



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2019.110.01
Address	502-510 Parramatta Road, Ashfield
Proposal	Demolition of existing structures and construction of a 4 storey mixed use building with ground and mezzanine level commercial and 20 serviced apartments.
Date of Lodgement	19 July 2019
Applicant	Sonar Australia Pty Ltd / Coso Architecture
Owner	Sonar Australia Pty Ltd – Liming Zhu & Xueqin Chen
Number of Submissions	One (1) with 27 signatures as a petition
Value of works	\$4 990 121.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Clause 4.6 variation exceeds 10%
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Conditions of consent



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures and construction of a 4 storey mixed use building with ground and mezzanine level commercial and 20 serviced apartments at 502 – 510 Parramatta Road, Ashfield. The application was notified to surrounding properties and two submissions one of which included a petition with 27 signatures was received.

The main issues that have arisen from the application include:

- Non-compliance with clause 4.3 Height of Buildings Development Standard. The proposal results in a height of 16.6m - a 1.6 m or 10.6% variation.
- No submission clause 4.6 variation request to justify the non-compliance to the Height of Buildings development standard
- Non-compliance with clause 4.4 Floor Space Ratio Development Standard. The proposal results in a floor space ratio of 1.6:1 or a 7.5% variation. This variation has been assessed by Council and is not supported.
- Non-compliance with clause 6.2 – Flood Planning – as the proposal is likely to result in the displacement of flood waters onto neighbouring sites.
- The proposal is non-compliant with the requirements of Chapter A Part 2 – Good Design - of the Comprehensive Inner West Development Control Plan 2016 the proposal does not provide high quality amenity through physical, spatial and environmental design and does not respond to the existing/ emerging streetscape.
- The proposal is non-compliant with the DCP requirements for car parking and it is expected that the current rate of parking proposed would result in a loss of on-street parking for the immediate area.
- Characterisation of the use.
- The development is not accompanied by a plan of management and fails to outline how a hotel accommodation will operate 20 rooms with no on-site manager to police or look after incidents that may occur at the premises. There is insufficient information to satisfy Council that the premises will operate in accordance with any conditions of consent or operate in a manner respectful to neighbouring residents.

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

2. Proposal

Pursuant to Clause 4.12 of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks consent for demolition of existing structures and construction of a 4 storey mixed use building with ground and mezzanine level commercial and 20 serviced apartments.

Each level of the development is to incorporate the following:

- Basement – 11 parking spaces, bin storage room and bicycle parking
- Ground Floor Plan – Bus kerb side pick-up/drop off accessed from the rear lane, 339.5m² of commercial floor space, bathrooms and kitchenette
- Mezzanine Floor – 94m² of commercial floor space
- First Floor – 10 rooms for the proposed serviced apartment complex
- Second Floor – 10 rooms for the proposed serviced apartment complex

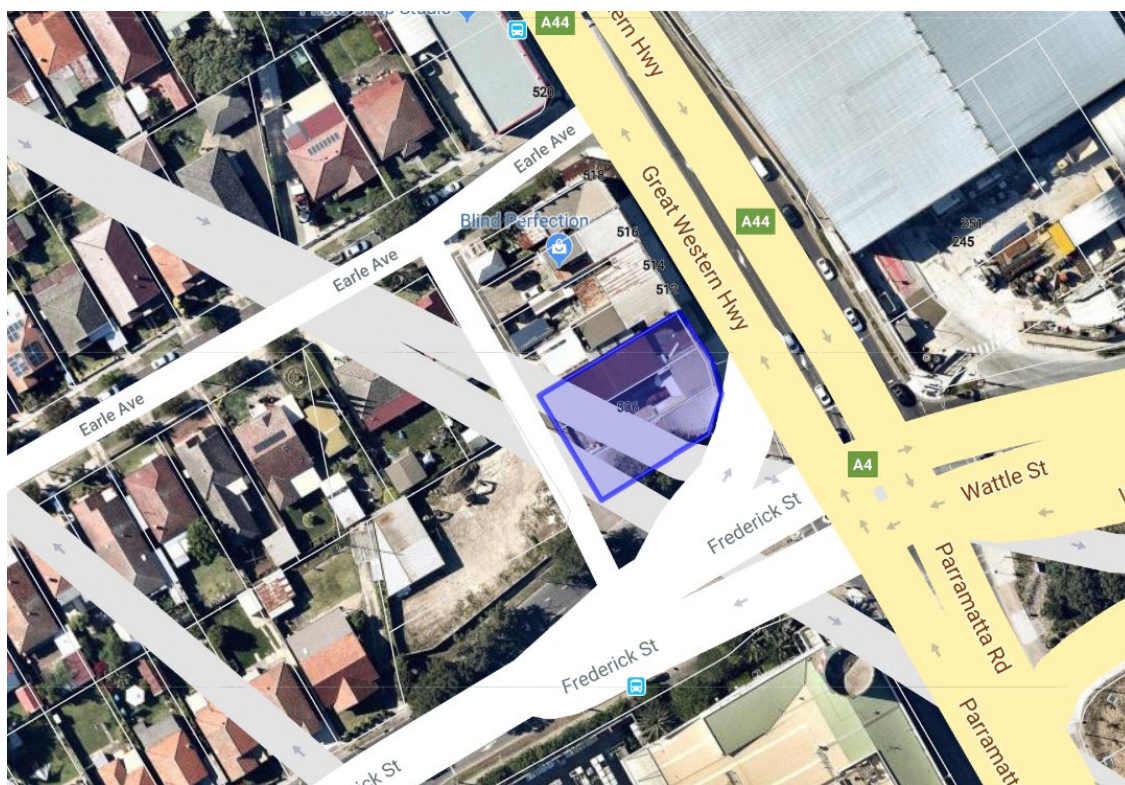
3. Site Description

The subject site is located on the south west corner of Parramatta Road and Frederick Street. The site consists of 3 allotments and is generally rectangular shaped with a total area of 2,251.1 sqm and is legally described as 502 – 510 Parramatta Road, Ashfield.

The site has a frontage to Parramatta Road of 48 metres and a secondary frontage of approximate 23 metres to Frederick Street.

The site supports a number of single storey brick buildings with metal roofs which are proposed to be demolished as part of the current application. The adjoining properties support two storey mixed use commercial and residential buildings, which are identified as items of local heritage significance under the Ashfield Local Environmental Plan 2013.

The subject site is not listed as a heritage item and is not within a heritage conservation area. The property is identified as a flood prone lot. Trees located within the public reserve overhang the subject site and will be impacted by the current proposal.



Picture 1 Aerial Photo with site identified

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
09.2018.36	PRE DA: Demolition of existing structures. Construction of a mixed use development comprising commercial uses and serviced apartments, with basement parking.	Advice issued: 23 August 2018

Surrounding properties

164 Frederick Street, Ashfield

Application	Proposal	Decision & Date
10.2019.109	Demolition of existing structures and construction of a 3 storey serviced apartment building with 33 rooms, basement car parking, signage and associated landscape works.	Under Assessment

514 Parramatta Road, Ashfield

Application	Proposal	Decision & Date
10.2004.119	Mixed-Use Building Alts & Adds – Demolition of detached garage to rear of property, - Alterations and additions to existing two storey mixed use development including double garage at ground level; new bathroom, two bedrooms, lounge and deck at first floor	Withdrawn

Note: DA 10.2019.109 – relates to 164 Frederick Street (site immediately adjacent from the current site) and is also proposed to be developed into serviced apartments. DA 10.2019.109 has been submitted at the same time as the current application and is subject to the same applicant, owner and architect. Previous discussions with the applicant have highlighted that it is the intention that the subject site and neighbouring site (164 Frederick Street) be developed together and operate simultaneously with one another.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has been used in the past for activities which could have potentially contaminated the site. It is considered that the site will require remediation in accordance with *SEPP 55*.

A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) have been provided to address the management of contaminated groundwater onsite and the treatment and/or disposal of any contaminated soils and contamination issues prior to determination. The contamination documents have been reviewed and found that the site can be made suitable for the proposed use after the completion of the RAP. To ensure that these works are undertaken, it is recommended that conditions are included in the recommendation in accordance with Clause 7 of *SEPP 55*.

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

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

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

Signs and Advertising Structures

The application seeks consent for the erection of the following signage:

- 1 x wall sign measuring approximately 7.1m (width) by 1.5m (height) fronting Parramatta Road reading “SONAR”

- 1 x wall sign measuring approximately 1m (width) by 7.2m (height) fronting Frederick Street reading "SONAR"

The proposed signage is not considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64. The proposed signage is expected to be a large dominating feature of the locality and will not contribute to the visual interest, streetscape or landscape setting. It is considered that acceptance of the proposed signage will reduce the quality of vistas and should not be supported. The application does not incorporate key information regarding this signage such as any illumination and as such it has not been satisfactorily determined that the signage will not impact the locality or met the assessment criteria of the SEPP.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

5(a)(iv) 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 application was referred to Roads and Maritime Services (RMS) for comment. 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*.

Impact of road noise or vibration on non-road development (Clause 102)

Clause 102 of the *SEPP Infrastructure 2007* relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 40,000 vehicle. Under that clause, a development for the purpose of a building for residential use requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

Parramatta Road has an annual average daily traffic volume of more than 40,000 vehicles. The applicant submitted a Noise Assessment Report with the application that demonstrates that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP. Conditions are included in the recommendation.

5(a)(v) 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.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions.

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

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

- Clause 1.2 - Aims of Plan
- Clause 1.9A – Suspensions of covenants, agreements and instruments
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks
- Clause 6.2 - Flood Planning

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

The site is zoned B6 Enterprise Corridor under the *ALEP 2013*. The applicant has lodged the application as a proposal for serviced apartments. Under the *ALEP 2013* serviced apartments are defined as:

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

A assessment of the application has determined that the current proposal does not meet this definition, as the rooms are not self-contained. The proposed rooms fail to detail kitchen or laundry facilities for each individual room, instead lodgers are reliant upon a communal kitchen located within the lobby (laundry facilities have not been identified under the current proposal). The proposal is therefore not compliant with the definition of serviced apartment.

The development is better defined as a hotel or motel accommodation, which under the *ALEP 2013* is defined as:

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Hotel and motel accommodation developments are permitted with consent within the land use table. The development is not consistent with the objectives of the B6 Enterprise Corridor zone.

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 15 m	16.6m	1.6m or 10.6%	No
Floor Space Ratio Maximum permissible: 1.5:1 or 1002.7m ²	1.61:1 or 1079.3m ²	76.6 sqm or 7.5%	No

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standards:

- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio

Building height

The applicant seeks a variation to the height of buildings development standard under Clause 4.3 of the Ashfield Local Environmental Plan 2013 by 10.6% (1.6m).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

Under Clause 4.6 development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The applicant has not provided a clause 4.6 variation request for Council to consider and as such the proposed variation cannot be supported.

Despite the lack of clause 4.6 being submitted Council has still undertaken an assessment of the proposed variation and considers it to be unsupportable.

Floor Space Ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the Ashfield Local Environmental Plan 2013 by 7.5% (76.6m²).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan justifying the proposed contravention of the development standard which is summarised as follows:

- *The development in the main meets the objectives and controls of the relevant Environmental Planning Instrument and DCP. It acknowledges the site's location adjacent to residential dwellings through its setback to its rear boundary with the lane and the width of the lane itself. As the site is located on the southern-eastern side of those properties it will not cause any shadow impact to those dwellings or the associated rear yards.*
- *In that context its bulk/scale and (general measure of density) is unlikely to negatively impact on the residential amenity of those nearby adjoining dwellings.*
- *The only potential adverse impact from increased FSR could arise if there was a loss in privacy or shadow impact to adjoining residential properties, caused by the buildings bulk/scale. The proposed setback to the rear boundary, the width of the lane itself and as the compliant building height will result in a building generally being perceived as one that is consistent with the planning framework and acceptable in its surrounds.*
- *The bulk and scale as proposed will not be out of scale with the large "Bunnings" building, the adjoining commercial buildings fronting Parramatta Road or the vast open ground plan of Parramatta Road itself and the intersection in particular.*
- *The proposal is well separated from the nearby residential properties and as previously discussed will not negatively impact on the residents of those lands.*

The applicant's written rational has not adequately demonstrated that compliance with the development standard is unreasonable / unnecessary in the circumstances of the case, and that there is sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is not in the public interest because it is inconsistent with the objectives of the B6 Enterprise Corridor, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- *The current design of the development results in a scheme which does not enable a mix of compatible uses. The proposed intention of the ground floor and mezzanine for a show room and subsequent other levels for residential which are all connected via a large centre void, results in a development mix likely to conflict with one another.*

It is considered the development is not in the public interest because it is not consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- *Acceptance of the proposed variation does not maintain compliance with the established standards for intensity and density employed within the former Ashfield LGA*

- *The proposed bulk and scale of the proposal is not consistent with that of neighbouring sites or the general locality.*
- *The proposed development will result in a visual intrusive structure and will impact the significance of the neighbouring conservation area and height items, through unreasonable/unnecessary bulk and scale.*
- *Acceptance of the proposed variation creates a significant and stark visual contrast between the proposed development, the desired future character and the existing local character.*

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of the applicable local environmental plan.

The proposal does not accord with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are insufficient planning grounds to justify the departure from the floor space ratio development standard and it is recommended the Clause 4.6 exception be refused.

Flood Planning (Clause 6.2)

The applicant has failed to demonstrate/satisfy Council's Engineer as to compliance with clause 6.2 – Flood Planning within the Ashfield LEP 2013. The proposed driveway and habitable floor levels have not been designed in accordance with the Dobroyd Canal Flood Study report dated October 2014 and prepared by WMA water, which detail the flood levels new developments are required to comply with.

The current plans before Council detail the proposed driveway crest at 8.60m AHD and are non-compliant with the levels specified in the Dobroyd Canal Flood Study or the recommended levels (8.9m AHD) outlined within the Flood Impact Assessment report provided by the applicant. The current crest level of the driveway is therefore non-compliant with the requirements of clause 6.2 within the LEP as the development is non compatible with the flood hazard of the land and has not been designed to manage risk to life from flood.

Council's Development Assessment Engineer has also reviewed the proposed finished floor level of the ground floor and raised concerns that this level is non-complaint with the required flood hazard.

The proposal is recommended for refusal based upon non-compliance with clause 6.2 – Flood Planning, as the development has not demonstrated that it is compatible with the flood hazard of the land and to manage risk to life or property as a result of flooding.

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 / Leichhardt Development Control Plan 2013 / Marrickville Development Control Plan 2016.

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	No – see discussion
3 - Flood Hazard	No – see discussion
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	No – see discussion
10 - Signs and Advertising Structures	No – see discussion
14 - Contaminated Land	Yes
15 - Stormwater Management	Yes
B – Public Domain	
C – Sustainability	
3 – Waste and Recycling Design & Management Standards	No – see discussion
D – Precinct Guidelines	
Part 6 Parramatta Road – Area 2	Yes

The following provides discussion of the relevant issues:

Good Design

The proposal has been assessed against the performance criteria of Part 2 Good Design within the Inner West Comprehensive Development Control Plan. Part 2 of the DCP outlines that development must:

- *Contribute to its context*
- *Contribute to the quality and identity of the area*
- *Reinforce desirable elements of established street and neighbourhood character*
- *Suit the scale of the street and surrounding buildings*
- *Provides amenity through high quality physical, spatial and environmental design*
- *relates to the environment and context, particularly responding to desirable elements of the existing streetscape or, in areas undergoing substantial change, contributes to the desired future character of the area*

The proposal in its current form does not provide a built form that matches neighbouring sites in terms of bulk/scale, height and density. Development Application was referred to and reviewed by Council's Architectural Excellence Panel (AEP) who outlined a number of concerns with the current design. In particular the AEP outlined that:

- *The proposed building and its elevation to Parramatta Road, shown to incorporate an arc form with extensive glazing, should be reconsidered and developed in relationship to the existing terraces, for example by adopting as a design cue the datum, vertical rhythm and masonry character of these terraces.*
- *Similarly, the presentation and access arrangements to the laneway should be reviewed, including the layout of the bus pull-in and with the pedestrian entrance to the building.*

- *The proposed drop-off point does not address the principal entrance, and due to the proposed levels and the 2m difference in height between the drop off point and the lobby, the current scheme indicates an extremely long, convoluted access ramp to the main entrance lobby in Frederick Street. The Panel considers this to be unreasonable pedestrian access, and notes that current scheme appears to be designed for vehicles rather than for people.*
- *The Panel considers that the current street-front address and entrance to be inadequately articulated and not readily accessible.*
- *The plans show a 1m setback from Parramatta Road - the Panel considers that it would be a better outcome to build to the street-front alignment and maintaining the alignment of the neighbouring terraces.*
- *The Panel queries the proposed use and functionality of the ground floor, which indicates a two storey void connecting the commercial and residential tenancies.*
- *The Panel queries the height of the basement – it appears that a shallower basement would be possible than shown.*
- *The Panel notes that no landscaping is shown in the current proposal, and that it incorporates an open bin collection, and does not indicate any loading capacity for the hotel, for example waste management.*
- *The Panel does not consider the drawings yet demonstrate adequate consideration and resolution of the proposed structure and its design implications.*

The proposal does not meet the above performance criteria for good design and as such will not contribute to the overall context or quality/identify of the area. The current design does not take cues from neighbouring sites or the immediate context and results in a built form in stark contrast from the existing locality. The sites immediate relationship with the heritage conservation area known as “The Ranch”, which is significant for single storey detached Inter-war California Bungalow style houses and a single 2-storey Inter-war Art Deco style residential flat building, (which demonstrate the discrete historical period of the area’s development) place the current design at further odds with the locality and increase the likelihood of a stark and inconsistent built form.

The proposal is recommended for refusal based upon the non-compliance with the performance criteria requirements for good design as outlined with the DCP.

Parking

Clause DS3.4 of Part 8 within Chapter A Miscellaneous outlines that hotels must provide 1 parking space per unit, 1.5 spaces per staff member, 1 visitor space per 5 bedrooms and 1 space per 3 seats for restaurants etc open to the general public. This results in a requirement for the hotel portion of the development to provide 31 parking spaces. Retail uses, such as the one proposed upon the ground floor and mezzanine level of the development are required to provide 1 space per 40m². This results in a requirement for 8 retail spaces to be provided. In total the proposal is required to accommodate 39 on-site parking spaces. Currently 12 vehicular parking spaces have been identified within the basement, this is a deficiency of 27 spaces.

In this instance strict compliance with the parking rates outlined within the DCP is not considered to be necessary, however the proposed rate of 12 parking spaces for a development intensity of this size is considered to be inadequate to properly service the site.

Acceptance of the proposed parking rate variation is expected to force reliance upon the surrounding streets and placing an unreasonable burden upon the public domain.

Fire Hydrant Boosters

Plans currently provided do not detail the proposed location of key services such as fire hydrant boosters or electrical substations. These services are required under the BCA and have significant potential to disrupt streetscape and good urban design outcomes if not appropriately treated/screened.

The proposal is recommended for refusal based upon the matters discussed within this report, however in the event that amended plans are submitted or that the development application is approved then its recommended that a condition of consent requiring the display of such services upon the stamped plans be imposed.

Plan of Management

The application is not accompanied by a plan of management or sufficient information to satisfy Council on how the premises is proposed to be managed on a day to day basis. Key information such as staff numbers, potential delivery times, waste collection, complaints management and house rules, regulations are missing. The nature of the proposed development as a hotel has significant potential to impact the adjacent residential properties. Information such as staff numbers, cleaning times and other general hotel management information is considered to be vital to ensuring reasonable amenity for neighbouring sites. The current lack of information regarding these services results in the proposal being not supportable, as such the proposal is recommended for refusal.

Council is not satisfied that the premises will operate in accordance with any conditions of consent or operate in a manner respectful to neighbouring residents.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following ways:

Neighbouring Amenity

The applicant has failed to adequately demonstrate that the proposal will not significantly impact the amenity of neighbouring sites. The application is not accompanied by information regarding the day to day running of the premises and means to minimise the potential amenity impacts to neighbouring residents.

Impact to Streetscape

The proposed development is not in character with the local area or the existing streetscape, acceptance of the development will detrimentally impact the character of the streetscape and the predominant low-density residential character of the area, including the adjoining heritage conservation area and nearby Heritage Items.

Traffic and Parking

The development has not demonstrated that impacts of traffic and parking can be/have been mitigated through the design of the new building. The proposal is expected to result in traffic and parking impacts for the immediate locality, with an unreasonable reliance upon the public domain for servicing of the site.

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

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

5(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 14 days to surrounding properties. In response to this notification one (1) submission with 27 signatures as a petition was received. The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Streetscape

Comment: The proposed building design has been assessed by Council against the good design controls within the DCP and the AEP panel. Both assessments have found the proposal to be out of context with the streetscape and have as such recommended refusal.

Issue: Safety Concerns

Comment: The application is currently recommended for refusal. Should the proposal be approved then appropriate conditions regarding compliance with the BCA will be imposed as a condition of consent. Compliance with this condition will ensure that the development meets safety requirements.

Issue: Non-compliance with Development Standards

Comment: The proposed non-compliance with development standards has been assessed within the body of the report. The variations are not supportable and the proposal is recommended for refusal.

Issue: Inadequate Parking and Access

Comment: The proposed variation to car parking has been assessed within the body of the report. The proposed parking variation is not supported and the proposal is recommended for refusal.

Issue: Loss of Privacy/ Overlooking

Comment: The proposed rear western elevation has been designed to be setback 9m from the boundary and incorporates minimal glazing. This combined with the additional separation resulting from the laneway ensures reasonable privacy for neighbouring sites/residents. Privacy impacts from the development are expected to be minimal under the current design. Regardless the proposal is recommended for refusal based on other non-compliances outlined above.

Issue: Impacts from Construction and Demolition

Comment: The application is currently recommended for refusal, however should the proposal be approved then appropriate conditions regarding construction methods and impacts to the locality will be imposed upon the consent.

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 contrary to the public interest and is therefore recommended for refusal.

6 Referrals

6(a) Internal

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

Development Assessment Engineer – Council's Development Assessment Engineer has reviewed the proposal and outlined concerns with the proposals compatibility with flood planning requirements, parking and stormwater. These concerns are addressed within the above report and the proposal has subsequently been recommended for refusal.

Environmental Health – Council's Environmental Health Team have reviewed the proposal and outlined no objection to the development application. Conditions of consent to be imposed in the event of approval have been provided and will be included in the event of an approval.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Roads & Marine Services (RMS) – The proposal has been referred to the RMS in accordance with the requirements of clause 101 of Infrastructure SEPP 2007. The RMS have provided correspondence to Council which outlines that no objection to the application is raised so long as recommended conditions of consent are included on any consent issued. These conditions relate to land acquired by the RMS, the proximity of West Connects Tunnels and requirements for consultation with the RMS about excavation and construction methods of the proposed basement. These conditions have been recommended to form part of any consent issued in the event of an approval.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

8. Conclusion

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

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

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

9. Recommendation

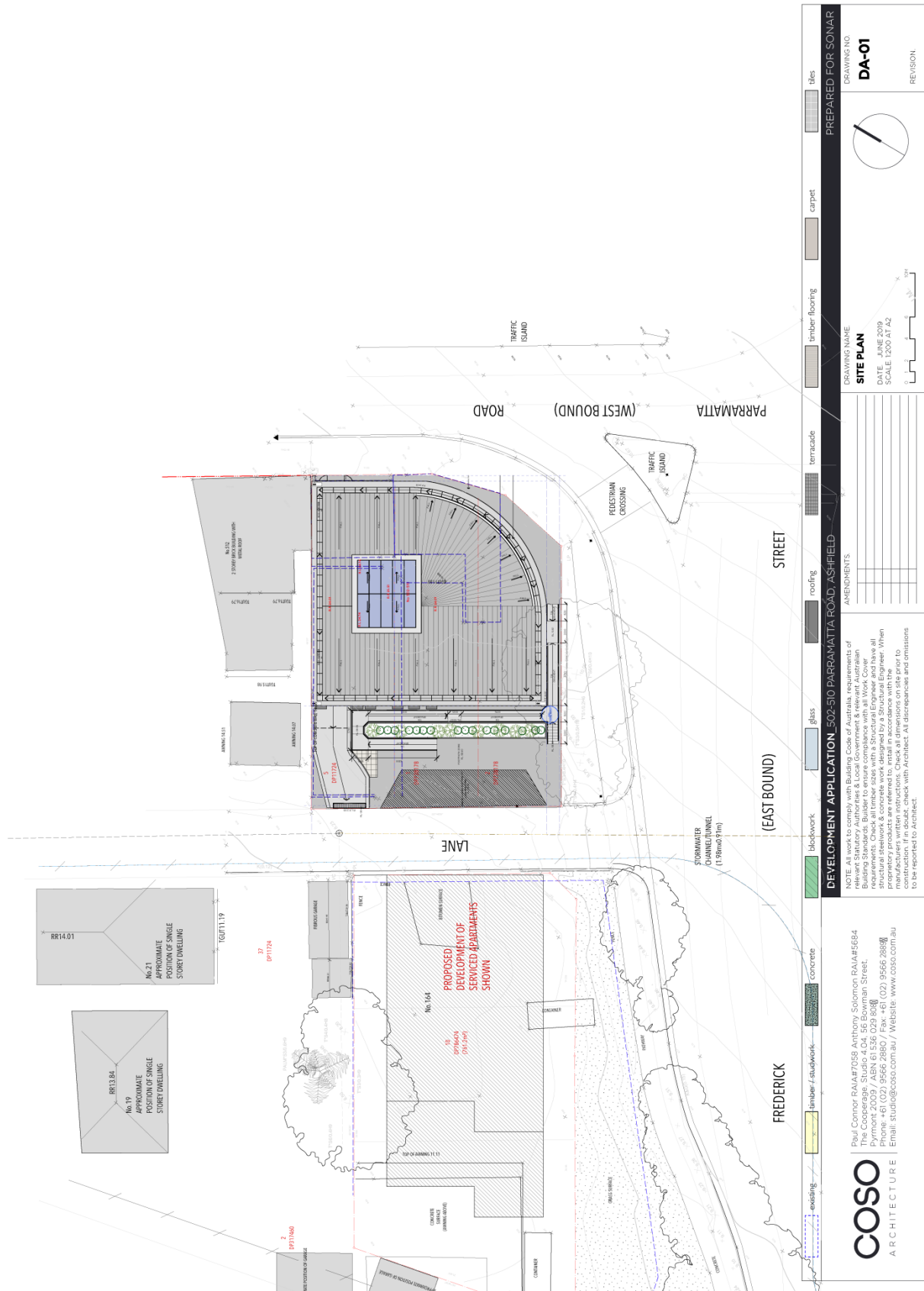
- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. 10.2019.110 for demolition of existing structures and construction of a 4 storey mixed use building with ground and mezzanine level commercial and 20 serviced apartments at 502 – 510 Parramatta Road, Ashfield.

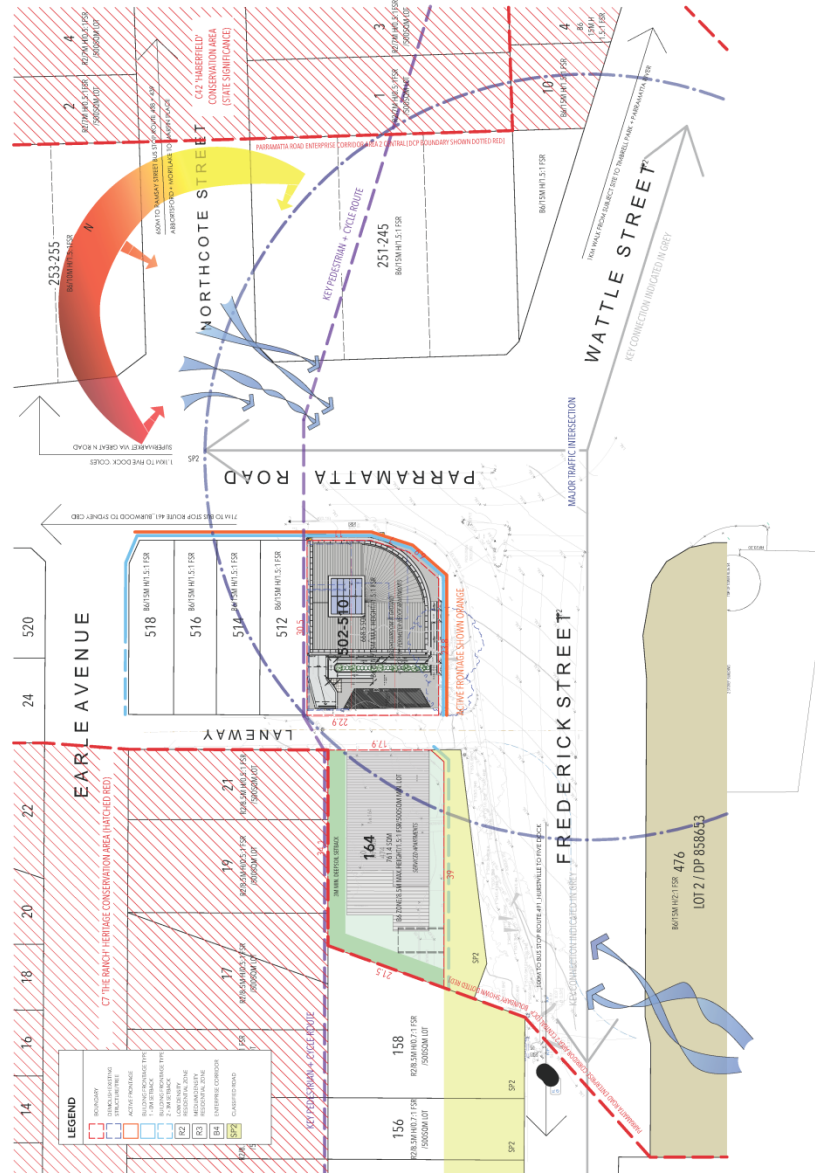
Attachment A – Reasons for Refusal

The Inner West Local Planning Panel, as the responsible authority, hereby refuses Development Application No. 10.2019.110 for demolition of existing structures and construction of a 4 storey mixed use building with ground and mezzanine level commercial and 20 serviced apartments at 502 – 510 Parramatta Road, Ashfield for the following reasons:

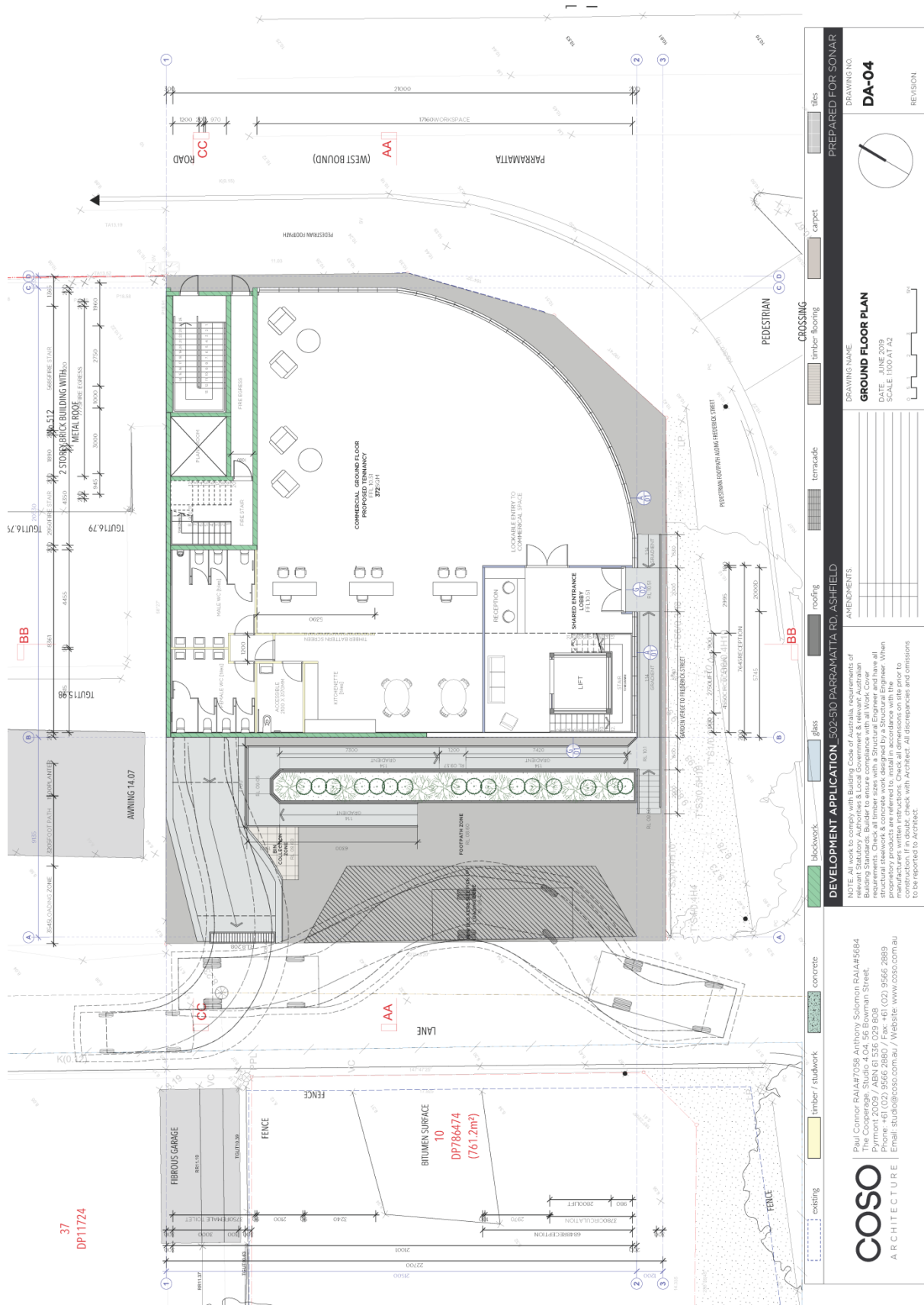
1. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with clause 1.2 (g) – Aims of Plan of the *Ashfield Local Environmental Plan 2013*. The proposed development does not encourage the revitalisation of the Parramatta Road corridor in a manner that generates new local employment opportunities, improves the quality and amenity of the streetscape, and does not adversely affect adjacent residential areas.
2. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, a formal request under clause 4.6 – Exceptions to development standards to vary the Height of Buildings development standard has not been submitted.
3. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the objectives of the height of buildings control under Clause 4.3 of the *Ashfield Local Environmental Plan 2013*.
4. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the formal request under clause 4.6 – Exceptions to development standards to vary the Floor Space Ratio development standard is not supported.
5. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the objectives of the Floor Space Ratio Development control under Clause 4.4 of the *Ashfield Local Environmental Plan 2013*.
6. The proposal does not satisfy Clause 6.2 – Flood Planning of the *Ashfield Local Environmental Plan 2013*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
7. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the Comprehensive Inner West Development Control Plan 2016, A Miscellaneous as follows:
 - a. Part 2 – Good Design – the scale and form of the proposal does not adequately respond and contribute to its context and surrounding streetscape and is not considered acceptable.

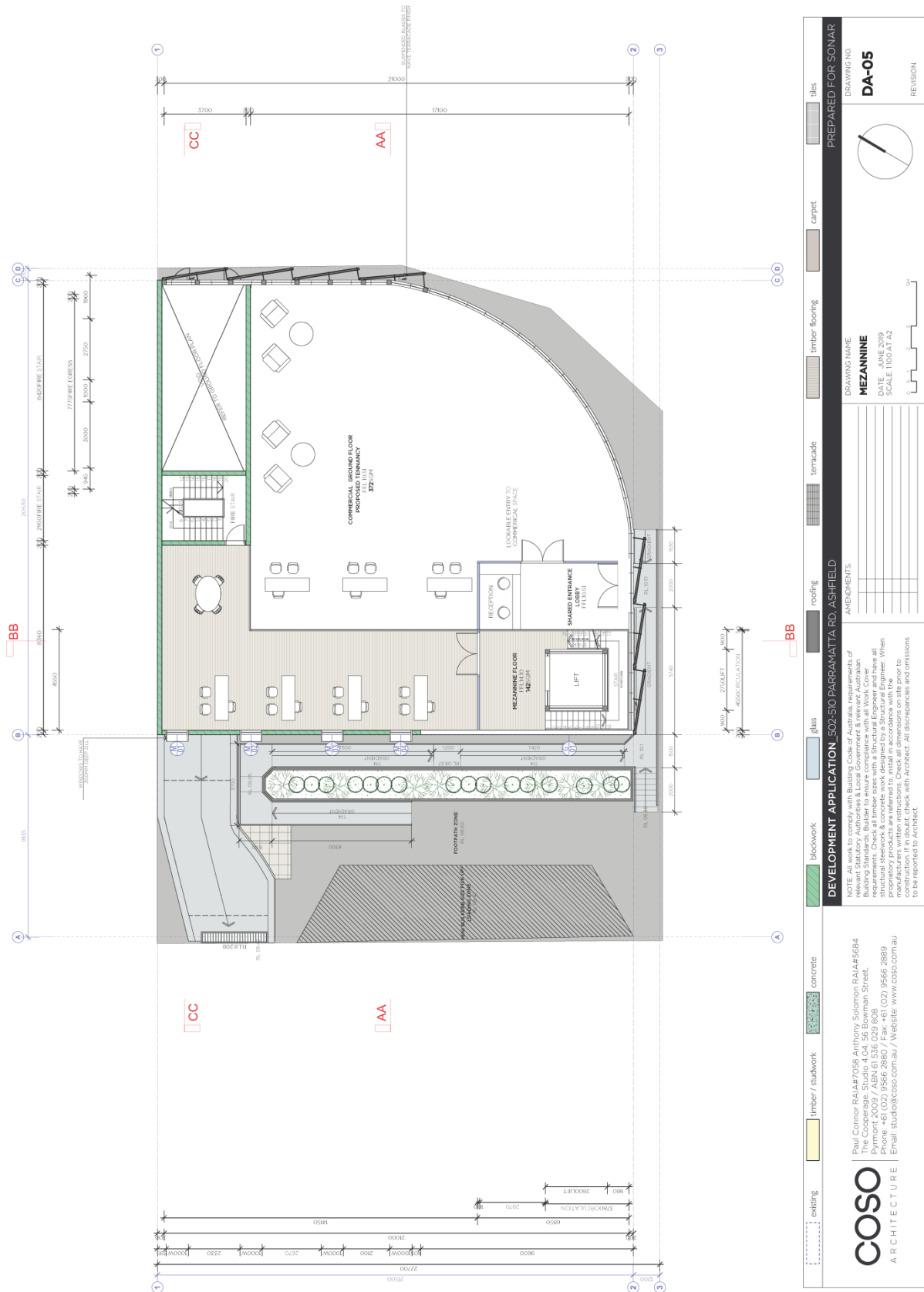
- b. Par 3 – Flood Hazard – the proposal has not demonstrated compliance with the requirements for new developments within areas identified as being flood prone. The proposal will result in additional flooding impacts for neighbouring sites through the displacement of water onto neighbouring land.
 - c. Part 8 – Parking – the proposed rate of parking is not sufficient to enable adequate servicing of the site and ensure minimal environmental impact for the locality
- 8. In accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
- 9. Pursuant to the provisions of Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposal would not be in the public interest.

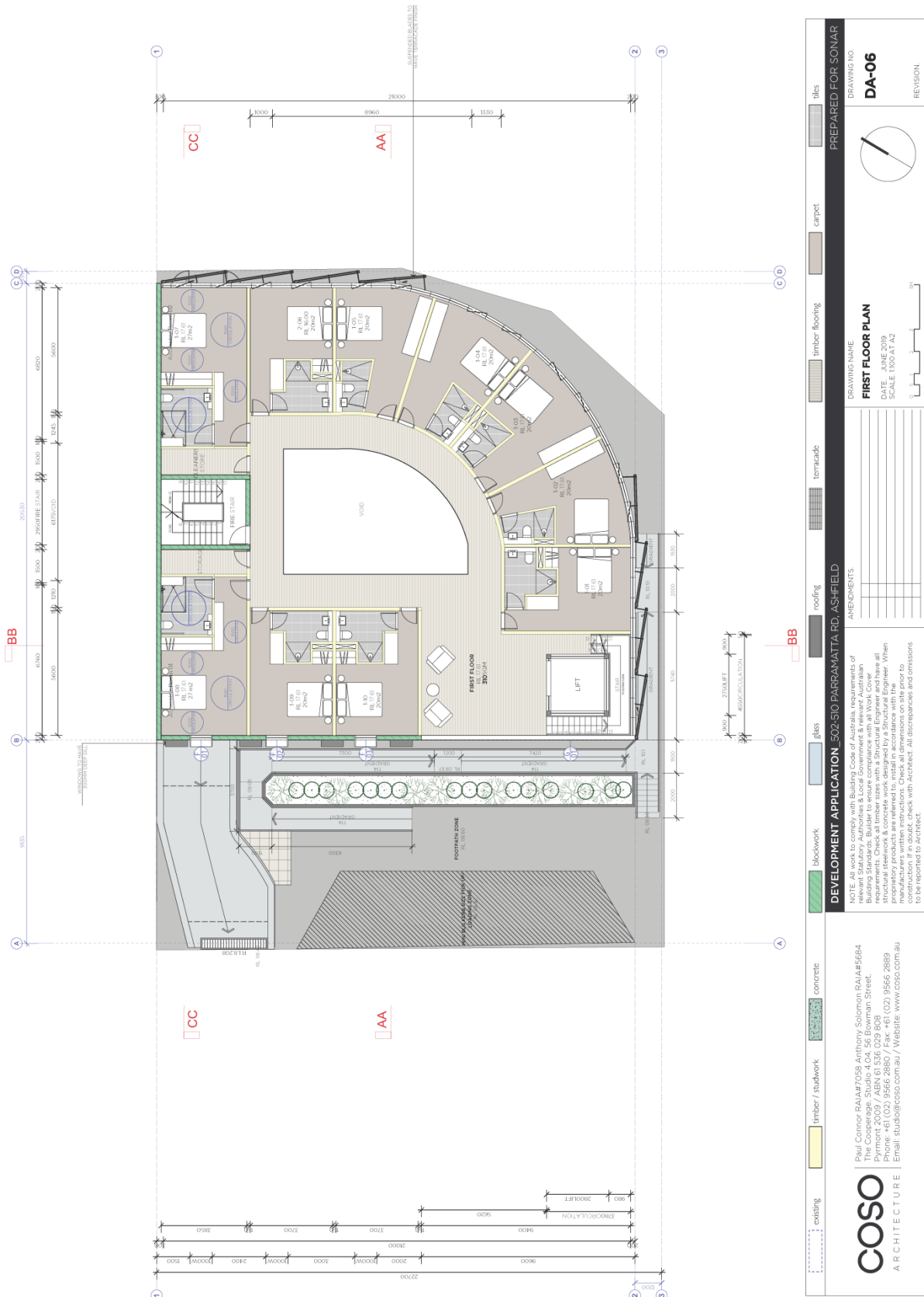






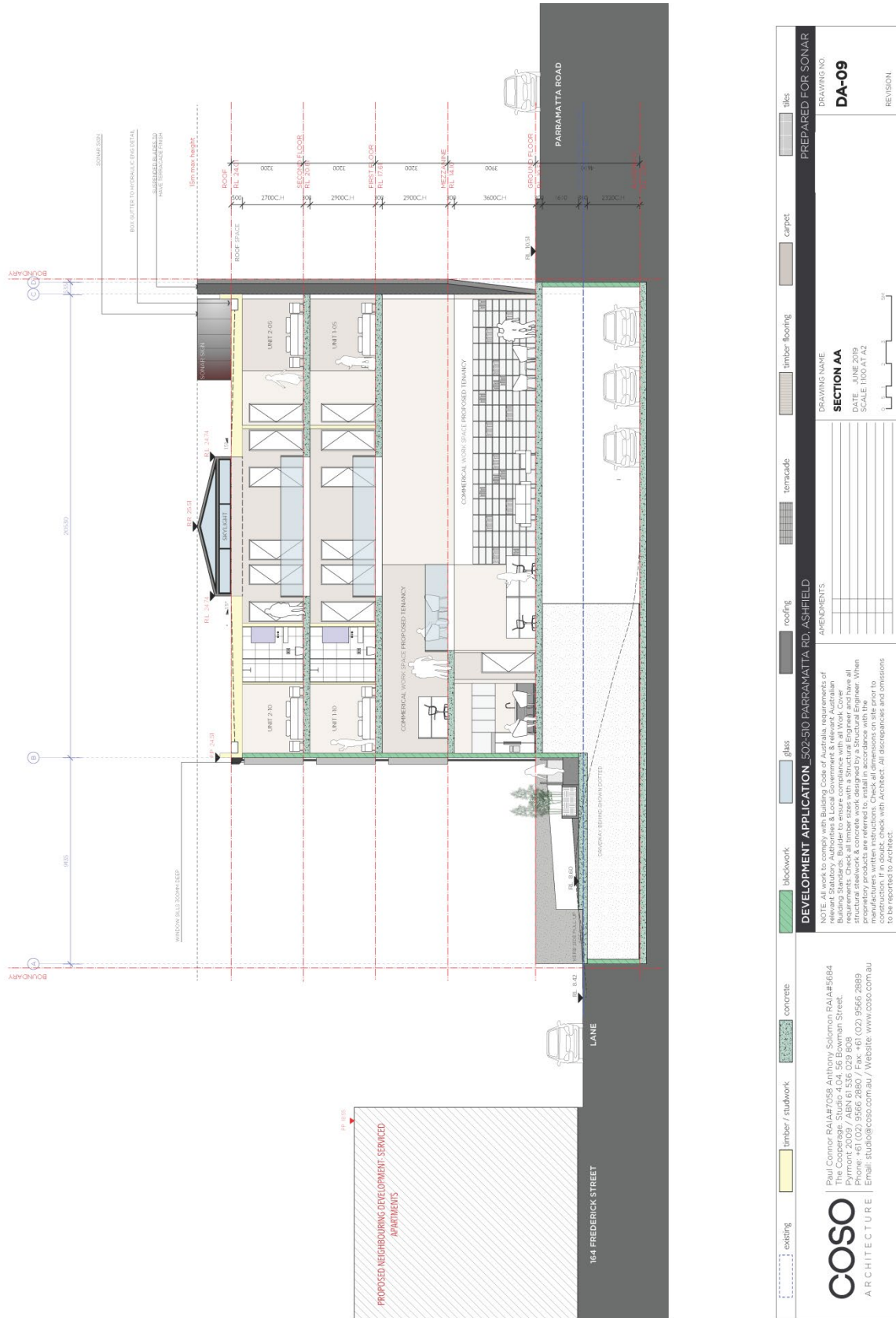




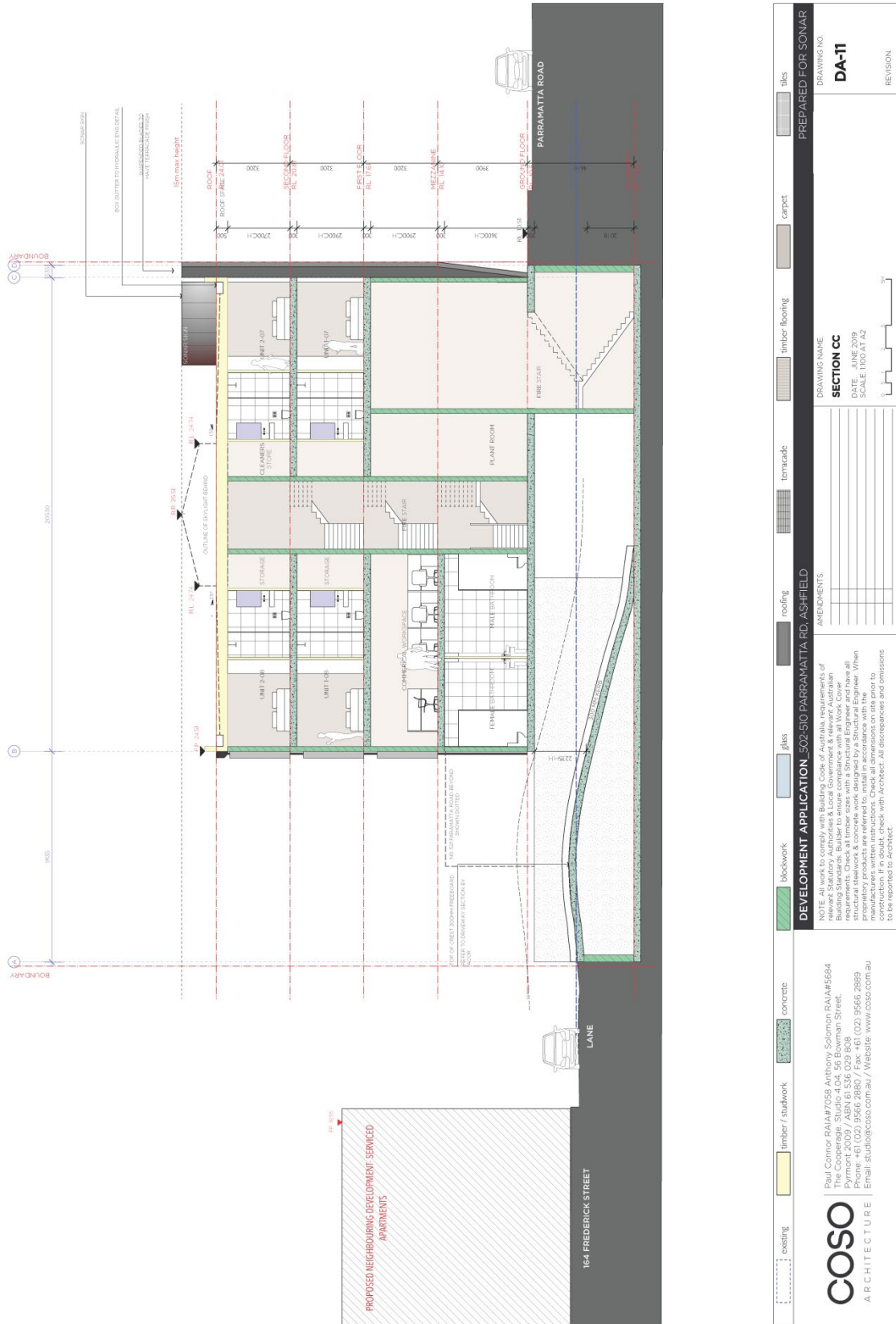


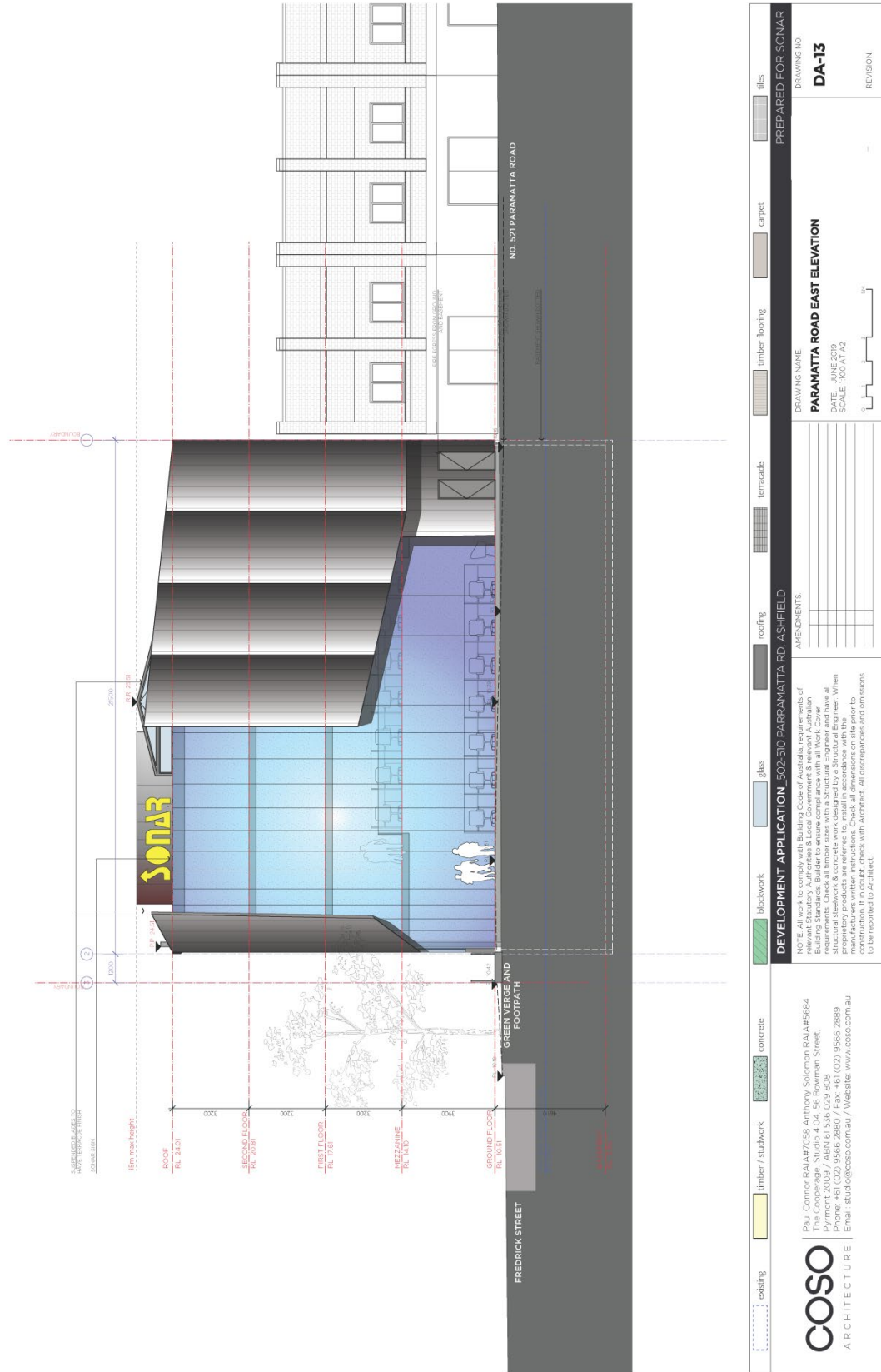


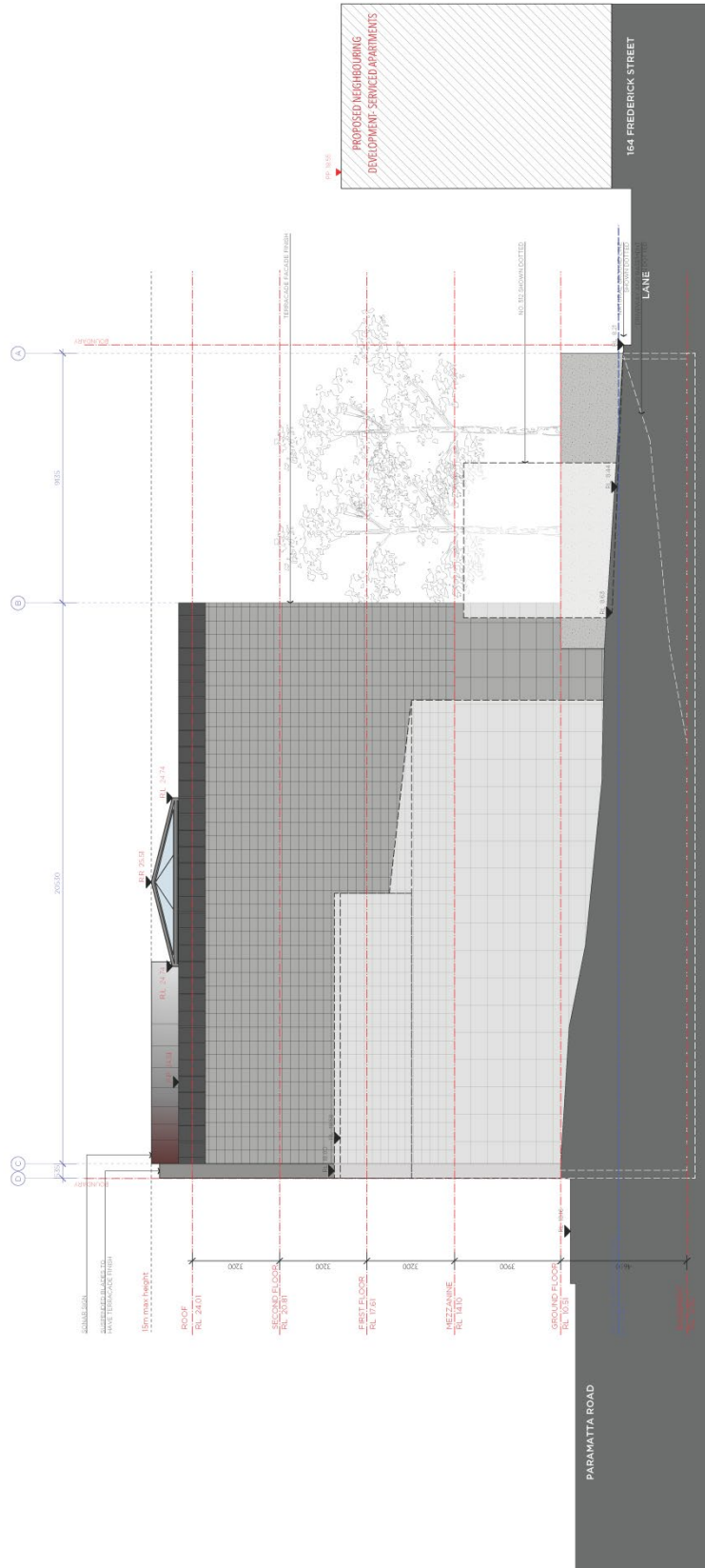




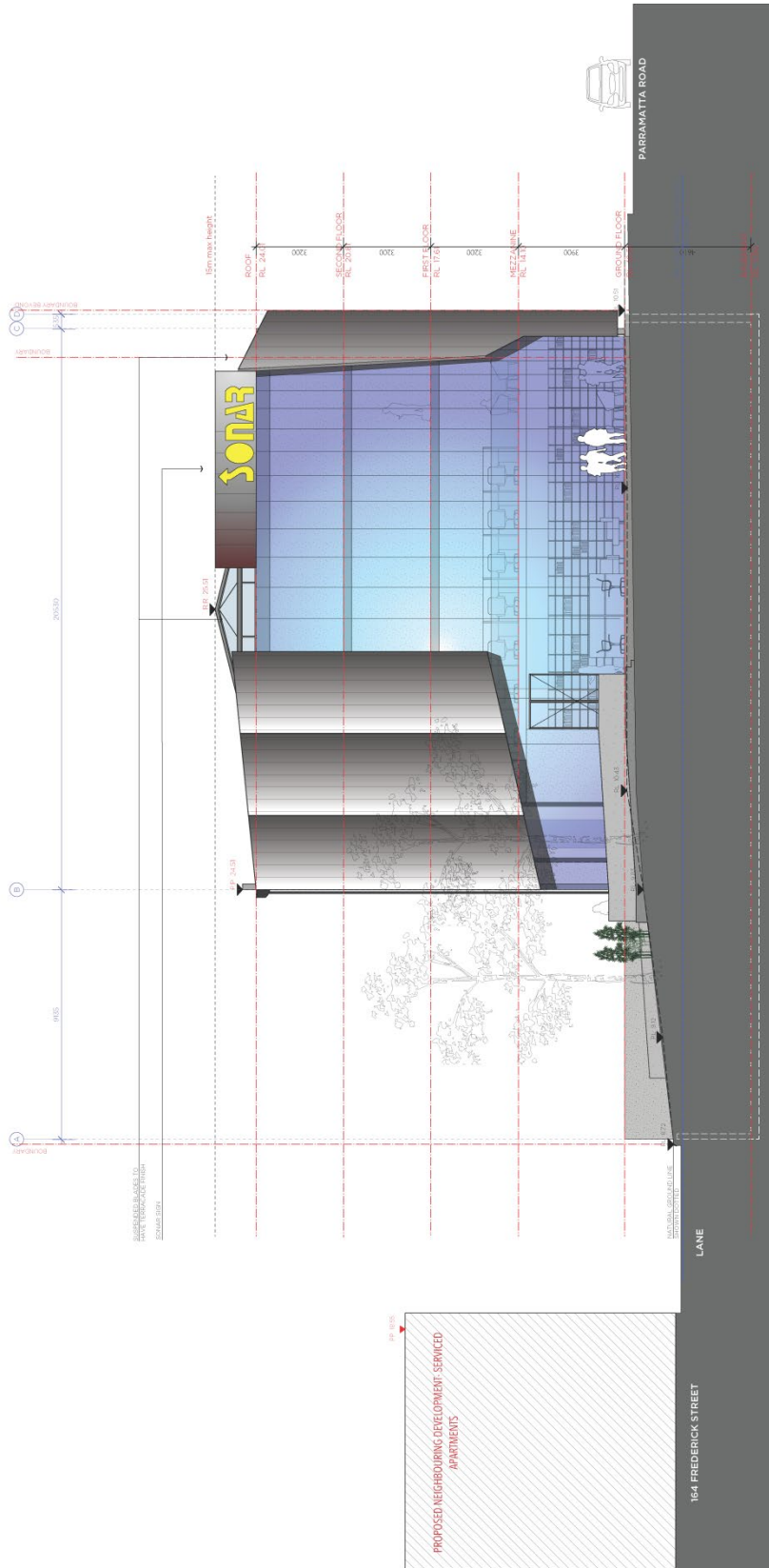




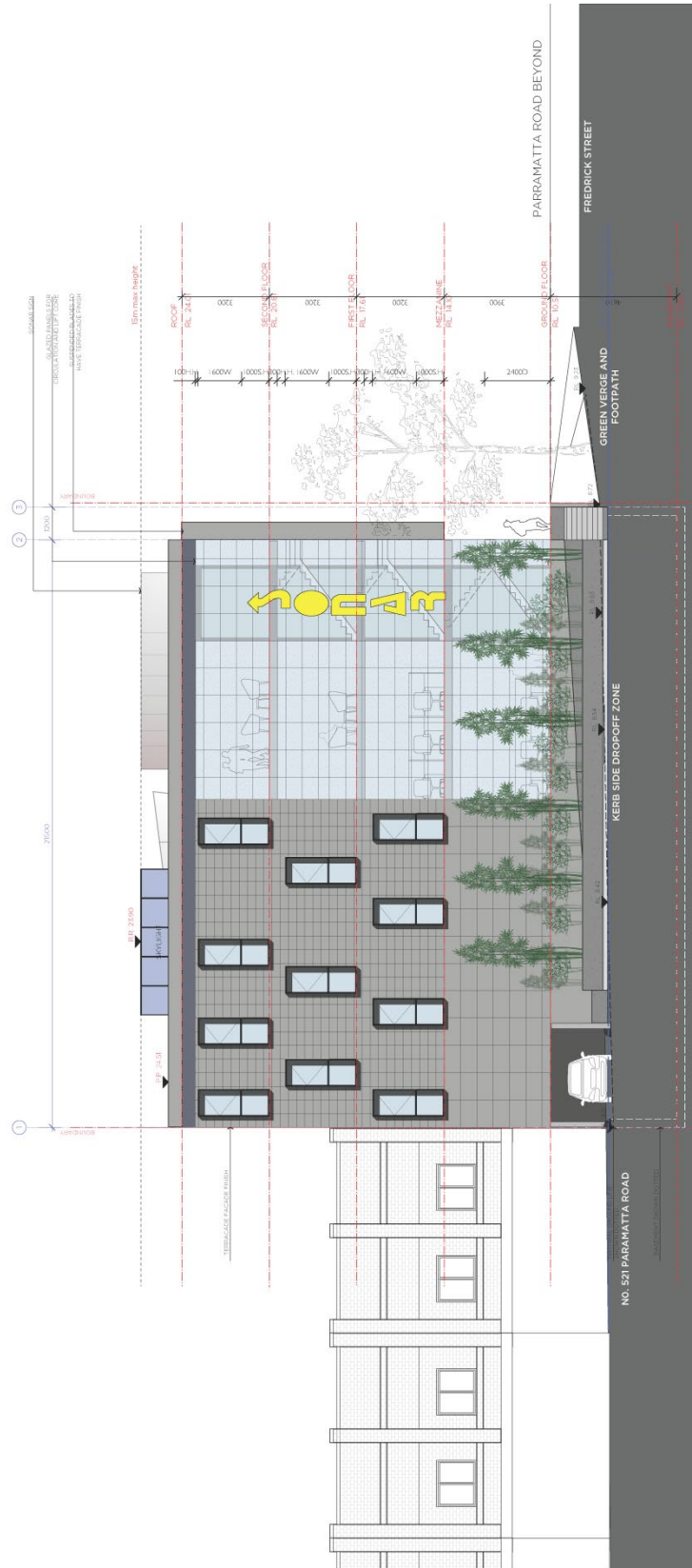




<p>DEVELOPMENT APPLICATION 502-510 PARRAMATTA RD, ASHFIELD</p> <p>NOTE: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian standards. Check all timber sizes with a Structural Engineer and have all structural steelwork & concrete work designed by a Structural Engineer. When manufacturers written instructions. Check all dimensions on site prior to construction. If in doubt, check with Architect. All discrepancies and omissions to be reported to Architect.</p>		<p>PREPARED FOR SONAR</p> <p>DRAWING NO. DA-15</p> <p>REVISION</p>	
<p>ARCHITECT</p> <p>COSO</p> <p>Paul Connor RAIA#7058 Anthony Solomon RAIA#5684 1/100-1/110 PARRAMATTA ROAD, PARRAMATTA NSW 2150 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2889 Email: studio@coso.com.au / Website: www.coso.com.au</p>		<p>DRAWING NAME: NORTH ELEVATION</p> <p>DATE: JUNE 2019</p> <p>SCALE: 1/50 AT A4</p>	
existing	timber / studwork	concrete	blockwork
glass	roofing	terrace	timber flooring
carpet	tiles		



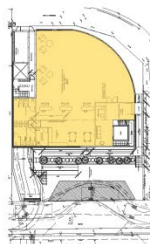
<p>DEVELOPMENT APPLICATION 502-510 PARRAMATTA RD, ASHFIELD</p> <p>NOTE: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian standards. Check all timber sizes with a Structural Engineer and have all structural steelwork & concrete work designed by a Structural Engineer. When manufacturing written instructions. Check all dimensions on site prior to construction. If in doubt, check with Architect. All discrepancies and omissions to be reported to Architect.</p>		<p>PREPARED FOR SONAR</p> <p>DRAWING NO. DA-12</p> <p>REVISION</p>	
<p>ARCHITECT</p> <p>Paul Connor RAIA#7058 Anthony Solomon RAIA#5684 164 Frederick Street, Ashfield NSW 1535 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2889 Email: studio@coso.com.au / Website: www.coso.com.au</p>		<p>DRAWING NAME FREDERICK STREET SOUTH ELEVATION</p> <p>DATE JUNE 2019</p> <p>SCALE 1/50 AT A4</p>	



<p>Paul Connor RAIA#7058 Anthony Solomon RAIA#5684 Architects and Planners 1/100-1/110 Pitt Street Pyrmont, NSW 2009 / A/N 61 536 029 808 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2889 Email: studio@coso.com.au / Website: www.coso.com.au</p>		<p>DEVELOPMENT APPLICATION 502-510 PARRAMATTA RD, ASHFIELD</p>		<p>PREPARED FOR SONAR</p>	
<p>existing timber / studwork concrete</p>		<p>blockwork glass roofing terrace timber flooring carpet tiles</p>		<p>DRAWING NO. DA-14</p>	
<p>coso ARCHITECTURE</p>		<p>DRAWING NAME LANE WEST ELEVATION DATE: JUNE 2019 SCALE: 1/50 AT A4</p>		<p>REVISION</p>	

NOTE: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian requirements. Check all timber sizes with a Structural Engineer and have all structural steelwork & concrete work designed by a Structural Engineer. When manufacturers written instructions. Check all dimensions on site prior to construction. If in doubt, check with Architect. All discrepancies and omissions to be reported to Architect.

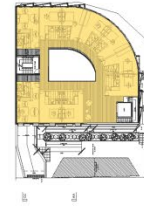
CALCULATIONS	
SITE AREA	668.5m ²
SITE COVERAGE	410m ² 61%
PRIVATE OPEN SPACE	258.5m ² 39%
COUNCIL FSR	15.1
PROPOSED FSR	158.1



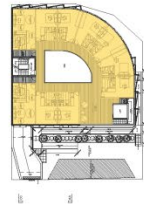
GROUND 331sqm



MEZANNINE FLOOR 96sqm



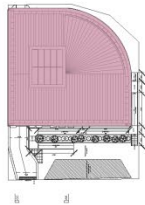
SECOND FLOOR 316sqm



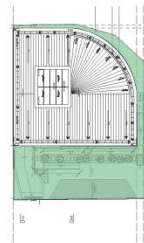
FIRST FLOOR 316sam



SITE AREA: 668.5sqm



SITE COVERAGE 410sqm



PRIVATE OPEN SPACE 258 sqm



COSO
 ARCHITECTURE
 Email: studio@cso.com.au / Website: www.cso.com.au
 Pymont 2009 / ABN 61 536 029 808 / (02) 9568 9888

Real Estate: RMAH7058 Anthony Solomon RMAH45684
 The Cospende, Studio A/4, 56 Bowman Street,
 Pymont 2009 / ABN 61 536 029 808 / (02) 9568 9888

DEVELOPMENT APPLICATION 502-506 PARRAMATTA ROAD, ASHFIELD NSW 2131


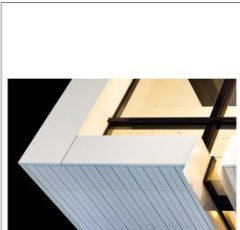
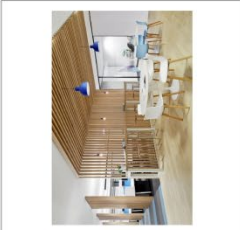







DRAWING NAME: **FSR CALCULATIONS**
 DATE: JUNE 2019
 SCALE: 1/50 @ A2

DRAWING NO: **DA-18**
 REVISION: ---




NOTE: All work to comply with Building Code of Australia, requirements of the Environmental Planning and Assessment Act 1979, and the 2019 Building Standards, in accordance with the Local Government's 2019 Building Standards, in accordance with the Local Government's 2019 Building Standards, in accordance with the Local Government's 2019 Building Standards.























REQUIREMENTS: Check all timber sizes with a Structural Engineer and have all calculations checked by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturer's instructions. If in doubt, check with Architect. All dimensions and annotations to be double-checked by Architect.

 <p>ROOF Metal Ground Slip-Lok 700mm H-Spacing Colour to be determined</p>	 <p>FACADE Blockwork with terracade Cladding Timber batten finish in brilliant white 1000 X 300 X 14</p>	 <p>TIMBER BATTEN SCREENING for commercial room dividers</p>	 <p>GLAZING glass fin system with hidden frame timber batten finish translucent finish</p>	 <p>WINDOW FRAMING Metal Anodised Aluminium Frame</p>	 <p>SKYLIGHT CONCEPT</p>	 <p>GLASS LIFT SYSTEM</p>	 <p>blockwork glazing roofing</p>	 <p>terracade timber flooring carpet</p>	 <p>tiles</p>		
<p>DEVELOPMENT APPLICATION 502-510 PARRAMATTA RD. ASHFIELD</p> <p>NOTE: All work to comply with Building Code of Australia requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. Builder to ensure compliance with all Work Cover requirements. All structural steelwork & concrete work designed by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturer's instructions. All work to be completed prior to construction. If in doubt, check with Architect. All discrepancies and omissions to be reported to Architect.</p>										<p>DRAWINGS NAME SELECTED MATERIAL AND FINISHES</p> <p>DATE: JUNE 2019 SCALE: 1:100 AT A2</p>	<p>DRAWING NO. DA-19</p> <p>REVISION</p>



COSO ARCHITECTURE

STORMWATER MANAGEMENT PLANS

LEGEND	
	DEVOTES ON-SITE DETENTION TANK
	DEVOTES ON-SITE RETENTION TANK
	DEVOTES DWELLING FOOTPRINT
	DEVOTES 100mm DIA. STORMWATER PIPES SYSTEM PIPIT AT 1% MIN. GRADE U.N.O.
	DEVOTES 100mm DIA. FULLY SEALED RAINWATER SYSTEM PIPIT U.N.O.
	DEVOTES RAINWATER PIPE AND DIA. WHEN PIPE EXCEEDS 100mm DIA.
	DEVOTES STORMWATER SURFACE WATER PIPE AND DIA. WHEN PIPE EXCEEDS 100mm DIA.
	DEVOTES RISING MAIN AND PIPES DIA. U.N.O.
	DEVOTES SUBSOL DRAINAGE LINE AND DIA. WRAPPED IN GEOTEXTILE U.N.O.
	DEVOTES DOWNPIPE
	DEVOTES INSPECTION OPENING WITH SPOREW DOWN LID AT FINISHED SURFACE LEVEL
	DEVOTES INSPECTION OPENING WITH SPOREW DOWN LID AT FINISHED SURFACE LEVEL FOR SYSTEM FLUSHING PURPOSES
	STORMWATER PIT - SOLO COVER
	STORMWATER PIT - GRATED INLET
	DEVOTES GRATED DRAIN
	DEVOTES ABSORPTION TRENCH
	NON RETURN VALVE
	PUMP
	STOP VALVE (ISOLATION VALVE)
	2400 REQUIRED
	DEVOTES LEVEL OF INLET OUTLET OF STORMWATER PIPE AND OTHERWISE THE BASE OF THE PIT IS THE SAME AS THE PIPE INLET/OUTLET.
	

DIAL BEFORE YOU DIG

IMPORTANT: THE CONTRACTOR IS TO MAINTAIN A CURRENT SET OF "DIAL BEFORE YOU DIG" DRAWINGS ON SITE AT ALL TIMES.

GENERAL NOTES

1. THESE PLANS SHALL BE READ IN CONJUNCTION WITH OTHER RELEVANT CONSULTANT'S PLANS, SPECIFICATIONS, CONDITIONS OF DEVELOPMENT CONSULTANT'S PLANS, CONSTRUCTION CERTIFICATE AND THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION. CONSULTANTS (C) MUST BE CONTACTED IMMEDIATELY FOR VERIFICATION.
2. WHERE THESE PLANS ARE USED FOR DEVELOPMENT APPLICATION PURPOSES ONLY, THIS SHALL BE USED FOR OBTAINING CONSTRUCTION CERTIFICATE NOT USED FOR CONSTRUCTION PURPOSES.
3. SURFLO DRAINAGE SHALL BE DESIGNED AND DETAILED BY THE STRUCTURAL ENGINEER. SURFLO DRAINAGE SHALL NOT BE CONNECTED INTO THE STORMWATER SYSTEM IDENTIFIED ON THESE PLANS UNLESS APPROVED BY ACDR CONSULTANTS (C).

STORMWATER CONSTRUCTION NOTES

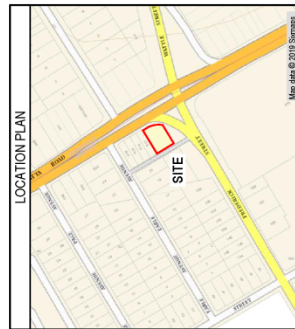
1. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS/NZS 3500 (CURRENT EDITION) AND THE REQUIREMENTS OF THE LOCAL COUNCIL'S POLICES AND CODES
2. THE MINIMUM SIZES OF THE STORMWATER DRAINS SHALL NOT BE LESS THAN DN400 FOR CLASS 1 BUILDINGS AND DN1000 FOR OTHER CLASSES OF BUILDING OR AS REQUIRED BY THE REGULATORY AUTHORITY
3. THE MINIMUM GRADIENT OF STORMWATER DRAINS SHALL BE 1% UNLESS NOTED OTHERWISE
4. COUNCILS TREE PRESERVATION ORDER IS TO BE STRICTLY ADHERED TO. NO TREES SHALL BE REMOVED UNTIL PERMITS OBTAINED
5. PUBLIC UTILITY SERVICES ARE TO BE ADJUSTED AS NECESSARY AT THE CLIENT'S EXPENSE.
6. ALL PITS TO BE BENCHED AND STREAMLINED PROVIDE STEP IRONS FOR ALL ITS OVER 1.2m DEEP
7. MAKE SMOOTH JOINTS WITH AN EXISTING WORK
8. VEHICULAR ACCESS AND ALL SERVICES TO BE MAINTAINED AT ALL TIMES TO AVOID PROPERTIES AFFECTED BY CONSTRUCTION
9. SERVICES SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE CORRECT IT IS THE CLIENT'S CONTRACTORS RESPONSIBILITY TO LOCATE ALL PRIOR TO CONSTRUCTION
10. ANY VARIATION TO THE WORKS AS SHOWN ON THE APPROVED DRAWINGS SHALL BE NOTIFIED TO ALL AGENT CONSULTANTS (CC) PRIOR TO THEIR COMMENCEMENT

RAINWATER RE-USE SYSTEM NOTES

1. RAINWATER SUPPLY PLUMBING TO BE CONNECTED TO OUTLETS WHERE REQUIRED BY BASIC CERTIFICATE (BY OTHERS)
2. RAINWATER CONNECTION TO RAINWATER TANK TO BE TO THE SATISFACTION OF THE REGULATORY AUTHORITY. THIS MAY REQUIRE PROVISION OF:
 - 19. BACKFLOW PREVENTION VALVE
 - 20. AIR GAP
 - 21. BACKFLOW PREVENTION DEVICE
3. NO DIRECT CONNECTION BETWEEN TOWN WATER SUPPLY AND THE RAIN WATER SUPPLY
4. AN APPROVED STOP VALVE AND/OR PRESSURE LIMITING VALVE AT THE RAINWATER TANK
5. PROVIDE AT LEAST ONE EXTERNAL HOSE COCK ON THE TOWN WATER SUPPLY FOR FIRE FIGHTING
6. PROVIDE APPROPRIATE FLOAT VALVES AND/OR SOLID STATE VALVES TO CONTROL TOWN WATER SUPPLY INLET TO TANK IN ORDER TO ACHIEVE THE TOP-UP INDICATED ON THE TYPICAL DETAIL
7. ALL UTILITY WORKS ARE TO BE CARRIED OUT BY LICENSED PLUMBERS IN ACCORDANCE WITH AS/NZS3500 NATIONAL PLUMBING AND DRAINAGE CODE
8. PRESSURE RAMP ELECTRICAL CONNECTION TO BE CARRIED OUT BY A LICENSED ELECTRICIAN
9. ONLY SURFACE RUN-OFF IS TO BE DIRECTED TO THE RAINWATER TANK. RAINWATER INLETS ARE NOT TO BE CONNECTED
10. APPROVED MATERIALS FOR RAINWATER PLUMBING ARE TO BE APPLIED FOR RAINWATER PLUMBING ARE TO BE APPLIED FOR MATERIALS TO AS/NZS3500 PART 1 SECTION 2 AND TO BE CLEARLY AND PERMANENTLY IDENTIFIED AS RAINWATER. THIS MAY BE DONE IN ACCORDANCE WITH AS4840 OR FOR ABOVE GROUND PIPES BY USING ADHESIVE PIPE MARKERS (MADE IN ACCORDANCE WITH AS1346)
11. EVERY RAINWATER SUPPLY OUTLET POINT AND THE RAINWATER TANK ARE TO BE LABELED RAINWATER ON A METALLIC SIGN IN ACCORDANCE WITH AS1919
12. ALL INLETS AND OUTLETS TO THE RAINWATER TANK ARE TO HAVE SUITABLE MEASURES PROVIDED TO PREVENT MOSQUITO AND VERMIN ENTRY

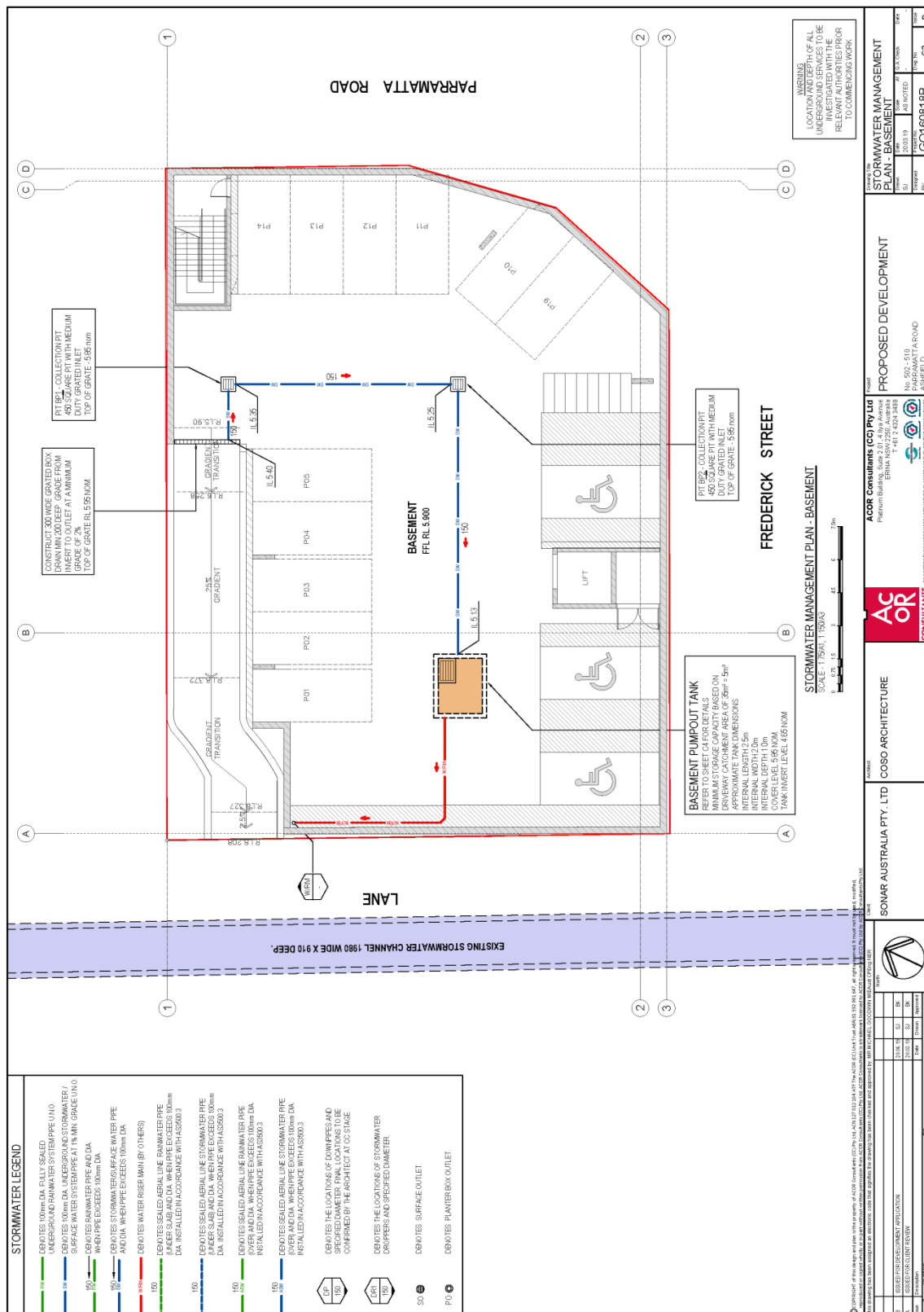
SHEET INDEX	
COVER SHEET & NOTES	SHEET C1
STORMWATER MANAGEMENT PLAN - BASEMENT	SHEET C2
STORMWATER MANAGEMENT PLAN - GROUND FLOOR	SHEET C3
STORMWATER MANAGEMENT DETAILS SHEET No. 1	SHEET C4
EROSION & SEDIMENT CONTROL PLAN	SHEET C5
EROSION & SEDIMENT CONTROL NOTES	SHEET C6
EROSION & SEDIMENT CONTROL DETAILS	SHEET C7

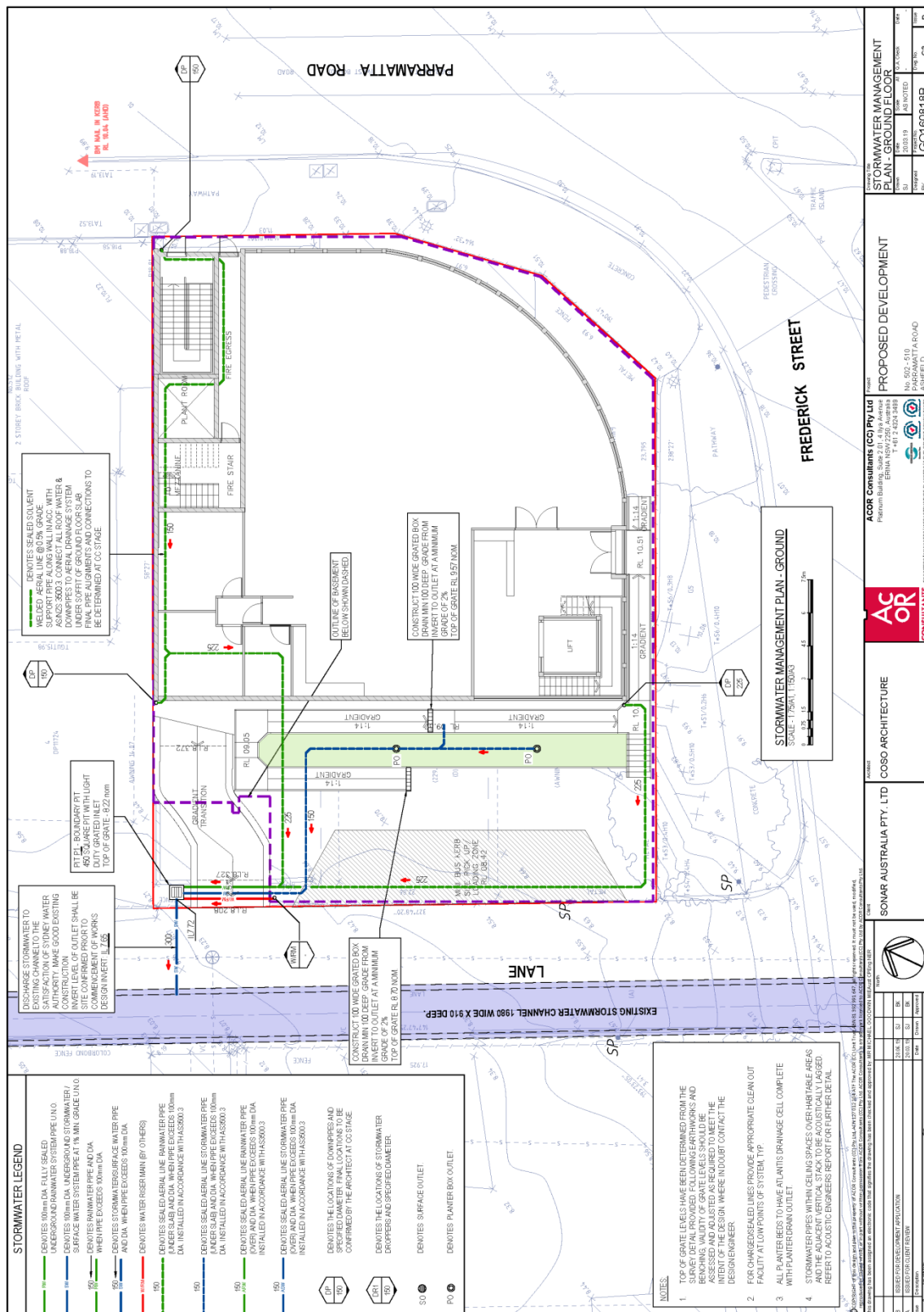
ASHFELD COUNCIL REQUIREMENTS	
SITE AREA (m ²)	668.5
PERMISSIBLE MAXIMUM FILL (m)	668.5 (100%)
PROPOSED TOTAL UPPERFLOUS AREA (m ²)	668.5 (100%)
ON-SITE DETENTION SYSTEM	
NO INCREASE FROM PRE-DEVELOPED CONDITION	
THEREFORE NO CSD HAS BEEN PROVIDED.	
ON-SITE DETENTION SYSTEM	
NO HARMFUL USE REQUIREMENTS IN BASIN REPORT	
SITE DISCHARGE	
SITE IS TO BE DISCHARGED TO EXISTING STORMWATER CHANNEL IN LAKE	
DESIGN PREPARED IN ACCORDANCE WITH ASHFELD COUNCIL'S DEVELOPMENT CONTROL PLAN 2007 & ASHFELD INTERMEDIATE DEVELOPMENT ASSESSMENT POLICY 2010, "STORMWATER MANAGEMENT POLICY", AR46 & AS/205 350	

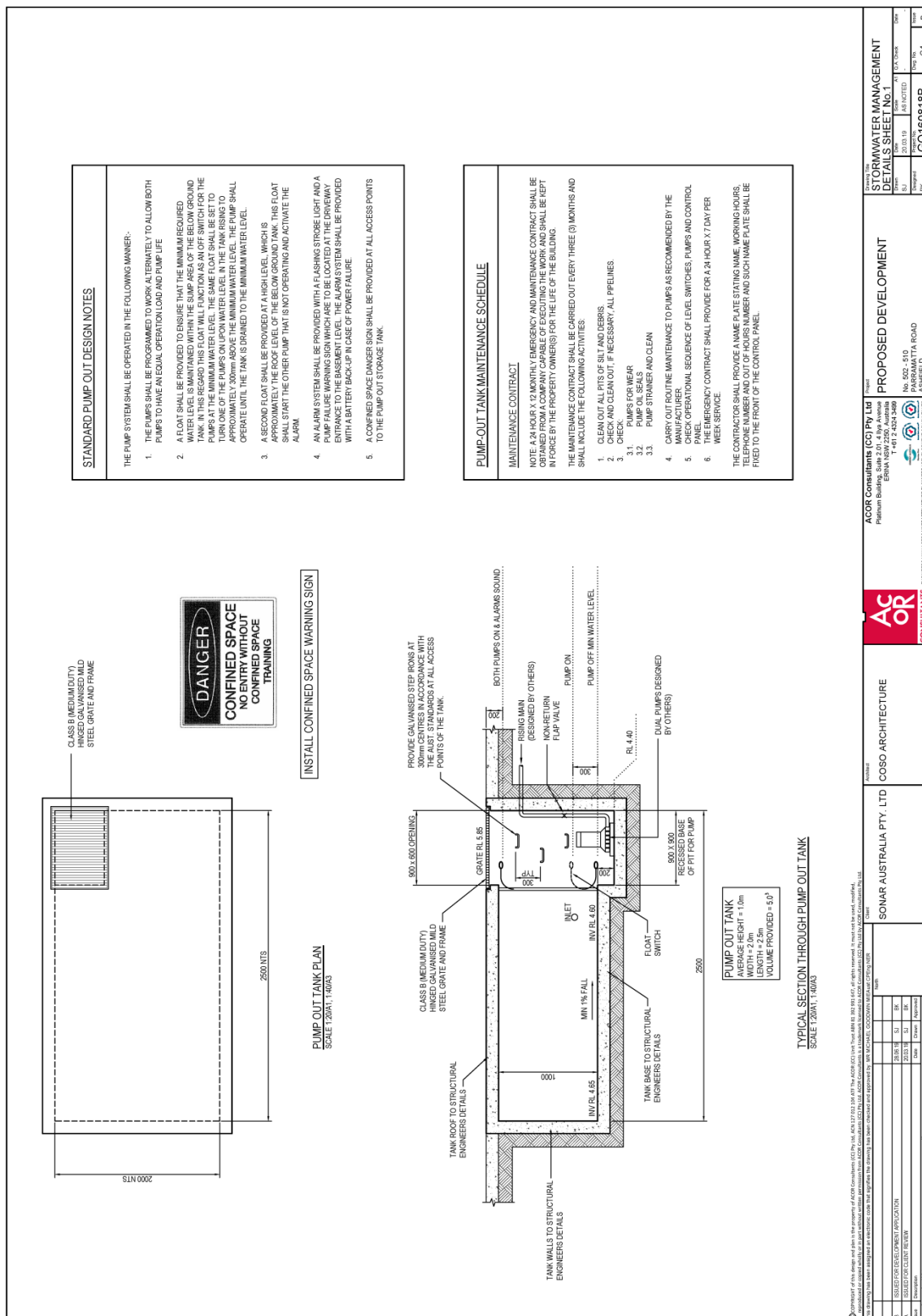


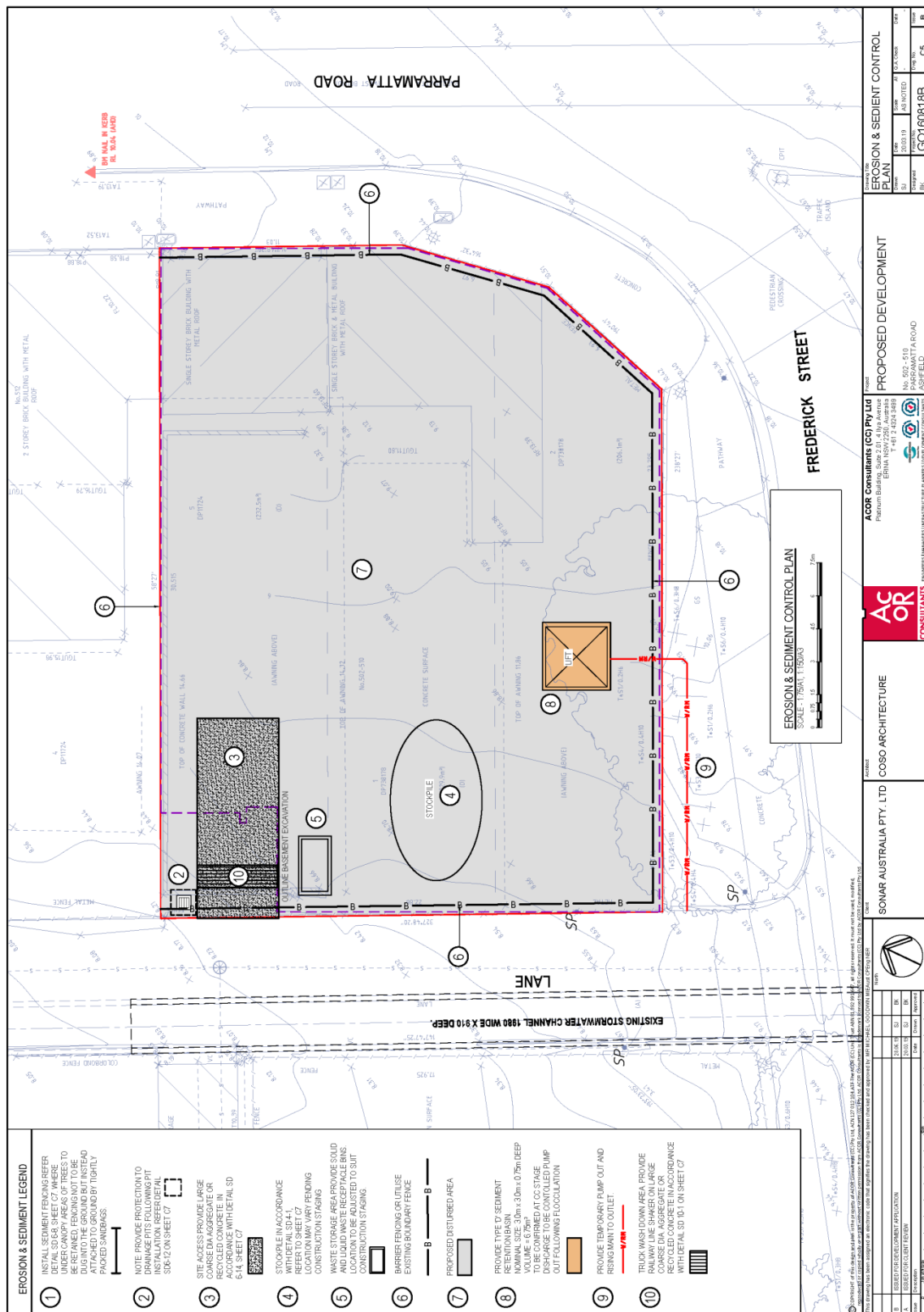
DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

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Attachment C- Clause 4.6 Exception to Development Standards



**CLAUSE 4.6 VARIATION
CLAUSE 4.4 – FLOOR SPACE RATIO
ASHFIELD LEP 2013**



Proposed Mixed Use Commercial Development

502 Parramatta Road,

Ashfield

21 June, 2019

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Figure 4 – Aerial Photo

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1. INTRODUCTION

This report has been prepared to support the submission of a Development Application (DA) to be lodged with the Inner West Council. The proposal seeks approval for the demolition of the existing structures at 502 Parramatta Road, Ashfield and the construction of a new Mixed Use Commercial Development with associated Signage on the site.

In detail the application proposes to demolish the existing buildings and other structures on the site and construct a new multi level building, containing basement and at grade car parking, ground, mezzanine and two upper levels containing a total of 514m² of commercial office space and 20 Serviced Apartments, with associated signage.

Under *Clause 4.4* of the *Ashfield Local Environmental Plan (LEP) 2013* the site is subject to a maximum building floor space ratio (FSR) of 1.5:1, with the Clause relevantly stating as follows:

4.4 Floor space ratio

(1) The objective of this clause are as follows:.... ..

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The site has an area of 668.5m and a proposed Gross Floor Area (**GFA**) of **1122m**, resulting in a non - compliant **FSR of 1.58:1**.

As such, a request to vary the FSR standard under *clause 4.6* of the *LEP* is required, which is the purpose of this report. It is interesting to note that the subject site is being developed with the adjacent 164 Frederick Street, which seeks approval for a new building containing 34 Serviced Apartments. Both sites are to be operated as one.

164 Frederick Street also has a maximum permissible FSR of 1.5:1, a site area of 761.2m and a proposed GFA of 988m, resulting in a compliant FSR of 1.3:1. The proposed excess FSR on the subject site is less than the undersupply on 164 Frederick Street. While it is acknowledged that the sites are subject to different DA's as that was the request of Council, the development is an overall one.

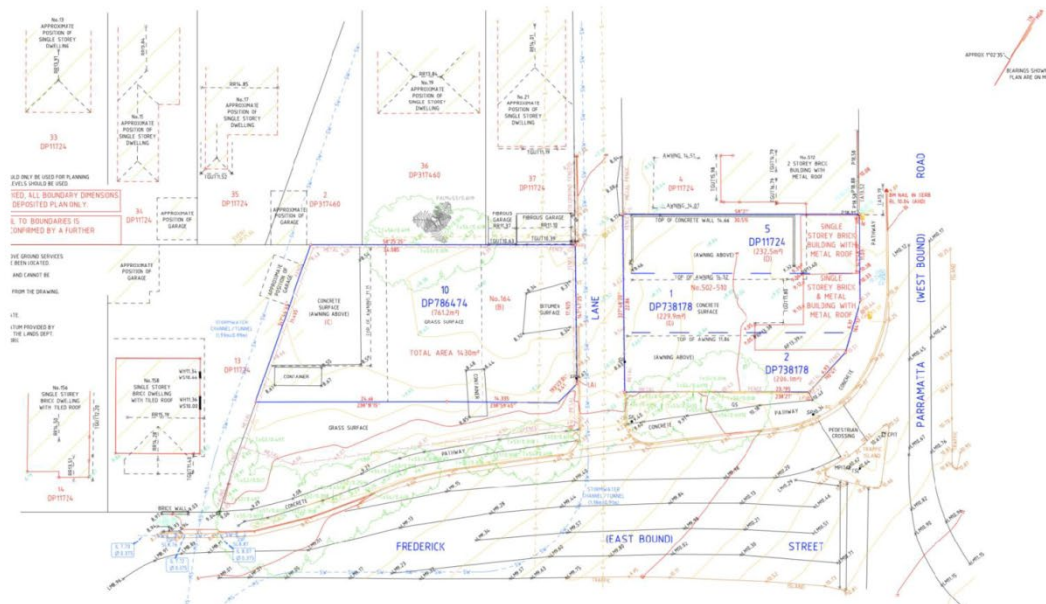


2. SITE AND LOCATION

The site that is the subject of this report comprises Lots 1 & 2 in DP 738178 and Lot 5 in DP 11724 and is known as 502 Parramatta Road, Ashfield. The land has a total area of 668.5m .

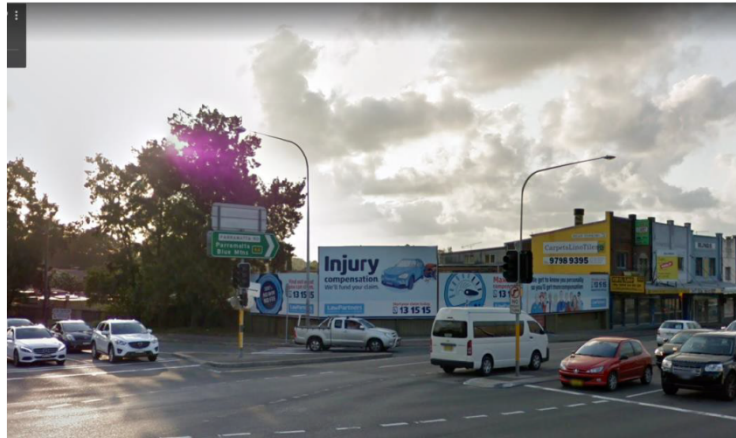
The site is shaped in a form of a Parallelogram (see survey in [Figure 1](#) below) with an east / west orientation. It has a stepped (3 cord splay) frontage to Parramatta Road of 24.93 metres (m) and 23.795m to Frederick Street. The northern boundary is 30.515m in length, while the western boundary (Lane) is 22.86m. The site is partly cleared, but also contains a number of sheds, with the Parramatta Road frontage consisting of “Billboard” style signs.

Figure 1 – Site Survey



[Figure 2](#) on the following page provides a photo of the existing site.

Figure 2 – Existing Site



Source: Google Maps

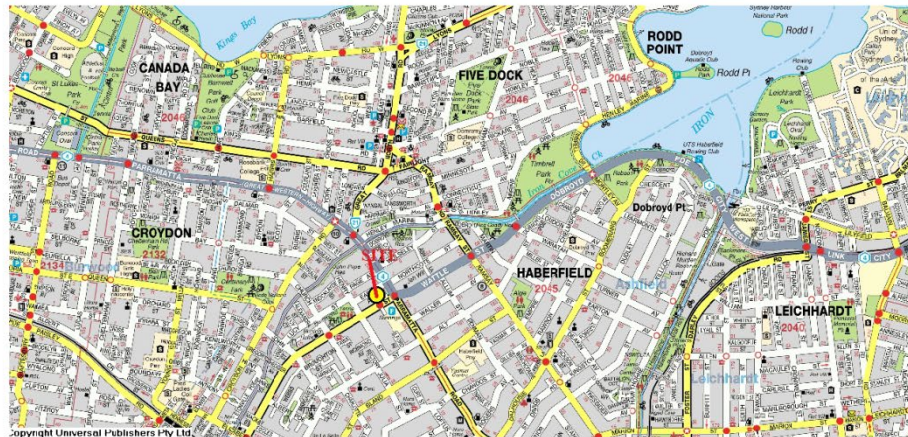
The property is located on the western side of Parramatta Road at its intersection with Frederick Street and is bound at the rear (western side) by a Lane. The eastern side of the intersection forms part of the construction site of the “WestConnex” project, which includes tunnelling and ventilation buildings. Immediately opposite in Frederick Street is a “Bunnings” Warehouse, while the properties along Parramatta Road are used for a wide variety of retail and industrial purposes. The commercial centre of Ashfield is approximately 5 minutes drive to the south - east while the Burwood town centre is approximately 10 minutes to the south - west.

Both centres include major railway stations with bus interchanges and full retail, civic and commercial services. Regular bus services operate along both Parramatta Road and Frederick Streets to and from the city, nearby centres and residential areas.

The proposal is designed to enhance the ongoing re development and vitality of the surrounding area by the provision of a modern medium density residential development providing enhanced accommodation in a well serviced locale and includes a component of affordable (key worker) housing.

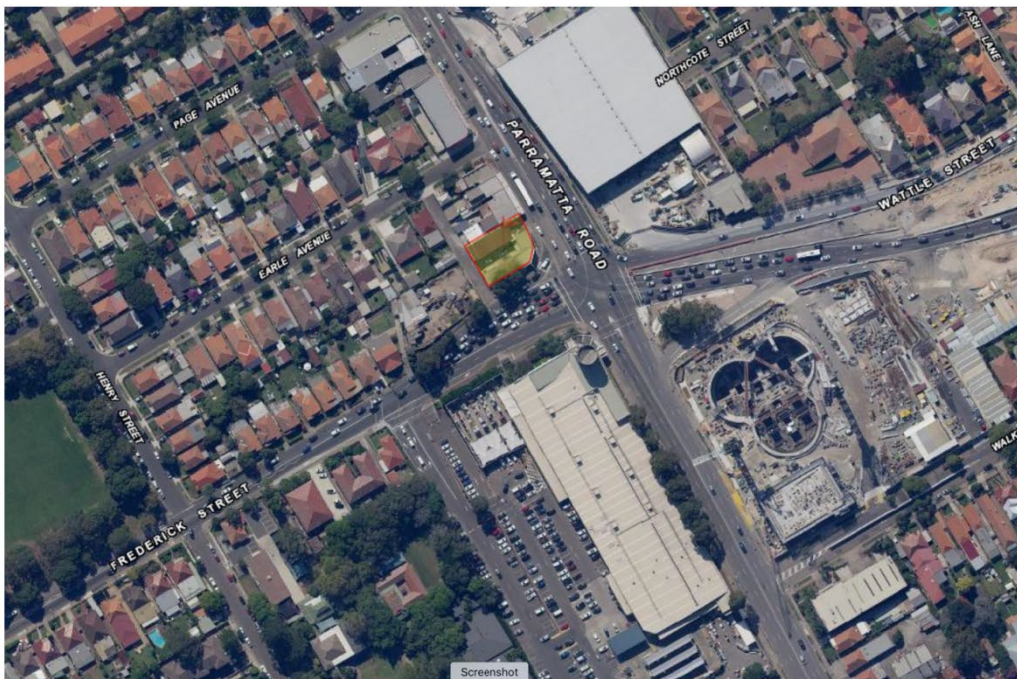
The general location of the site and the surrounding built form are shown on *figures 3* and *4* on the following page.

Figure 3 – Location Map



Map reproduced with permission of UBD. Copyright Universal Publishers Pty Ltd. DG 05/05

Figure 4 – Aerial Photo



3. CLAUSE 4.6 VARIATION

Clause 4.6 of the LEP outlines the matters to be considered by Council where a proposal seeks to vary a numerical standard contained within the LEP. The subject development seeks to vary the FSR standard currently contained within *clause 4.4* of the LEP and therefore an assessment under *clause 4.6* is required. The FSR variation is less than the undersupply at the adjoining 164 Frederick Street, which is the subject of a concurrent DA and is to be operated together with the serviced apartments on the subject site.

4. THE TERMS OF CLAUSE 4.6

Development consent may still be granted to the proposed development (despite the non-compliance with the maximum height and FSR) if variations to the relevant controls are approved under clause 4.6 of the LEP. Clause 4.6 states as follows:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. ...

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*



502 Parramatta Road, Ashfield – Serviced Apartments. Clause 4.6 Report (June 2019)

- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is **consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out**, and
- (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence. ...
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3). **(some bold added)** ...

This document provides a written request on behalf of the applicant seeking to justify the contravention of the Building Height standard in accordance with **clause 4.6**.

Clause 4.6 continues to be an appropriate and frequently applied mechanism to ensure that planning rules have appropriate levels of flexibility, when the circumstances warrant it. Some recent examples of the application of clause 4.6 by the Land and Environment Court are as follows:

- In *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386 the Land and Environment Court approved a residential flat building in Randwick with a 55 per cent exceedance of the height limit (at its highest point) and a 20 per cent exceedance of the floor space ratio control.



502 Parramatta Road, Ashfield – Serviced Apartments. Clause 4.6 Report (June 2019)

The Court was satisfied that the clause 4.6 request by the applicant's town planner was comprehensive and had addressed all of the prerequisites. The Court was also persuaded that the site was 'unusual in terms of its location at the low point of the locality, its proximity to larger RFBs that would not comply with the building height development standard and its flood affectation'. Those features, when taken together with other benefits of the proposal such as its design excellence and internal amenity, provided sufficient environmental planning grounds to justify approval via clause 4.6.

- In *Moskovich v Waverley Council* [2016] NSWLEC 1015 the Land and Environment Court approved a residential flat building in Bondi with a floor space ratio of 1.5:1. The development standard was 0.9:1. The exceedance was around 65 per cent. The Court's decision set out a detailed analysis of the decision of the Court in *Four2Five v Ashfield Council*, which concluded that the large numerical exceedance of the FSR control could be supported.
- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Court granted a development consent for a three-storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187 per cent.

5. FLOOR SPACE RATIO (FSR) VARIATION

As previously mentioned the subject site is being developed with the adjacent 164 Frederick Street. The concurrent DA for that site is seeking approval for a new building containing 34 Serviced Apartments. A Lane only separates the two sites, with the main reception area and administrative office for both buildings, located on 164 Frederick Street.

The site has an area of 668.5m and a proposed GFA of 1122m , resulting in a non - compliant FSR of 1.58:1. The variation in GFA is 119.25m . 164 Frederick Street also has a maximum permissible FSR of 1.5:1. It has a site area of 761.2m and a proposed GFA of 988m , resulting in a compliant FSR of 1.3:1. The undersupply of FSR on that site is 153.8m .

Accordingly, the overall FSR for both sites is 34.55m less than that permissible.

Figure 5 below provides an extract from the relevant LEP FSR Map, confirming that both sites enjoy a permissible FSR of 1.5:1.

Figure 5 – FSR Map



Source: Ashfield LEP 2013 – FSR Map

Environmental Planning Grounds

There are sufficient environmental planning grounds to justify contravening the FSR standard.

The development in the main meets the objectives and controls of the relevant Environmental Planning Instruments and DCP. It acknowledges the site's location adjacent to residential dwellings through its setback to its rear boundary with the Lane and the width of the Lane itself. As the site is located on the south - eastern side of those properties it will not cause any shadow impact to those dwellings or the associated rear yards. In that context its bulk and scale (a general measure of density) is unlikely to negatively impact on the residential amenity of those nearby adjoining dwellings.

A better planning outcome can also be considered in terms of the potential impact of the proposal from the increased FSR on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its nearby and surrounding properties and the design parameters of Ashfield DCP.

These matters are discussed within the Statement of Environmental Effects submitted with the DA, with the proposal performing well in regard thereto.

In the circumstances of this proposal a better outcome is also achieved by varying the relevant FSR standard through:

- The re invigoration of a site containing run down structures and without an active street frontage with a new vibrant modern building, that although marginally greater in FSR, respects its surroundings and reduces impact on nearby residential properties and is of an acceptable bulk and scale, within its surroundings.
- The improvement in the streetscape and the building's active frontage to the benefit of the public domain.
- When viewed in the round the additional floor area will not be perceptible and will therefore not dominate the streetscapes of either Parramatta Road or Frederick Street.
- The consideration of the subject proposal in tandem with the adjacent site, resulting in an overall FSR less than the total permissible on both sites.

In this context if the additional FSR on the subject site is not approved:



502 Parramatta Road, Ashfield – Serviced Apartments. Clause 4.6 Report (June 2019)

- The orderly and economic use of the land (as promoted by the objects of the EP&A Act, 1979) would be suboptimal; and
- The site's capacity to provide improved tourist and visitor accommodation within the locality would be not be fully utilised.

Furthermore, no significant adverse impacts arise from the non-compliance. The only potential adverse impact from an increased FSR could arise if there was a loss in privacy or shadow impact to adjoining residential properties, caused by the Building's bulk and scale. The proposed setback to the rear boundary, the width of the Lane itself and as the compliant building height will result in a building generally being perceived as one that is consistent with the Planning Framework and acceptable in its surroundings.

These facts, taken together, constitute environmental planning grounds sufficient to justify contravening the development standard.

Consistency with the Standard & Zone Objectives

The proposed development will be in the public interest because it is consistent with the objectives of both the FSR standard contained in the LEP and relevant land use zone. The reasons why are set out below.

Clause 4.4 of the LEP contains objectives that clearly indicate the purpose of the FSR control. Those objectives are listed below together with comments on the proposal's performance against them.

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

Comment: This objective is purely a functional statement to explain the Standard.

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

Comment: The proposed variation is of a minor nature and when considered in conjunction with the adjoining proposal comprises a smaller GFA than that permissible. The bulk and scale as proposed will not be out of scale with the large "Bunnings" building, the adjoining

commercial buildings fronting Parramatta Road or the vast open ground plane of Parramatta Road itself and the intersection in particular. The proposal is well separated from the nearby residential properties and as previously discussed will not negatively impact on the residents of those lands.

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

Comment: The subject site is **not** listed as a Heritage Item **nor** is it located in a Heritage Conservation Area. However the “Bunnings” warehouse opposite the site occupies the former “Peak Freen” biscuit factory and the nearby “Ashfield Infants Home” are both Items of Environmental Heritage.

The land to the north west of the site across the Lane forms the **Ranch Conservation Area**. The Statement of Significance within the relevant DCP states as follows

The Ranch Heritage Conservation Area is of local heritage significance.

The area is of historical significance as the development of a 1923 subdivision of the earlier Victorian period Ashfield Vale House aka The Ranch estate, with streets named for Sir Earle Christmas Page (1880-1961), prominent politician and surgeon, leader of the federal Country Party from 1921 and briefly Prime Minister in 1939.

The area is of aesthetic significance for its wide streets, regular subdivision pattern developed with single storey detached Inter-war California Bungalow style houses and a single 2-storey Inter-war Art Deco style residential flat building, which demonstrate the discrete historical period of the area’s development.

Bearing in mind the commercial nature of the “Bunnings” use and the previous uses of the subject site, the width of Frederick Street and as the Infants Home is located away from the site, it is unlikely that the current proposal will have any impact on either of the Items of Environmental Heritage. The Conservation Area is historically significant due to its subdivision pattern and due to some previous residents. The tidying up of the site and replacement of its ramshackle structures with a new building can only assist in the relationship.

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

Comment: These matters have been discussed above and in other parts of this report and the proposal will not be contrary to this objective.

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

Comment: These matters have been effectively addressed above.

The Land Use table in the LEP sets out the zone objectives and permissible uses and is of general relevance to the proposal in that it is in compliance with that clause. The objectives of the zone relevant to the proposal are as follows:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*

The proposal satisfies these objectives in a number of aspects:

- The proposed serviced apartments and office uses are commercial in nature and compatible with the immediately surrounding land uses and those along Parramatta Road more generally.
- The proposed commercial uses will provide employment opportunities.
- The concept does include any retail activities and as such will not compete with any nearby Centres

Compliance Unreasonable Or Unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. There are three reasons why this is so.

Firstly, there are no adverse consequences attributable to the proposed non-compliant aspect of the development. To ensure absolute compliance with the FSR standard would necessitate the removal of most of the upper floor in order to satisfy the numerical standard. The burden placed on the landowner via such a requirement would be disproportionate to any adverse consequences attributable to the proposed non-compliant development (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 [15]). This is particularly relevant in terms of the combined outcome with the adjacent site.

Secondly, requiring strict compliance (and refusing the development application) will *thwart* achievement of the objectives of the FSR standard as discussed earlier in this report

Finally, requiring strict compliance (and reducing the FSR of the proposal) will undermine achievement of the relevant zone objectives, which are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*

The proposed development achieves a balanced development outcome between an acceptable built form within the *B6* zone and the surrounding mixed use and density neighbourhood. The built form outcome will be one of quality, with care taken in the design phase to ensure that any adverse impacts to adjoining residential properties are minimised.

In view of all of the above, compliance with the numerical FSR standard within the LEP is considered to be unreasonable and unnecessary in the circumstances. If approved, the proposal (when built) will not be out of place with, nor detrimental to the amenity of its surroundings and will fit within the desired future character of the area as envisaged in the relevant planning framework. The proposed development represents a good fit with the aims of the LEP, the objectives of the FSR standard and the objectives of the zone.

Approval of the minor non-compliant FSR allows for a development that provides renewed tourist and visitor opportunities within a bulk and scale appropriate for its locality.

7. CONCURRENCE OF THE SECRETARY

In accordance with the recent Planning Circular (PS 18 – 003) dated 21 February, 2018 the concurrence of the Secretary (of Department of Planning and Environment) can now be assumed for the proposed height variation. This Circular is a notice under *Clause 64(1)* of the *Environmental Planning and Assessment Regulation 2000*.

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

8 CONCLUSION

An assessment undertaken against the relevant planning framework indicates that the proposal is an acceptable one. It will not impact negatively on the amenity of nearby residents. The variation to the Height of Building standard contained within the LEP is a matter that any reasonable Authority properly exercising its planning powers could agree to.

David Furlong - Director

BTP, MPIA

Attachment D – Conditions of Consent

Conditions of Consent

Fees

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 \$XXX indexed in accordance with Ashfield Development Contributions Plan/ Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); has been paid to the Council.

The above contribution is the contribution applicable as at 12 November 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 has been calculated based on the construction of a hotel/motel accommodation with 20 beds & 433m² of retail GFA.

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	\$23,529.59
Local Public Transport Facilities	\$8,875.55
Local Public Car Parking	N/A
Local Open Space and Recreation	\$64,617.67
Local Community Facilities	N/A
Plan Preparation and Administration	\$8,849.31
TOTAL	\$105,872.11

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

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

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

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

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

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

deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

General Conditions

4. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DP-01	Demolition Plan	June 2019	COSO Architecture
DA-01	Site Plan	June 2019	COSO Architecture
DA-03	Basement Plan	June 2019	COSO Architecture
DA-04	Ground Floor Plan	June 2019	COSO Architecture
DA-05	Mezzanine	June 2019	COSO Architecture
DA-06	First Floor Plan	June 2019	COSO Architecture
DA-07	Second Floor Plan	June 2019	COSO Architecture
DA-08	Roof Elevation	June 2019	COSO Architecture
DA-09	Section AA	June 2019	COSO Architecture
DA-10	Section BB	June 2019	COSO Architecture
DA-11	Section CC	June 2019	COSO Architecture
DA-12	Frederick Street South Elevation	June 2019	COSO Architecture
DA-13	Parramatta Road East Elevation	June 2019	COSO Architecture
DA-14	Lane West Elevation	June 2019	COSO Architecture

DA-15	North Elevation	June 2019	COSO Architecture
DA-19	Selected Materials and Finishes	June 2019	COSO Architecture
C1 Issue B	Cover Sheet & Notes	20.3.2019	ACOR Consultants
C2 Issue B	Stormwater Management Plan – Basement	20.3.2019	ACOR Consultants
C3 Issue B	Stormwater Management Plan – Ground Floor	20.3.2019	ACOR Consultants
C4 Issue B	Stormwater Management Details Sheet No. 1	20.3.2019	ACOR Consultants

The development must be carried out in accordance with the recommendations set out in the following supplementary documents, which form part of the approved application.

Supplementary Documents	Date	Prepared By
BCA Compliance Assessment Report Revision C	26/6/2019	BCA Consulting
Access Review	27 June 2019	Morris Goding Access Consulting
Acoustic Report For DA Submission	13/01/2017	Cundall
Preliminary Site Investigation with Limited Sampling	17 May 2017	Douglas Partners
Preliminary Geotechnical Investigation	17 May 2017	Douglas Partners
Flood Impact Assessment	28 June 2019	AROR Consultants

As amended by the conditions of consent.

5. Hot Water Systems

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

6. Air Conditioning Systems

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

7. 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.

8. 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.

9. 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.

10. 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.

11. Works Outside the Property Boundary

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

12. 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.

13. Dry-weather Flows

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

structure must be designed to be “tanked” preventing the ingress of seepage or groundwater.

14. Works Outside the Property Boundary

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

15. Noise – Consultant’s Recommendations

The recommendations contained within Section 6 of the acoustic report prepared by Cundall reference 1014582 dated 13 January 2017 must be implemented.

16. Hazardous Materials Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous materials removal and disposal methods in accordance with the requirements of SafeWork NSW.

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

17. Rock Anchors

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

18. RMS Condition 1

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Parramatta Road 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.

19. RMS Condition 2

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.

20. RMS Condition 3

The proposed development should be designed such that road traffic noise from Parramatta Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to the principle certifying authority that road traffic noise from Parramatta Road has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008 with applicable requirements being details on the Construction Certificate plans.

21. RMS Condition 4

The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the above/approved work and as required by the various public utility authorities and/or their agents.

22. RMS Condition 5

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.

23. RMS Condition 6

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

Prior to any Demolition

24. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of 514 Parramatta Road, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the above identified property to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

25. 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.

26. Acid Sulfate Management Plan

Prior to any demolition, the Certifying Authority must be provided with an Acid Sulfate Soils Management Plan (ASSMP) prepared by a suitably qualified environmental consultant for the proposed development. The ASSMP is to demonstrate appropriate management controls during the disturbance of acid sulfate soils, in accordance with the relevant NSW EPA Guidelines and The Acid Sulfate Soils Manual (1998).

27. 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.

28. 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.

29. Construction Traffic Management Plan – Detailed

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

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

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);

- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;
- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

Prior to Construction Certificate

30. 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.

31. Noise General – Acoustic Report

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

32. Contamination – Disposal Of Soil

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009) and the Protection of the Environmental Operations Act 1997

33. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

34. Sydney Water – Tap In

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

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

35. 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.

36. Consolidation of Lots

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

37. Plan Of Management

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Plan of Management demonstrating compliance with operation and maintenance standards set out in Local Government (General) Regulation 2005.

38. Dilapidation Report – Pre-Development – Major

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

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

The dilapidation report is to be prepared by a suitably experienced Civil and/or Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

39. Parking Facilities – Major (including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B99 design vehicle.
- b) 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).
- 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) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces and aisles adjacent to walls or fences are increased in width by an additional 300mm;
 - ii. End spaces are provided with an additional 1m aisle extension; and
 - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- e) The relative surface levels of the internal access from the road being controlled so that:
 - i. The surface levels at the property boundary match "alignment levels";
 - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - iii. The maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - iv. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;

- f) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles.
- g) The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius.
- h) The vehicular access must be amended to provide clear sight lines (triangles) to pedestrians in street frontage in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- i) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- j) Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002.
- k) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- l) A bicycle storage area must be provided to accommodate the numerical requirements of DCP and be designed in accordance with relevant provisions of AS 2890.3-2015.
- m) Provision of a Watts' profile speed hump or similar device and associated stop sign and holding line on the vehicular access, near the boundary to the lane to ensure exiting vehicles stop and give way to pedestrian traffic on the footpath.

40. Flood Compatible Fence

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans demonstrating that the proposed gate/fence at the Street frontage must be flood compatible with vertical elements that are no wider than 50mm and separated by no less than 90mm to allow floodwaters to flow through unimpeded.

41. Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the works comply with the following specific requirements:

- a) All habitable floor levels and protection to the underground carpark must be set above the Flood Planning Level (100-year ARI flood level plus 500mm freeboard). All

structures below Flood Planning Level must be constructed from flood compatible materials.

- b) Entry crest to any underground carpark must be set above the Flood Planning Level.
- c) All electrical equipment and wiring must be waterproofed or installed at or above Flood Planning Level.
- d) 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 Probable Maximum Flood (PMF) level.
- e) The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan.
- f) All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flow paths.

42. 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/amended to make provision for the following:

- a) The plan must be generally in accordance with the recommendations of the Flood Impact Assessment Report.
- b) 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 and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:
 - i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iii. Flood warning signs/depth indicators for areas that may be inundated
 - iv. A flood evacuation strategy.

- v. 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.
- c) All works must be designed to comply with the ABCB Standard: Construction of Buildings in Flood Hazard Areas in accordance with the National Construction Code and the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below.
 - i. Building Code of Australia
 - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level
 - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood
 - iv. Flood hazard level (FHL) Flood Planning Level (FPL)

43. 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) Specification of materials.
- b) 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.

44. Engineering Design - Structural Engineer Plans and Certification

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared and certified by a suitably qualified and experienced Civil and/or Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that incorporate the following recommendations of the Flood Risk Management Plan.

The design must be prepared to make provision for the following:

- a) Structural integrity of all structures from immersion and/or impact of velocity and debris.
- b) Waterproofing works, where applicable.

45. Stormwater Drainage System – (OSD is not required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a) The design must generally be in accordance with the Stormwater Management Plan on Drawing No. C2 to C7 prepared by Acor Consultants and dated 28 June 2019.
- b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the public drainage system.
- c) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- d) Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- e) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks.
- f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- g) No nuisance or concentration of flows to other properties.
- h) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- i) An inspection opening, or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- j) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- k) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

46. Structural and Geotechnical Report

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

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

47. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer.
- c) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.

During Demolition and Construction

48. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

49. 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.

Prior to Occupation Certificate

50. 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.

51. 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*.

52. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a) Heavy duty concrete vehicle crossing at the vehicular access location.
- b) The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.
- c) The existing concrete footpath across the frontage of the site must be reconstructed.
- d) Other works subject to the Roads Act 1993 approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

53. 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.

54. 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.

55. Noise From Road, Rail & Aircraft – Compliance

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a) *State Environmental Planning Policy (Infrastructure) 2007*
- b) NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline
- c) Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction

- d) conditions of development consent; and
- e) recommendations contained within Section 6 of the acoustic report prepared by Cundall reference 1014582 dated 13 January 2017.

56. 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.

57. 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.

58. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land.
- c) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

59. 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.

60. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey and structural condition which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

61. 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.

62. Works as Executed – Site Stormwater Drainage System

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

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

levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.

63. Basement Signoff – Major Development

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

64. 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 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.

65. No Weep Holes

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

66. Redundant Vehicle Crossing

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority must verify that all redundant vehicular crossings to the site must be 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 predominately stone, the replacement kerb must also be in stone.

On-going

67. Hotel/ Motel Management

The use of the premises as a boarding house must comply at all times with the following:

- a) The use must comply at all times with the Plan of Management required by the conditions in this Determination;
- b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d) The Plan of Management must not to be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e) All tenancy/occupation agreements for rooms within the premises must be for a maximum period of three (3) months;
- f) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- g) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- h) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

68. Flood Risk Management Plan

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

69. Operation and Management Plan

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

70. Noise General

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

71. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

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

72. Vehicles Leaving the Site

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

Advisory notes

Prescribed Conditions

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

Subsurface drainage pump-out systems

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

Electrical Substations

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

Permits

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

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

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

Rock Anchors

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

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b) Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Public Domain and Vehicular Crossings

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

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

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

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

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

Insurances

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

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.

Mechanical Ventilation

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the:

- a) Building Code of Australia,
- b) Australian Standard AS 1668 Part 1 – 1998,
- c) Australian Standard AS 1668 Part 2 – 2012,
- d) Australian Standard 3666.1 – 2011,
- e) Australian Standard 3666.2 – 2011; and
- f) Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

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.

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Permits from Council under Other Acts

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

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

- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

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

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

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

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

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

Construction of Vehicular Crossing

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

and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

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

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work

practices.

NSW Office of Environment and Heritage 131 555

www.environment.nsw.gov.au

Sydney Water 13 20 92

www.sydneywater.com.au

Waste Service - SITA 1300 651 116
Environmental Solutions

www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.