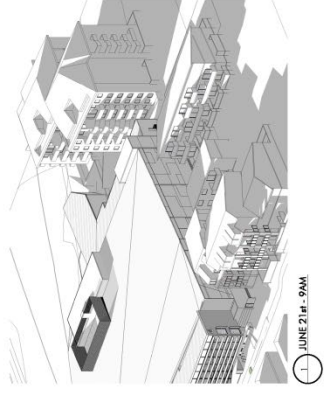
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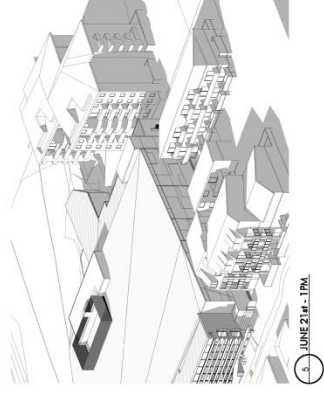
2. JUNE 21st - 10AM



6. JUNE 21st - 2PM



1. JUNE 21st - 9AM



5. JUNE 21st - 1PM

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SHADOW ELEVATIONS - PROPOSED DA
BLAND ST.
 BH ES AT NTS
 10610_SK130 Year A

Key Plan

Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

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No.	REVISIONS



APARTMENT NO.	FLOOR AREA	MAXIMUM GROSS FLOOR AREA	MAXIMUM GROSS FLOOR AREA %
PT 01	24.20sqm	64.00sqm	37.81%
PT 02	27.70sqm	70.00sqm	39.57%
PT 03	27.70sqm	70.00sqm	39.57%
PT 04	24.20sqm	64.00sqm	37.81%
PT 05	24.20sqm	64.00sqm	37.81%
PT 06	24.20sqm	64.00sqm	37.81%
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PT 100	24.20sqm	64.00sqm	37.81%



SHADOW DIAGRAMS - EXISTING STRUCTURE BLANDST. GROUND

BH ES A1 NTS

10610_SK131

Project Name: **WOOLWORTHS Ashfield**
 Project Address: **202 - 220 Parramatta Road, Ashfield**

Key Plan



APARTMENT NO.	FLOOR	DIMENSION OF SHEDDING	SHEDDING %
PT 06 OPEN SPACE 11.0m ²	9 AM	12.0m ²	100%
	11 AM	26.1m ²	100%
	13 AM	26.1m ²	100%
PT 07 OPEN SPACE 24.0m ²	9 AM	12.0m ²	50%
	11 AM	12.0m ²	50%
	13 AM	10.0m ²	42%
PT 08 OPEN SPACE 22.0m ²	9 AM	18.0m ²	82%
	11 AM	13.0m ²	59%
	13 AM	13.0m ²	59%
PT 16 OPEN SPACE 10.0m ²	9 AM	10.0m ²	100%
	11 AM	10.0m ²	100%
	13 AM	10.0m ²	100%
PT 22 OPEN SPACE 11.0m ²	9 AM	11.0m ²	100%
	11 AM	11.0m ²	100%
	13 AM	11.0m ²	100%
PT 24 OPEN SPACE 11.0m ²	9 AM	11.0m ²	100%
	11 AM	11.0m ²	100%
	13 AM	11.0m ²	100%
PT 25 OPEN SPACE 11.0m ²	9 AM	11.0m ²	100%
	11 AM	11.0m ²	100%
	13 AM	11.0m ²	100%
PT 26 OPEN SPACE 11.0m ²	9 AM	11.0m ²	100%
	11 AM	11.0m ²	100%
	13 AM	11.0m ²	100%

NOTE: NO OPEN SPACE ON APARTMENTS PT 04 & PT 05.
ACCORDING TO DIMENSIONARY PLAN SHEET 4 OF SP0253



SHEDDING DIAGRAMS - EXISTING
STRUCTURE BANDST L1
BH ES AT NTS
10610_SK132

Key Plan

Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

DATE: 15/06/2023
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:100

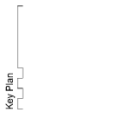
NO.	REVISION



PARAMETER NO.	MIN	SHADOW ON	SHADOW ON
PT 09 OPEN SPACE: 10.1m ²	9.0M	12.1m ²	100%
	11.0M	12.1m ²	100%
	12.0M	12.1m ²	100%
	2.0M	12.1m ²	100%
TOTAL AVAILAGE: 100%			
PT 10 OPEN SPACE: 10.1m ²	9.0M	10.0m ²	82.6%
	10.0M	11.0m ²	87.0%
	11.0M	11.0m ²	87.0%
	2.0M	11.0m ²	87.0%
TOTAL AVAILAGE: 87.0%			
PT 11 OPEN SPACE: 12.1m ²	9.0M	12.1m ²	100%
	11.0M	12.1m ²	100%
	12.0M	12.1m ²	100%
	2.0M	12.1m ²	100%
TOTAL AVAILAGE: 100%			
PT 12 OPEN SPACE: 12.1m ²	9.0M	2.0m ²	26.1%
	10.0M	2.0m ²	26.1%
	11.0M	1.0m ²	12.6%
	2.0M	2.0m ²	26.1%
TOTAL AVAILAGE: 47.8%			
PT 13 OPEN SPACE: 10.0m ²	9.0M	12.1m ²	100%
	10.0M	12.1m ²	100%
	11.0M	12.1m ²	100%
	2.0M	12.1m ²	100%
TOTAL AVAILAGE: 100%			
PT 14 OPEN SPACE: 12.1m ²	9.0M	2.0m ²	26.1%
	10.0M	2.0m ²	26.1%
	11.0M	1.0m ²	12.6%
	2.0M	2.0m ²	26.1%
TOTAL AVAILAGE: 47.8%			
PT 22 OPEN SPACE: 5.2m ²	9.0M	4.0m ²	86.4%
	10.0M	4.0m ²	86.4%
	11.0M	5.2m ²	100%
	2.0M	5.2m ²	100%
TOTAL AVAILAGE: 92.7%			
PT 23 OPEN SPACE: 5.2m ²	9.0M	4.0m ²	86.4%
	10.0M	4.0m ²	86.4%
	11.0M	5.2m ²	100%
	2.0M	5.2m ²	100%
TOTAL AVAILAGE: 92.7%			
PT 24 OPEN SPACE: 5.2m ²	9.0M	5.2m ²	100%
	10.0M	5.2m ²	100%
	11.0M	5.2m ²	100%
	2.0M	5.2m ²	100%
TOTAL AVAILAGE: 100%			
PT 25 OPEN SPACE: 5.2m ²	9.0M	5.2m ²	100%
	10.0M	5.2m ²	100%
	11.0M	5.2m ²	100%
	2.0M	5.2m ²	100%
TOTAL AVAILAGE: 100%			



SHADOW DIAGRAMS - EXISTING STRUCTURE BLANDST. L2	
BH	ES
AT	NIS
10610_SK133	Sheet A



Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

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NO.	REVISIONS





APARTMENT NO.	THE APARTMENT	AREA (sqm)	% OF TOTAL AREA
PT 01	11 AM	27.7sqm	100%
PT 02	10 AM	26.6sqm	96.5%
PT 03	18 AM	26.6sqm	100%
PT 04	18 AM	26.6sqm	100%
PT 05	18 AM	26.6sqm	100%
PT 06	18 AM	26.6sqm	100%
PT 07	18 AM	26.6sqm	100%
PT 08	18 AM	26.6sqm	100%
PT 09	18 AM	26.6sqm	100%
PT 10	18 AM	26.6sqm	100%
PT 11	18 AM	26.6sqm	100%
PT 12	18 AM	26.6sqm	100%
PT 13	18 AM	26.6sqm	100%
PT 14	18 AM	26.6sqm	100%
PT 15	18 AM	26.6sqm	100%
PT 16	18 AM	26.6sqm	100%
PT 17	18 AM	26.6sqm	100%
PT 18	18 AM	26.6sqm	100%
PT 19	18 AM	26.6sqm	100%
PT 20	18 AM	26.6sqm	100%
PT 21	18 AM	26.6sqm	100%
PT 22	18 AM	26.6sqm	100%
PT 23	18 AM	26.6sqm	100%
PT 24	18 AM	26.6sqm	100%
PT 25	18 AM	26.6sqm	100%
PT 26	18 AM	26.6sqm	100%
PT 27	18 AM	26.6sqm	100%
PT 28	18 AM	26.6sqm	100%
PT 29	18 AM	26.6sqm	100%
PT 30	18 AM	26.6sqm	100%
PT 31	18 AM	26.6sqm	100%
PT 32	18 AM	26.6sqm	100%
PT 33	18 AM	26.6sqm	100%
PT 34	18 AM	26.6sqm	100%
PT 35	18 AM	26.6sqm	100%
PT 36	18 AM	26.6sqm	100%
PT 37	18 AM	26.6sqm	100%
PT 38	18 AM	26.6sqm	100%
PT 39	18 AM	26.6sqm	100%
PT 40	18 AM	26.6sqm	100%
PT 41	18 AM	26.6sqm	100%
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PT 60	18 AM	26.6sqm	100%
PT 61	18 AM	26.6sqm	100%
PT 62	18 AM	26.6sqm	100%
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PT 80	18 AM	26.6sqm	100%
PT 81	18 AM	26.6sqm	100%
PT 82	18 AM	26.6sqm	100%
PT 83	18 AM	26.6sqm	100%
PT 84	18 AM	26.6sqm	100%
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PT 86	18 AM	26.6sqm	100%
PT 87	18 AM	26.6sqm	100%
PT 88	18 AM	26.6sqm	100%
PT 89	18 AM	26.6sqm	100%
PT 90	18 AM	26.6sqm	100%
PT 91	18 AM	26.6sqm	100%
PT 92	18 AM	26.6sqm	100%
PT 93	18 AM	26.6sqm	100%
PT 94	18 AM	26.6sqm	100%
PT 95	18 AM	26.6sqm	100%
PT 96	18 AM	26.6sqm	100%
PT 97	18 AM	26.6sqm	100%
PT 98	18 AM	26.6sqm	100%
PT 99	18 AM	26.6sqm	100%
PT 100	18 AM	26.6sqm	100%

nettleontribe
 residential development plan for 10610 SK134
 14/12/2023
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SHAWSON DIAGRAMS - PROPOSED DA
 BLAND ST. GROUND
 BH ES
 A1
 NTS
 10610_SK134
 A

Project Name
WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield

Scale: 1:100
 Date: 14/12/23

NO.	REVISION	DATE





NOTE: NO OPEN SPACES ON APARTMENTS PT 04 & PT 05.
ACCORDING TO MINIMUM UNIT RATION SHEET # 03 (REVISED)

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SHAWDOWN/GRAMES - PROPOSED DA
BLAND ST. L1

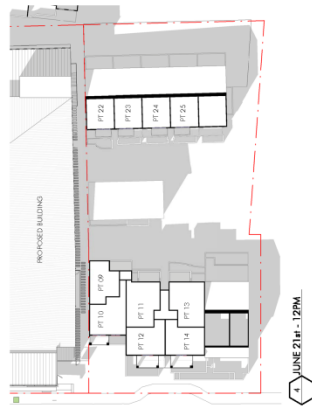
BH ES AT NTS
10610_SK135

Project Name
WOOLWORTHS Ashfield

Project Address
202 - 220 Parramatta Road, Ashfield

Key Plan

PARAMETER NO.	TIME	BLAND ST. - PROPOSED DA	BLAND ST. - PROPOSED DA
FF 09 OPEN SPACE: 12.1m ²	R.A.M.	12.1m ²	100%
	11.AA	12.1m ²	100%
	11.PA	12.1m ²	100%
	2.9A	12.1m ²	100%
TOTAL AVAILABILITY		100%	
FF 10 OPEN SPACE: 12.1m ²	R.A.M.	12.1m ²	100%
	11.AA	6.2m ²	51.2%
	11.PA	6.2m ²	51.2%
	2.9A	5.5m ²	45.4%
TOTAL AVAILABILITY		100%	
FF 11 OPEN SPACE: 12.1m ²	R.A.M.	12.1m ²	100%
	11.AA	12.1m ²	100%
	11.PA	12.1m ²	100%
	2.9A	12.1m ²	100%
TOTAL AVAILABILITY		100%	
FF 12 OPEN SPACE: 12.1m ²	R.A.M.	12.7m ²	105.6%
	11.AA	2.9m ²	22.8%
	11.PA	17.7m ²	141.1%
	2.9A	1.5m ²	11.7%
TOTAL AVAILABILITY		127.4%	
FF 13 OPEN SPACE: 10.8m ²	R.A.M.	10.8m ²	100%
	11.AA	10.8m ²	100%
	11.PA	10.8m ²	100%
	2.9A	10.8m ²	100%
TOTAL AVAILABILITY		100%	
FF 14 OPEN SPACE: 12.1m ²	R.A.M.	12.1m ²	100%
	10.AA	2.6m ²	21.5%
	11.PA	1.7m ²	14.1%
	2.9A	1.6m ²	13.2%
TOTAL AVAILABILITY		100%	
FF 20 OPEN SPACE: 5.2m ²	R.A.M.	5.2m ²	100%
	10.AA	5.2m ²	100%
	11.AA	5.2m ²	100%
	2.9A	5.2m ²	100%
TOTAL AVAILABILITY		100%	
FF 23 OPEN SPACE: 5.2m ²	R.A.M.	5.2m ²	100%
	11.AA	4.7m ²	90.4%
	11.PA	4.6m ²	88.5%
	2.9A	5.2m ²	100%
TOTAL AVAILABILITY		100%	
FF 24 OPEN SPACE: 5.2m ²	R.A.M.	5.2m ²	100%
	10.AA	4.7m ²	90.4%
	11.AA	4.6m ²	88.5%
	2.9A	5.2m ²	100%
TOTAL AVAILABILITY		100%	
FF 25 OPEN SPACE: 5.2m ²	R.A.M.	5.2m ²	100%
	11.AA	5.2m ²	100%
	11.PA	5.2m ²	100%
	2.9A	5.2m ²	100%
TOTAL AVAILABILITY		100%	



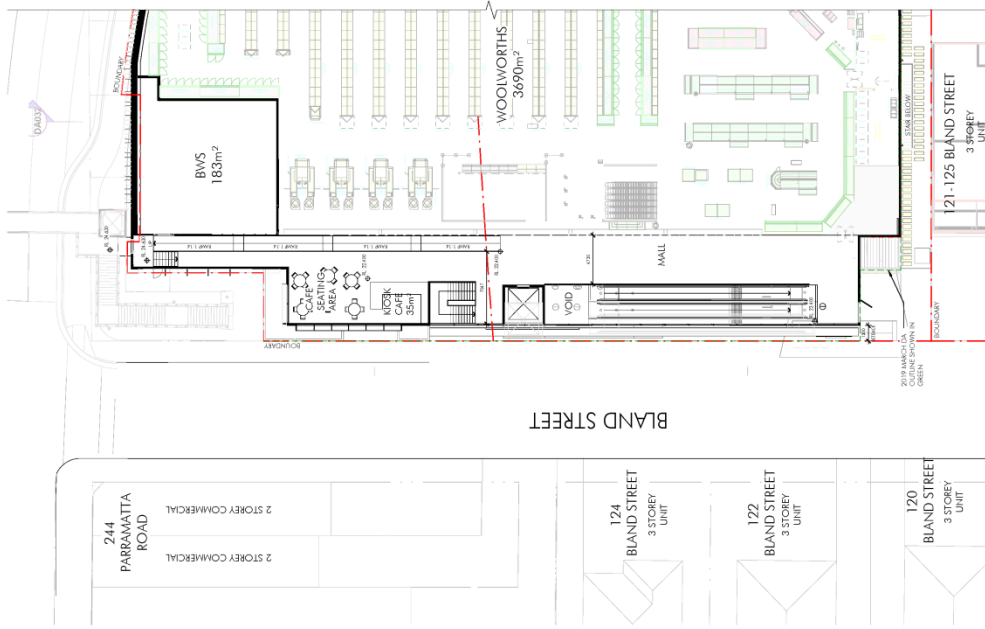
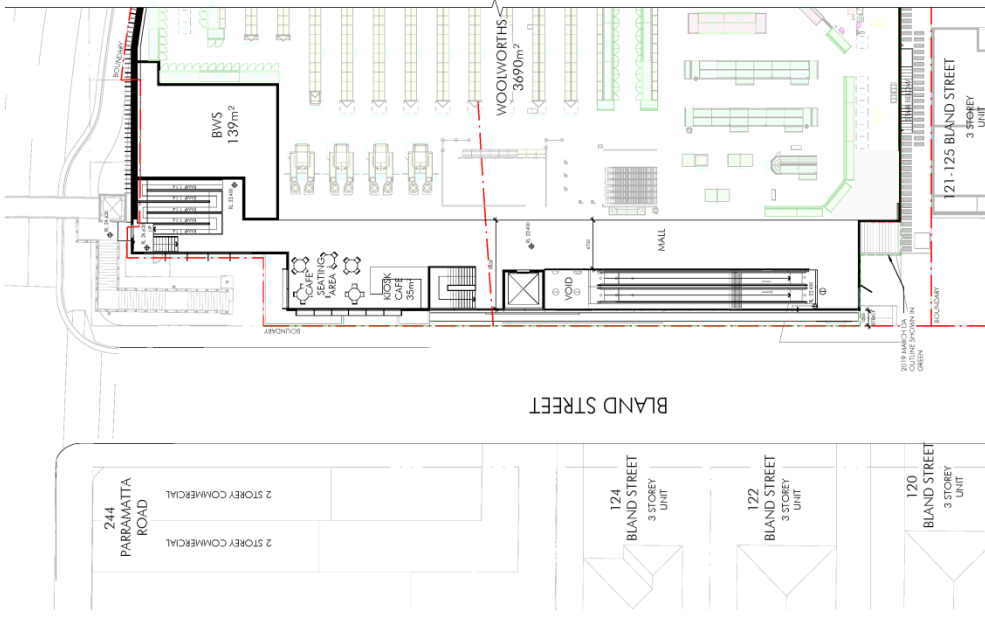
nettletontribe
 residential development Pty Ltd (ABN 63) 151 883 132
 14/177/2021/0211 - Council Name: Nettleton Tribe
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Key Plan

SHAWMONT/DARMS - PROPOSED DA
BLAND ST. L2
 BH ES A1 NTS
 10610_SK136
 Scale: 1:1000

Project Name
WOOLWORTHS Ashfield
Project Address
202 - 220 Parramatta Road, Ashfield

WOOLWORTHS



2 RAMP OPTION 2

1 RAMP OPTION 1

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 111 170 0000

LEVEL 1 TO RESTRANAIN BRIDGE
 ACCESSIBILITY OPTIONS

BH ES A1 L200

10610_SK137

Key Plan

Project Name
WOOLWORTHS Ashfield
 Project Address
202 - 220 Parramatta Road, Ashfield

1	Woolworths
2	Commercial Units
3	Residential Units
4	Public Spaces
5	Landscaping
6	Structural Elements
7	Other



202-220 PARRAMATTA ROAD

ASHFIELD NSW 2131

LANDSCAPE DA DOCUMENTATION

KEY PLAN



DRAWING REGISTER

DRAWING NUMBER	DRAWING NAME	SCALE / SIZE
LDA-00	LANDSCAPE COVER SHEET	N/A
LDA-01	EXISTING TREE PLAN	1:500 @ A3
LDA-02	LANDSCAPE PLAN	1:500 @ A3
LDA-03	LANDSCAPE DETAILS	N/A

GROUND INK
LANDSCAPE ARCHITECTS

Suite 201, 75 Archer Street
 Chiswick, NSW 2037
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 Registered Landscape Architect: Paul Copeman # 7913

LANDSCAPE COVER SHEET

202-220 Parramatta Road
Ashfield NSW 2131
LDA-00
Rev A | 30-Aug-19

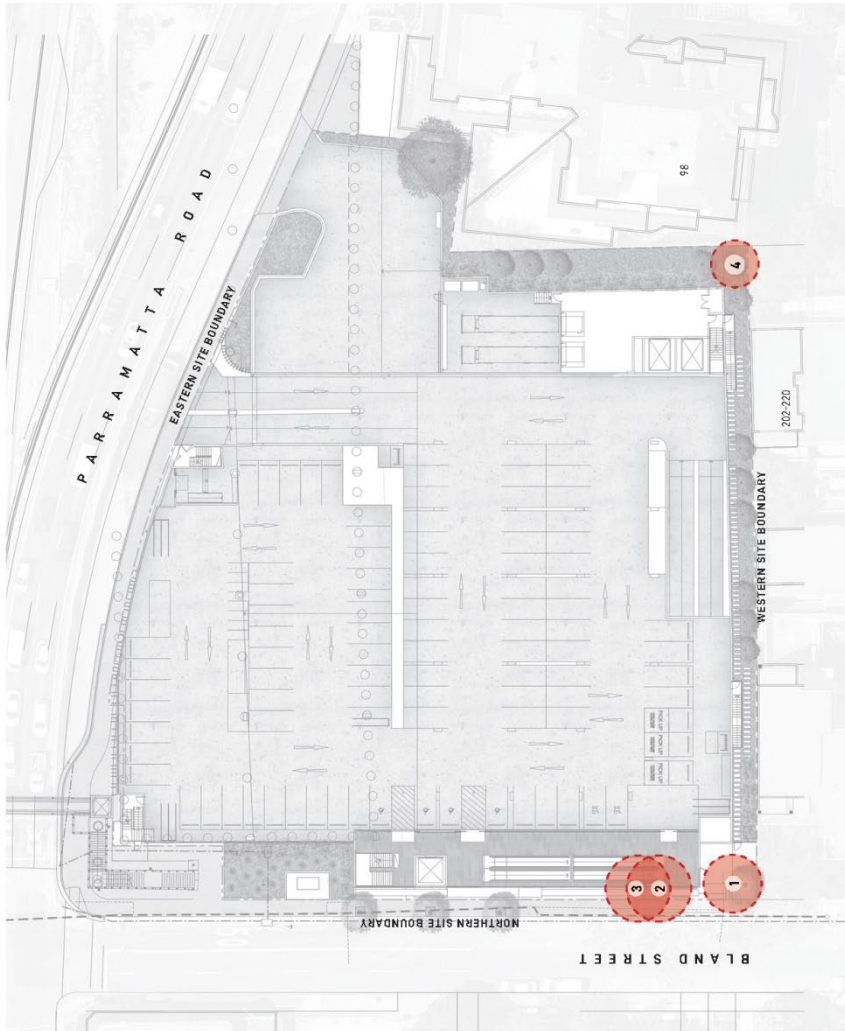
LEGEND

 Existing tree to be removed

EXISTING TREE SCHEDULE

ID	DESCRIPTION	EXISTING HEIGHT*	PROPOSED ACTION
1	<i>Eucalyptus nicholii</i> (Narrow Leaved Paperbark)	15m	Remove
2	<i>Corymbia citriodora</i> (Lemon Scented Gum)	16m	Remove
3	<i>Corymbia citriodora</i> (Lemon Scented Gum)	7m	Remove
4	<i>Eucalyptus</i> sp.	7m	Remove

* Existing tree height sourced from Arboricultural Impact Assessment Report prepared by Mergat Blues dated Nov. 2018



202-220 Parramatta Road
Ashfield NSW 2131
LDA-01
Rev A | 30-Aug-19

EXISTING TREE PLAN

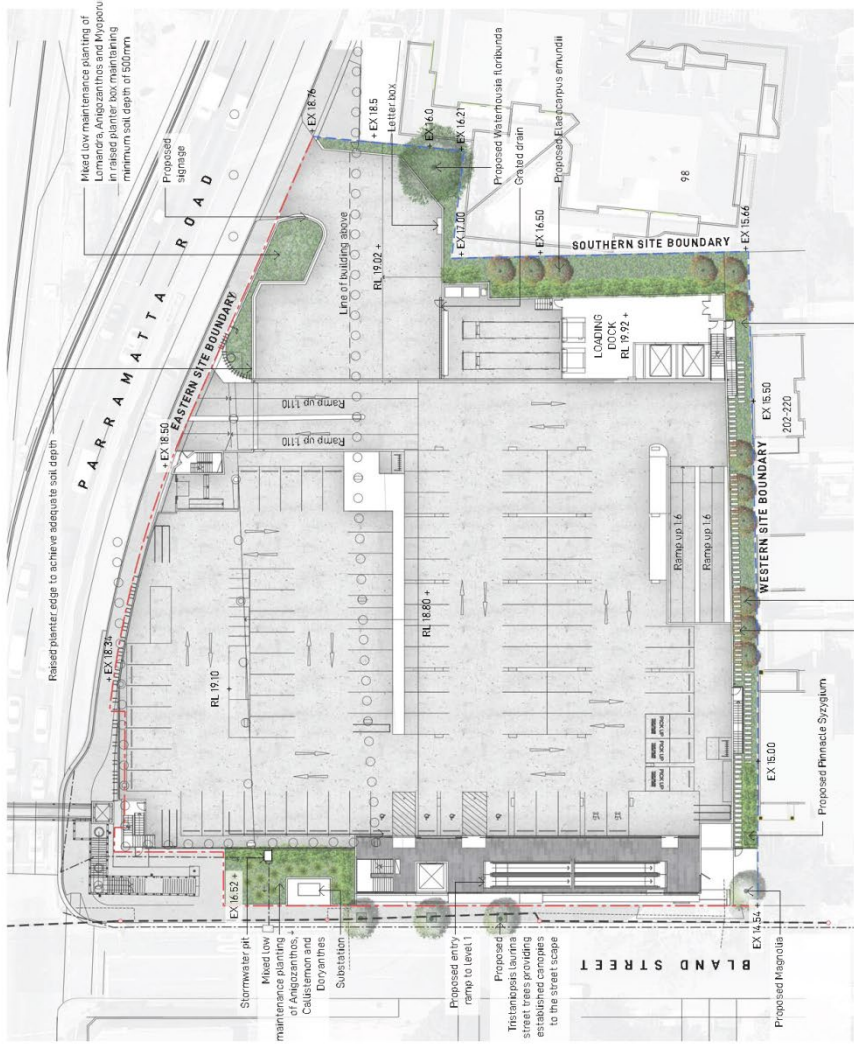
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Registered Landscape Architect: Paul Coppleman # 7913



Plant installation sizes and final species selection is subject to nursery availability at the time of plant procurement but plants are generally expected to be installed at the sizes indicated below. The Landscape Architect is to approve plant quantities and grading. Final plant quantities to be confirmed at CC stage.

- Trees: 75 litre bags
- Shrubs: 100mm pots
- Small Shrubs: 200mm pots
- Groundcovers / Grasses: 150mm pots



202-220 Parramatta Road
 Richmond NSW 231
LDA-02
 1:500 / A3
 0 5 10 15 20m
 Rev A | 30-Aug-19

LANDSCAPE PLAN

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 Chiswick NSW 2037
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 Registered Landscape Architect: Paul Copman # 7913

OUTLINE LANDSCAPE SPECIFICATION

General
Maintenance shall mean the care and maintenance of the landscape works by accepted horticultural practice as reciting any defects that become apparent in the landscape works. The contractor shall attend the site on a weekly basis to maintain the landscape works for the full term approved in the CC. The maintenance period commencing in-practice completion.

Rubbish Removal
The contractor shall undertake rubbish removal from the site on a weekly basis to ensure the site remains in tidy condition.

Weed Eradication
Weed growth that may occur in planted or mulched areas shall be eradicated using appropriate methods (e.g. non-residual, phosphate herbicide, leg. 'roundup', applied in accordance with the manufacturer's directions) or hand weeding.

Tree Replacement
Trees shall show signs of healthy vigorous growth and be free from any signs of stress or dieback. Any trees that die or fall to thrive, or are damaged or stolen will be replaced. Replacement material shall have the maintenance period conditions. Trees and plant materials shall be equal to the minimum requirements of species specified and approved material delivered to site. Show the condition reserves the right to reject the tree / plants. Frequency as required.

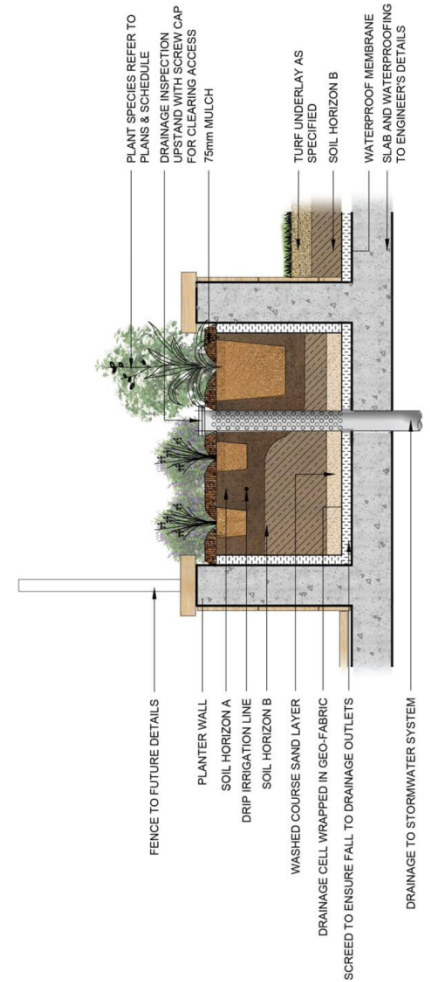
Mulching
Selective pruning may be required during the establishment period to promote a balanced canopy and to ensure the tree is well supported. Pruned material is to be removed from site.

Irrigation
A low volume drip irrigation system may be installed at the discretion of the Developer. Position of control valves shall be clearly marked and to be designed by a qualified irrigation engineer at CC stage.

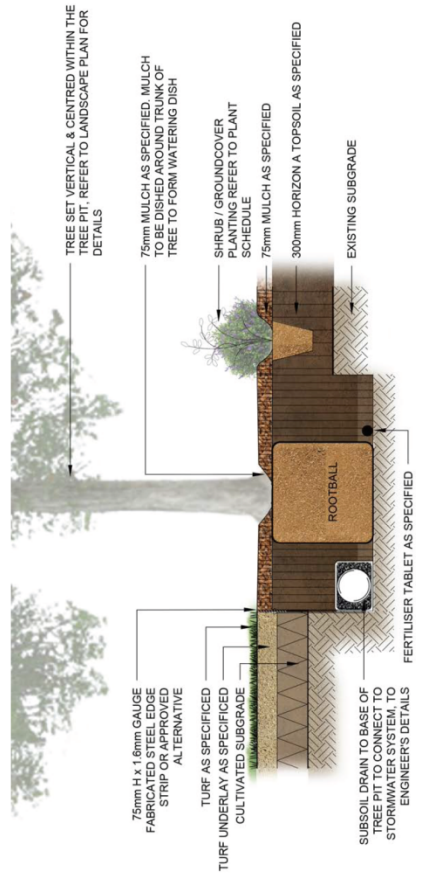
Watering
Implement an appropriate hand watering regime in areas not irrigated in association with current watering program shall reflect seasonal conditions and plant species. Frequency: Weekly or as required.

Drainage
All landscape areas are to have positive drainage to SW or NW. This should be brought to the site superintendent's attention. Install egg lines if required.

Soils
Horizon A - Garden beds on slab
A sandy loam to clay loam, topsoil, mix designed for optimum growth and are not subject to compaction by heavy machinery. The soil should be amended with organic matter and fertiliser to meet the minimum requirements in this specification. Where excessive wetness is anticipated, note that organic soil variant should not be chosen for low P plantings and include direct seeding, turf and ported specimens up to 45L.



MASS PLANTING ON SLAB
TYPICAL SECTION
SCALE 1:20



MASS PLANTING DETAIL ON NATURAL GROUND
TYPICAL SECTION
SCALE 1:20

Horizon B - Garden beds on slab
This specification describes the formulation of an open granular well drained growing media with a saturated water capacity of 15% to 20%. The growing media shall be used in landscape applications, including green roofs, with an expectation of longevity. It is a topsoil formulation to be used in the surface 300mm of all on-slab installations in order to maintain structure and porosity over extended periods, and to avoid slumping and volume loss over time. The formulation must employ low density mineral components, such as perlite, vermiculite, or expanded polystyrene, and a disintegrable earth, or artificial components such as urea formaldehyde and styrofoam. Physically the media shall be tested to meet the requirements of the AS 3745 methodology of AS 3745.

Cultivation
Cuttings to be cultivated to a min depth of 150mm and tree pits to the depth of the root ball only if additional such as gypsum are required conduct this after cultivation into the top 100mm of soil.

Planting
All planting to be grown to NATSPEC specifications. Each plant, large enough to provide not less than 100mm of soil depth, shall be planted with a shovel, backhoe or similar tool. Individual holes shall be excavated to allow root system to sit flat on the excavated hole and adjacent to existing site soil and topsoil as described in section 5.9.1. Tree shall be set plumb, with the root ball set slightly below the final soil level.

Mulching
The Landscape Contractor shall supply and install mulch to a minimum depth of 75mm. All mulch is to be free of deleterious matter such as soil, weeds and sticks. Mulched surfaces are to be kept clean and free of debris. Mulch shall be replaced when it reaches a depth of 75mm. Replenish depths to a uniform level of 75mm with mulch as specified, mulch to be free of any wood or debris. Maintain watering rings around trees, top up mulch levels prior to handover to client.

Turfing
The landscape contractor shall supply and install Supplie Buffalo turf in stretcher pattern to all turf areas shown on site plan. Turf shall be laid in a thickness of 50mm above surface level. Contractor to allow for fertilising, laying, tamping, watering, top dressing, maintenance and turf undelay under all turf areas, consisting of 100mm thick layer of screened top soil.

Pest and Disease Control
The Landscape Contractor shall spray for pests and disease infestations when the pest and fungal attack has increased to a point that will become detrimental to plant growth. Apply all pesticides to manufacturer's directions. Frequency: weekly inspection

Fertilising
Pellets shall be in the form intended to uniformly release nutrients over a period of 6-12 months. Pellets shall be 250 to 300 microns in size. Pellets shall be placed at the time of planting to the base of the plant, 50mm minimum depth. Pellets shall be applied at a maximum of 8 pellets per tree. Generally check for signs of nutrient deficiencies (yellowing of leaves, stunted growth) and apply the fertilizer regime to the base of the plant at the beginning and the end of the (summer) growing season.

202-220 Parramatta Road
Architect NSW 233
LDA-03
Rev A | 30-Aug-19

LANDSCAPE DETAILS

GROUND **INK**
LANDSCAPE ARCHITECTS
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Cherrywood, NSW 2667
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Registered Landscape Architect, Pract License # 713

Attachment C – Plan of Management

DRAFT PLAN OF MANAGEMENT

202 PARRAMATTA ROAD, ASHFIELD

Demolition of existing structures and construction of a supermarket, café and liquor outlet over basement and undercroft parking



March 2019

1

Plan of Management – 202 Parramatta Road, Ashfield

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DRAFT

1. INTRODUCTION

This Plan of Management (POM) has been prepared on behalf of Fabcot Pty Ltd (the applicant) and accompanies the development application (DA) submitted to Inner West Council (Council) for the demolition of existing structures and construction of a supermarket, liquor outlet and cafe over basement and undercroft parking at 202 Parramatta Road, Ashfield.

This POM demonstrates how the proposed supermarket, cafe and liquor store will be managed to minimise potential environmental and amenity impacts upon nearby residents, manage anti-social behaviour, respond to potential future residential complaints, minimise noise from the operation of the centre and ensure the day to day co-ordination of the centre so that it runs efficiently. The supermarket and specialty retail will be managed by the Woolworths Dedicated Operations Team and the Store Manager.

This POM will be an operational guide for the centre and will be updated over time. It will be subject to further refinements following determination of the DA.

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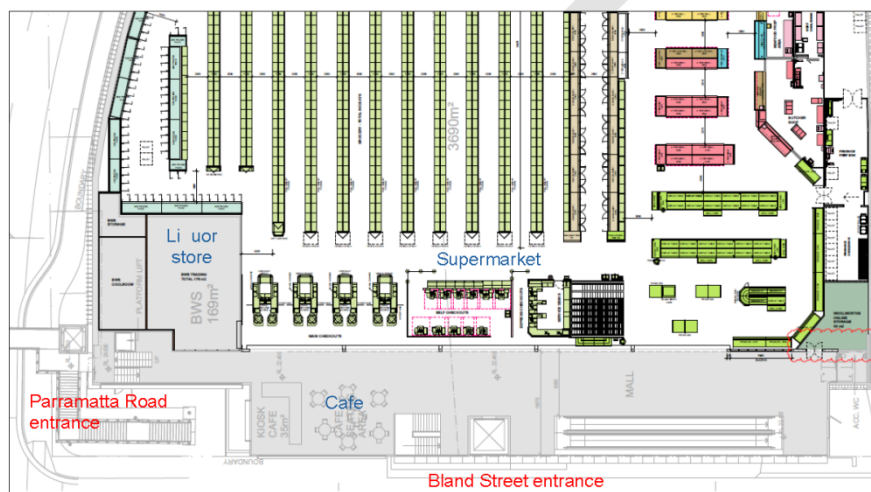
2. PROPOSED DEVELOPMENT

2.1.1. Description of Development

The development is comprised of an elevated supermarket, liquor outlet, small cafe and two levels of car parking. A loading dock is to be located at the southern end of the supermarket.

Entrance to the centre will be from Bland Street and Parramatta Road via stairs, travelators and lifts, providing direct access to level one.

Figure 1 – Proposed Level 1 Concept Layout



2.1.2. Staff

The retail component of the development is projected to employ around 197 persons (refer to Table 1 as detailed in the Retail Impact Assessment prepared by Location I dated February 2019 submitted with the development application at **Appendix P** of the statement of environmental effects).

Table 1 – Anticipated employment

TABLE 4.4 – ESTIMATED PERMANENT EMPLOYMENT

Type of Use	Estimated Employment Per '000 sq.m	Ashfield Woolworths	
		Change in GLA (sq.m)	Employment (persons)
Supermarket	50	3,690	185
Retail Specialty Shops	60	204	12
Total Centre¹		3,894	197
Net Increase²			177

1. Excludes non-retail components.

2. Net increase includes an allowance for reduced employment levels at impacted centres estimated at 10% of the total increase

2.1.3. Hours of Operation

Supermarket trading hours

- Monday to Sunday – 6am to 12am

Café trading hours

- Monday to Sunday – 6am to 12am

Liquor outlet trading hours

- Monday to Sunday – 6am to 12am

Loading dock hours

- Monday to Saturday 7am to 10pm
- Sunday & Public Holidays 8am to 10pm

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3. PROPOSED MANAGEMENT

3.1. ACCESS AND SECURITY

The following security measures are proposed to improve the safety of shoppers, store employees, management staff and physical assets within the premises:

- Parking will be timed as a means of stopping vehicles from staying in the car park for long durations.
- Both levels of the car park will be secured after hours however access may be granted to staff members and contractors e.g. cleaners. Further details regarding this restricted access will be finalised prior to the opening of the supermarket.
- The loading dock will be closed and secured after hours.
- The supermarket has a number of entry and exit points which will be closely and continuously monitored by CCTV. These cameras will be installed in public areas to reinforce natural surveillance.
- All areas of the car park and building entrances will be well lit, providing a clear line of sight for shoppers.
- The supermarket and specialty retail will be well maintained as a means of discouraging vandalism and other crimes.

3.2. PEDESTRIAN ACCESS

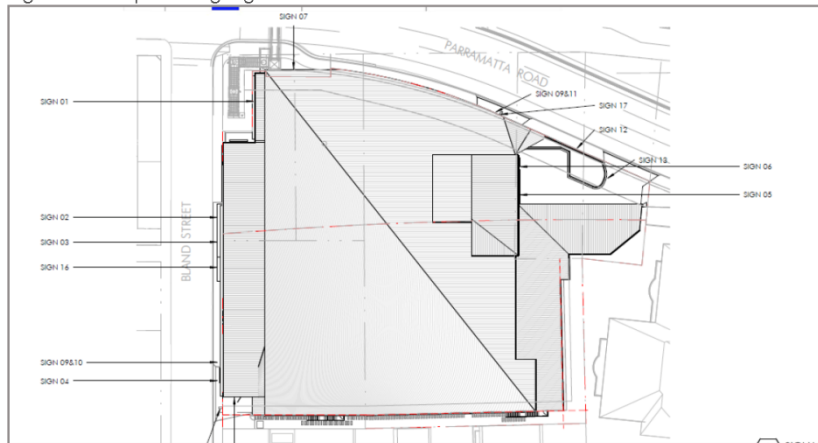
Direct pedestrian access from the public domain into the shopping centre will be provided at these locations:

- **Bland Street entrance:** The main pedestrian entry is located along Bland Street and will be provided by way of a travellator and lifts.
- **Parramatta Road entrance:** Entrance is also available from the corner of Bland Street and Parramatta Road by way of a travellator and lifts.
- **Internal access:** Pedestrian entry to the retail floor space will be provided from the basement and under-croft car park by way of a travellator and lifts.

An Access Report has been prepared and is submitted at **Appendix H** of the SEE. The report concludes that accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities and parking can be readily achieved.

Way finding signage for pedestrian and vehicles will also be installed in accordance with the signage plans submitted with the SEE refer to **Appendix A** of the SEE and Figure 2 below.

Figure 2 – Proposed signage ones



3.3. PEDESTRIAN SAFETY

The Bland Street pedestrian access was raised as a primary concern by residents and stakeholders during community consultation sessions. In response to this, a Road Safety Audit and Risk Assessment **the Audit** has been undertaken by McLaren Traffic Engineering dated 20 December 2018 and was submitted with the DA as **Appendix O to the SEE**.

The Audit specifically addresses pedestrian and cyclist safety at the proposed vehicular access points and makes specific recommendations to improve the safety of pedestrians (particularly children, the disabled and vision impaired) and cyclists along the public footpath areas that front Bland Street and Parramatta Road. These recommendations (as set out below) will be incorporated into the final design of the development as a means of managing pedestrian safety:

- All vehicular access points serving the proposed development will provide a driveway profile and a formalised STOP sign and hold line at the property boundary locations. The driveway profile gives legal right-of-way to pedestrians over motorists under the Motor Traffic Regulations. Therefore, greater compliance with vehicles giving way to pedestrians moving along the footpath at the driveway interface can be achieved.
- Warning signs on the approach to the footpath from within the site stating "Watch for Children & Cyclists" will be installed at all driveways serving the site. This includes the Bland Street EXIT driveway and the Parramatta Road EXIT driveways for cars and trucks. The Road Safety Audit recommends that truck generation not occur during peak school children activity times (i.e. school days from 8am to 9.30am and from 2.30pm to 4pm).
- All driveways will comply with the required sight lines for drivers of emerging vehicles to pedestrians walking along frontage footpaths.

Subject to compliance with the Road Safety Audit & Risk Assessments recommendations, road risks associated with the proposed development will be appropriately managed and reduced.

3.4. NOISE COMPLAINT MANAGEMENT

Operational noise complaint management systems will be implemented on site and will reflect the proximity to adjoining residential dwellings. The Woolworths Operations team will have key performance measures in place that include how noise complaints are managed and will include general complaint protocols such as:

- Once a complaint has been notified to the Woolworths Operations team either directly or via Council, it is registered.
- The complaint is then investigated.
- Appropriate steps given the complaint, are to be taken in a timely manner.
- The outcome is to be reported back to the owner &/or council where applicable.

An Acoustic Impact Assessment has been prepared and submitted with the DA at **Appendix K** of the SEE. The report concludes that the noise emission from operation of the shopping centre including loading dock, car park, liquor outlet, cafe, supermarket and traffic noise generated can satisfy the requirements of the EPA Noise Policy for Industry, EPA Road Noise Policy, Australian Standard AS2436:1981 "Guide to noise control on construction, maintenance and demolition sites and EPA - Interim Construction Noise Guidelines.

Operation hours for the loading docks, deliveries, garbage removals will not be allowed during night time which is 10pm to 7am Monday to Saturday and 10pm to 8am Sunday / Public Holidays. Loading dock perimeter walls will be fully enclosed from the external environment and access doors will be opened only for deliveries and will be closed whilst unloading. The proposal will comply with the recommendations outlined in Section 7.3 of the Acoustic Report. These recommendations include:

- Operation hours for the loading docks, deliveries, garbage removals shall not be allowed during night time which is 10pm to 7am Monday to Saturday and 10pm to 8am Sunday / Public Holidays.
- Loading dock perimeter walls to be fully enclosed from external environment. Access doors will be opened only for deliveries and will be closed whilst unloading.
- Neoprene rubber buffers should be installed on the vertical face of the loading dock where vehicles park to absorb impacts.
- A detailed assessment of noise emissions from plant and equipment associated with the loading dock is required to be conducted prior to installation in conjunction with Inner West Council requirements.
- A solid roller/panel door to the loading dock should be installed which is closed during periods when trucks are being loaded and unloaded.
- Vehicles associated with the loading dock should not be parked within the vicinity of the loading dock outside of the hours of 7am to 10pm.
- Vehicle engines should be switched off during loading and unloading within the dock.
- Acoustic absorption to the underside of the soffit of the elevated loading dock should be installed. Absorption should be installed to 50% of the ceiling area and should consist of 30mm Enviro-spray or the like.

3.5. TROLLEY MANAGEMENT

Table 2 below sets out the key elements of the Trolley Management System that will be implemented.

Table 2 – Trolley Management

Trolley System	It is proposed that Woolworths will utilise a trolley control system. Details of this trolley system will be finalised prior to the opening of the supermarket.
Movement of Trolleys	Trolleys will be moved from the carpark back to the store via the internal travelator or lift.
Damaged Trolleys	All damaged trolleys will be removed from service, isolated, tagged, compounded for repair and reported to the Store Manager.
Cleaning of Trolleys	Trolleys will be cleaned as required.
Trolley Store	The layout includes a large trolley store in the design to provide adequate space for containing trolleys on site.
Trolley Collection	Woolworths will appoint a Trolley Contractor for the Store. The duties of the Contractor include: <ul style="list-style-type: none"> - Collecting trolleys from the carpark, and arranging a "sweep" of surrounding streets, and returning trolleys to the Store. - The sweep will include public places such as the nearby lake / water feature, open spaces including the town square and the pub carpark. - Checking if the trolley is damaged. - Clearing rubbish out of the trolleys as required.
Trolley Contractor	The Trolley Contractor staff member will wear appropriate clothing: <ul style="list-style-type: none"> - High visibility day/night shirt or vest. - Suitable footwear. - Suitable carparking uniform, including identification. - Appropriate clothing for weather conditions. The Trolley Contractor will periodically throughout the day sweep the external areas of the building for trolleys and a final sweep of the carpark and surrounding area is required prior to the Contractor's shift concluding.
Trolley Tracker	Woolworths provides a toll-free number to encourage customers or residents to report abandoned trolleys, known as "Trolley Trackers" (1800 641 497). For reporting a Woolworths trolley, the customer/resident goes into a monthly draw for \$1,000 worth of gift vouchers. The trolleys are collected within 24 hours of a report being filed.
Working with Council	Woolworths encourages the responsible use of trolleys and has set up the above protocol across Australia.
Other agreements	Woolworths is a party to the "Code of Practice for the Management of Shopping Trolleys" as agreed by the Local Government Association of NSW and the Australian Retailers Association dated January 2004. However, some responsibility must be placed on the customer to "do the right thing" and return trolleys to the provided bays.

3.6. LOADING DOCK MANAGEMENT

The Loading Dock Management Plan will be further refined following determination of the DA and prior to an Occupation Certificate. A copy of the final loading dock management plan will be submitted to council prior to OC. The Woolworths Operations Team will be responsible for implementing the Loading Dock Management Plan. This will enforce delivery times and if required, stagger deliveries to ensure well-co-ordinated specialty dock access.

Service Vehicle Routes

The loading dock will provide for service vehicles to enter and exit the site in a forward direction. Service vehicles will enter and exit via a separate driveway from Parramatta Road. Service vehicles to the site will include rigid trucks and semi-trailers up to 12.5 metres long.

Loading Dock Hours of Operation

The dock will be operational during the hours recommended in the Acoustic Impact Assessment as follows:

- Monday to Saturday 7am to 10pm
- Sunday & Public Holidays 8am to 10pm

Access doors to the loading dock will only be opened for deliveries and will be closed whilst unloading. Vehicles associated with the loading dock are not permitted to be parked within the vicinity of the loading dock outside of the hours of 7am to 10pm. Truck generation will not occur during peak school children activity times i.e. school days from 8am to 9.30am and from 2.30pm to 4pm. Vehicle engines must also be switched off during loading and unloading within the dock.

Woolworths Stockroom Manager

Woolworths have within their operations a position known as the Stockroom Manager. The Stockroom Manager is responsible for the effective management of service delivery and operational outcomes in relation to the loading dock. It is the duty of the Stockroom Manager, in conjunction with the Store Manager to supervise the efficient unloading of deliveries and co-ordinate their arrival with dispatch from the warehouse.

Woolworths Delivery Patterns

Woolworths plan each store's delivery patterns with great care, in order to provide efficient delivery to our stores to meet customer expectations and allay resident concerns. Deliveries from Woolworths Distribution Centres are controlled by the Transport Manager who has a complete knowledge of all delivery restrictions imposed on every store in the region. The "run sheet" for every truck departing the Distribution Centre is both electronically and manually checked by Woolworths to ensure delivery restrictions are not breached.

Supermarket Direct Deliveries

The supermarket will receive a number of daily deliveries and pickups from companies that deal directly with the Store Manager such as milk, bread, chicken, deli, eggs, general waste and cardboard bails.

The Supermarket Store Manager is responsible for liaising with nominated representatives from the direct delivery vendors. Most direct delivery vendors do not own their own transport but individually task various carriers to complete respective deliveries. Each of these service providers is responsible for agreeing and adhering to a daily delivery time, in consultation with the Store Manager.

The store manager will ensure that all direct deliveries and pickups are co-ordinated such that truck movements in and out of the dock will not breach timing restrictions, and do not conflict with regular warehouse deliveries scheduled by the Transport Manager.

Size of Vehicles

Access to dual loading bays is provided from Parramatta Road. The loading docks have been designed to accommodate rigid trucks and semi-trailers up to 12.5m in length, less than the standard side 4.5 metres height clearance will be provided in all areas used by service vehicles, in accordance with the Australian Standard for Parking Facilities Part 2: Off-street commercial vehicle facilities, AS 2890.2 – 2002.

Pedestrian and Vehicle Safety

To encourage safety the Woolworths Operations Team is to where possible manage the delivery windows outside of peak traffic times. The Woolworths Loading Dock area is separated from customer access areas and customers will be discouraged from these areas. Signage will be utilised to ensure that car users and pedestrians are aware that the Loading Dock is for service deliveries only.

Complaint Management Procedures for the Woolworths

The Woolworths store manager is responsible for managing all store-related complaints. In their absence, the assistant store manager will fulfil this function.

- Upon receipt of a complaint the store manager will investigate the incident, put into effect any remedial action and then advise the complainant of action taken.
- The responsible Property Manager or Assistant Property Manager will be notified of any formal complaints to ensure appropriate action.
- In this instance of a distribution centre delivery vehicle problem, the store will ask the transport manager to rectify the matter. Upon rectification, the complainant will be advised of action taken.
- Should the resident believe that the store manager has not adequately handled the matter, the resident is to be referred directly to the Woolworths Transport Manager.

3.7. GRAFFITI MANAGEMENT

Graffiti Management is detailed in two sections being the construction of the building and the operation of the centre. Please note that as the centre is not yet constructed the normal guidelines we have in place for the construction and management of a Woolworths Supermarket have been detailed below.

Building Construction

Woolworths has a style guide that quantifies the key requirements in its retail development projects. It provides a set of default design parameters which are expected to be achieved. Please note this is an evolving document.

Part of this style guide is the requirement for the lower 3m of any accessible wall to be treated with an anti-graffiti treatment. Given the evolving nature of this anti-graffiti treatment area, when we are under construction the actual treatment will be confirmed depending on the type of building material that is used.

Operation of Store

Woolworths traditionally outsources the cleaning to a contractor and this contract will include standard operating procedures and key performance measures that include how graffiti is managed. General graffiti requirements for a Woolworths development include:

- Removal of graffiti within 24 hours' notice of discovery and notification to Woolworths Operations Team.
- Where the graffiti is of a nature that it is not easily able to be removed or accessible by centre cleaning staff then a specialist graffiti consultant is required to attend the site within a reasonable time of notification to Woolworths Operations Team.

3.8. LITTER MANAGEMENT

Presentation of our centres is of utmost importance to Woolworths and reflects our brands. Whilst the centre is not yet constructed, the general litter requirements include:

Internally

- Standard Operating Procedures where bins are emptied several times a trading day – on an as required basis – Generally when bins become 80% full they are emptied.
- Litter being picked up throughout the centre by roaming cleaners on their circuits.

Externally

- External Centre Bins being emptied several times a trading day – on an as required basis. Generally, when bins become 80% full, they are emptied.
- Litter being picked up within the centre boundary by roaming cleaners on their circuits.
- The centre Car Parks are patrolled daily and as required.
- Weekly there will be an intensive litter patrol to ensure that all less accessible external/landscaping areas/retaining walls etc are attended to.

3.9. WASTE MANAGEMENT

A Waste Management Plan has been prepared and is submitted at **Appendix F** of the SEE. The Plan outlines the procedures for minimising and managing waste that will be generated by the premises. Waste collection and deliveries will commence from 7am Monday to Saturday and 8am Sundays and Public Holidays. General waste will be separated and collected in small bins in the supermarket, supermarket offices, liquor tenancy and cafe and manually transferred to the bulk bin in the loading dock area (see Figure 2). The bulk bin for general waste is to be collected by a private contractor on a daily frequency.

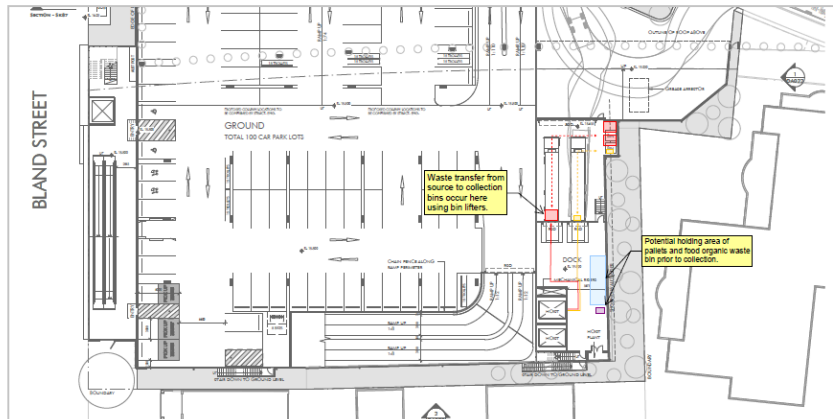
The waste enclosure serving the development will be sized to accommodate two bulk bins and a mobile garbage bin. If general waste volumes exceed the provision, the contents of the general waste stream will be monitored.

General waste and commingled recyclable waste will be collected daily due to the generation rate of these waste streams, as well as to minimise odours and maintain amenity and hygiene. The bins will also be emptied frequently to maintain adequate capacity. Woolworths Operations Team will implement a common waste contract for general waste and commingled recyclables collection. This will help simplify attribution of costs to the retail tenants, minimise the number of waste vehicle movements to, from and within the site and monitor, report on and improve the waste management process.

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Figure 3 – Bin locations and source to storage waste stream transfer paths

Ground Floor



First Floor

