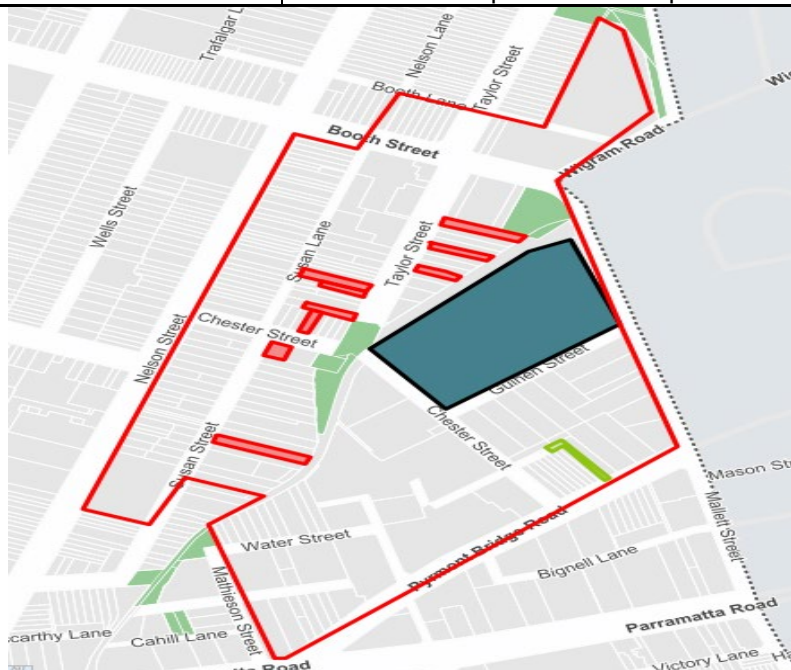




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2019/125
Address	1-19 Booth Street, ANNANDALE NSW 2050
Proposal	Demolition of existing hardstand at-grade carpark and associated fencing, construction of a 6 storey mixed use development comprising: <ul style="list-style-type: none"> • Self storage units, one (1) retail premises on ground floor • Relocation of existing entry and exit driveway crossover on Chester St. • Addition of 35 car parking spaces, including loading bay • Associated landscaping works, business signage and other ancillary works
Date of Lodgement	3 April 2019
Applicant	Kennards Self Storage C/- McHp Architects
Owner	Kennards Self Storage
Number of Submissions	15 in objection (to original plans) One (1) in support (to original plans)
Value of works	\$5,939,178.00
Reason for determination at Planning Panel	Clause 4.6 variation for FSR No. of objections
Main Issues	Parking shortfall FSR Breach
Recommendation	Approval
Attachment A	Recommended Conditions of Consent
Attachment B	Plans of Proposed Development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		N
Notified Area		Supporters		

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

1. Executive Summary

This report is an assessment of the application submitted to Council which was originally for:

Demolition of existing hardstand at-grade carpark and associated fencing, construction of a 6 storey mixed use development comprising of:

- self storage units,
- 3x retail premises on ground floor,
- 2 business premises to be utilised for creative purposes on Level 1
- Relocation of existing entry and exit driveway crossover on Chester St.
- Removal of 14 car parking spaces and addition of 35 car parking spaces, including loading bay.
- Tree removal and earthworks within the site,
- landscaping works,
- business signage; and
- other ancillary works as detailed

at 1-19 Booth Street, Annandale. The application was notified to surrounding properties and 16 submissions were received.

The main issues that arose from the assessment of the original application included:

- Loss of trees
- Bulk, scale and setbacks
- Loss of parking
- Materials and finishes
- Proposed business and retail uses
- FSR breach

The applicant was advised that the application as initially proposed could not be supported and design amendments were needed. The applicant was given 21 days to make the changes and provide further information. The applicant addressed Council's concerns, reducing the development in part by the following;

- Increased setbacks and articulation
- Retention of trees
- Deletion of business uses and removal of 2 retail premises
- Reducing FSR
- Refining materials and finishes

As discussed in detail in this report, the remaining non-compliances with regard to Floor Space Ratio and car parking shortfall are acceptable given the site retains its industrial and employment use and other non-compliances can be dealt with via conditions. Therefore the application is recommended for approval.

2. Proposal

This application seeks consent for alterations and additions to facilitate the expansion of the existing Kennards self-storage building at 1-19 Booth Street, Annandale.

The proposal involves:

- Alterations and additions to the existing building to the south-west side of the site to accommodate a six storey storage facility with associated parking and loading. The development includes one retail premises off Chester Street. An additional 5266sqm gross floor area is being added to the 12,290sqm site resulting in 25,033sqm of Gross Floor Area or a Floor Space Ratio (FSR) of 2.03:1. This equates to an FSR breach of 103% to the maximum permitted 1:1 on the site

- The proposal provides 55 parking spaces for the development
- No changes are proposed to existing approved staff numbers or hours of operation

3. Site Description

The subject site is located on the North Eastern side of Booth Street, and is bounded by Guihen Street to the South East, Chester Street to the South West and Johnstons Creek to the North West. The site consists of 1 allotment and is generally rectangular shaped with a total area of 25,033sqm and is legally described as Cnr Lot 15 DP 231, Cnr Lot 17 DP 231, Lot 1 DP 1017595, Lot 2 DP 1017595.

The site is currently occupied by a large building used as a self-storage facility comprising 19767sqm used for self-storage purposes and one business (gymnasium). Off-street car parking associated with the self-storage facility is provided for with 45 surface parking spaces (located where the development is to take place) 7 car parking spaces for customers (external from the building), 4 car parking spaces (internal to building along driveway), 14 car parking spaces (internal to the building within loading area), 2 additional loading areas and 19 parking spaces accessed from Guihen Street (internal of existing building).

There are numerous trees located on the North Western boundary adjacent to Johnstons Creek.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PREDA/2018/38	Proposed extension to existing Kennards Self Storage Facility	Issued 30/4/2018

At the Pre-DA the applicant was advised that the site is affected by The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). Council provided options for the applicant to consider development on the IN2 Light industrial zoned land, and that continuation of the use would possibly not be compatible with the PRCUTS.

However Council's Strategic Department have subsequently confirmed they would support the ongoing use as industrial as it will conserve the existing zoning and employment objectives of the area.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
2 July 2019	Request to withdraw or address design issues within 21days was sent to the applicant.
8 July 2019	Meeting held with applicant to discuss withdrawal letter
14 August 2019	The applicant submitted an amended application in response to the withdrawal letter
14 August 2019	Letter sent to the objectors advising of changes.

N.B - Re-notification was not required because the proposal was reduced in bulk and scale, reduced FSR breach and achieved the retention of the existing trees on the site, thus representing a lesser development than that previously notified. Notwithstanding this, as a courtesy, letters were sent to the objectors advising of the changes to the proposal. There have been no further representations from the public.

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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires 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 is not listed as a contaminated site and is not for the purposes of residential use, nor will it result in ongoing exposure of the public or staff to soils, therefore no remediation is required.

5(a)(ii) State Environmental Planning Policy No. 64 – Advertising and Signage

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

The application seeks consent for the additional signage (non-illuminated business identification signage) to the Chester Street frontage to integrate with the proposed updated façade treatment.

It is considered that the proposed signage satisfies the assessment criteria contained in Schedule 1 of SEPP 64 as it is appropriately positioned and will not result in any loss of amenity to any residential property.

5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is not within the Foreshores and Waterways Area.

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

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

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning
- Clause 6.4 – Stormwater management
- Clause 6.8 – Development in areas subject to aircraft noise

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

Standard (maximum)	Proposal	non compliance	Compliance
Floor Space Ratio Maximum permissible: 1:1 or 12,290sqm	2.03:1 (25,033sqm)	103% (12,743sqm)	No

*The proposal will result in 5266m² of additional self-storage space (being a 26% increase from the existing gross floor area, totalling 19,767sqm). This equates to an increase of FSR from 1.61:1 to 2.03:1, being a 103% variation to the maximum permitted FSR of 1:1.

Further discussion of the relevant issues pertinent to the acceptability of the proposed FSR breach is provided below.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned IN2 Light Industrial. The proposal, being “self-storage units”, is permissible with consent within the zone. The proposal is considered to be consistent with the following objectives of the IN2 Light Industrial zone (as discussed in detail below):

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community.*
- *To ensure the provision of appropriate infrastructure that supports Leichhardt’s employment opportunities.*
- *To retain and encourage waterfront industrial and maritime activities.*
- *To provide for certain business and office premises and light industries in the arts, technology, production and design sectors.*

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of LLEP 2013 by 103% (12,743sqm).

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 by the applicant to Council in accordance with Clause 4.6(3) of LLEP 2013 justifying the proposed contravention of the development standard which is summarised as follows:

Clause 4.4 – Floor Space Ratio

Notwithstanding numerical non-compliance, the applicant contends that the proposed building satisfies the stated objectives given that:

- The proposed extension and increased gross floor area assists in the ongoing industrial uses present on site and in the area.
- Overall, the proposal has been demonstrated to be consistent with the objectives of the development standard and the objectives of the IN2 Light Industrial Zone, it is therefore in the public interest within the meaning of cl4.6(4)(a)(ii).
- The proposed development will provide a number of significant public benefits to the community, including:
 - Improved streetscape outcomes and activation of the street, namely to Chester Street, where the site currently presents at-grade car parking;
 - Enhancement of the creek corridor and pedestrian connectivity across Johnston Creek footbridge, that will provide environmental and community benefits;
 - Improved public safety through improved car parking design; and
 - Additional retail premises to Chester Street, which will activate the street and reinvigorate the site.
- It is also noted that the self storage units are a significant service to members of the community, as residential densities increase, and reliance on off site storage increases. The existing Kennards has a strategic location in servicing the surrounding precinct, and the ability to source a land holding large enough for this service in a practicable distance for this community catchment would be extremely limited. The intent of Kennards is to continue to service the community on this site, which is of significant public benefit. In the absence of any unreasonable impacts from the additional proposed FSR, it is considered that the proposal is acceptable and should be supported. It is therefore considered that the development as a whole will deliver a number of public benefits, and the floor space ratio exceedance is able to be seen as an opportunity to achieve a high quality outcome and improvement for the site.

The applicant's written rationale adequately demonstrates that compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the following relevant objectives of the IN2 Light Industrial zone in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community.*
- *To ensure the provision of appropriate infrastructure that supports Leichhardt's employment opportunities.*
- *To retain and encourage waterfront industrial and maritime activities.*
- *To provide for certain business and office premises and light industries in the arts, technology, production and design sectors.*

It is considered the development is in the public interest because it is consistent with the following objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan:

- (a) *to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.*

The proposal is considered to satisfy the above objectives as:

- The building bulk, form and scale of the existing building is matched in height and width for the new addition and has been amended to have more articulation to Chester street, while increasing landscaped area and adhering to Ausgrid setback requirements of the exiting substation; and
- The additional gross floor area does not result in any unacceptable adverse streetscape, flooding, traffic or amenity impacts to the surrounding properties – subject to conditions.
- The existing tree canopy which buffers the site from the adjacent park and residential areas to the west are being retained

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The concurrence of the Secretary may be assumed for matters to be determined by the Local Planning Panel.

Clause 6.14 – Development control plans for certain development

The proposal is subject to the provisions of Clause 6.14 requiring the preparation of a site specific development control plan prior to grant of consent given it involves development that will increase the gross floor area of an existing building by more than 5% on a site with an area not less than 3,000 square metres.

Relevantly, Clause 6.14 states:

- (1) *The objective of this clause is to ensure that certain development occurs in a logical and cost-effective manner only after a development control plan that includes specific controls has been prepared.*
- (2) *This clause applies to the following development on a site with an area not less than 3,000 square metres, or with a water frontage of at least 20 metres:*
 - (a) *the erection of a building,*
 - (b) *development that will increase the gross floor area of an existing building by more than 5%,*
 - (c) *development involving alterations to at least 75% of the facade of an existing building that fronts a street,*

- (d) development involving more than 75% of the site coverage of existing buildings on the land.
- (3) Development consent must not be granted to development to which this clause applies unless a development control plan that provides for detailed development controls has been prepared for the land.
- (4) Without limiting subclause (3), the development control plan referred to in subclause (3) must provide for all of the following:
- (a) the compatibility of the proposed development with the desired future character of the area,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development has an adverse impact on view corridors,
 - (d) the site's suitability for the proposed development,
 - (e) the existing and proposed mix of land uses,
 - (f) cultural, heritage and archaeological issues,
 - (g) streetscape constraints,
 - (h) the height, bulk, scale, massing and modulation of buildings,
 - (i) the heights of buildings with street frontages,
 - (j) environmental constraints, including contamination and acid sulfate soils,
 - (k) environmental impacts such as overshadowing, wind and reflectivity,
 - (l) whether the proposed development incorporates the principles of ecologically sustainable development,
 - (m) overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,
 - (n) the proposed development's relationship and integration with existing and proposed public transport facilities,
 - (o) the overall landscaping of the site,
 - (p) stormwater management.
- (5) A development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances or that the development:
- (a) is a subdivision for the purpose of a realignment of boundaries that does not create additional lots, or
 - (b) is a subdivision of land and any of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public place or environment protection purpose, or
 - (c) is a subdivision of land in a zone in which the erection of structures is prohibited, or
 - (d) involves only alterations or additions to an existing building that:
 - (i) do not significantly increase the height or gross floor area of the building, and
 - (ii) do not have significant adverse impacts on adjoining buildings or the public domain, and
 - (iii) do not significantly alter any aspect of the building when viewed from public places, or
 - (e) is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

To this end, Council's Strategic Planning Section has reviewed the proposal and advised that the subject proposal is supported as it increases the stock of industrial/ urban services floor space within the LGA and that the preparation of a site specific development control plan as a part of the subject proposal would be unreasonable or unnecessary in the circumstances for the following reasons:

- *support the intensification of industrial use as proposed in the DA and believe that the proposal has strategic merit as it would increase the supply of urban services in the LGA*

Therefore, whilst the proposal increases gross floor area, it is considered that the current proposal is consistent with the current zone objectives. Accordingly, pursuant to Clause 6.14(5) it is considered that the preparation of a site specific DCP is unreasonable or unnecessary in the circumstances and as such, a DCP is not required to be prepared and consent may be granted.

5(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) 2018

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not applicable
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Not applicable
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Not applicable
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes

C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	There is a shortfall in parking, and subject to conditions, can be supported by planning. See below
C1.12 Landscaping	Not applicable
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Satisfactory as amended, subject to conditions.
C1.15 Signs and Outdoor Advertising	Yes
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.1.8 Camperdown Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
Not applicable	
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
C4.6 Shopfronts	Yes
C4.7 Bulky Goods Premises	Not applicable
C4.8 Child Care Centres	Not applicable
C4.9 Home Based Business	Not applicable
C4.10 Industrial Development	Yes
C4.11 Licensed Premises and Small Bars	Not applicable
C4.12 B7 Business Park Zone	Not applicable
C4.13 Markets	Not applicable
C4.14 Medical Centres	Not applicable
C4.15 Mixed Use	Not applicable
C4.16 Recreational Facility	Not applicable
C4.17 Sex Services Premises	Not applicable
C4.18 Vehicle Sales or Hire Premises And Service Stations	Not applicable
C4.19 Vehicle Repair Station	Not applicable
C4.20 Outdoor Dining Areas	Not applicable
C4.21 Creative Industries	Not applicable
Part D: Energy	
Section 1 – Energy Management	
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes

D2.3 Residential Development	Not applicable
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	Not applicable
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Not applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	Yes
E1.1.5 Foreshore Risk Management Report	Not applicable
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Not applicable
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Not applicable
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	
E1.3.1 Flood Risk Management	Yes
E1.3.2 Foreshore Risk Management	Not applicable
Part F: Food	Not applicable
Part G: Site Specific Controls	Not applicable

The following provides discussion of the relevant issues:

C1.11 Parking

The traffic report prepared by Dobinson & Associates provided an addendum to the traffic report dated 16 July 2019 and recommends a parking rate of 3.5 spaces per 1,000 m² Net Leasable Storage Area (NLA) for storage patrons, 0.9 spaces per 1,000 m² NLA for customers and 0.25 spaces per 1,000 m² NLA for staff based on a survey of the Camperdown Kennards Facility.

The existing NLA has not been identified in the reports however based on an existing site is GFA of 19,767m² the NLA is conservatively assumed to be 14,825m² (based on 75% of GFA to match the existing proposal).

Therefore existing parking demand is 68 parking spaces (51 spaces for storage patrons, 13 spaces for customers and 4 spaces for staff).

The proposed self-storage facility will increase the Net Leasable Storage Area (NLA) by approximately 3,850sqm with an additional 80sqm of retail space which results in a total increase in parking demand of at least 15 car parking spaces (at least 14 for the self-storage facility based on the survey of Camperdown self-storage facility and at least 1 car parking space for the retail area based on Leichhardt DCP2013 parking rates).

Therefore total parking demand for the Kennards Storage is 83 parking spaces.

However the proposal involves replacing the existing 45 car parking spaces at Chester Street with a self-storage building that provides 28 car parking spaces. This is a net loss of

17 car parking spaces for the site. Therefore the total parking supply for the proposal development is 72 parking spaces with 55 available for Kennard use. Based on the above there is a shortfall of 28 car parking spaces.

The proposal has a shortfall of parking of 28 spaces as calculated by Council's Engineering section. However, noting that storage facilities are considered "high floor space/low intensity" uses and generally have a different pattern of behaviour to a traditional warehouse, Control C14 allows developments and land uses not specifically listed in Table C4: General Vehicle Parking Rates to be assessed on merit.

Council's Engineering section has reviewed the proposal and raised a number of objections. However subject to conditions, the development can be supported to ensure compliance with Council's design requirements for car parking and access. Conditions will be imposed to address these pertaining to loading, disability access (lift location to accessible parking) and parking design requirements to meet AS/NZS 2890.1-2004.

C1.15 – Signs and Outdoor Advertising

The proposed additional business identification sign along the Chester Street frontage is considered satisfactory as it relates to the existing approved use of the land and integrates with the proposed updated façade treatment.

The signage to the North West boundary facing Johnston Creek is to be deleted.

C1.0 General Provisions / C4.1 Objectives for Non-Residential Zones / C4.2 Site Layout and Building Design / C4.5 Interface Amenity

The overall height of the additions will match the existing overall existing (adjacent) building height of RL21.57. The addition has been amended to have increased setback from Chester Street, Johnston's creek, the existing substation and Guihen Street. The addition sits comfortably in its location on the site in comparison to the existing building and adjacent buildings due to the topography and fall of the site to the north west.

The siting of the proposal is in a location where development could be readily assumed given the context of the area and will result in no unacceptable adverse traffic, overshadowing or streetscape impacts, subject to conditions. In this regard, the proposal will not result in any unacceptable adverse impacts to the existing interface with adjoining land.

Part E: Water

The site is identified as a flood control lot under Part E of LDCP 2013.

The proposal was accompanied with a Flood Risk Management Report prepared by Demlakian Engineering, which confirms that the proposed alterations and additions will be designed to adequately manage flood impacts on the site. These measures ensure that the proposed building extension is adequately protected against inundation by the 100 year ARI flood event and also that the proposed works do not impact on the existing flow path or flood storage. Therefore, the proposal is considered to be satisfactory with respect to stormwater and flooding.

5(d) The Likely Impacts

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

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

The site is zoned IN2 Light Industrial. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan for two periods of 14 days to surrounding properties. Submissions were received from 16 properties.

The submissions were received in response to the original application and raised the following concerns which are discussed below. There has been no further representation from any party with regard to the amended proposal.

Urban Canopy – the proposal includes removal of significant established trees and does not increase urban canopy. The proposal should target 30-40% of the site area to add to the urban canopy and habitat, not to remove it. Increasing the built upon area and sacrificing established canopy and habitat along a waterway and habitat corridor (Johnston Creek) is not acceptable.

Comment: the proposal was amended to retain the existing trees to the boundary of the site adjacent to Johnston's Creek. Additional planting is proposed within open space.

Stormwater – the proposal dramatically increases the impervious area of the site, contributing to existing flood hazards. The site is well positioned to positively contribute to stormwater management, however this potential is ignored by the proposal

Comment: Subject to conditions, the stormwater and flood risk management will be satisfactory.

Desired Future Character – The proposal overtly contradicts the Parramatta Road Urban Transformation Strategy and desired future character of the area, removing potential connections to Johnston creek Recreation corridor and associated open space. The Parramatta Road Urban Transformation Strategy earmarks this site as future public open space and has the potential to provide a green corridor, link and heart to the precinct and surrounding communities. Inner West council needs to pro-actively provide a cohesive masterplan for this and surrounding sites to ensure positive future development and enhancement of existing

Comment: The application was amended to address the connection to Johnston's creek. The matter of PRCUTS has been addressed in the report, and the retention of industrial land is supported.

Floor Space Ratio – Councils Pre-DA lists an LEP FSR of 1:1, an existing FSR of 2.09:1 and a proposed FSR of 2.64:1 (164% non-compliance). The clause 4.6 lists an existing FSR of 1.6:1 and a proposed FSR of 2.13:1 (113% non-compliance). These non-compliances are significant and produce unjustified impacts on adjoining private and public space including public roads and access. Again, if this was a residential development, the non-compliances would not be considered. Consistency of approach needs to be applied

Comment: The application was amended and the FSR breach has been reduced.

Proposed Bulk and Scale of development - the proposed development increases the built upon area and FSR to an extreme limit, which further impacts the narrow, enclosed

streetscapes that are critical urban pedestrian links between communities and open space. The existing bridge link at the bottom of Chester Street provides an important component in the pedestrian network. Chester street already has issues of perceived safety and inadequate allowances for pedestrian and bicycle access to this network. The proposed bulk, scale, variety of entrances and proximity of building will dominate Chester street, making it dark, unsafe, enclosed and uninviting to pedestrians.

Existing overdevelopment – the existing building on this site has comparatively small to zero street setbacks, limited articulation, limited landscaping and is over the LEP FSR. This would not be considered appropriate in residential development and commercial/industrial development should be held to higher standards than individual residential. This is recognised as a partly ideological position

Comment: The proposal has been amended to increase setbacks, improve articulation and connection with Johnston's Creek, with the increase of landscaped area.

Bulk /scale (footprint/height); It will have a negative impact on the surrounding residential areas---Taylor/Susan Streets--both visually and noise/traffic movements; There is insufficient on-site parking for employees and customers. The supplied Traffic Report--incl. photo shopped pics--is not based on the actual/factual existing on street parking situation. Chester, Guihen, Booth, Taylor and Susan streets are already "parked out" 24/7

Comment: The development has been amended to reduce bulk and scale, FSR and increase landscaped area. Council acknowledges a short fall in parking, however this has been addressed in the report as the use is considered to be low impact storage facility.

Currently across from Douglas Grant playground we have lots of trees blocking this huge warehouse in a family friendly environment leading to the living streets concept in Taylor st; The proposal does not have enough trees in its plan and way to many windows overlooking end of Taylor st and kids playground; No signage on building this is a family resident area; Noise is a major concern due to Taylor st and Susan st being on the low side of the valley noise vibrates to the sandstone rock face; For many years the residents fought Kennards to stop noise and large noise blocks were but (sic) in place to help contain noise in Kennards; Any changes need to ensure noise control is in place 24:7 for all residents and families visiting the park and living streets concept!; Additional built form, inconsistency with zone objectives and non-compliance with the floor space ratio (FSR) control

Comment: The development has been amended to reduce bulk and scale, FSR and increase landscaped area. The signage location is acceptable as it is non-illuminated. Greater landscaped area and retention of exiting trees is being proposed in the amended design. Noise associated with this development is acceptable considering it is a low impact use of a storage facility.

This building of a proposed six story is totally out of place in this neighbourhood being at least three storeys higher than any other building

Comment: The proposed development was amended to reduce bulk and increase setbacks and articulation. The height of the building matches the existing building to the Chester Street frontage and is considered to be consistent with immediate adjacent built form due to the topography of the site.

There would be a concern about noise from any potential cafe facing Taylor street as in this valley the smallest noise are magnified.

Comment: The proposal was amended, however there is no café proposed.

Signage facing residential areas.

Comment: The sign located on the North West elevation is to be deleted as a condition of 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 not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Engineering – Objection to parking shortfall – conditions imposed for approval – deferred commencement conditions relating to parking facilities and new loading dock off Booth Street entrance.
- Urban Forrest– No objection subject to conditions – Tree protection measures
- Building – No objection subject to conditions –NCC compliance measures
- Environmental Health – No objection subject to conditions.- -Acoustic measures
- Strategic Planning – No objection.- retention of industrial land supported
- Heritage – No objection subject to conditions pertaining to historical photographic record of existing building and material and finishes.

6(b) External

The application was referred to Sydney Water and Ausgrid. Comments and conditions provided have been subject to design amendments and the proposal is considered satisfactory.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area based on a additional gross floor area of 5266sqm. A contribution as detailed in the table below would be required for the development under the applicable Leichhardt Section 94 Contributions Plans.

Column A	Column B
Community Facilities	\$72,832.09
Open Space	\$171,957.16
Total Contribution	\$244,789.25

A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

This application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. Therefore the application is recommended for approval subject to the amended conditions listed below.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6(3) of the Leichhardt LEP 2013 in support of the contravention of the development standard for Clause 4.4 – Floor space ratio. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds, the proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2019/125 for Alterations and additions to existing self storage facility, and associated works, at 1 – 19 Booth Street, Annandale subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Deferred Commencement

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

A. Loading

Full details of the existing parking facilities that are accessible from Booth Street and the proposed changes to these parking facilities to provide the proposed Loading Dock must be provided to demonstrate the proposed Loading Dock with the Adjacent Self Storage Level 1 complies with Leichhardt DCP2013, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities and all Council requirements.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$244,789.25 in accordance with Leichhardt Developer Contributions Plan ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 12 November 2019.

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:

Local Infrastructure Type:	Contribution \$
Open Space and Recreation	\$72,832.09
Community Facilities and Services	\$171,957.16
TOTAL	\$244,789.25

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

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

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

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

2. Long Service Levy

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

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security

deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$37,000
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
Drawing No. 17-036 - DA11 Rev F	Basement Plan	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA12 Rev N	Lower Ground Floor Plan	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA13 Rev M	Ground Floor Plan	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA14 Rev K	First Floor Plan	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA15 Rev J	Second Floor Plan	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA16 Rev J	Third Floor Plan	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA17 Rev J	Roof Plan	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA21 Rev K	West Elevation	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA22 Rev L	North and South Elevations	16.07.2019	MCHP Architects

Drawing No. 17-036 - DA24 Rev I	Section 01	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA25 Rev F	Section 02	16.07.2019	MCHP Architects
Drawing No. 17-036 - DA26 Rev C	Signage Elevations	16.07.2019	MCHP Architects
Drawing No. 216182 - SK-05	Flood Risk Management Report and Plan	22.07.2019	Demlakian Enigneering

As amended by the conditions of consent.

5. Dry-weather Flows

The basement or any below ground structure must be designed to be “tanked” preventing the ingress of seepage or groundwater.

6. Works Outside the Property Boundary

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

7. Rock Anchors

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

8. Tree Protection

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

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

Any public tree within five (5) metres of the development must be protected in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected throughout the development. Tree numbers correspond with the numbers (and location) assigned in the *Arboricultural Impact Assessment* dated August 2019 and prepared by Alexis Anderson of *Bluegum Tree Care and Consultancy*.

Tree №	Botanical/Common Name	Location
1.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
2.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>

3.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
4.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
5.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
6.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
7.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
8.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
9.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
10.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
11.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
12.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
13.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
14.	<i>Callistemon viminalis</i> (Weeping Bottle Brush)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
15.	<i>Callistemon viminalis</i> (Weeping Bottle Brush)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
16.	<i>Eucalyptus botryoides</i> (Bangalay)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
17.	<i>Celtis sinensis</i> (Chinese	As per the site plan included in the <i>Arboricultural</i>

	Hackberry)	<i>Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
18.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
19.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
20.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
21.	<i>Populus deltoides</i> (Cottonwood)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>

9. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

Prior to any Demolition

10. Heritage survey

Prior to any demolition on the site or the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that Council has been received a full archival record of the building and landscape elements to be demolished.

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- a) Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- b) Coloured photographs of:
 - i. each elevation,
 - ii. each structure and landscape feature;
 - iii. views to the subject property from each street and laneway or public space.

Photographic archival records must be taken of the building, landscape or item in accordance with 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch available online at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

11. 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.

12. 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 Certifying Authority must approve the CTMP 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

13. Design Amendment –

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans showing the external Snaplock Cladding System Colorbond Matt ‘Monument’ replaced with precast concrete panels with a natural finish.

14. Commercial - Additional Storage Space

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that an additional 4m² minimum of space allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

15. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved pedestrian access way from Guihen Street to the site are located outside of the garden bed within the specified radius of the trunk/s of the following tree/s.

Tree No	Botanical/Common Name	Radius in metres
6.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
7.	<i>Eucalyptus pilularis</i> (Blackbutt)	
8.	<i>Eucalyptus pilularis</i> (Blackbutt)	

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree located on the subject site and adjoining sites (including trees located within the public domain).

16. 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.

17. Light Spill

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

18. 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) 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.
- b) The proposed building and external terrace are outside the extent of the 100 year ARI to provide no loss of floodway or flood storage.
- c) All basements and below ground internal areas are tanked waterproofed construction.
- d) The development is protected from ingress of flood waters with entries no lower than RL5.35m AHD.
- e) 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)

19. 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 in *Drawing No. 216182-SK-05 - Flood Risk Management Report and Plan* dated 22.07.2019 and prepared by Demlakian Enigneering. 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.

20. 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 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 in *Drawing No. 216182-SK-05 - Flood Risk Management Report and Plan* dated 22.07.2019 and prepared by Demlakian Enigneering.

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.

21. Stormwater Drainage System – Major Developments

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

- a) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to directly to Johnstons Creek channel or Council's piped drainage system.
- b) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's Leichardt DCP2013.
- c) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of surface flows from the driveway ramp to the basement.
- d) The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.
- e) The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013;
- f) Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD tanks.
- g) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided. The OSD tank must be designed such that overflows from the OSD tank do not drain to the Basement or areas that are below street level that do not have access to an overland flow path.
- h) As there is no overland flow/flood path available from the external area adjacent to the Guihen Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:

- a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
- b. The maximum water level over the sag pit shall not be less than 300mm below the floor level or damp course of the building.
- c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands/roof areas.
- i) A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas.
- j) A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 - i. Comply with all relevant Australian Standards.
 - ii. An overflow, flashing light and audible alarm is to be provided to warn of pump failure.
 - iii. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months.
 - iv. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event.
 - v. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank.
 - vi. Inlet pits and drains for drainage of surface flows from the basement ramp must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system. e.g. located outside parking bays etc.
- k) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- l) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- m) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- n) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- o) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- p) Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).

22. 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 floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
- b) The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing.
- c) 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 for a B99 design vehicle.
- d) 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).
- e) Minimum 2200mm headroom must be provided to Parking Space 24 and Parking Space 23.
- f) One (1) parking space must be dedicated to use by the Retail component of the development for the purposes of loading and unloading. Minimum headroom of 2500mm must be provided above this space and along the path of travel to and from this parking space to the Chester Street frontage of the site.
- g) All parking spaces for persons with a disability must be located adjacent the wheel chair accessible entrances and/or lifts.
- h) 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.
- i) Longitudinal sections along each outer edge of the vehicular access and parking, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- j) 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;
- k) 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;
- l) 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.
- m) The vehicular access must be amended to provide clear sight lines (triangles) to pedestrians in Chester Street in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- n) The entry security door must be set back a minimum of 5500mm from the property boundary.
- o) Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2.
- p) 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.
- q) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- r) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road.

- s) The driveway must be widened to comply with minimum distances between kerbs in accordance with Clause 2.5.2(a) of AS/NZS 2890.1-2004 including the additional 300mm clearance on one or both sides of the ramp/roadway where there is a kerb or barrier or obstruction higher than 150mm and closer than 300mm from the edge of the roadway/ramp.
- t) Protective devices must be provided to prevent vehicle encroachment into pedestrian ways, stairs, doorways, lifts and the like.
- u) Plans must provide full details including showing all dimensions, levels and gradients and include the parking facilities and loading dock accessible from Booth Street and the parking facilities accessible from Chester Street.

23. 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 suitably experienced 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 or any below ground structure must be designed to be “tanked” preventing the ingress of seepage or groundwater.
- 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, must 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.

24. 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 qualified practising Civil Engineer 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) The redundant vehicular crossing to the site or any portion thereof must be removed and replaced by sandstone kerb and gutter and concrete footpath
- c) New concrete footpath along the Chester Street frontage of the site.
- d) Any existing damaged or otherwise defective kerb and gutter and/or road pavement adjacent to the site shall be restored.
- e) A long section, along both sides of the proposed vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be submitted. The long section shall begin from

the centreline of the adjacent road to a minimum of 3 metres beyond the end of the ramp. The long section must show both existing surface levels and proposed surface levels with chainages. The approved sections shall set the alignment levels at the boundary.

- f) 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%. The approved sections shall set the alignment levels at the boundary.
- g) All works must be completed prior to the issue of an Occupation Certificate.

During Demolition and Construction

25. Tree Protection

To protect the following tree/s, ground, trunk and branch protection must be installed in accordance with section 6 of the *Arboricultural Impact Assessment* dated August 2019 and prepared by Alexis Anderson of *Bluegum Tree Care and Consultancy* and Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No	Botanical/Common Name	Location
4.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per the site plan included in the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
5.	<i>Eucalyptus pilularis</i> (Blackbutt)	
6.	<i>Eucalyptus pilularis</i> (Blackbutt)	
7.	<i>Eucalyptus pilularis</i> (Blackbutt)	
8.	<i>Eucalyptus pilularis</i> (Blackbutt)	

26. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with section 6 of the *Arboricultural Impact Assessment* dated August 2019 and prepared by Alexis Anderson of *Bluegum Tree Care and Consultancy* and Council's *Development Fact Sheet—Trees on Development Sites*. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No	Botanical/Common Name	Radius in metres
10.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
11.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
12.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
13.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
14.	<i>Callistemon viminalis</i> (Weeping Bottle Brush)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and</i>

		<i>Consultancy</i>
15.	<i>Callistemon viminalis</i> (Weeping Bottle Brush)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
16.	<i>Eucalyptus botryoides</i> (Bangalay)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
17.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
18.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
19.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
20.	<i>Celtis sinensis</i> (Chinese Hackberry)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>

27. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No/ Name/location	Botanical/Common	Time of Inspection	Key stage/ Hold point
1. <i>Eucalyptus pilularis</i> (Blackbutt)		As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>	
2. <i>Eucalyptus pilularis</i> (Blackbutt)			
3. <i>Eucalyptus pilularis</i> (Blackbutt)			
4. <i>Eucalyptus pilularis</i> (Blackbutt)			
5. <i>Eucalyptus pilularis</i> (Blackbutt)			
6. <i>Eucalyptus pilularis</i> (Blackbutt)			
7. <i>Eucalyptus pilularis</i> (Blackbutt)			
8. <i>Eucalyptus pilularis</i> (Blackbutt)			
9. <i>Celtis sinensis</i> (Chinese Hackberry)			
10. <i>Celtis sinensis</i> (Chinese Hackberry)			
11. <i>Celtis sinensis</i> (Chinese Hackberry)			
12. <i>Celtis sinensis</i> (Chinese Hackberry)			
13. <i>Celtis sinensis</i> (Chinese Hackberry)			
14. <i>Callistemon viminalis</i> (Weeping Bottle Brush)			
15. <i>Callistemon viminalis</i> (Weeping Bottle Brush)			
16. <i>Eucalyptus botryoides</i> (Bangalay)			

17. <i>Celtis sinensis</i> (Chinese Hackberry)	
18. <i>Celtis sinensis</i> (Chinese Hackberry)	
19. <i>Celtis sinensis</i> (Chinese Hackberry)	
20. <i>Celtis sinensis</i> (Chinese Hackberry)	
21. <i>Populus deltoides</i> (Cottonwood)	

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

28. Canopy and Root Pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist.

Tree No	Botanical/Common Name	Radius in metres
4.	<i>Eucalyptus pilularis</i> (Blackbutt)	As per section 6 of the <i>Arboricultural Impact Assessment</i> dated August 2019 and prepared by Alexis Anderson of <i>Bluegum Tree Care and Consultancy</i>
5.	<i>Eucalyptus pilularis</i> (Blackbutt)	

The person acting on this consent has approval under Council's Tree Management Controls to; prune the trees to achieve a clearance of the structure. Pruning is limited to the works described under section 6 of the *Arboricultural Impact Assessment* dated August 2019 and prepared by Alexis Anderson of *Bluegum Tree Care and Consultancy*.

Prior to Occupation Certificate

29. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier 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) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) The redundant vehicular crossing to the site or any portion thereof must be removed and replaced by sandstone kerb and gutter and concrete footpath
- c) New concrete footpath along the Chester Street frontage of the site.
- d) Any existing damaged or otherwise defective kerb and gutter and/or road pavement adjacent to the site shall be restored.
- e) 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”.

30. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

31. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

32. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifier 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) The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- c) There are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles and clear sight lines (triangles) to pedestrians in Chester Street are provided in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- d) Protective devices provided to prevent vehicle encroachment into pedestrian ways, stairs, doorways, lifts and the like.

33. Flood Risk Management Plan - Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier 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 including the following:

- a) The proposed building and external terrace are outside the extent of the 100 year ARI to provide no loss of floodway or flood storage.
- b) All basements and below ground internal areas are tanked waterproofed construction.
- c) The development is protected from ingress of flood waters with entries to internal areas no lower than RL5.35m AHD.

34. Works as Executed – Site Stormwater Drainage System

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

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

35. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

36. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following:

- f) Restrictions on the Use of Land related to on Site Stormwater Detention System and stormwater quality improvement devices;
- g) Positive Covenant related to on-site stormwater detention and/or retention system System and stormwater quality improvement devices;

The wording in the Instrument must be in accordance with Councils Standard wording.

37. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. 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.

38. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

On-going

39. Bin Storage

All bins are to be stored within the site. Bins are to be brought back onto the property within 12 hours of being emptied.

40. Commercial Waste Collection

All commercial waste, recyclable and other material collected by a private waste collector must have minimal impact on the amenity of the surrounding properties.

41. Documentation of Businesses waste services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

42. 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.

43. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use and stormwater quality improvement devices, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

44. Vehicles Leaving the Site

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

45. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. All designated loading bays/dock areas are to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

46. Long term storage of vehicles

No long term storage of vehicles is permitted within the parking facilities of the site.

47. 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.

48. 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.

Advisory notes

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.

Vehicular Crossings

The vehicular crossing and/or footpath 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 '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.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

- a) Work-As-Executed Plans
A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.
- b) Engineer's Certificate
 - i. A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
 - ii. the soundness of the storage structure;
 - iii. the capacity of the detention storage;
 - iv. the emergency overflow system being in place;
 - v. the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
 - vi. the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
 - vii. basement car park pumps are class one zone two;
 - viii. OSR pumps and SQIDS have been installed and commissioned.
- c) Restriction-As-To-User
A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

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

A typical document is available from Council's Development Assessment Engineer

Mechanical Ventilation System Certification

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

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

Storage of Hazardous and Dangerous Goods

Dangerous and hazardous goods must be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

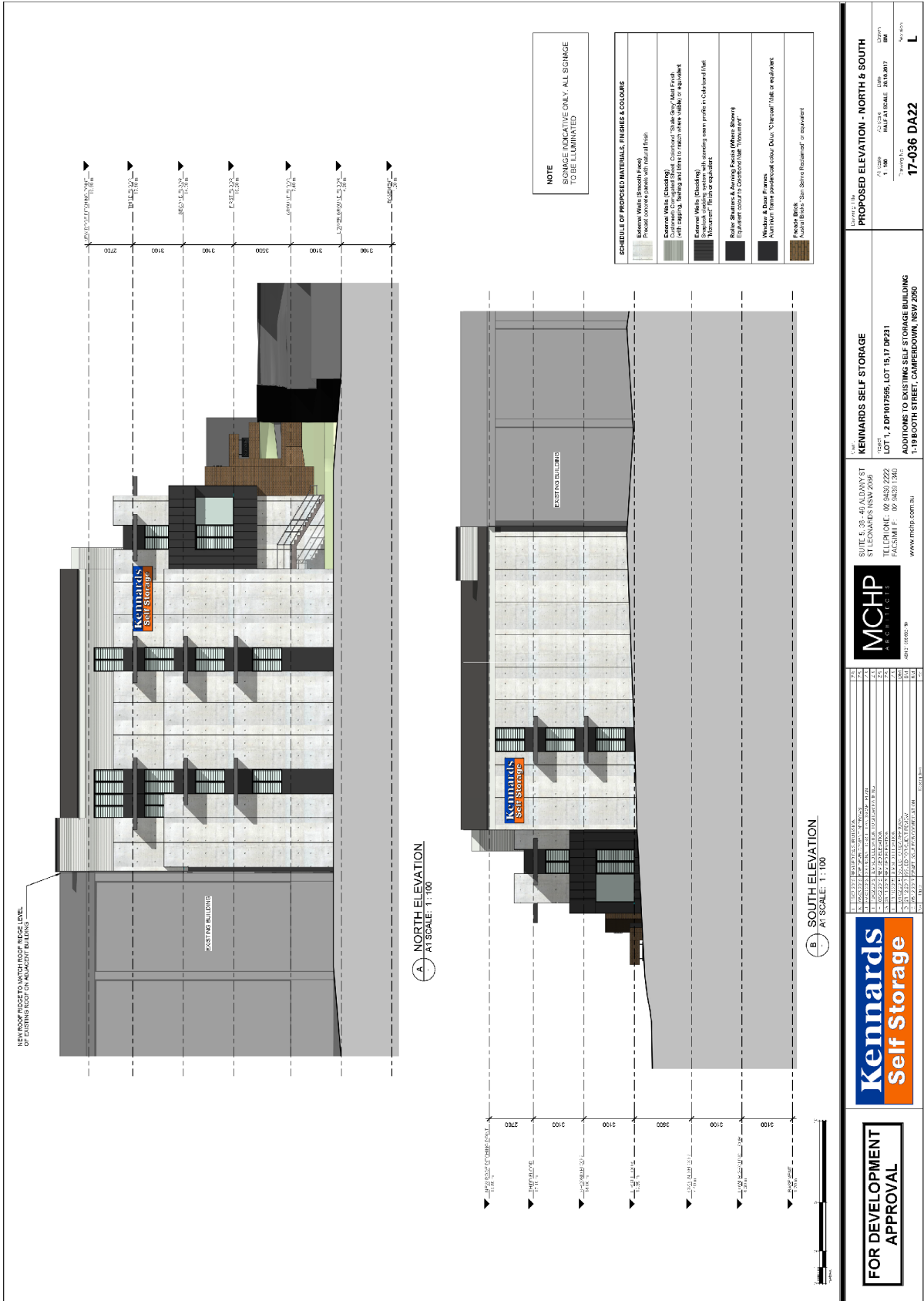
All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

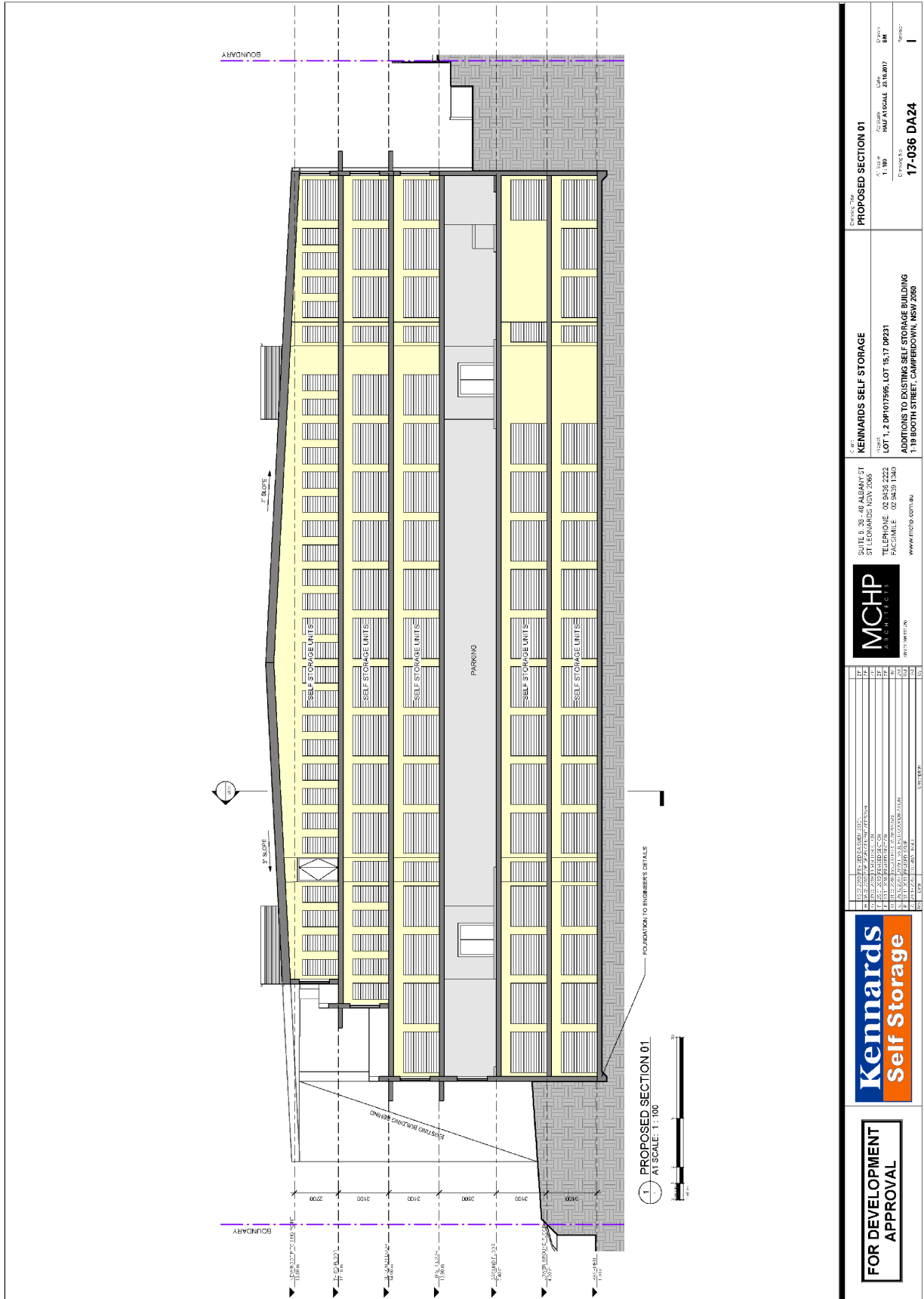
Tree Pruning or Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

Attachment B – Plans of proposed development







PROPOSED SECTION 01

Scale: 1:100
 Date: 23.10.17

Kennards Self Storage

LOT 1, 2 DP1017596, LOT 15,17 DP231

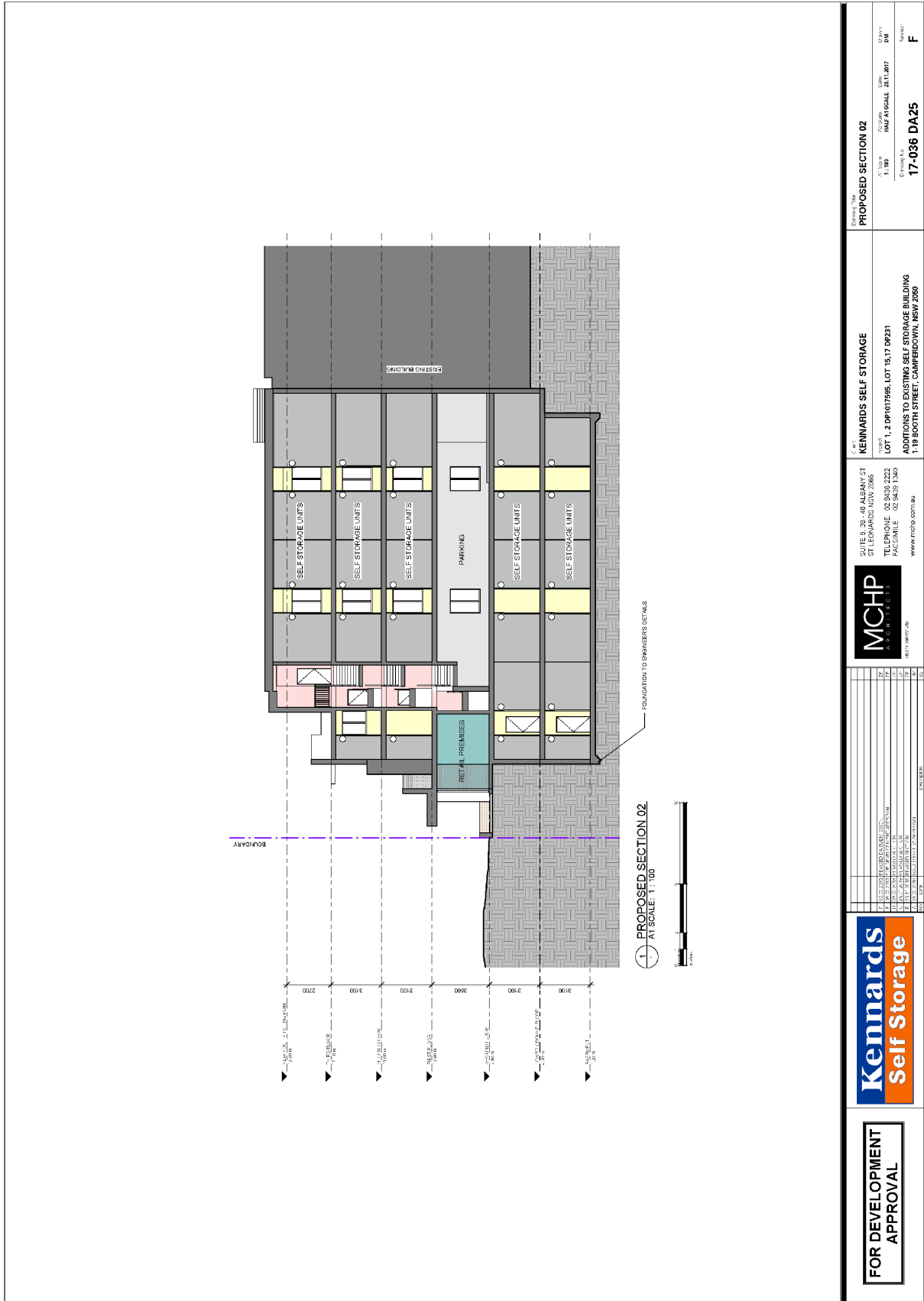
ADDITONS TO EXISTING SELF STORAGE BUILDING
 1 TO 300TH STREET, CAMDENOWN, NSW 2580

SUITE 5 20-48 ALBANY ST
 ST LEONARDS NSW 2065
 TELEPHONE 02 9439 2222
 FACSIMILE 02 9439 1340
 www.kennards.com.au

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Kennards Self Storage

FOR DEVELOPMENT APPROVAL



1:100

<p>FOR DEVELOPMENT APPROVAL</p>		<p>Kennards Self Storage</p>		<p>MCHP MCKENZIE CONSULTANTS ARCHITECTS</p>		<p>SUITE 8, 30-40 ALBANY ST ST LEONARDS NSW 2086 TELEPHONE 02 9438 2222 FACSIMILE 02 9439 1340 www.kennards.com.au 0811 981919</p>		<p>Project No: PROPOSED SECTION 02</p> <p>Client: KENWARDS SELF STORAGE</p> <p>Lot: LOT 1, 2 DP0107896, LOT 15, 17 DP231</p> <p>Address: ADDITIONS TO EXISTING SELF STORAGE BUILDING 1-19 BOOTH STREET, CAMPBOWDEN NSW 2860</p>	
<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>	<p>DATE: 15/11/2017</p> <p>BY: DA</p>
<p>17-036 DA25</p>		<p>17-036 DA25</p>		<p>17-036 DA25</p>		<p>17-036 DA25</p>		<p>17-036 DA25</p>	

1 WEST ELEVATION - BUILDING SIGNAGE
AT SCALE: 1 : 50

2 NORTH ELEVATION - BUILDING SIGNAGE
AT SCALE: 1 : 50

3 SOUTH ELEVATION - BUILDING SIGNAGE
AT SCALE: 1 : 50

4 WEST ELEVATION - RETAIL PREMISE FRONT SIGNAGE
AT SCALE: 1 : 50

5 NORTH ELEVATION - RETAIL PREMISE MOUNTED SIGNAGE
AT SCALE: 1 : 50

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2	NORTH ELEVATION - BUILDING SIGNAGE	1:50
3	SOUTH ELEVATION - BUILDING SIGNAGE	1:50
4	WEST ELEVATION - RETAIL PREMISE FRONT SIGNAGE	1:50
5	NORTH ELEVATION - RETAIL PREMISE MOUNTED SIGNAGE	1:50

FOR DEVELOPMENT APPROVAL

Kennards Self Storage

Kennards Self Storage

SUITE 5, 35-46 ALDINYST
ST LEONARDS NSW 2286
TELEPHONE: 02 8450 2222
FACSIMILE: 02 8450 1340
www.kennards.com.au

SIGNAGE ELEVATIONS

PROJECT: 17-036 DA26

DATE: 15/07/2019

SCALE: 1:50

BY: [Signature]

CHECKED: [Signature]

DATE: 15/07/2019

Kennards Self Storage

LOT 1, 2 DP1017596, LOT 15, 17 DP231
ADDITIONS TO EXISTING SELF STORAGE BUILDING
1-19 BOOTH STREET, CAMPERDOWN, NSW 2050

SIGNAGE ELEVATIONS

PROJECT: 17-036 DA26

DATE: 15/07/2019

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DATE: 15/07/2019



FOR DEVELOPMENT APPROVAL

Kenwards Self Storage

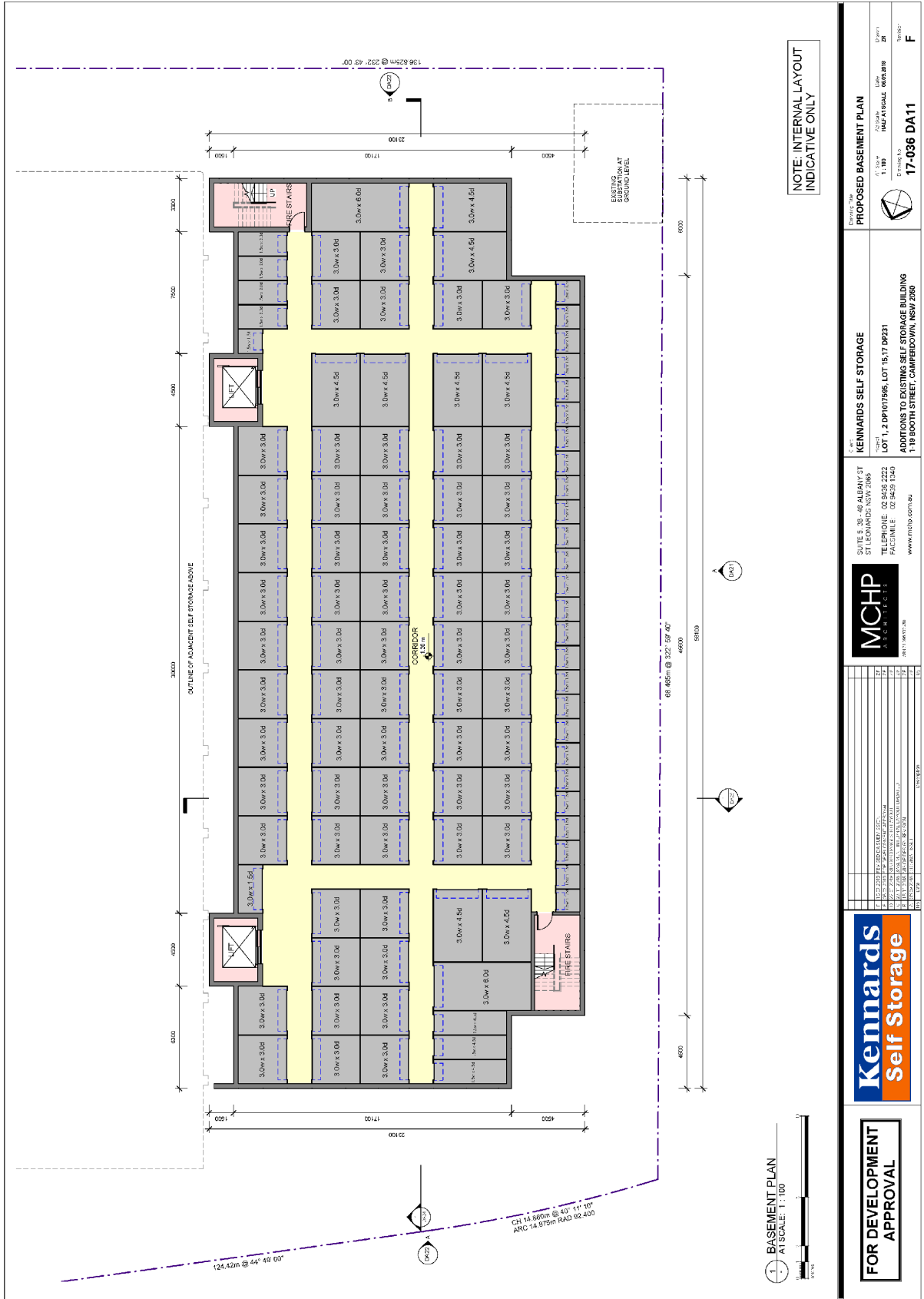
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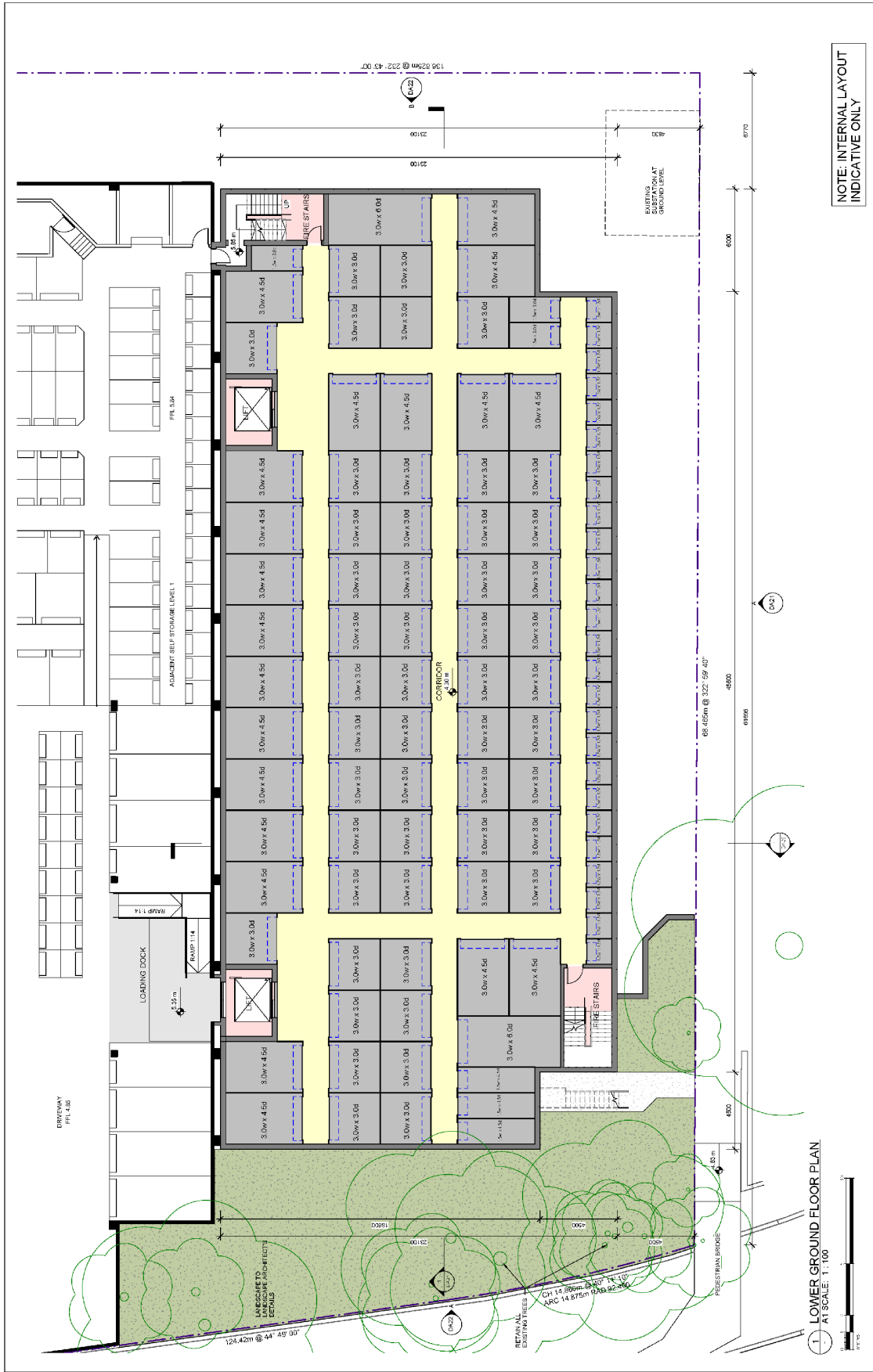
As indicated
17-036 DA10

Kenwards Self Storage
 SUITE 1, 2 DP107896, LOT 15, 17 DP231
 ADDITIONS TO EXISTING SELF STORAGE BUILDING
 1-18 BOOTH STREET, CAMPELDOWN, NSW 2060

MCHP
 MCGILL & CO. ARCHITECTS PTY LTD
 SUITE 1, 38 - 48 ALBANY ST
 ST LEONARDS NSW 2065
 TELEPHONE 02 9438 2222
 FACSIMILE 02 9439 1340
 WWW.MCHP.COM.AU

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NOTE: INTERNAL LAYOUT INDICATIVE ONLY

FOR DEVELOPMENT APPROVAL

Kennards Self Storage

PROPOSED LOWER GROUND FLOOR PLAN

LOT 11, 2 DP107396, LOT 15, 17 DP231

ADDITIONS TO EXISTING SELF STORAGE BUILDING
1-19 BOOTH STREET, CAMPBERRON, NSW 2080

www.kennards.com.au

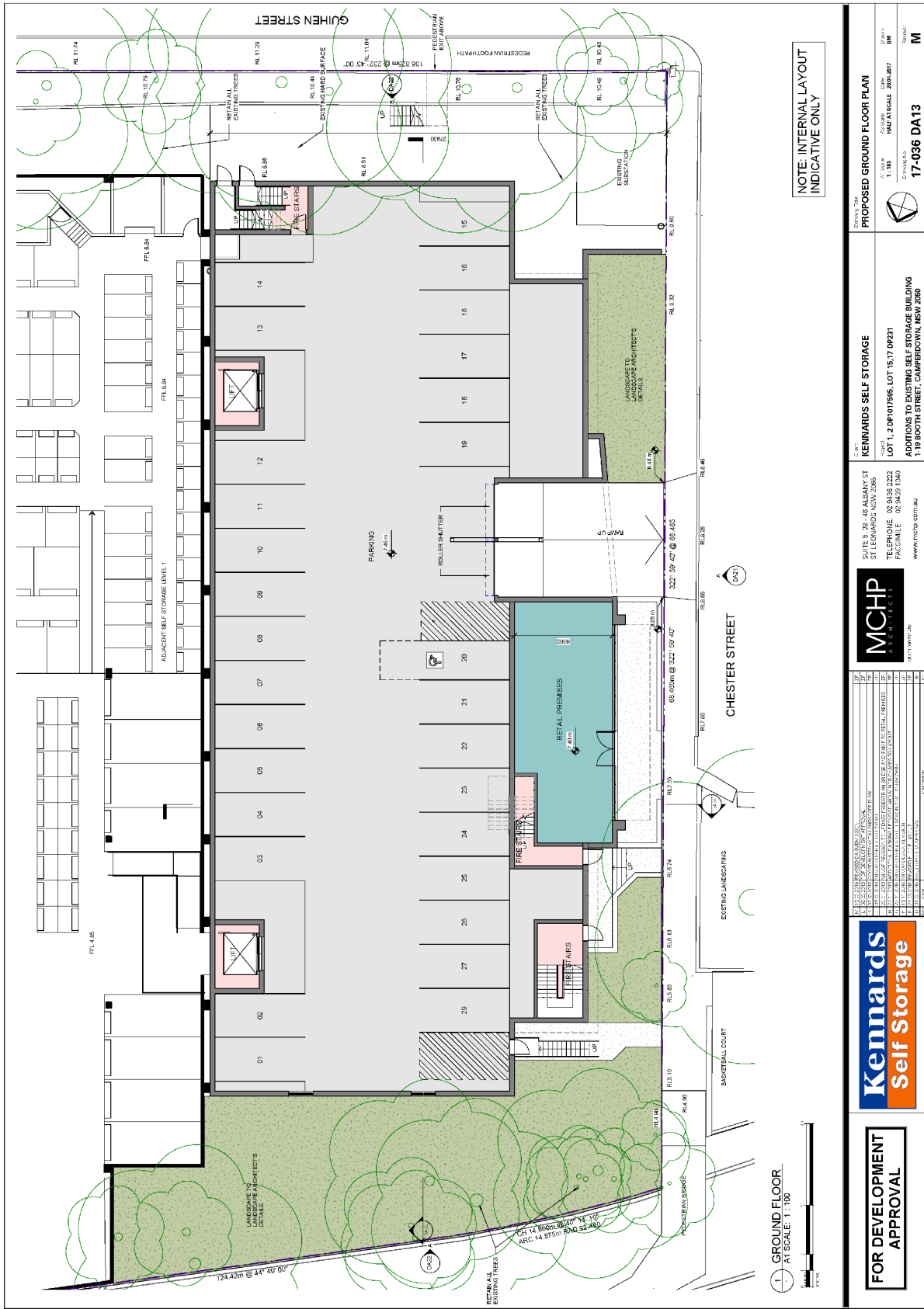
TELEPHONE 02 5439 2222
FACSIMILE 02 5439 1340

DATE: 15/10/2023

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DATE: 15/10/2023

17-036 DA12



NOTE: INTERNAL LAYOUT INDICATIVE ONLY

1 GROUND FLOOR
AT SCALE: 1 : 100

KENWARDS SELF STORAGE
 SUITE 5, 70-40 ALBANY ST
 ST LEONARDS, NSW 2066
 TEL: (02) 9459 2222
 FAX: (02) 9459 1240
 www.kenwards.com.au

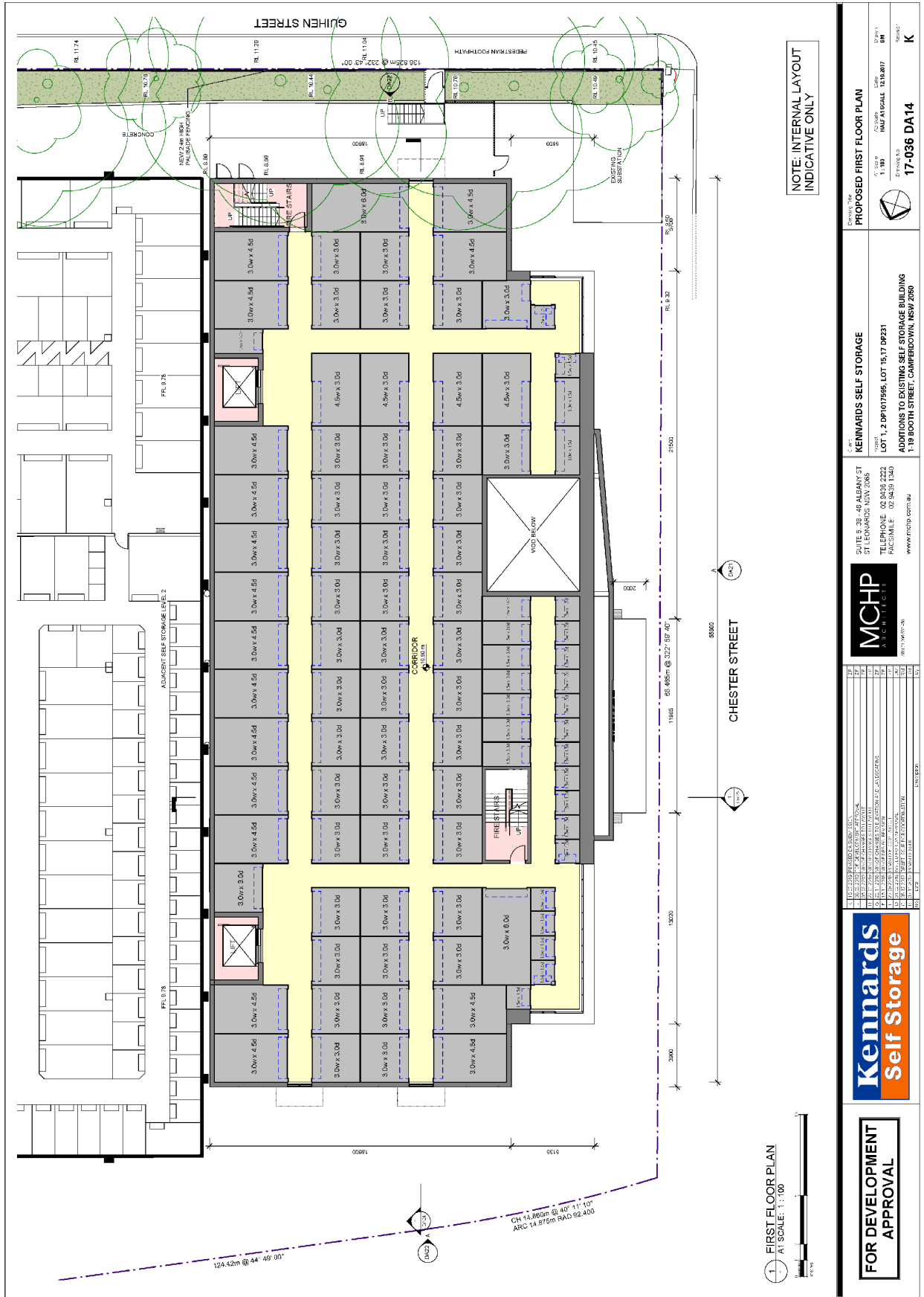
FOR DEVELOPMENT APPROVAL

Kenwards Self Storage

PROPOSED GROUND FLOOR PLAN
 17-036 DA13
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17-036 DA13
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 17-036 DA13



NOTE: INTERNAL LAYOUT INDICATIVE ONLY

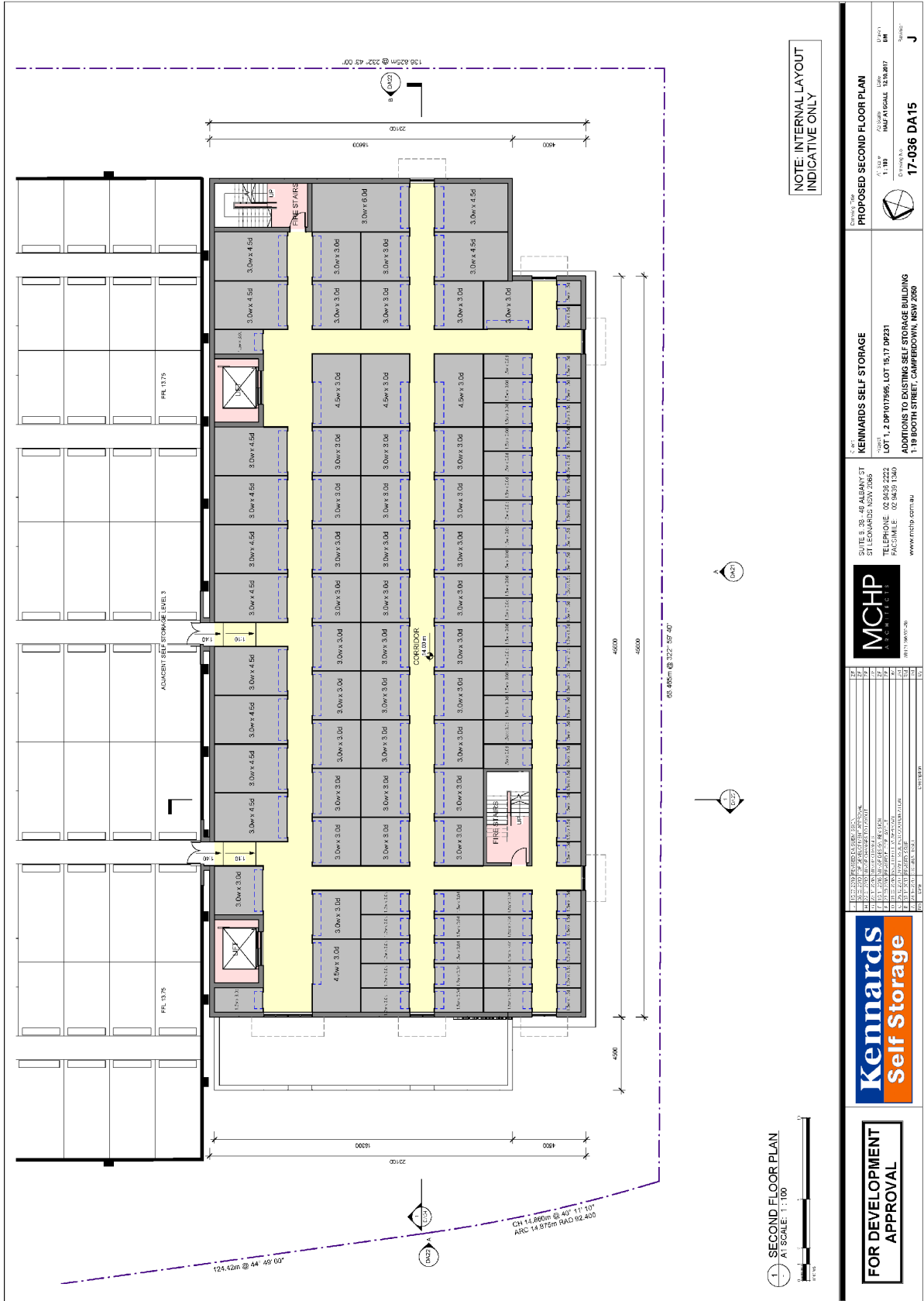
FIRST FLOOR PLAN
AT SCALE: 1:100

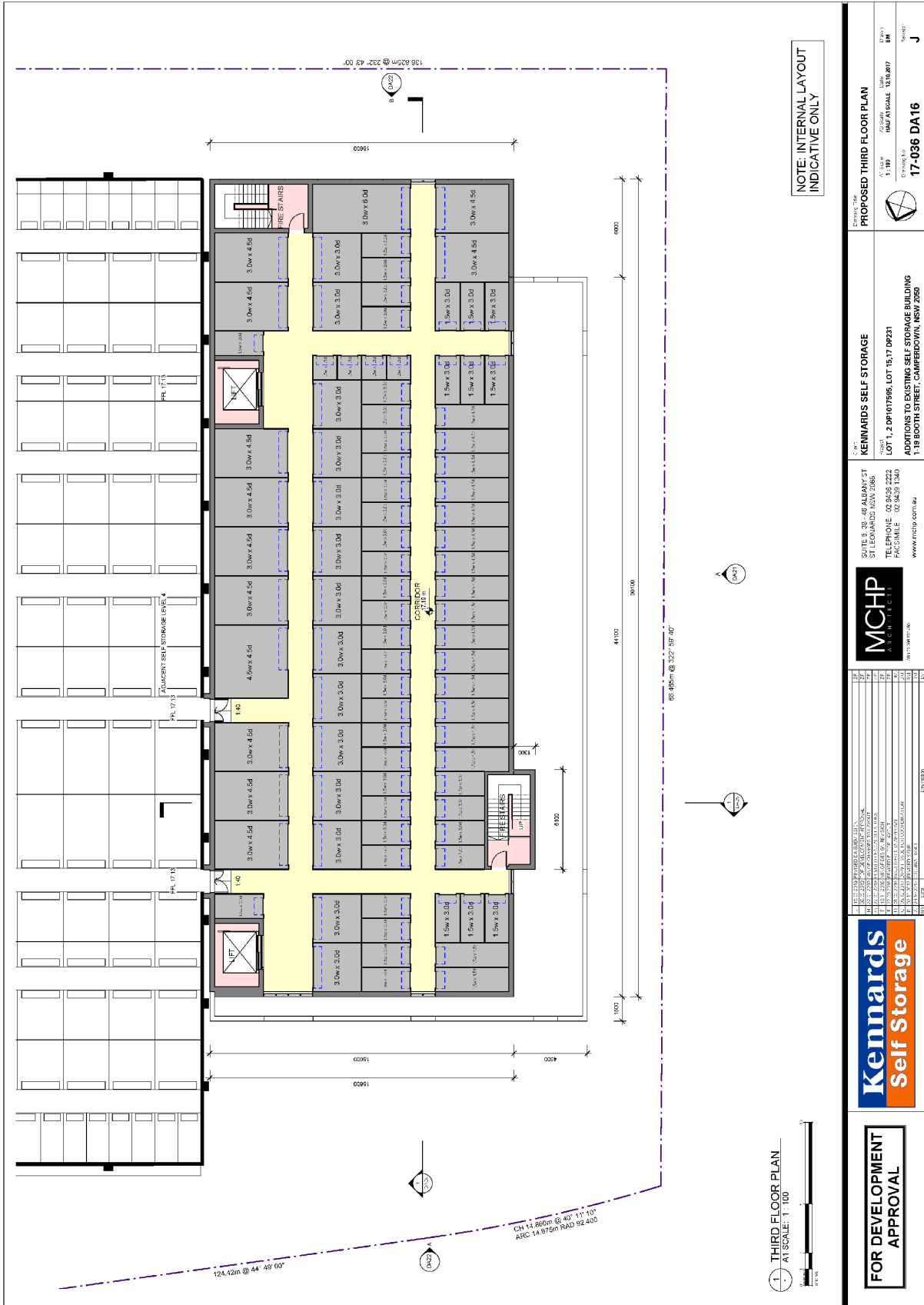
Drawing Title: **PROPOSED FIRST FLOOR PLAN**
 Client: **KENNARDS SELF STORAGE**
 Project: **LOT 1, 2 DP1071966, LOT 15, 17 DP231**
 Address: **ADDICONS TO EXISTING SELF STORAGE BUILDING**
 Location: **119 SOUTH STREET, CAMPBELLTOWN, NSW 2061**

Suite 9, 38-40 ALBANY ST
 ST LEONARDS NSW 2060
 TELEPHONE: 02 9439 2222
 FACSIMILE: 02 9439 1340
 www.kennards.com.au

NO.	REVISION	DATE	BY	CHKD.
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FOR DEVELOPMENT APPROVAL







**ADDITIONS TO EXISTING SELF STORAGE BUILDING
KENNARDS SELF STORAGE**

LOT 1, 2 DP1017595, LOT 15,17 DP231
1-19 BOOTH STREET, CAMPERDOWN, NSW 2050

MARCH 2019 | FOR DEVELOPMENT APPROVAL
19/03/19 2:29 PM | M:\Projects\190319 Self Storage\190319 Self Storage - Kennards Self Storage 17-036 DA31 J.dwg, 17/03/19

VIEW FROM CHESTER & GUIHEN STREETS

17-036 DA31 J

**FOR DEVELOPMENT
APPROVAL**





**ADDITIONS TO EXISTING SELF STORAGE BUILDING
KENNARDS SELF STORAGE**

LOT 1, 2 DP1017595, LOT 15,17 DP231
1-19 BOOTH STREET, CAMPERDOWN, NSW 2050

MARCH 2019 | FOR DEVELOPMENT APPROVAL
MARCH 2019 FOR DEVELOPMENT APPROVAL

17-036 DA32 | VIEW FROM CHESTER & TAYLOR STREETS

FOR DEVELOPMENT
APPROVAL





**ADDITIONS TO EXISTING SELF STORAGE BUILDING
KENNARDS SELF STORAGE**

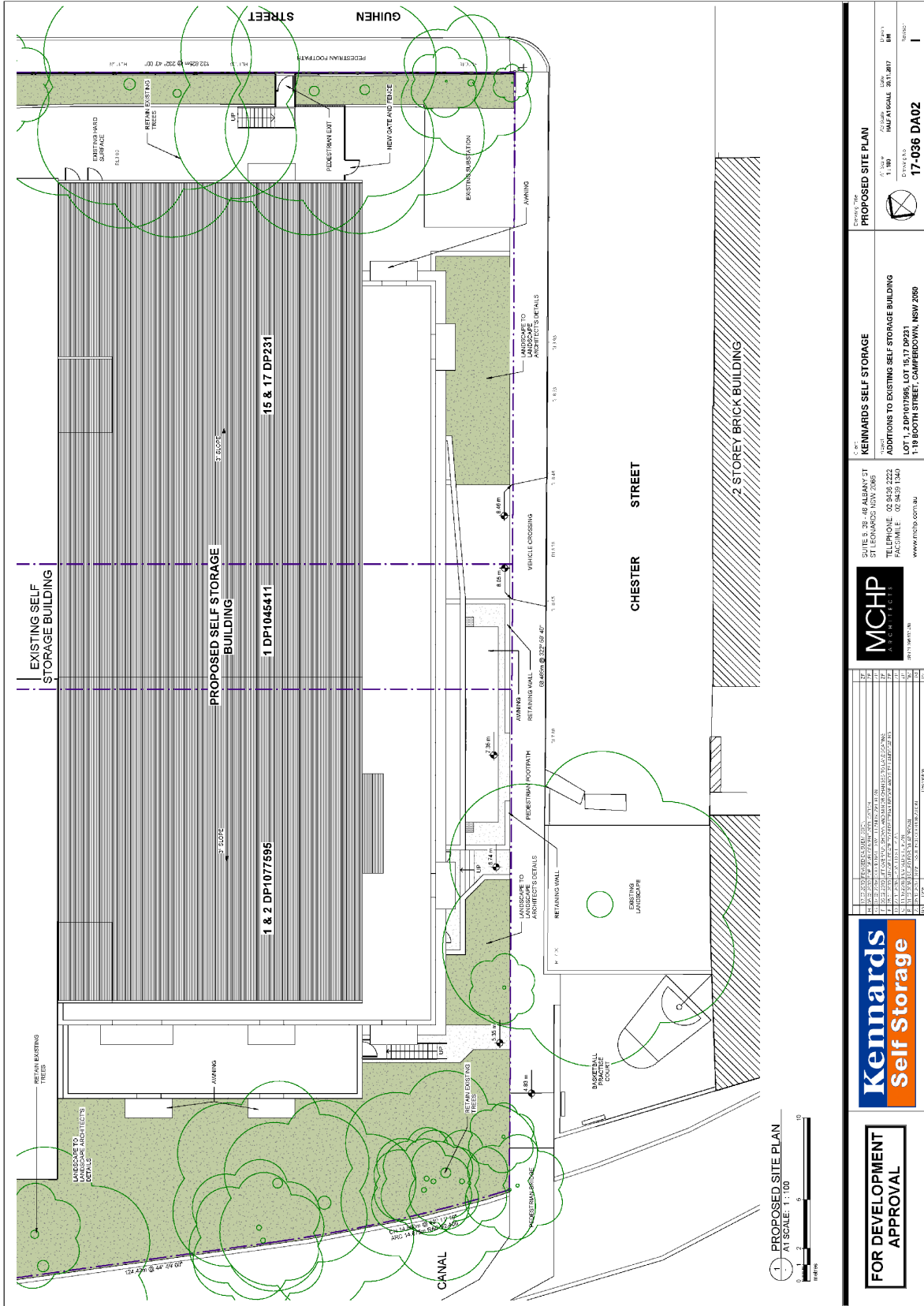
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1-19 BOOTH STREET, CAMPERDOWN, NSW 2050

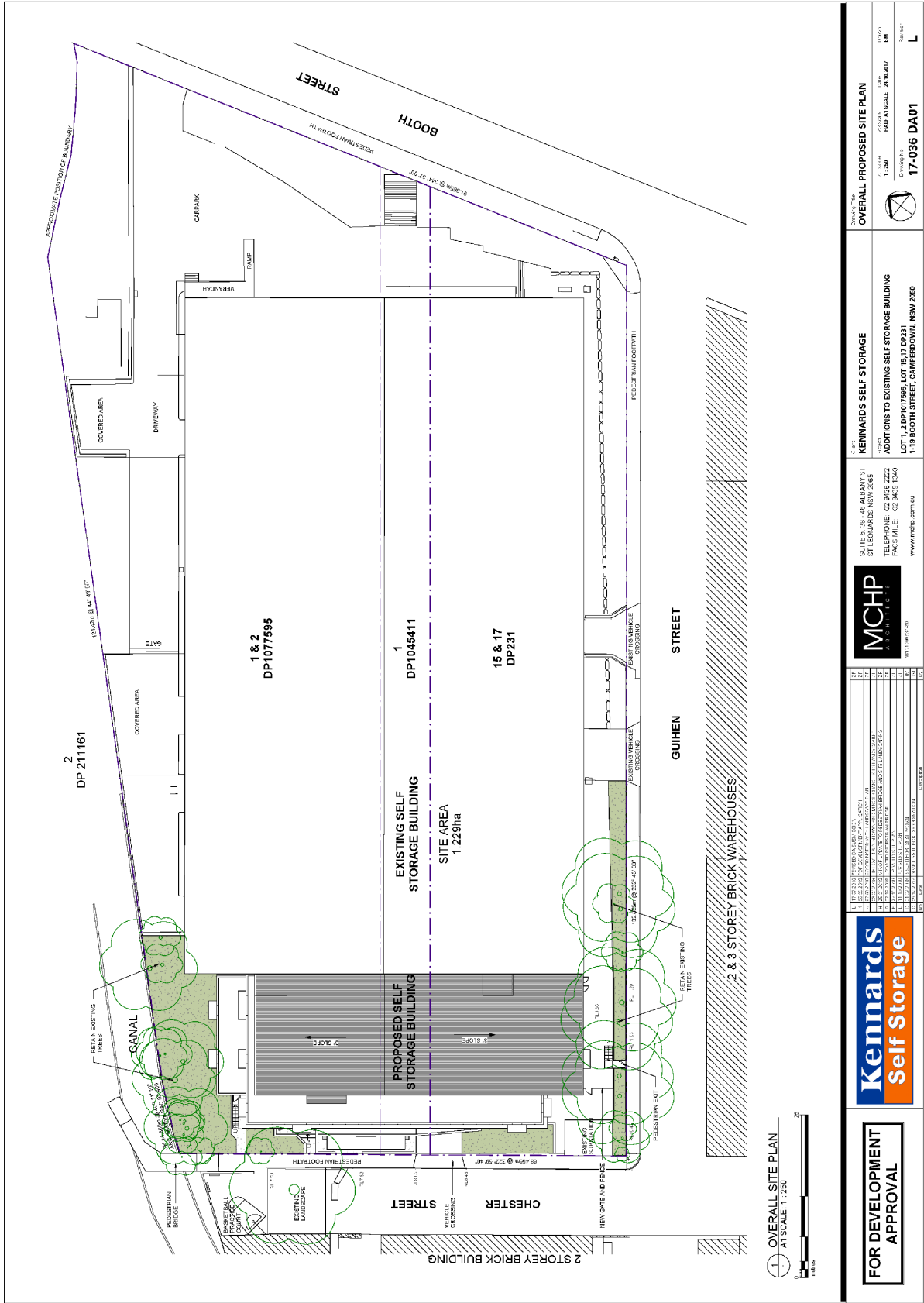
MARCH 2019 | FOR DEVELOPMENT APPROVAL

17-036 DA34 C VIEW FROM CHESTER ST (ANNANDALE SIDE)

**FOR DEVELOPMENT
APPROVAL**







<p>FOR DEVELOPMENT APPROVAL</p> <p>Kenwards Self Storage</p> <p>ADDITIONS TO EXISTING SELF STORAGE BUILDING</p> <p>LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100</p>	<p>OVERALL PROPOSED SITE PLAN</p> <p>DATE: 17/03/2017</p> <p>SCALE: 1:250</p> <p>PROJECT NO: 17-036 DA01</p>
---	---

Kenwards Self Storage
 SUITE 5, 38-48 ALBANY ST
 ST LEONARDS NSW 2065
 TELEPHONE: 02 9458 2222
 FACSIMILE: 02 9458 1300
 www.kenwards.com.au

MCHP
 MCGILL-CAMPBELL
 ARCHITECTS
 10/11 WYVY DR

NO.	REVISION	DATE
1	ISSUED FOR APPROVAL	17/03/2017
2	ISSUED FOR APPROVAL	17/03/2017
3	ISSUED FOR APPROVAL	17/03/2017
4	ISSUED FOR APPROVAL	17/03/2017
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8	ISSUED FOR APPROVAL	17/03/2017
9	ISSUED FOR APPROVAL	17/03/2017
10	ISSUED FOR APPROVAL	17/03/2017

Kenwards
Self Storage

FOR DEVELOPMENT APPROVAL

Attachment C – Clause 4.6 Exception to Development Standards

22 July 2019

The General Manager
Inner West Council
PO Box 14
PETERSHAM NSW 2049



KDC PTY LTD | ABN 61 148 085 492
PHONE | (02) 4940 0442
EMAIL | reception@kdc.com.au
WEBSITE | www.kdc.com.au
ADDRESS | Suite 2B, 125 Bull Street
Newcastle West NSW 2302

Clause 4.6 Variation Justification

RE: Development Application for Alterations and Additions to an Existing Self Storage Facility and the Use of a Mixed Use Development (Comprising Self Storage Units and Retail Premises) at Kennards Self Storage Camperdown, 1-19 Booth Street, Annandale NSW 2038

Our Ref: 18028

1 Introduction

The development to which this application relates is for the proposed alterations and additions to existing self storage facility and the use of a mixed use development (comprising self storage units and retail premises) at 1-19 Booth Street Annandale NSW (the site).

Specifically, the Development Application (DA) seeks approval for:

- Demolition of existing hardstand at-grade carpark and associated fencing;
- Construction of a six (6) storey mixed use development comprising:
 - Self-storage units
 - 1 x retail premises on ground floor
- Amendment to existing entry/exit driveway crossover on Chester Street;
- Removal of 14 car parking spaces and addition of 29 car parking spaces;
- Associated landscaping and earthworks;
- Business identification signage; and
- Other ancillary works as detailed on Architectural Plans at Appendix A.

2 Site Details

The site is known as 1-19 Booth Street Annandale, situated within the Local Government Area of Inner West Council (previously Leichhardt). It consists four titles, legally described as Lots 1 & 2 DP 1017595 and Lots 15 & 17 DP 231.

The site comprises a block of land approximately 1.229 hectares in size that is bound by Johnston Creek (stormwater channel) to the north, Booth Street to the east, Guihen Street to the south and Chester Street to the west.

A three and four storey Kennards Self Storage facility is currently located onsite. However, due to the sloping topography of the site, the facility presents as a single storey structure when viewed from Guihen Street. The site is predominately cleared with a few remaining trees present. An at-grade carpark is provided on the south eastern end of the site with access provided from Chester Street.

The site is located on the border between Annandale and Camperdown. It is situated in a light industrial zone, surrounded by a mix of residential, commercial and industrial uses.

Medium density residential dwellings are located to the north of the site, past the Johnston Creek stormwater channel. A recently upgraded pedestrian footbridge bridge is provided over Johnstons Creek from the site to

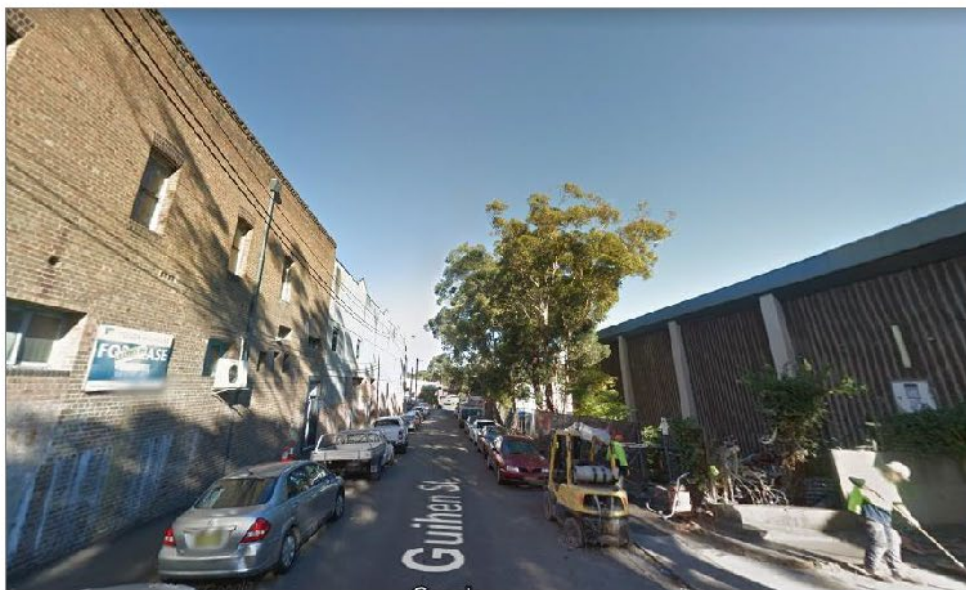


Douglas Grant Park. Residential flat buildings, up to twelve storeys, occur to the west of the site, on the opposite side of Booth Street.

Photograph 1 – View of existing Kennards Self Storage Facility from Booth St.



Photograph 2 – Streetview of existing facility (on right) from Guilhen St.

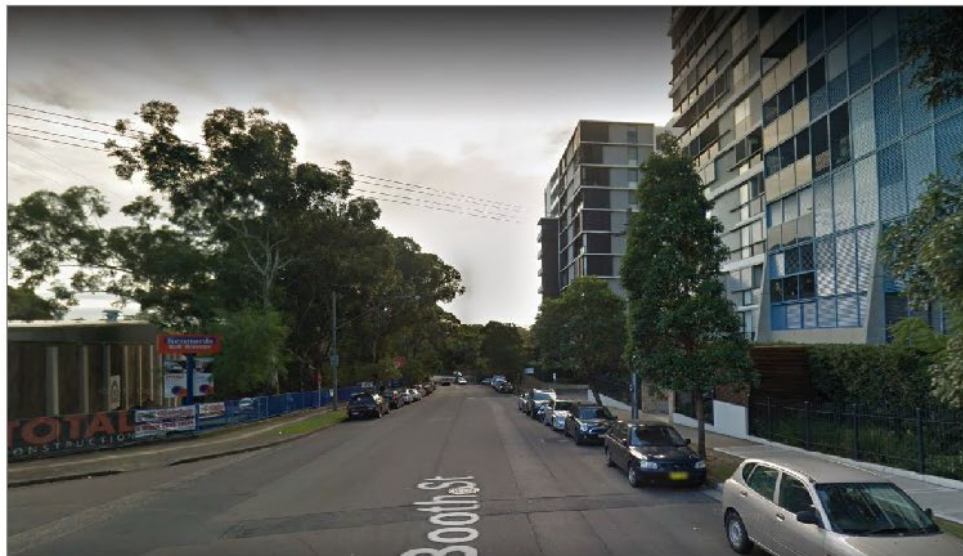




Photograph 3 – Location of proposed extension (on left) and surrounding development from Chester St.



Photograph 4 – Residential flat buildings (up to twelve storeys) on the opposite side of Booth Street



3 Exception to development standards

The NSW planning system currently has two mechanisms that provide the ability to vary development standards contained within environmental planning instruments:

- Clause 4.6 of the Standard Instrument Local Environment Plan (SI LEP); and



- State Environment Planning Policy No 1 – Development Standards (SEPP1).

In this instance, SEPP 1 does not apply as the Leichhardt Local Environmental Plan 2013 (LLEP 2013) is a Standard Instrument LEP.

3.1 Clause 4.6

Clause 4.6 of the LLEP 2013 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better planning outcomes.

(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. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The proposal seeks to vary the floor space ratio standard applicable to the site in the subject development application and does not introduce new controls across an area.

3.2 Legal context to varying development standards

This request has been prepared having regard to the latest authorities on Clause 4.6, contained in the following judgements:

- *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46
- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (Four2Five No 1)
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 (Four2Five No 2)
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 (Four2Five No 3)

The objection principles identified in the decision of Justice Lloyd in *Winten v North Sydney Council* are outlined below:

- (1) Is the planning control in question a development standard;*
- (2) What is the underlying object or purpose of the standard;*
- (3) Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act 1979;*
- (4) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case;*
- (5) Is a development which complies with the development standard unreasonable or unnecessary; and*
- (6) Is the objection well founded.*

In the decision of *Wehbe v Pittwater Council* [2007] NSW LEC 827, Chief Justice Preston outlined the rationale for development standards, and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision in that case Preston CJ noted:



"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Wehbe V Pittwater [2007] NSW LEC 827 also established the 'five-part test' to determine whether compliance with a development standard is unreasonable or unnecessary based on the following:

- (1) Would the proposal, despite numerical non-compliance, be consistent with the relevant environmental or planning objectives;*
- (2) Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary;*
- (3) Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable;*
- (4) Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable; or*
- (5) Is the "zoning of particular land" unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land. Consequently, compliance with that development standard is unnecessary and unreasonable.*

Of particular relevance in this instance is Part 1, that "(1) *Would the proposal, despite numerical non-compliance, be consistent with the relevant environment or planning objectives?*".

4 Development Standard to be Varied

What is the zoning of the site?

Light Industrial – Zone IN2

What are the objectives of the zone?

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community.*
- *To ensure the provision of appropriate infrastructure that supports Leichhardt's employment opportunities.*
- *To retain and encourage waterfront industrial and maritime activities.*
- *To provide for certain business and office premises and light industries in the arts, technology, production and design sectors.*

What is the development standard being varied?

The floor space ratio development standard contained in Clause 4.4 of the Leichhardt LEP 2013.

As shown in Figure 1 below, the floor space ratio stipulated for the site is 1:1. Figure 2 demonstrates that there is a range of floor space ratio controls surrounding the site.



Figure 1 - Floor Space Ratio Map Extract - Leichhardt LEP 2013 (FSR_009)

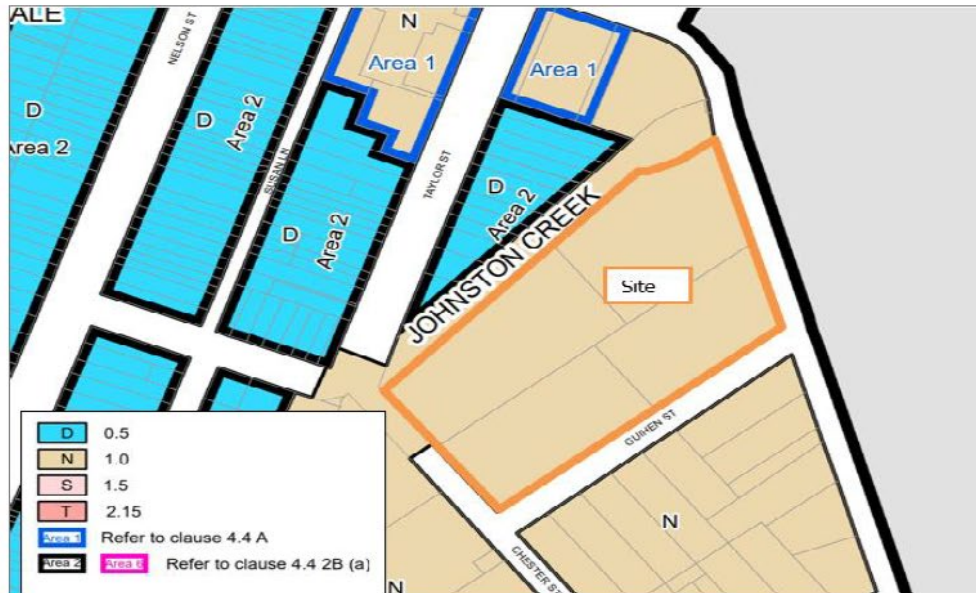


Figure 2 - Floor Space Ratio Map Extract from Sydney LEP (FSR_002)





What is the numerical variation proposed?

Clause	Floor space permitted by Control	Existing building floor space	Proposed additional floor space	Total Gross Floor Area (GFA)
Clause 4.4 – FSR	12,290m ² (1:1)	19,767m ² (1.6:1)	5,266m ²	25,033m ² (2.03:1)

What are the objectives of the development standard?

- (1) The objectives of this clause are as follows:
- (a) to ensure that residential accommodation:
 - (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings,
 - (b) to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.

5 Justification for the Contravention

This section addresses subclauses (3) and (4) of Clause 4.6 and seeks to justify the contravention from development standard included in Clause 4.4.

(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.*

(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.*

5.1 Compliance is unreasonable or unnecessary

As discussed above, using guidance from the *Wehbe v Pittwater Council* [2007] case, compliance with a development standard might be shown as unreasonable or unnecessary if the objectives of the standard are achieved notwithstanding noncompliance with the standard.

Under Clause 4.4(2) of LLEP 2013, the relevant objective is:



To ensure that non-residential development is compatible with the desired character of the area in relation to building bulk, form and scale.

It is noted that there are two objectives, however the first objective relates to residential development which is not part of this proposal.

The site is located within Camperdown Distinctive Neighbourhood (see Figure 3). Leichhardt DCP 2013 (LDCP 2013) Part C Section 2 outlines a set of controls regarding the desired future character of the area (see Table 1).

Figure 3 - Camperdown Distinctive Neighbourhood

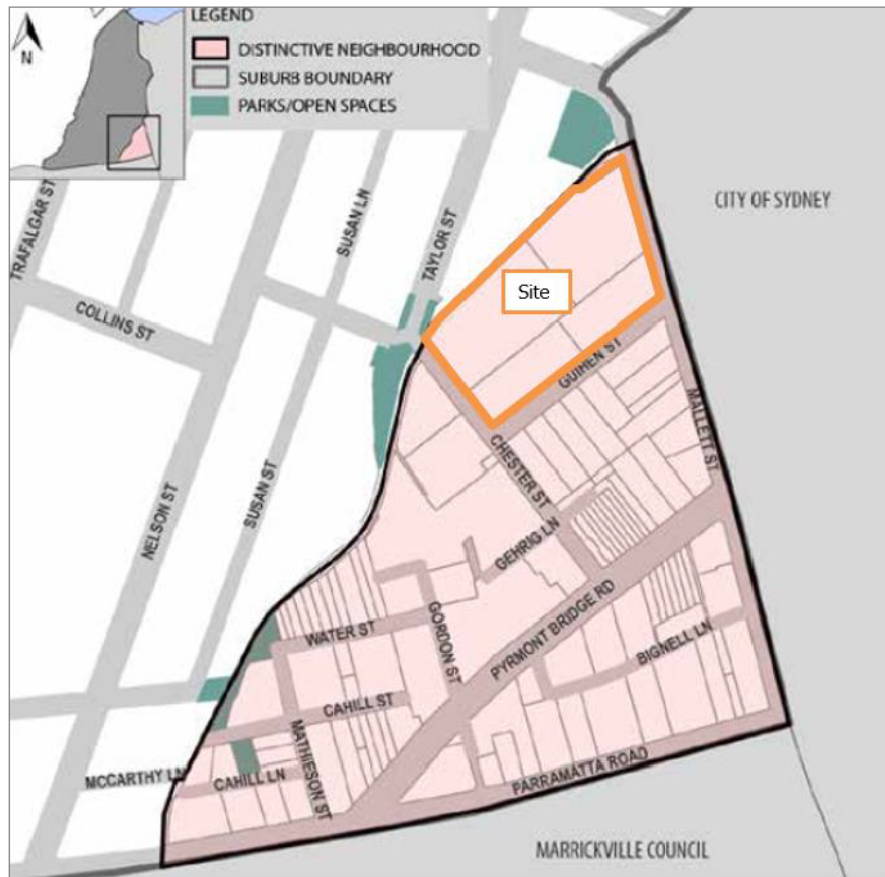




Table 1 - Desired Future Character as outlined in LDCP 2013

LDCP 2013 Section 2		
Objective		
To facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood		
Controls	Comment	Compliant (Y/N)
C1 Ensure the ongoing viability of industrial uses	The proposed extension and increased gross floor area assists in the ongoing industrial uses present on site and in the area.	Y
C2 Maintain the integrity of the area by minimizing residential and commercial creep into the area	As above, the proposed extension brings assurance that the land remains an industrial use, minimizing the residential and commercial creep into the area. The proposed retail premises will enable uses that are envisaged by the LLEP2013 as it applies to the site, and enable activation to Chester Street.	Y
C3 Encourage adaptive reuse of original manufacturing buildings to retain the predominant character of the neighbourhood whilst allowing for a range of contemporary and compatible industrial uses.	The proposed extension involves the continuing adaptive reuse of the original manufacturing building and has been designed to retain the predominant industrial character of the neighbourhood.	Y
C4 Preserve the existing industrial subdivision pattern which is characterised by large allotments.	The proposed extension preserves the existing large allotment subdivision pattern.	Y
C5 Allow for consolidation of smaller lots to facilitate the expansion of industrial activities within the neighbourhood.	As above, the proposed extension preserves the existing large allotment subdivision pattern and seeks to expand industrial activities within the neighbourhood.	Y
C6 Industrial activities to be located within buildings to minimise noise and excessive street activity.	The proposed self storage addition will involve all activity enclosed within the building, therefore resulting in minimal noise impacts to neighbours. An Acoustic Report has been prepared by Koikas Acoustics and is attached at Appendix E. This Report has concluded that the noise impact of the proposed development is insignificant and will comply with the relevant noise criteria.	Y
C7 Where there is rear lane access provided, ensure that industrial development is built to the street alignment to continue the prevalent setbacks and provide a "hard edge" along the street.	Rear lane access is available. The proposed development does ensure that the building is brought into alignment with the prevailing industrial street setback (ie hard edge close to the boundary).	Y
C8 Retain and enhance the existing heritage items within the neighbourhood.	The proposed development would retain the heritage listed existing kerbline along Chester St frontage.	Y



	A Heritage Report has been prepared by GBA Heritage and is attached at Appendix B.	
C9 Protect and enhance the residential amenity of dwellings surrounding the neighbourhood.	The proposal will enhance the residential amenity of the neighbourhood by providing much needed additional self storage space. It is considered that the additional building bulk, its form and scale has no amenity impacts on any dwellings in the locality.	Y
C10 Ensure that new development is complementary to the existing scale and character of existing industrial development.	The proposed development is complementary to the scale and character of existing industrial development in the area. This is demonstrated in Photographs 1 -4. An Urban Design Statement prepared by Studio Zanardo concludes that in terms of building form, the proposal is consistent with the typology of the existing storage facility and will sit comfortably within the existing scale and character of neighbouring development, incorporating an appropriate signage strategy and a palette of materials drawn from its immediate context.	Y
C11 Ensure that new development continues the symmetrical and articulated façades and predominant horizontal proportions that characterise existing industrial development.	The proposed addition to the site has been designed with an articulated façade that reinforces an industrial built form. It is considered that the design of the extension complements that of the existing form of the building, as demonstrated in Figure 4 below.	Y
C12 Ensure that original materials such as face brick, are retained and conserved.	The Urban Design Statement prepared by Studio Zanardo concludes that the palette of materials proposed are sympathetic to the existing building onsite. A shadow line separates the old retained structure. A reclaimed brick base provides an attractive and robust finish at street level and references the broader industrial heritage of the precinct.	Y
C13 Ensure that new development incorporates materials on street façades that are compatible with existing development, such as face brick or rendered masonry.	As above. Precast concrete panels to the second floor tie in with the concrete walls of the existing storage facility as well as those of the neighbour across Guihen Street, whilst the top floor is expressed as a lightweight, lightly-coloured metal cladding.	Y
C14 Ensure that any rendered or painted surfaces use heritage colour schemes that are complementary to adjoining development.	The Heritage Report attached at Appendix B concludes that the proposed development is sympathetic to and does not detract from the	Y



	heritage items in the locality. A reclaimed brick base provides an attractive and robust finish at street level and references the broader industrial heritage of the precinct.	
C15 Encourage appropriate signage consistent with the predominant signage within the neighbourhood.	Proposed business identification signage is unobtrusive and in keeping with Kennards Self Storage modern design.	Y
C16 Where development is not built to the street alignment, ensure that the front setback and internal areas are landscaped to provide visual relief and a landscaped buffer to the street.	Appropriate landscaping will be achieved to the setback areas, ensuring visual relief and a landscape buffer.	Y
C17 Improve, extend and enhance the open space corridors adjacent to Johnstons Creek.	The proposal achieves the objective as it provides generous landscaping along the corridor adjacent to Johnston Creek, enhancing and complementing the amenity of the newly upgraded Chester Street footbridge and parkland area.	Y
C18 Open up pedestrian links to the open space corridor of Johnstons Creek, through and around the industrial areas.	The development will improve an area directly adjacent to the pedestrian link over Johnstons Creek thereby encouraging pedestrian links through the locality.	Y
C19 Where appropriate, original buildings, building elements and materials shall be retained.	Not applicable to this proposal.	N/A
C20 Industrial uses must be predominantly located within the building area, to minimise noise and ensure that streetscape amenity is maintained.	The proposed addition is enclosed therefore minimizing adverse noise impacts. It also seeks to maintain the existing streetscape amenity.	Y
C21 Future lot subdivision must be consistent with the prevailing industrial lot sizes within the locality.	No subdivision is proposed and therefore the lot sizes remain consistent with the industrial lot sizes within the locality.	N/A
C22 Where properties are serviced by a lane, vehicular access should be achieved via the lane and not from the primary street frontage.	Rear lane access is available and is proposed to be relied upon.	Y
C23 Appropriate off street servicing facilities (e.g. loading bays) should be provided. The limitations of street size should be considered in determining the size of service vehicles and facilities.	Appropriate parking and loading facilities are proposed to be provided within the property.	Y
C26 – Maintain the existing large-scale service character of development on Guihen Street	The proposed development would maintain the large-scale service character on Guihen Street.	Y



Figure 4 - Northern Elevation of the Proposed and Existing Development



Overall, it is considered that the proposal is compliant with the LDCP 2013 Desired Future Character and Controls for the Camperdown Neighbourhood. Therefore, the proposal is consistent with the objective of this development standard as it meets the desired future character test of the objective as it is “compatible with the desired future character of the area in relation to building bulk, form and scale.” Therefore, it is considered that strict compliance with the numerical control for FSR is unreasonable and unnecessary.

The first test in the *Wehbe v Pittwater Council* [2007] case previously mentioned has therefore been met. The provisions of subclause (3)(a) of LLEP 2013 have thus been shown to have been satisfied. In the following section the provisions of subclause (3)(b) which relate to sufficient environmental planning grounds to justify the contravention are discussed.

5.2 Sufficient Environmental Planning Grounds to Justify Contravention

In *Hobker Corporation Pty Limited v Hornsby Shire Council* (unreported, 2 June 1986) Cripps J, comments on a SEPP 1 objection which appear to be apposite to this question now posed by clause 4.6:

....it now established that is not sufficient merely point to what is described as absence of environmental harm to found an objection. ... The Court must assume a development standard in a planning instrument has a purpose.

Environmental planning is concerned with improving social and economic outcomes in relation to direct spatial settings and context. When analysing whether there are sufficient environmental planning grounds to justify contravening the FSR standard in this situation, the LDCP 2013 “Place” provisions, particularly in Part C4 “Non-Residential Provision” provide a useful framework. Table 2 provides comment on these objectives.



Table 2 – LDOP 2013 Objectives

Objectives for Non-Residential Zones		
Objective	Comment	Compliant (Y/N)
O1 To support the provision and ongoing viability of non-residential buildings and facilities to provide goods, services and facilities that can be readily accessed by the community.	The proposal seeks to extend the existing self storage facility already present on site and provide the local community who may be living in high density residential buildings with limited storage space, with additional self storage.	Y
O2 To respect the values of Heritage Items, including fabric and setting.	The proposed development would retain the heritage listed existing kerbline along Chester St frontage. A Heritage Report has been prepared by GBA Heritage and is attached at Appendix A.	Y
O3 To be responsive to existing site conditions such as topography.	The existing and proposed development have been designed to be responsive to the site context. Due to the sloping topography of the site, the bulk and scale of the built form remains complementary to surrounding streetscape despite the existing and proposed FSR exceedance. Refer to Photographs 1 -3 for further detail. It also enhances the key built form desired future character objectives as previously indicated.	Y
O4 To achieve sustainable and climatically responsive development that maximises the environmental performance of buildings, facilities and infrastructure.	The proposal has been designed in accordance with the principles of Environmentally Sustainable Design (ESD).	Y
O5 To enhance the capacity of the community to meet future changes in resource availability, climate, social, economic and environmental conditions by supporting main street centres which are the focus of the community.	The proposed addition will provide the increasing population with much needed self storage facilities, while not detracting from main street centres where this type of facility is not encouraged.	Y
O6 To be compatible with the character of the neighbourhood, in particular streetscapes in traditional main streets.	The proposed development and external façade is complementary to the industrial character of the neighbourhood and surrounding streetscape.	Y
O7 To encourage a strong, attractive sense of place that fosters economic prosperity, creativity and innovation.	The proposed addition will contribute to the industrial presence in the locality.	Y
O8 To achieve an appropriate balance between promoting economic	The extension is proposed in response to the economic and social demand for more storage facilities in the area.	



prosperity and protecting established residential amenity.		
O9 To achieve a high quality urban environment where buildings make a positive contribution to the function and visual quality of the public domain and streetscape.	The development has been architecturally designed and proposes a modern built form complementary to the locality.	Y
O10 To ensure a sensitive transition to adjoining residential areas at zoning boundaries.	Achieved through architectural design.	Y
O11 To promote walking and cycling as an attractive and safe means of travel.	The development proposes to engage with the upgraded crossing to Johnstons Creek, thereby encouraging pedestrian and cycle links through the locality. It will also enhance the creek corridor by the provision of publicly accessible space immediately adjacent to the creek corridor.	Y

As demonstrated in Table 2, the proposed development meets the objectives of LDCP 2013 Section 4 – Non – Residential Areas.

Photographs 1 – 4 demonstrate that due to the topography of the land and surrounding development, the existing built form (currently non-compliant with a FSR ratio of 1.6:1) is complementary to the existing built form of the locality. Noting the existing bulk and scale of development directly opposite the site on Booth Street, in addition to the higher FSR available to land in close proximity to the site (to the south east), it is not considered that the additional proposed FSR will have any significant visual impacts (as demonstrated in Figure 5 below).

The shadow diagrams attached at Appendix A demonstrate that the excess FSR resulting from this non-compliance will not result in any significant impacts on adjoining properties particularly with respect to overshadowing. Due to the nature of the industrial area, the proposed non-compliance will also not result in loss of privacy and/ or loss of views.

An Urban Design Statement prepared by Studio Zanardo concludes that the proposed building form is an extrusion of the existing storage facility envelope, matching its ridgeline and roof pitch. The proposed topmost floor is setback from the building edge on all sides to articulate the massing and reduce the perceived bulk and scale from the public domain. The building also steps around the existing substation at the corner of Chester Street and Guihen Street which further serves to break down the overall volume. The original plans for proposed extension brought the built form in alignment to the boundary, giving the site a “hard edge”; a desired characteristic for the Camperdown Distinctive Neighbourhood. However, following the preliminary assessment by Council staff, the proposal has been amended to provide additional setbacks and articulation to these road frontages. The amended plans result in reduced bulk and scale to the street, while maintaining a retail premises to the Chester Street frontage to facilitate street activation.

This assessment demonstrates that the resultant environmental impacts of the proposal are considered to be satisfactory. If made to strictly comply with Clause 4.4, would arguably be a detriment to the streetscape, neighbouring properties and the local area, as the resulting street activation improvements would not be achieved on the site. The objectives of LDCP 2013 Section C4.1 have clearly been met having regard to the proposed development. In light of this, there is considered to be sufficient environmental planning grounds to justify contravening the development standard in this instance.



Figure 5 - Proposed view from Chester Street (Annandale side)



5.3 Public Interest and Zone Objectives

Subclause (4)(a)(ii) requires that the proposed development will be in the public interest. It also makes reference to the need for the proposed development to meet the objectives of the zone within which it sits. The site is within the IN2 Light Industrial. A discussion on how the proposed development meets the IN2 zone objectives is provided in Table 3.

Table 3 – IN2 Zone Objectives

IN2 Zone Objectives Objective	Comment	Compliant (Y/N)
<ul style="list-style-type: none"> To provide a wide range of light industrial, warehouse and related land uses. 	The proposed development would ensure the site continues to provide a light industrial/ warehouse land use.	Y
<ul style="list-style-type: none"> To encourage employment opportunities and to support the viability of centres. 	The self storage facility will continue to provide employment opportunities. It does not threaten the viability of local centres but rather contributes to their viability by providing a necessary support to the residents in the locality who will utilise them.	Y
<ul style="list-style-type: none"> To minimise any adverse effect of industry on other land uses. 	The site is located near residential areas and can be seen as a suitable and relatively low impact industrial use when compared to many alternative permissible light industry uses. For further detail please refer to Shadow Diagrams provided at Appendix A and	Y



	the Acoustic Report attached at Appendix E.	
<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. 	Not relevant to this application.	N/A
<ul style="list-style-type: none"> To support and protect industrial land for industrial uses. 	The proposed extension would protect the land for industrial uses.	Y
<ul style="list-style-type: none"> To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community. 	The self storage facility will continue to provide employment opportunities.	Y
<ul style="list-style-type: none"> To ensure the provision of appropriate infrastructure that supports Leichhardt's employment opportunities. 	The proposed upgrade of the creek crossing encourages the pedestrian connectivity of the area for employees.	Y
<ul style="list-style-type: none"> To retain and encourage waterfront industrial and maritime activities. 	Not relevant to this application.	N/A
<ul style="list-style-type: none"> To provide for certain business and office premises and light industries in the arts, technology, production and design sectors. 	The proposed business premises previously proposed have been deleted from the application at the request of Council.	N/A

Overall, the proposal has been demonstrated to consistent with the objectives of the development standard and the objectives of the IN2 Light Industrial Zone, it is therefore in the public interest within the meaning of cl4.6(4)(a)(ii).

The proposed development will provide a number of significant public benefits to the community, including:

- Improved streetscape outcomes and activation of the street, namely to Chester Street, where the site currently presents at-grade car parking;
- Enhancement of the creek corridor and pedestrian connectivity across Johnston Creek footbridge, that will provide environmental and community benefits;
- Improved public safety through improved car parking design; and
- Additional retail premises to Chester Street, which will activate the street and reinvigorate the site.

It is also noted that the self storage units are a significant service to members of the community, as residential densities increase, and reliance on off site storage increases. The existing Kennards has a strategic location in servicing the surrounding precinct, and the ability to source a land holding large enough for this service in a practicable distance for this community catchment would be extremely limited. The intent of Kennards is to continue to service the community on this site, which is of significant public benefit. In the absence of any unreasonable impacts from the additional proposed FSR, it is considered that the proposal is acceptable and should be supported. It is therefore considered that the development as a whole will deliver a number of public benefits, and the floor space ratio exceedance is able to be seen as an opportunity to achieve a high quality outcome and improvement for the site.

5.4 Secretary's Concurrence

Finally, subclause (4)(b) is required to be addressed. This subclause refers to the need to secure the concurrence of the Secretary of the Department of Planning and Environment. The Secretary's concurrence under clause 4.6(4) of LLEP 2013 can be assumed by the Local Planning Panel (LPP) under the Secretary's notice of 21 February 2018. Therefore, if the LPP is satisfied with the justification provided within this submission, it can exercise the discretion and grant consent to the proposed development.



6 Conclusion

This Clause 4.6 Variation Justification report has been prepared in response to the numerical non-compliance against the standard of Clause 4.4 Floor Space Ratio of the LLEP 2013. Overall, it is submitted that the proposed development is consistent with the objectives of Clause 4.4, it is also consistent with the objectives of the IN2 Light Industrial zone and the Camperdown Distinctive Neighbourhood controls. The proposal is consistent with the test in Clause 4.6, that requires it to be in the public interest because it meets the objectives of the development standards to be varied and the objectives of the zone.

The proposed development meets the underlying intent of the relevant development controls and is a compatible form of development that does not result in unreasonable environmental impacts on the local amenity. It has been established that the excess floor space resulting from the proposal will not result in any significant impacts on the locality and adjoining properties, particularly with respect to heritage, overshadowing and bulk and scale.

It is considered that the variation allows for the orderly and economic use of the development of land in accordance with objective 1.3(c) of the Environmental Planning and Assessment Act 1979 (EP&A Act), as well as providing good design and amenity of the built environment as required by objective 1.3(g) of the EP&A Act.

Council can therefore be satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development and that there are sufficient environmental planning grounds to justify contravening this development standards. It is therefore requested that development consent for the proposed development be granted subject to appropriate conditions.