# **INNER WEST COUNCIL**

DEV	ELOPMENT 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	Number of submissions	
Planning Panel	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	
a Hearth Street	Personal arrest to the second	
Subject Site	Objectors	
Notified Area	Supporters	
Note: Due to scale of map, not all o	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:
  - o 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:

- o 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.

#### State Environmental Planning Policy No. 64 - Advertising and Signage 5(a)(vii) (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?	The area is characterised by commercial and residential uses on Parramatta Road and residential uses on Bland Street.
	The site is zoned B6 - Enterprise Corridor.
	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.
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,	The site neighbours a number of residential flat buildings to the north, south and west, and is opposite the Haberfield Heritage Conservation Area.
waterways, rural landscapes or residential areas?	The proposed signage will not detract from the amenity of visual quality of these 'special areas'.

3. Views and vistas	Comment

**ITEM 9** 

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
Would illumination affect safety for pedestrians, vehicles or aircraft?	that the illuminated signs must not flash, have reduced luminance at night, and are only permitted to be illuminated during approved
Would illumination detract from the amenity of any residence or other form of accommodation?	operating hours.
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) <u>Clause 2.3 - Land Use Table and Zone Objectives</u>

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
<b>4.3 Height of Building</b> Maximum permissible: 15m	13.5m	N/A	Yes
<b>4.4 Floor Space Ratio</b> 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. <u>6.1 Earthworks</u>

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

# <u>CPTED</u>

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.

# <u>Signage</u>

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.

# <u>Sustainability</u>

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.

# <u>Flooding</u>

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.
- <u>Comment</u>: 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.
- <u>Issue:</u> Pedestrian safety, particularly around proposed vehicle crossovers/driveways <u>Comment</u>: 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.

<u>Comment</u>: 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.

<u>Issue</u>: No awnings provided on Parramatta Road or Bland Street.

<u>Comment</u>: 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.

<u>Issue</u>: Inaccurate pedestrian count in the Safety Audit Report.

<u>Comment</u>: 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.
- <u>Issue:</u> Seismic requirements in the NCC. <u>Comment</u>: Compliance with any seismic requirements in the NCC are to be addressed at the Construction Certificate phase.

<u>Issue</u>: Location of liquor outlet next to pedestrian bridge link.

<u>Comment</u>: 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.

<u>Issue</u>: Trolley management.

<u>Comment</u>: 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

# <u>Trees</u>

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

#### <u>Planning</u>

#### 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**

#### <u>Planning</u>

#### 4. Documents related to the consent

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

Plan, Revision	Plan Name	Date Issued	Prepared by
and Issue No.			
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	14October2019	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	Van Der Meer
		2019	Consulting
DAC402 'C'	Drainage Details	13 December	Van Der Meer
		2019	Consulting
-	Draft Plan of	March 2019	-
	Management		
20181704.1/1801	DA Acoustic Impact	18 January	Acoustic Logic
A/ R4/HC '4'	Assessment	2019	

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 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;
- 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.
  - '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
Eucalyptus nicholii (Narrow Leaved Peppermint)	Remove
Corymbia citriodora (Lemon Scented Gum)	Remove
Corymbia citriodora (Lemon Scented Gum)	Remove
Eucalyptus sp.	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);
- 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);
- 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;
- 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 dockets 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 be
- 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.

- I) 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.
- 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

## <u>Planning</u>

## 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 <u>http://www.sydneywater.com.au/tapin/index.htm</u> 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.

#### 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 20-30m<sup>3</sup> 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 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).

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: Offstreet 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
  - 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.
- 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.
- I) 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:
  - 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.
- 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.
- 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:

- 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**

## <u>Planning</u>

## 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);
- 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

## <u>Planning</u>

## 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 20-30m<sup>3</sup> 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		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 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>

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 <u>www.leichhardt.nsw.gov.au</u>. 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
- a statement that the service has been designed, installed and is capable of operating to thein 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 (CPEng) 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:

- 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

#### <u>Planning</u>

## 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:

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 loading dock 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.

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**

## <u>Planning</u>

## **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 1*979 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		Payments	131441
Corpora	tion		www.lspc.nsw.gov.au
NSW Fo	ood Authority		1300 552 406
			www.foodnotify.nsw.gov.au
NSW G	overnment		www.nsw.gov.au/fibro
			www.diysafe.nsw.gov.au
			Information on asbestos and safe work practices.
	ffice of Enviro	onment and	131 555
Heritage	3		www.environment.nsw.gov.au
Sydney	Water		13 20 92
			www.sydneywater.com.au
Waste			1300 651 116
Environmental Solutions		0110	www.wasteservice.nsw.gov.au
Water I	Efficiency Lab	celling and	www.waterrating.gov.au

Standards (WELS)

WorkCover Authority of NSW 13

13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.































Woolwor





























1







PT 24

PT 23 125













DRAWING REGISTER	G NAME					
DRAWING	DRAWING NAME	LANDSCAPE COVER SHEET	EXISTING TREE PLAN	LANDSCAPE PLAN	LANDSCAPE DETAILS	
	DRAWING NUMBER	LDA-00	LDA-01	LDA-02	LDA-03	
				4114	R D A D	80
KEY PLAN		a	ARRA			202-220 202-200 200



**ASHFIELD NSW 2131** 

# LANDSCAPE DA DOCUMENTATION

DRAWING NUMBER	DRAWING NAME	SCALE / SIZE
LDA-00	LANDSCAPE COVER SHEET	A/A
LDA-01	EXISTING TREE PLAN	1:500 @ A3
LDA-02	LANDSCAPE PLAN	1:500 @ A3
LDA-03	LANDSCAPE DETAILS	N/A

202-220 Parramatta Road Ammen 9597 231 LDA-00 Rev Al 30-Aug-19

LANDSCAPE COVER SHEET

**GROUND INK** Selection Street Street Real Street Street Real Street Street LANDSCAPE ARCHITECTS Representation Street Street









# **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

Plan of Management - 202 Parramatta Road, Ashfield

# Contents

1.	Intro	oduction	3			
2.	Prop	posed Development	4			
	2.1.1	1. Description of Development	4			
	2.1.2	2. Staff	4			
	2.1.3	3. Hours of Operation	5			
З.	Prop	posed Management	6			
3	.1.	Access and Security	6			
3	.2.	Pedestrian Access	6			
3	.3.	Pedestrian Safety	7			
3	.4.	Noise Complaint Management	8			
3	.5.	Trolley Management	9			
3	.6.	Loading Dock Management	10			
3	.7.	Graffiti Management				
3	.8.	8. Litter Management				
3	9	Waste Management	12			

# **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 e isting structures and construction of a supermarket, li uor outlet and cafe over basement and undercroft parking at 202 Parramatta Road, Ashfield.

This POM demonstrates how the proposed supermarket, caf and li uor 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 sub ect to further refinements following determination of the DA.



# 2. PROPOSED DEVELOPMENT

# 2.1.1. Description of Development

The development is comprised of an elevated supermarket, li uor outlet, small caf 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

	Estimated	Ashfield V	Voolworths
Type of Use	Employment Per '000 sq.m	Change in GLA (sq.m)	(persons)
Supermarket	50	3,690	185
Retail Specialty Shops	60	204	12
Total Centre <sup>1</sup>		3,894	197
Net Increase <sup>2</sup>			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



# 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 e it 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 re uirements, pertaining to e ternal 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 .

Plan of Management - 202 Parramatta Road, Ashfield



### 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 re uired 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.

Plan of Management - 202 Parramatta Road, Ashfield

# 3.4. NOISE COMPLAINT MANAGEMENT

Operational noise complaint management systems will be implemented on site and will reflect the pro imity to ad oining 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, li uor outlet, caf, supermarket and traffic noise generated can satisfy the re uirements 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 e ternal 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 e ternal 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 e uipment associated with the loading dock is re uired to be conducted prior to installation in con unction with Inner West Council re uirements.
- 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 Envirospray or the like.

Plan of Management - 202 Parramatta Road, Ashfield

# 3.5. TROLLEY MANAGEMENT

Table 2 below sets lout 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 re uired.
Trolley Store	The layout includes a large trolley store in the design to provide ade uate space for containing trolleys on site.
Trolley Collection	<ul> <li>Woolworths will appoint a Trolley Contractor for the Store. The duties of the Contractor include:</li> <li>Collecting trolleys from the carpark, and arranging a "sweep" of surrounding streets, and returning trolleys to the Store.</li> <li>The sweep will include public places such as the nearby lake / water feature, open spaces including the town s uare and the pub carpark.</li> <li>Checking if the trolley is damaged.</li> <li>Clearing rubbish out of the trolleys as re uired.</li> </ul>
Trolley Contractor	<ul> <li>The Trolley Contractor staff member will wear appropriate clothing:</li> <li>High visibility day/night shirt or vest.</li> <li>Suitable footwear.</li> <li>Suitable carparking uniform, including identification.</li> <li>Appropriate clothing for weather conditions.</li> <li>The Trolley Contractor will periodically throughout the day sweep the e ternal 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.</li> </ul>
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 anuary 2004. However, some responsibility must be placed on the customer to "do the right thing" and return trolleys to the provided bays.

Plan of Management - 202 Parramatta Road, Ashfield

# 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 re uired, stagger deliveries to ensure well-co-ordinated specialty dock access.

# Service Vehicle Routes

The loading dock will provide for service vehicles to enter and e it the site in a forward direction. Service vehicles will enter and e it 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:

٠	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 con unction 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 e pectations 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

Plan of Management - 202 Parramatta Road, Ashfield

The store manager ager 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 si e. 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 s, 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 ade uately 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 uantifies the key re uirements in its retail development pro ects. It provides a set of default design parameters which are e pected to be achieved. Please note this is an evolving document.

Part of this style guide is the re uirement 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.

Plan of Management - 202 Parramatta Road, Ashfield

### **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 re uirements 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 re uired 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 re uirements include:

### Internally

- Standard Operating Procedures where bins are emptied several times a trading day on an as re uired basis Generally when bins become 80 full they are emptied.
- Litter being picked up throughout the centre by roaming cleaners on their circuits.

### Externally

- E ternal Centre Bins being emptied several times a trading day on an as re uired 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 re uired.
- Weekly there will be an e tensive litter patrol to ensure that all less accessible e ternal/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, li uor tenancy and caf 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 fre uency.

The waste enclosure serving the development will be si ed to accommodate two bulk bins and a mobile garbage bin. If general waste volumes e ceed 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 fre uently to maintain ade uate 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.

Plan of Management - 202 Parramatta Road, Ashfield

Ground Floor

13



Figure 3 - Bin locations and source to storage waste stream transfer paths

First Floor

