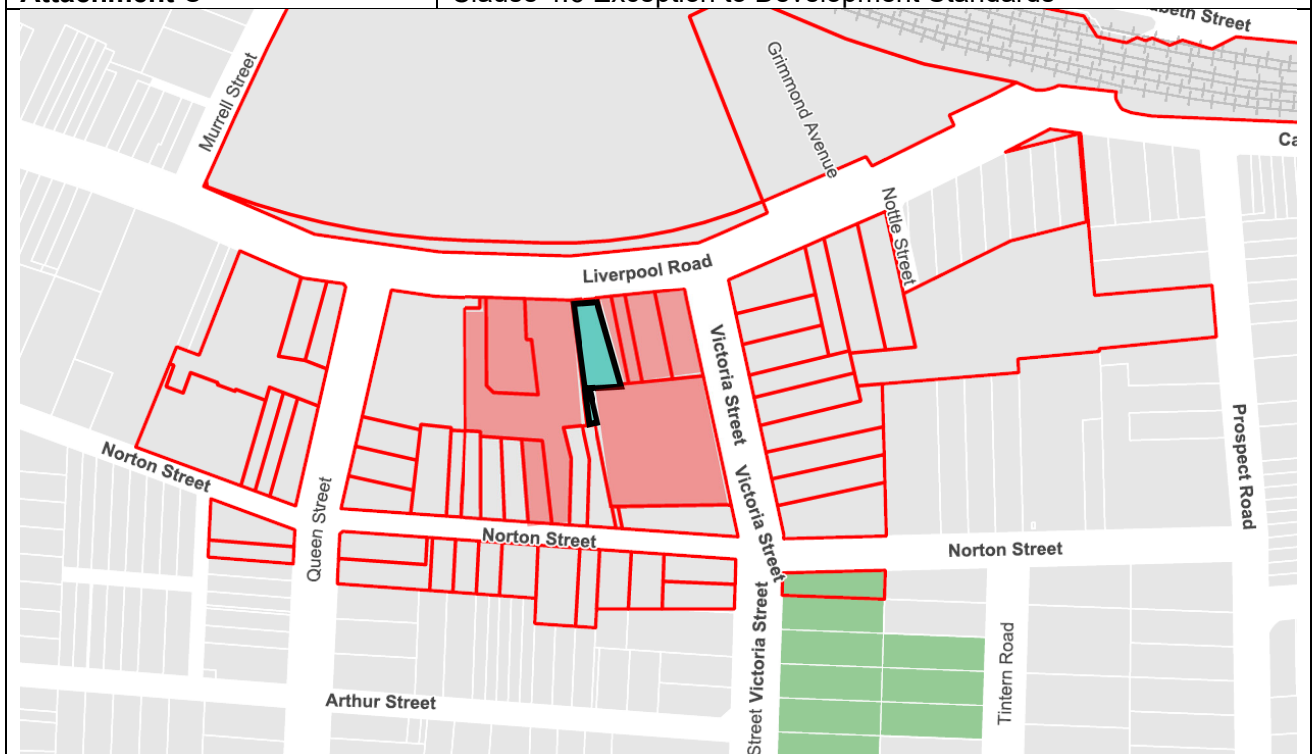


INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2019.155
Address	136 Liverpool Road, Ashfield
Proposal	Demolition of existing structures and construction of a six-storey mixed use building, comprising of two levels of basement parking, one retail space and eleven residential dwellings.
Date of Lodgement	8 October 2019
Applicant	Benson McCormack Architects
Owner	Shunde Investment Pty Ltd
Number of Submissions	19 submissions and a petition signed by 221 people
Value of works	\$5,336,743
Reason for determination at Planning Panel	Development to which SEPP 65 applies Number of submissions
Main Issues	Potential damages to neighbouring structures. Adaptable units Accessible car spaces.
Recommendation	Deferred Commencement Consent
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 for the demolition of existing structures and construction of a six storey mixed use building, comprising of two levels of basement parking, one retail space and eleven residential dwellings at 136 Liverpool Road, Ashfield. The application was notified to surrounding properties with 19 submissions and a petition signed by 221 people received.

The main issues that have arisen from the application include:

- Potential damage to neighbouring structures
- Adaptable units
- Accessible car spaces

These issues are able to be addressed by the imposition of appropriate conditions and therefore the application is recommended for a Deferred Commencement consent.

2. Proposal

The proposal is for the demolition of all existing structures and construction of a part-three (3), part-six (6) storey mixed-use building including;

Basement Levels

- Two (2) basement levels including 11 x residential car spaces, 2 x retail car spaces, 2 x visitor car spaces and 1 x car wash bay, as well as residential storage;
- Basement level 2 is accessed via a car hoist;
- The basement is accessed via a Right-of-way over 1-7 Victoria Street, Ashfield.

Ground Level

- One (1) retail tenancy fronting Liverpool Road;
- Residential and commercial waste storage areas;
- Communal open space and landscaped area;
- Bicycle storage room;
- Plant equipment.

Upper Levels

- Eleven (11) units including 10 x 2-bedroom units and 1 x 3-bedroom unit;
- Rooftop communal open space.

The proposal includes no signage.

No subdivision is proposed.

No hours of operation, details of fit out or specific use has been specified for the ground floor retail premises. The fit out and specific use of this tenancy will be subject to a future application.

3. Site Description

The site is irregular in shape with an area of approximately 580sqm. It has a primary frontage to Liverpool Road.

Currently the site is occupied by an unused open-air car park and associated fencing. The site is adjoined by a '7 Eleven' service station to the east, a six (6) storey residential flat building to the south (No. 1-7 Victoria Street), and a single storey commercial building to the west

which is presently operating as ‘Supercheap Auto’. On the opposite (northern) side of Liverpool Road is Ashfield Boys High School. This subject side of this part of Liverpool Road is largely characterised by single storey commercial buildings and multi-storey mixed-use buildings. The surrounding area to the south is largely characterised by multi-storey residential flat buildings and single storey dwelling houses.

The site is not identified as containing any Heritage Items and is not located within a heritage conservation area.



Figure 1: Aerial image showing site and surrounding context.

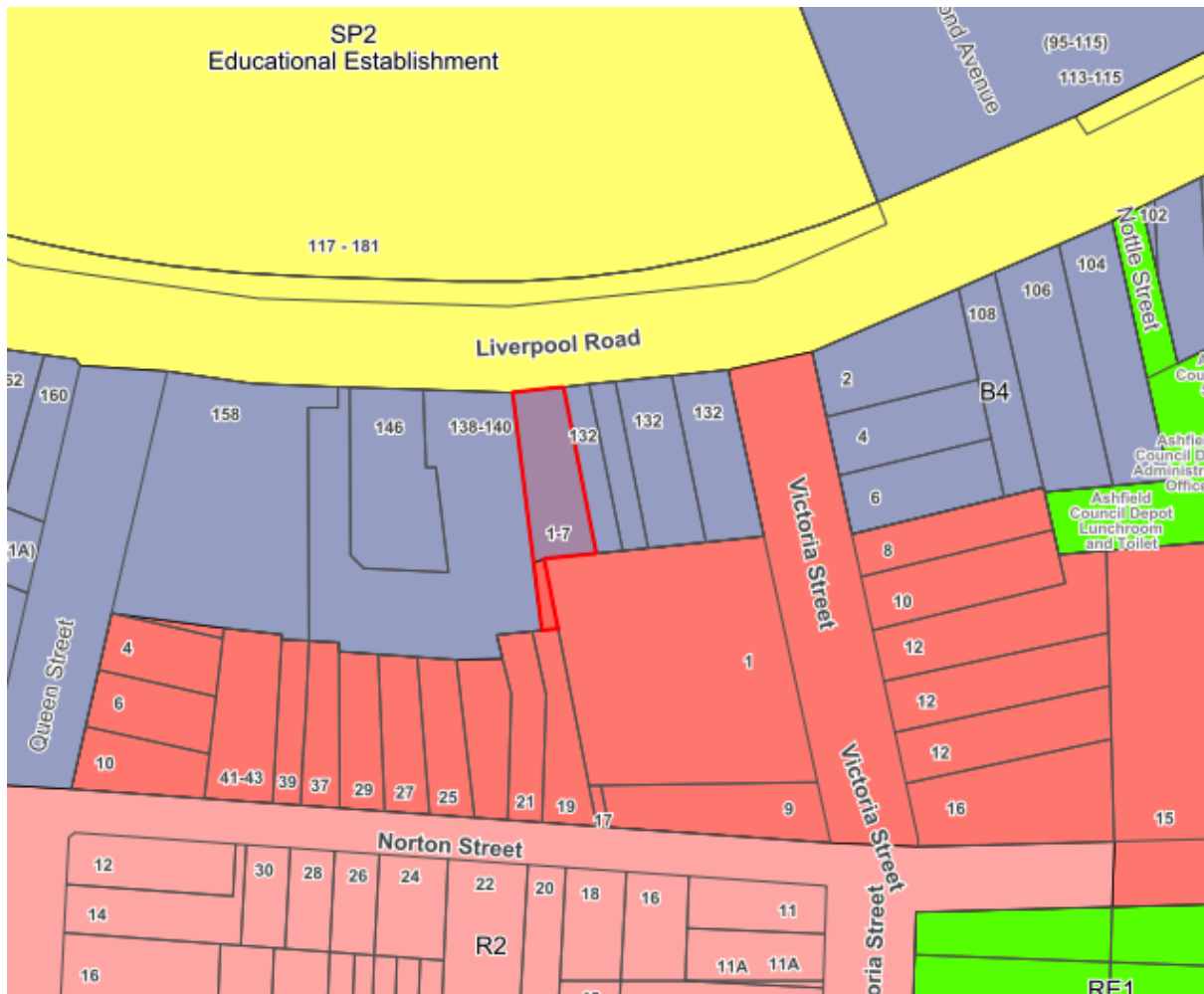


Figure 2: Zoning map.



Figure 3: Site viewed from Liverpool Road. Flat building at No. 1-7 Victoria Street can be seen in the background.



Figure 4: Subject site. Flat building at No. 1-7 Victoria Street can be seen in the background.



Figure 5: Victoria Street access to basement car park of building at No. 1-7 Victoria Street. The subject proposal relies on this vehicular access through this entrance which has a right-of-way.



Figure 6: View to the north towards the subject site from Norton Street. No. 19 Norton Street can be seen in the foreground. No. 1-7 Victoria Street can be seen to the right.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
09.2018.89	Construction of 7 storey mixed use development comprising shop top housing.	<p>Pre-da advice was provided on 26 April 2019.</p> <p>The development was similar to that proposed in the subject application with the notable exception that it was 7, not 6-storeys in height (see Figure 7 below).</p> <p>The main issues raised included: building height, design, compliance with the ADG and vehicle access.</p> <p>The subject proposal as revised largely addresses the concerns raised in the pre-da.</p>



Figure 7: Perspective of pre-da (09.2018.89) viewed from Liverpool Road.

Surrounding properties

Application	Proposal	Decision & Date
10.2018.156	25 Norton Street, Ashfield – Two (2) storey childcare centre.	Approved 2 May 2019
10.2019.178	108 Liverpool Road, Ashfield - demolition of existing structures, construction of a hotel with restaurant, function rooms, two levels of basement and associated works	Lodged 22 November 2019 - still under assessment.

4(b) Application history

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

Date	Issues
19 December 2019	Council planners raised a number of issues with the proposal including (but not limited to); calculation of floor space ratio, design, parking and vehicular access, stormwater, and waste management.
28 January 2020	The applicant provided a response, amended drawings and additional information which adequately addressed the issues raised by Council planners.

5. Assessment

Concurrence Requirement: Roads Act 1993

The application was referred to the RMS having regard to Section 138 ‘Works and structures’ of the Roads Act 1993 as the proposal includes the removal of an existing vehicular crossing and associated works on Canterbury Road (a Classified Road). In a letter dated 5 November 2019, the RMS provided concurrence to the application subject to the imposition of recommended conditions of consent.

Environmental Planning and Assessment Act 1979

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. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. AIDAP 2016 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 has been used in the past for activities which could have potentially contaminated the site.

Phase 1 Preliminary and Phase 2 Detailed Site Investigation Reports were provided with the application. The reports conclude that the site is suitable for the proposed use and that remediation will not be required.

5(a)(ii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). *SEPP 65* prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

The development is acceptable having regard to the nine design quality principles.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain

requirements contained within AIDAP 2013 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9.00am and 3.00pm on 21 June (mid-winter).

Comment:

The proposal includes 410sqm of communal open space, 189sqm on the roof and 221sqm within the rear setback. This equates to 70.6% of the site area. The rooftop communal open space will receive the required amount of sunlight and has been suitably designed to provide two ‘breakout areas’ and substantial landscaping.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m ²	-	7%
650m ² - 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Comment: 45.3sqm (7.8%) of the site area is deep soil zone in accordance with the ADG.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Up to four storeys/12 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

Five to eight storeys/up to 25 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	18 metres
Habitable Rooms to Non-Habitable Rooms	12 metres
Non-Habitable Rooms to Non-Habitable Rooms	9 metres

Comment:

Neighbouring Building

The first five storeys of the building with residential flats (Levels 1-4) have a 7.5m setback to the rear boundary and a 13.7m separation between their south-facing balconies and the north-facing balconies of No. 1-7 Victoria Street which complies with this the ADG.

The south-facing balconies of Level 4 also have a 7.5m setback to the boundary and a 13.7m separation to the north-facing balconies of the building at No. 1-7 Victoria Street. While this does not comply with the 9m setback/18m separation required for 5-8 storeys, the ADG acknowledges that compliance with the building separation requirements do not necessarily need to be met if a neighbouring existing building does not achieve the required boundary setback (9m in this instance). The balconies of No. 1-7 only have a 6m setback to the common boundary.

While the proposed 7.5m setback is 1.5m less than that required, it is noted that this non-compliance is confined to the eastern half of the proposed building, and only relates to the smaller, bedroom balconies of one unit (Unit 04.1B) – which is not the units' primary private open space, and as such are considered lower-activity spaces. The associated south-facing openings have a 9.2m setback to the boundary. The aforementioned balconies of No. 1-7 are dual-aspect corner balconies, with northern and western aspects. For these reasons, the proposed 7.5m setback is considered acceptable in this instance.

Level 5 has a 9m setback to the common boundary and a 19.4m separation between its south-facing windows and the upper-most level north-facing balconies of the building at No. 1-7 Victoria Street in accordance with the ADG.

The rooftop communal open space has a deep perimeter planter box preventing any overlooking.

Internal

The north-facing balconies of Units 01.1B, 01.2B, 02.1B and 02.2B have a 3.3m separation to the southern external wall of Unit 01.1A. As the southern wall is blank and balconies are 'non-habitable', the 3m separation is in accordance with Part 3F of the ADG. The northern-facing openings of these Units have a 6m separation to the aforementioned blank wall.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment:

10 (91%) of the units will receive at least 2 hours of direct sunlight to their living rooms and private open spaces in mid-winter, and all units will receive at least some direct sunlight.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment:

All units with the exception of Unit 01.1A achieve natural cross ventilation.

No unit exceeds 15m in depth as measured glass line to glass line.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment:

All units achieve the required ceiling heights.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m ²
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²
3 Bedroom apartments	90m ²

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment:

All units comply with the minimum required internal areas and apartment layouts in accordance with the ADG.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2 metres
2 Bedroom apartments	10m ²	2 metres
3+ Bedroom apartments	12m ²	2.4 metres

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres.

Comment:

All balconies comply with the minimum areas and depths in accordance with the ADG.

Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Comment:

The development does not have more than 8 units off a single circulation core in accordance with the ADG.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	4m ³
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³
3+ Bedroom apartments	10m ³

Note: At least 50% of the required storage is to be located within the apartment.

Comment:

All units achieve the minimum required internal areas for storage, with at least 50% being provided within the units themselves.

Universal Design

The ADG requires at least 20% of units to incorporate the Living Housing Guideline’s silver level universal design features.

Comment:

11 units are proposed but only 1 ‘adaptable’ unit is proposed, which represents 9% of the units.

Apartment 01.2B is the nominated ‘adaptable unit’. Given the units 02.2B, 03.2B and 04.2B share the same layout, one (1) additional nominated adaptable unit within the development could easily be achieved.

As such, it is a recommended condition of consent that at least 2 units are ‘adaptable housing’ in accordance with the requirements of Part 4Q of the ADG.

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

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

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

Development with frontage to classified road (Clause 101)

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

Proposed vehicular access is from Victoria Street. As discussed elsewhere in this report, the proposal results in modest additional car movements which will not unreasonably affect the efficiency and operation of Liverpool Road.

The proposed awning over the Liverpool Road footpath has an adequate footpath clearance of 3880mm and a 2670mm setback to the kerb. This is a non-structural element of the building and as such can be reversed/removed if deemed necessary.

The proposal will not impact upon the efficiency and operation of the classified road.

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

Clause 102 of the *SEPP Infrastructure 2007* relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 20,000 vehicles. Under that clause, a development for the purpose of a building for residential use requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

Liverpool Road has an annual average daily traffic volume of more than 40,000 vehicles. The applicant was supported by a Noise Assessment Report which demonstrates that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP. As such Council is satisfied that the requirements in Clause 102 of the SEPP can be met.

5(a)(v) *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally consistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

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

The application was assessed against the relevant clauses of the *Ashfield Local Environment Plan 2011*.

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

The majority of the site is zoned B4 – Mixed Use under the *ALEP 2013*. The small ‘handle’ to the south is zoned R3 – Medium Density Residential. For the purposes of this report, the portion of the site zoned B4 will be referred to as ‘Part 1’, and the portion of the site zoned R3 will be referred to as ‘Part 2’.

The *ALEP 2013* defines the development as:

mixed use development means a building or place comprising 2 or more different land uses.

The development is comprised of the following two land uses:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale)...

The portion of the site that is zoned B4 – Mixed Use (part 1) is occupied by a retail premises, residential flats, and associated services, car parking and open space.

The portion of the site that is zoned R3 – Medium Density Residential (part 2) is wholly occupied by open space associated with the residential flat building.

The development as arranged above is permitted with consent within the land use table. The development is consistent with the relevant objectives of both zones.

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible:		700mm or 3%	No
Part 1 - 23m	23.7m		
Part 2 - 22m	N/A – no structures		
Floor Space Ratio Maximum permissible:	Total = 1.99:1 or 1,141m ²	N/A	Yes
Part 1: 2:1 or 1052.4sqm			
Part 2: 1.8:1 or 91.4sqm			
Total = 1143.8sqm			

Clause 4.3(2A) Height of Building

Clause 4.3(2A) states as follows:

(2A) If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.

The portion of the building within 3m of the height limit wholly contains the communal rooftop terrace, communal vertical access, communal ‘open’ corridor and a lift overrun, none of which form part of the gross floor area calculations.

The proposal complies with Clause 4.3(2A) of the LEP.

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3 - Height of Buildings

The applicant seeks a variation to the Height of Buildings development standard under Clause 4.3 of the applicable local environmental plan by 3% (700mm) – see Figure 8 below.

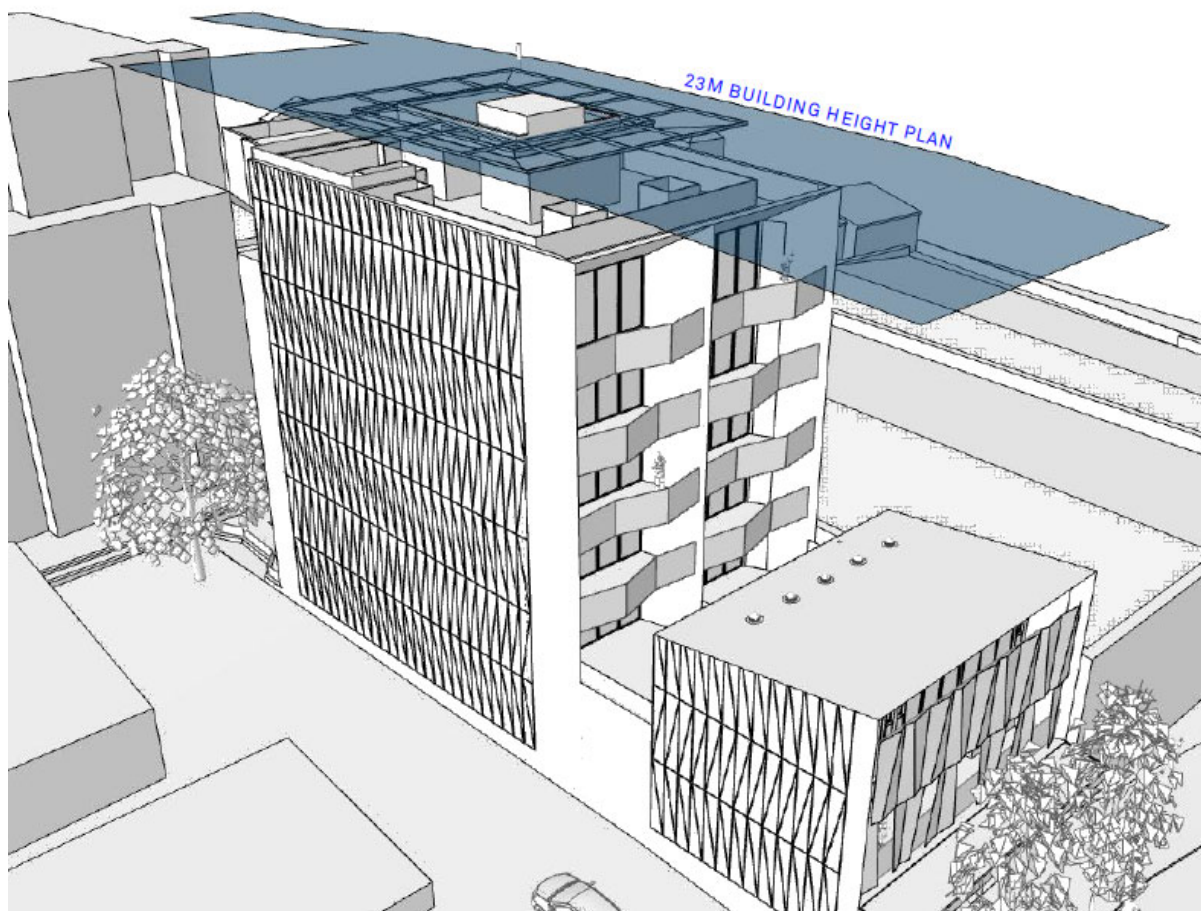


Figure 8: Height blanket diagram showing non-compliant portion of building.

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 *Ashfield Local Environmental Plan 2011* below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the *Ashfield Local Environmental Plan 2011*, justifying the proposed contravention of the development standard which is summarised as follows:

- The proposal complies with the objectives of the Clause 4.3 Height of buildings development standard and the objectives of the B4 – Mixed Use Zone.

The applicant's written rationale adequately demonstrates 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 objectives of the B4 – Mixed Use Zone, in accordance with Clause 4.6(4)(a)(ii) of the *Ashfield Local Environmental Plan 2011* (reproduced, in *italics*, below) for the following reasons:

- *To provide a mixture of compatible land uses.*
 - The proposal provides a mix of commercial and residential uses, both of which are compatible with the area.
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
 - The proposal is close to major public transport hub (Ashfield Train Station), a major bus route along Liverpool Road, and a large shopping centre (Ashfield Mall).
- *To enhance the viability, vitality and amenity of Ashfield town centre as the primary business activity, employment and civic centre of Ashfield.*
 - The proposal provides additional employment opportunities as well as enhance its viability and vitality through an increase to the local population.
- *To encourage the orderly and efficient development of land through the consolidation of lots.*
 - N/A – no consolidation of lots is required.

It is considered the development is in the public interest because it is consistent with the objectives of the Height of Building development standard within the *Ashfield Local Environmental Plan 2011* (reproduced, in *italics*, below), in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

(a) to achieve high quality built form for all buildings,

- The building is considered to achieve a high quality built form, subject to conditions.

(b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,

- The proposal will maintain adequate daylight to existing buildings and public areas as demonstrated by the solar access diagrams. The non-compliance in building height is centrally located on the roof, will not be readily visible from the public domain/surrounding properties, and will have little additional impact on sky exposure compared to a compliant scheme.

(c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,

- The proposal includes a substantial 24m setback to the adjoining R3 – Medium Density Residential zone to the south, which currently contain two (2) storey flat buildings but can facilitate up to three (3) storeys given the 12.5m Height of buildings development standard.

The proposed 6-storey built form is consistent with existing neighbouring six (6) storey residential flat building at No. 1-7, and is consistent with the desired future character of the neighbouring sites to the east and west which have a 23m Height of building development standard.

The non-compliant portion of the building is confined to the centre of the building envelope, and will not be readily visible from the public domain.

(d) to maintain satisfactory solar access to existing buildings and public areas.

- As discussed elsewhere in this report, given the existing significant overshadowing of surrounding buildings, and that the bulk of the proposal complies with the 23m height control, the proposal will maintain adequate solar access to existing buildings and public areas.

The concurrence of the Planning Secretary may be assumed for matters dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Height of Building development standard and it is recommended the Clause 4.6 exception be granted.

5(b) Draft Environmental Planning Instruments

The Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020) was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes – see discussion
2 - Good Design	Yes – see discussion
4 - Solar Access and Overshadowing	Yes – see discussion
6 - Safety by Design	Yes – see discussion
7 - Access and Mobility	Yes – see discussion
8 - Parking	Yes – see discussion
14 - Contaminated Land	Yes – see discussion elsewhere in this report
15 - Stormwater Management	Yes – see discussion elsewhere in this report
B – Public Domain	
C – Sustainability	
1 – Building Sustainability	Yes – see discussion
3 – Waste and Recycling Design & Management Standards	Yes – see discussion
4 – Tree Preservation and Management	Yes – see discussion
6 – Tree Replacement and New Tree Planting	Yes – see discussion
D – Precinct Guidelines	
Ashfield Town Centre	Yes – see discussion

The following provides discussion of the relevant issues:

Part 7 Chapter D - Precinct Guidelines

The site is located within the Ashfield Town Centre precinct and as such the controls in Part 1 Chapter D of the DCP are applicable. Below is a discussion of the key provisions applicable to the subject proposal.

In accordance with PC1, subject to the imposition of recommended conditions of consent, the proposal will incorporate suitable materials. The blank side facades have been modelled to give the building an articulated and attractive appearance, and an appropriately high compositional standard.

In accordance with PC2, the proposal incorporates a three (3) storey (12m) street wall height and complies with the six (6) storey height limit. The non-compliance to the 23m LEP Height of building development standard is discussed above in this report.

Although not required, the proposal incorporates an active street frontage through the inclusion of an entrance to a retail tenancy, glazed shopfront and a clear glazed entry to the residential lobby in accordance with PC4. An awning has been provided over the Liverpool Road footpath in accordance with this part of the plan.

Given the site constraints including no vehicular access from Liverpool Road and a relatively small street frontage (11.85m), on-site waste collection is not possible. In accordance with PC 7.1, the waste storage area is within an acceptable distance to the collection point on Liverpool Road so as to avoid kerb-side presentation of bins (see Figure 9 below).

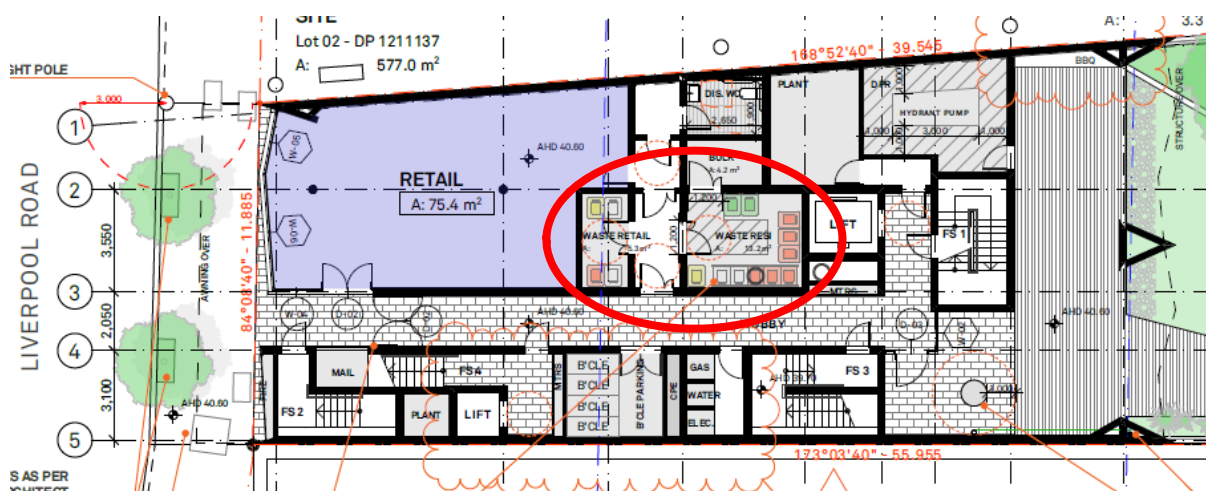


Figure 9: Location of bin rooms in relation to Liverpool Road.

In accordance with PC8, the majority of the ground floor area of buildings comprises of business use and residual areas for service functions such waste storage, access and plant rooms, and a ground level ceiling height of at least 3.3m is achieved.

It is a condition of consent that the design must incorporate vertically discharged mechanical ventilation to facilitate future occupation of the ground floor commercial tenancies by food and drinks uses.

Part 2 Chapter A - Good Design

The proposal was reviewed by Council's Architectural Excellence Panel (AEP). No significant issues were raised with the proposed design as revised subject to the imposition of conditions in relation to the side wall material and metal mesh on the Liverpool Road facade. It is considered that the proposal demonstrates good design in accordance with Part 2 Chapter A of the DCP.

Part 4 Chapter A – Solar Access and Overshadowing

The supplied solar access diagrams demonstrate that the north-facing glazing and private open spaces of No. 1-7 Victoria Street will maintain at least 2 hours of direct sunlight between 9.00am – 3.00pm during the winter solstice in accordance with the requirements of this part of the DCP as well as the ADG.

The proposal will result in a small reduction of sunlight to the rear yards of No. 19 and 21 Norton Street to the south. However in accordance with this part of the plan, the proposal will maintain over 2 hours of sunlight to their rear yards - both receiving sunlight between 11.00am and 3.00pm.

Given the substantial setback to the common boundary, the existing significant overshadowing of surrounding buildings, and that the proposal largely complies with the built form controls, the additional overshadowing is not considered unacceptable on balance.

Part 6 Chapter A – Access and Mobility

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

See discussion below regarding accessible car parking.

Part 7 Chapter A – Safety by Design

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

Extensive ground and first floor glazing is provided on the Liverpool Road elevation providing good passive casual surveillance and street activation.

It is a recommended condition of consent that the residential letterboxes be located behind the gate/doors of the residential lobby to deter identity theft.

The proposal results in no changes to current available access to the basement of No. 1-7 Victoria Street.

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

Part 8 Chapter A - Parking

General

The application is supported by a Traffic Impact Assessment Report (the Report) which concludes that the proposal will not result in any unreasonable impacts on the local road network.

According to the RMS Guide and RMS Guide Update, the proposed development generates approximately 8 vehicle movements in the AM peak hour.

The Report concludes that:

“Such a level of traffic, representing approximately one additional vehicle movement every seven to eight minutes, is not envisaged to result in any noticeable impacts on the overall safety and efficiency afforded by the surrounding road network”.

In relation to the impacts on the shared driveway with No. 1-7 Victoria Street, the report states that:

“In the event that a vehicle approaching the driveway from the north is unable to turn right into the driveway as a result of northbound queuing within Victoria Street, these vehicles are able to travel past the site, circulate around the roundabout at Norton Street and thence access the driveway via a simple left turn movement. In consideration of this and given the good sight distance provisions afforded between Victoria Street and the driveway, motorists are able to enter and exit 1 – 7 Victoria Street in a safe and efficient manner.

The low traffic generating capacity of the subject development is not envisaged to result in any unreasonable impacts on the existing level of service afforded to motorists entering and exiting 1 – Victoria Street. In fact, the proposed development access strategy is consistent with good traffic engineering principles of consolidating development access and thereby reducing potential conflict points between private development and the public roadway.”

The right-of-way was established in order to provide vehicular access to future development on the subject site. Given the proposal generates a modest amount of additional vehicle movements relative to existing car movements, the proposal will not result in any unreasonable impacts on the functioning of the right-of-way. The conclusions within the supplied Report are generally agreed with.

The proposal will require works on No. 1-7, including the partial demolition of the basement wall and construction of a new driveway to provide access to the proposed basement car park (see Figure 8 below). Works on/to a right-of-way for the purposes of maintaining and providing unimpeded access are permissible and are a civil matter between the relevant parties/land owners. However, nothing in this application grants consent for works on any sites other than the subject site.



Figure 8: Portion of existing basement wall of No. 1-7 required to be demolished/altered to provide access to subject site.

It is a recommended Deferred Commencement condition of consent that an engineer with current Chartered Engineer qualifications with the Institution of Engineers Australia must provide evidence that the structural integrity of all structures at No. 1-7 Victoria Street, Ashfield can and will be maintained as a result of the required works to provide vehicular access to the subject site (136 Liverpool Road, Ashfield). The evidence must include (but not limited to) a detailed methodology of how this will be achieved.

The proposal as revised was reviewed by Council’s engineers who raised no objections to the proposal subject to the imposition of recommended conditions of consent.

One such condition was the deletion of the proposed car hoist providing access between Basement levels 1 and 2. Council planners consider the car hoist acceptable in this instance given the site constraints (namely the narrowness of the site) and that the inclusion of ramps to the proposed basement layout would result in the loss of off-street car parking servicing the development.

Car Parking

The DCP requires 1 space per dwelling, 1 visitor space for every 4 dwellings in a flat building, 1 accessible car space per accessible/adaptable unit and 1 car wash bay.

The proposal includes 11 residential car spaces, 2 associated visitor car spaces and 1 car wash bay in accordance with the requirements of the DCP.

Only one (1) accessible car space is provided. As discussed elsewhere in this report, the proposal requires two (2) adaptable units, thus generating a requirement for two (2) accessible car spaces (see further discussion below).

The DCP requires 1 space per 40sqm of retail floor area.

The proposal provides 2 retail car spaces, 1 of which is an accessible car space, for 75.4sqm of retail floor area in accordance with the DCP.

As there are no accessible car parking requirements for retail tenancies in the DCP, it is a recommended condition of consent that the accessible retail car space (space 3) be changed to residential, and that residential space 1 be changed to retail.

Bicycle Parking

The DCP requires 1 bicycle space per 10 flats.

Four (4) bicycle spaces are provided within the proposed ground level bicycle storage room in accordance with the DCP.

One (1) bicycle space is required per 20 employees of retail tenancies. The proposal would therefore generate the need for one (1) space. It is considered that there is sufficient space within the retail premises/storage areas to store a bicycle if necessary.

Loading/unloading

There is no requirement for on-site loading/unloading area for retail premises. Given the small size of the tenancy, loading and unloading could feasibly occur on surrounding streets if necessary.

Part 1 Chapter C – Building Sustainability

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

The residential component of the proposal is supported by a BASIX report and NATHERs Certificate. The development achieves an average 4.9 NATHERs star rating.

A Section J Compliance Report will be required before the issue of a Construction Certificate.

Part 3 Chapter C – Waste and Recycling

Recycling and Waste Management Plan

A Waste and Recycling Servicing Plan and Construction Waste Plan in accordance with Council's requirements will be required to be submitted prior to the issue of a Construction Certificate.

Residential Waste

The development includes 11 units and would require a minimum of 6 x 240L recycling, 6 x 240L general waste bins.

Adequate space for 12 x 240L bins are provided in the dedicated residential waste storage room on the ground level (see Figure 9 above).

A dedicated room or caged area of at least 8m³ must be provided for the temporary storage of discarded bulky items which are awaiting removal has also been provided.

The bins will be stored, collected and returned to the ground level waste storage room which is accessed from Liverpool Road. No kerb-side presentation of the bins will occur.

Commercial Waste

The retail tenancy has an area of 75.4sqm.

A dedicated commercial bin storage room is proposed on the ground floor level of the development with a capacity to accommodate 4 x 240L bins which is adequate given the size of the tenancy.

The bins will be stored, collected and returned to the ground level waste storage room which is accessed from Liverpool Road. No kerb-side presentation of the bins will occur. A condition to this effect is recommended.

Part 4 and 6 Chapter C – Trees

Council's tree officer raised no objection to the proposal subject to the imposition of recommended conditions of consent. The conditions largely relate to the protection of an existing mature Blueberry Ash tree on No. 132 Liverpool Road and planting two (2) new street trees along Liverpool Road.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 21 days to surrounding properties. A total of 19 submissions and a petition signed by 221 people were received.

The petition requested that the Council refuse the application "...on the grounds that the height, bulk and density...and the potential associated heavy pedestrian and vehicular traffic flows, noise, light, air, heat pollution will greatly and unacceptably reduce access to sunlight, daylight, sky exposure, quiet, privacy, security, and fresh air." Objection was also raised to the demolition of the basement wall to facilitate the sharing of the driveway. A limit of four (4) storeys was also requested.

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

- Neighbouring solar impacts – see Part 5(c) 5(a)(ii)

- Height non-compliance – see Part 5(v)(ii)
- Height in storeys – see Part 5(c)
- Neighbouring acoustic and visual privacy – see Part 5(a)(ii) and 5(c)
- Loss of neighbouring sunlight – see Part 5(c)
- Building separation – see Part 5(a)(ii)
- Increased traffic congestion / stress on on-street parking – see Part 5(c)
- Additional vehicular conflicts on right-of-way – see Part 5(c)
- Security / safety – see Part 5(c)
- Waste collection – see Part 5(c)

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

Issue: Noise from construction and excavation

Comment: Standard construction and excavation hours and noise requirements will be imposed by way of condition which can be found under the heading 'During Demolition and Construction' in the recommended conditions of consent in Attachment A.

Issue: Development is excessive in size and intensity

Comment: The proposal is generally consistent with the intensity and size of development that is envisaged for the site, as prescribed by the relevant planning controls.

Issue: Damages to neighbouring buildings

Comment: It is a recommended condition of consent that dilapidation reports be prepared for the adjoining building. While this does not prevent damage to neighbouring properties, it can help establish liability if damages do occur. A Deferred Commencement condition is also required to demonstrate that the new opening within the basement wall of No. 1-7 will not structurally affect the structures nearby/above.

Issue: Use of existing car wash bay at No. 1-7.

Comment: The proposal was revised to include a car wash bay within the subject site. The subject consent gives no approval to use of the car wash bay of No. 1-7.

Issue: Trucks / deliveries relating to the retail tenancy using the right-of-way

Comment: No trucks or deliveries relating to the retail tenancy are to use the right-of-way.

Issue: Vehicular conflict with existing car wash bay at No. 1-7

Comment: The supplied swept path analysis within the Parking and Traffic Impact Assessment demonstrate that cars can adequately enter and exit the proposed basement if a car was parked in the existing car wash bay at No. 1-7.

Issue: Increased fire risks to neighbouring buildings.

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

Issue: The right-of-way on No. 1-7 was registered 15 days before the Contract Settlement Dates of the units within that development. Buyers/owners were not aware of the right-of-way.

Comment: The information that was provided to prospective buyers at the time of purchase or the timing of the registration of the right-of-way are not planning matters to be considered for the assessment of the subject application.

Issue: Construction trucks and waste storage during construction.

Comment: A Construction Traffic Management Plan (CTMP) and Waste Management Plan (WMP) which address these matters will be required to be prepared prior to any works commencing.

Issue: Lack of street activation of Liverpool Road.

Comment: The proposal includes a ground level retail tenancy and residential entrance which occupy the majority of the Liverpool Road frontage, providing good street activation.

Issue: Failure to consider approved childcare centre at No. 25 Norton Street including overshadowing and overlooking of rooftop play area.

Comment: At the request of Council, revised shadow diagrams were provided which show the approved childcare centre. The diagrams demonstrate that the proposal will result in additional overshadowing to the northern portion of the rooftop outdoor area, largely between 9.00am – 11.00am during the winter solstice. While it is noted that there is no minimum requirement for solar access to a childcare centre, it is considered that the proposal will maintain good solar access - between 12:00am and 2.00pm, the majority of the outdoor area receives direct sunlight.

The proposal is setback 13.5m from the first floor or the childcare centre. Due to the relative location and orientation of the subject site, only obtuse sightlines of the childcare centre are afforded from the openings and balconies on the rear elevation of the proposed development. Given the separation distance and relative siting of the two proposed structures, no significant privacy concerns are raised.

Issue: Tenants/visitors may use neighbouring commercial car park.

Comment: It cannot be assumed the future tenants/visitors will use a neighbouring private car park. Adequate on-site car parking is proposed.

Issue: Obstruction of existing business identification sign on neighbouring building.

Comment: The neighbouring building currently benefits from the undeveloped nature of the subject site. The sign is located on a boundary wall. It is considered unreasonably to expect to maintain view corridors to this sign given the development potential of the subject site.

Issue: The proposal includes works on No. 1-7, including the partial demolition of the basement wall and construction of a new driveway to provide access to the proposed basement car park.

Comment: Works on a right-of-way for the purposes of maintaining and providing unimpeded access are a civil matter between the relevant parties/land owners.

It has been adequately established that the right-of-way was created in order to provide vehicular access to the subject site, and is generally in-line with the anticipated land use intensity of the subject site. The stamped approved plans of No. 1-7 show a 'garage roller door' at the entrance to the subject site from the right-of-way, however it appears this was never constructed contrary to the stamped approved plans (see Figure 9 below).

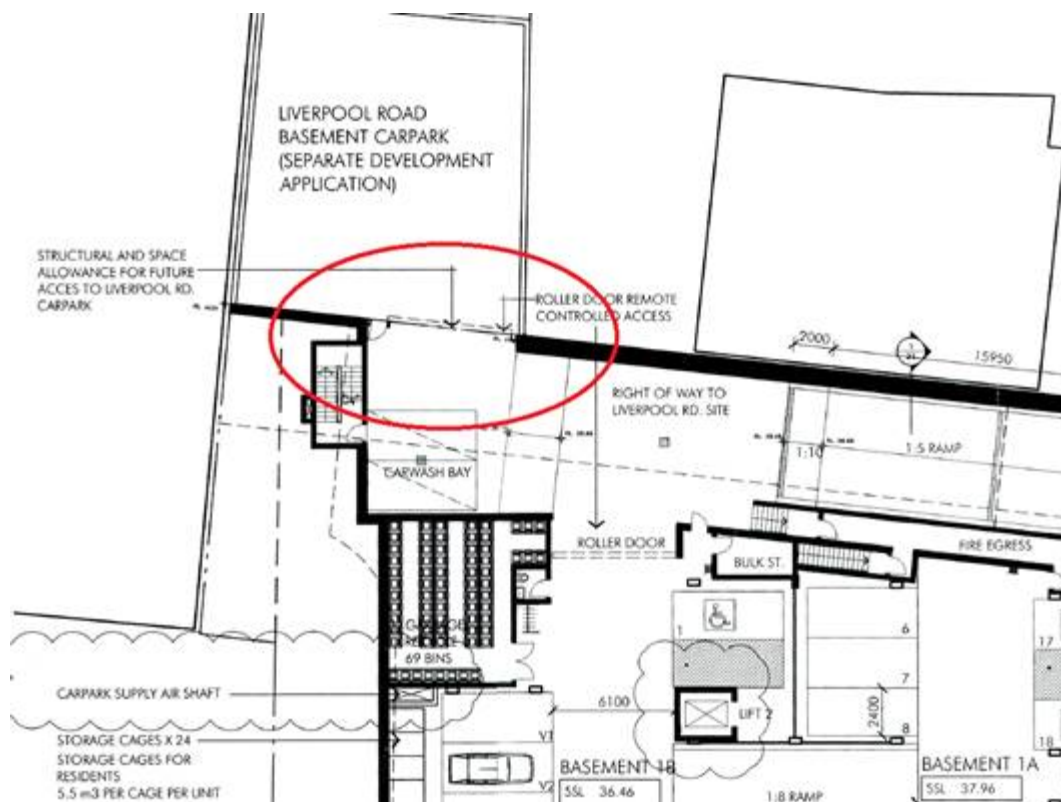


Figure 9: Approved basement plan of No. 1-7 showing opening to future basement level of subject site.

Issue: Use of right-of-way not consented to.

Comment: The creation and terms of the established right-of-way is a civil matter between the relevant parties/land owners.

Issue: Insufficient information in the supplied Plan of Management (POM).

Comment: A POM is not required by this type of development.

Issue: Increased population density.

Comment: Impacts on surrounding street network has been discussed elsewhere in this report. The broader matter of appropriate population density is not a consideration for the assessment of the subject application.

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
 - o Other than the concerns raised with the the car hoist, no objections are raised to the revised proposal subject to the imposition of recommended conditions of consent.
- Trees
 - o No objections are raised to the revised proposal subject to the imposition of recommended conditions of consent.
- Environmental Health
 - o No objections are raised to the revised proposal subject to the imposition of recommended conditions of consent.
- Architectural Excellence Panel (AEP)
 - o No objections are raised to the revised proposal subject to the imposition of recommended conditions of consent.
- Resource Recovery
 - o No objections are raised to the revised proposal subject to the imposition of recommended conditions of consent.

6(b) External

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

- RMS
 - o As discussed, the application was referred to the RMS having regard to Section 138 'Works and structures' of the Roads Act 1993. In a letter dated 5 November 2019, the RMS provided concurrence to the application subject to the imposition of recommended conditions of consent.

7. Section 7.11 Contributions/7.12 Levy

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 10 x dwellings 60-84sqm, 1 x dwelling >84sqm, and 74.5sqm of retail gross floor area, a contribution of \$175,104.35 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

The application is considered suitable for the issue of a Deferred Commencement consent subject to the imposition of appropriate terms and conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Ashfield Local Environmental Plan 2013* to vary Clause 4.3 Height of Buildings of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variation. 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 Deferred Commencement consent to Development Application No. 10.2019.155 for demolition of existing structures and construction of a six storey mixed use building, comprising of two levels of basement parking, one retail space and eleven residential dwellings at 136 Liverpool Road, Ashfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

A. 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. Neighbouring structure/s

An engineer with current Chartered Engineer qualifications with the Institution of Engineers Australia must provide evidence that the structural integrity of all structures at No. 1-7 Victoria Street, Ashfield can and will be maintained as a result of the required works to provide vehicular access to the subject site (136 Liverpool Road, Ashfield). The evidence must include (but not limited to) a detailed methodology of how this will be achieved.

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

B. Conditions of Consent

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):

FEES

1. 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:	\$30,000
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.

2. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$175,104.35 indexed in accordance with Ashfield Development Contributions Plan has been paid to the Council.

The above contribution is the contribution applicable as at 22 April 2020.

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

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

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

Community Infrastructure Type:	Contribution \$
Local Roads	7,347.81
Local Public Transport Facilities	8,616.32
Local Public Car Parking	0.00
Local Open Space and Recreation	144,914.38
Local Community Facilities	7,032.38
Plan Preparation and Administration	7,193.46
TOTAL	175,104.35

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*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

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

3. 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.

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
A-0006 'A'	Demolition Plan	1 October 2019	Benson McCormack Architecture
A-0101 'A'	Basement 02 Plan	1 October 2019	Benson McCormack Architecture
A-0102 'B'	Basement 01 Plan	24 January 2020	Benson McCormack Architecture
A-0103 'B'	Ground Floor Plan	24 January 2020	Benson McCormack Architecture
A-0104 'B'	Level 01 Plan	24 January 2020	Benson McCormack Architecture
A-0105 'B'	Level 02 Plan	24 January 2020	Benson McCormack Architecture
A-0106 'A'	Level 03 Plan	1 October 2019	Benson McCormack Architecture
A-0107 'A'	Level 04 Plan	1 October 2019	Benson McCormack Architecture
A-0108 'A'	Level 05 Plan	1 October 2019	Benson McCormack Architecture
A-0109 'B'	Rooftop Garden Plan	24 January 2020	Benson McCormack Architecture
A-0110 'A'	Roof Plan	1 October 2019	Benson McCormack Architecture

A-0201 'B'	North Elevation	24 January 2020	Benson Architecture	McCormack
A-0202 'B'	South Elevation	24 January 2020	Benson Architecture	McCormack
A-0203 'B'	West Elevation	24 January 2020	Benson Architecture	McCormack
A-0204 'B'	East Elevation	24 January 2020	Benson Architecture	McCormack
A-0251 'B'	Section AA	24 January 2020	Benson Architecture	McCormack
A-0252 'B'	Section BB	24 January 2020	Benson Architecture	McCormack
A-0253 'B'	Section CC	24 January 2020	Benson Architecture	McCormack
A-0551 'A'	Pre/Post Dwelling Adapted	1 October 2019	Benson Architecture	McCormack
A-1001 'B'	Door & Window Schedule	24 January 2020	Benson Architecture	McCormack
A-1101 'A'	Balustrade & Screen Details	24 January 2020	Benson Architecture	McCormack
A-1102 'A'	Wall System Details	24 January 2020	Benson Architecture	McCormack
A-1312	Finishes	Undated	Benson Architecture	McCormack
DAL01C	Ground Floor Landscape Plan	13 September 2019	Jane Britt Design	
DAL02C	First Floor and Roof Plan Landscape Plan	16 September 2019	Jane Britt Design	
DAL03B	Plant Schedule and Deep Soil Tree Plan	13 September 2019	Jane Britt Design	

DAL04B	Landscape Specification & Detail	13 September 2019	Jane Britt Design
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As amended by the conditions of consent.

5. Retail Premises

No consent is given for the use of the ground floor retail/commercial premises. The fit out and use of this tenancy will be subject to a separate application.

6. Design Change

Prior to the issue of a Construction Certificate, Council must be provided with amended plans demonstrating the following (to Council's satisfaction):

- a. The residential letterboxes be located behind the gate/doors of the residential lobby to deter identity theft.
- b. The accessible commercial car space (space 3) be change to residential, and that residential space 1 be changed to commercial.
- c. The design must incorporate vertically discharged mechanical ventilation for the ground level retail tenancy to facilitate future possible food and drink uses. Such ventilation is to be not visible from the public domain and comply with the applicable Australian Standards for food and drinks uses.
- d. The side walls must use concrete coating with chevron profile along the side walls as originally proposed as opposed to the prism profile.
- e. The metal mesh on the Liverpool Road façade must be changed to have a finer gauge.

7. Car Parking

The development must provide and maintain within the site:

- a. 11 residential car parking spaces must be paved and line marked;
- b. 2 commercial car parking spaces must be paved and line marked;
- c. 2 residential car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces;
- d. 2 residential visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site;
- e. 4 residential bicycle storage capacity within the site;

- f. 1 residential carwash bay.

8. Residential Flat Buildings – Hot Water Systems

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

9. Residential Flat Buildings – Air Conditioning Systems

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

10. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate two (2) units are Adaptable units.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

11. Waste Management Plan

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

12. Separation of Commercial and Residential Waste and Recycling

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

13. Erosion and Sediment Control

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

14. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

15. Dry-weather Flows

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

16. Rock Anchors

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

17. Standard Street Tree Protection

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

18. Verification of Levels and Location

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

19. Works Outside the Property Boundary

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

20. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by Acoustic, Vibration & Noise Pty Ltd, Reference No.: 2019-213 dated 9 August 2019 amended 6 September 2019 must be implemented.

21. 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.

22. Tree Planting in the Public Domain

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Public Domain/Street Tree Planting Plan 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) Two (2) new *Butia capitata* (Jelly Palm) trees shall be located within the footpath outside the subject property on 136 Liverpool Road. The Landscape Plan prepared by janebrittdesign, 13/09/2019 is to be amended to show the tree species as per Ashfield Street Tree Strategy, 6.0 Precinct Plans and Proposed Street Tree Species.
- b) All planting stock size shall be minimum 100 litres.
- c) The planting stock shall comply with AS 2303—*Tree Stock for Landscape Use*
- d) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3 in Horticulture or Arboriculture.
- e) The tree pit dimensions and staking detail shall be in accordance with Detail 10 on page C44 of the *Ashfield Street Tree Strategy 2015, Part C* (available online).
- f) It must be demonstrated that adequate soil volume can be provided for the street trees. Tree planting details, soil specification and cell vault construction details (in accordance with the manufactures specifications and details) must be submitted to the satisfaction of Council's Urban Forest Manager before the issue of a Construction Certificate. The plans must include dimensions for tree pits and details of a cell vault style structure with a minimum of 20-30m³ available soil volume for each tree. Refer to Appendix 6.6 (Detail 5) of the Marrickville Street Tree Master Plan 2014 for indicative detail, noting that structural soil is not approved in this case.

Note: The soil vault may require a drainage system if the surrounding soil type will not naturally provide adequate drainage.

23. Tree Protection

To protect the following tree the tree protection measures contained in the TPP prepared by Urban Tree Management, Appendix H, September 2019, must be installed prior to any works commencing and in accordance with Council's Development Fact Sheet—Trees on Development Sites:

Tree No	Botanical/Common Name/Location	Protection Method
1	<i>Eleocarpus reticulatus</i> (Blueberry Ash) Rear 130 – 132 Liverpool Road	Tree Protection Fencing

24. 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 the Tree Protection Plan 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
1	<i>Eleocarpus reticulatus</i> (Blueberry Ash)	2 metres within the site

25. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s must be severed or injured in the process of any works during the construction period.

Tree No	Botanical/Common Name	Radius in metres
1	<i>Eleocarpus reticulatus</i> (Blueberry Ash)	2 metres within the site

If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose* tool. The pruning must be undertaken by a practicing Arborist.

PRIOR TO ANY DEMOLITION**26. 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.

27. 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 Transport for NSW 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.

Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

28. Dilapidation Report

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

29. Advising Neighbors Prior to Excavation

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

30. Construction Fencing

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

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

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

PRIOR TO CONSTRUCTION CERTIFICATE**32. Stormwater Drainage System – Minor Developments (OSD is required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plans on Drawing Nos 2031 - S1 to S5 prepared by John Romanous & Associates and dated 17 January 2020, as amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from the rainwater tank, by gravity directly to Council's piped drainage system via the OSD/OSR tanks as necessary;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- e. The design plans must detail the proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions;
- g. The proposed on-site retention (OSR) tank must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the

collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;

- h. Pipe 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/QSR tanks;
- i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- k. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- l. No nuisance or concentration of flows to other properties;
- m. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;and
- n. A silt arrrstor pit must be installed inside the property, adjacent to the boundary.

Modelling for the determination of the pollution load reductions must be undertaken in MUSIC (the Model for Urban Stormwater Improvement Conceptualisation) and in accordance with Marrickville Council's WSUD Reference Guideline.

Stormwater quality load reduction controls are:

- 90% reduction in the post development mean annual load of Gross Pollutants (greater than 5mm).
- 85% reduction in the post development mean annual load of Total Suspended Solids (TSS).
- 60% reduction in the post development mean annual load of Total Phosphorus (TP).
- 45% reduction in the post development mean annual load of Total Nitrogen (TN).

A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets. MUSIC model file (*.sqz file) must be included with the report;

A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.

33. 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, certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered

Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a. The basement must be fully tanked to prevent the ingress of subsurface flows;
- b. Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure;
- c. Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;
- d. All components of the basement, including footings, 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; and
- h. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

34. 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 who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of heavy duty vehicular crossings to the vehicular access locations and removal of all redundant vehicular crossings to the site;
- b. New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer;
- c. The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3m lintel) must be installed;
- d. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, longsections and details must be provided including location of utility services;

- Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm above the invert of the outgoing pipe.
- e. All works must be completed prior to the issue of an Occupation Certificate.

35. 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 qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- b. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004;
- c. Minimum headroom of 2500mm must be provided above any disabled parking space(s);
- d. The longitudinal profile of the 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. Longitudinal sections must be provided along each outer edge of all ramps;
- e. Longitudinal sections must be provided along both sides of the vehicular access ramp and throughout the path of travel for a SRV utilising the loading bay. The sections must demonstrate that minimum headroom of 3500mm is provided;
- f. 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 adjacent to walls or fences are increased in width by an additional 300mm; End spaces are provided with an additional 1m aisle extension;
 - 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.
- g. 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.
- h. 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;
- i. The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius;
- j. All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction;and
- k. Loading / unloading facilities must be provided on-site in accordance with the requirements of AS2890.2 – 2002;and
- l. A bicycle storage area must be provided to accommodate the numerical requirements of DCP and be designed in accordance with relevant provisions of AS 2890.3-2015.

36. Dilapidation Report – Pre-Development – Major

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

- a. Full width of Liverpool Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, in front of the site; and
- b. Half-width of Liverpool Street adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.

The dilapidation report is to be prepared by a practising Civil/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).

37. Sydney Water – Tap In

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

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

38. Fibre-ready Facilities

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

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

39. Concealment of Plumbing and Ductwork

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

40. Future Food Use - Mechanical Ventilation Provision

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

41. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Inner West Comprehensive Development Control Plan (DCP) 2016 and must include doorways/entrance points of 1200mm. (planners to note: it should not be allowed to be a “house for bins” and must be dealt with at DA assessment stage)

A bin collection point is to be shown on the construction plans. This collection point is to be designed to meet the Standards detailed in the Inner West Comprehensive Development Control Plan (DCP) 2016 Part 3 Section 2 DS4.1 to 4.9.

42. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Inner West Comprehensive Development Control Plan (DCP) 2016 and have minimum doorways of 1200mm wide to accommodate large items.

43. Commercial - Additional Storage Space

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

44. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

Each residential level is to have access to a disposal point for all waste streams.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

45. 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.

46. Car Wash Bay – Design

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with certification confirming that all wastewater generated from the car wash bay will be discharged to the sewerage systems in accordance with the requirements of Sydney Water.

DURING DEMOLITION AND CONSTRUCTION**47. Construction Hours – Class 2-9**

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

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

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

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

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

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

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

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

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

48. Survey Prior to Footings

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

49. Documentation of Demolition and Construction Waste

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

PRIOR TO OCCUPATION CERTIFICATE

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

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

51. 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.

52. Protect Sandstone Kerb

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

53. Parking Signoff – Major Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising 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.

54. Dilapidation Report – Post-Development

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

55. 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 suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- 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 and any pump 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.

56. 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 and pump. 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; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

57. No Weep Holes

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

58. Basement/Retaining Wall Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards.

59. Heavy Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that heavy duty concrete vehicle crossing, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations.

60. Smoke Alarms - Certification of upgrade to NCC requirements

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

61. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

70. Non-combustible Cladding – Class 2-9 Buildings

Prior to the issue of an Occupation Certificate the Principal Certifier must be provided with

suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the National Construction Code (NCC).

71. Products Banned Under the Building Products (Safety) Act 2017

Prior to the issue of any Occupation Certificate, the Principal Certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act 2017*.

72. 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.

73. Contamination – Disposal of Soil

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

74. Contamination – Validation (No Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Certifying Authority and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

75. Car Wash Bay – Trade Waste Agreement

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a copy of the Sydney Water Trade Waste Agreement for the disposal of wastewater from the premises.

76. Food Premises Grease Trap – Trade Waste Agreement

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.

77. Planting of Street Trees

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) Two (2) *Butia capitata* (Jelly Palm) Street trees have been planted in 136 Liverpool Road in accordance with the amended Landscape Plan and comply with the following requirements:
 - i. Street trees must be located and planted in accordance with the Street Tree Master Plan;
 - ii. The replacement street tree species must be two (2) *Butia capitata* (Jelly Palm);
 - iii. The trees must be grown and certified that it complies with AS2303:2018—*Tree stock for landscape use* to ensure quality trees and more successful establishment;
 - iv. The new street trees must be a minimum container size of 100 litres;
 - v. The street tree(s) must be planted by a practicing Arborist or Horticulturist;
- b) The trees and tree pits must be inspected by Council's Public Tree Coordinator before and after planting.
- c) A copy of a maintenance agreement with a practicing Horticulturist or Arborist for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.
- d) At the end of the twelve (12) month maintenance period, written approval must be obtained from Council before hand-over of any street tree to Council.

- e) If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.

78. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

Nineteen to twenty trees have been planted as per the Landscape Plan janebrittdesign, 13/09/2019. The trees are to conform to AS2303—*Tree stock for landscape use*.

If the trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

ON-GOING

62. Operation and Management Plan

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

63. Communal Open Space

- a. There is to be no entertainment in the form of amplified music on any part of the common rooftop terrace at any time.
- b. The operating hours of the common rooftop terrace is 8:00am to 10:00pm Monday to Sunday, with the exception of New Years Eve.

64. Vehicles Leaving the Site

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

65. Collection of Waste/Recycling Commercial

The commercial 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.

66. Bin Storage

All bins are to be stored within the site.

67. 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.

68. Commercial Deliveries

No trucks or deliveries relating to the commercial tenancy are to use the right-of-way.

69. 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.

70. No Food Preparation (Pre-Packaged Only)

The premises is not to be used for the preparation and processing of food and relates only to the sale of food sold and served in the supplier's original package.

71. Tree Establishment

The canopy tree/s required by this consent is/are to be maintained in a healthy and vigorous condition until it/they attain a height of 5 metres whereby it/they will be protected by Council's Tree Management Controls. If the tree is found/Any of the trees found faulty, damaged, dying or dead it/they shall be replaced with the same species within 1 month (up to 3 occurrences).

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.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

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; and
- 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.

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

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

- c. The soundness of the storage structure;
- d. The capacity of the detention storage;
- e. The emergency overflow system being in place;
- f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- g. 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;
- h. Basement car park pumps are class one zone two; and
- i. 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.

- d. A Maintenance Schedule.

Subsurface drainage pump-out systems

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

Contamination – New Evidence

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

Insurances

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

Public Domain and 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.

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

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

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule.

The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

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.

Arborist 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 (including root pruning/mapping)

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—Arborist Reports.

Useful Contacts

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

		www.diysafe.nsw.gov.au
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au
		Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

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

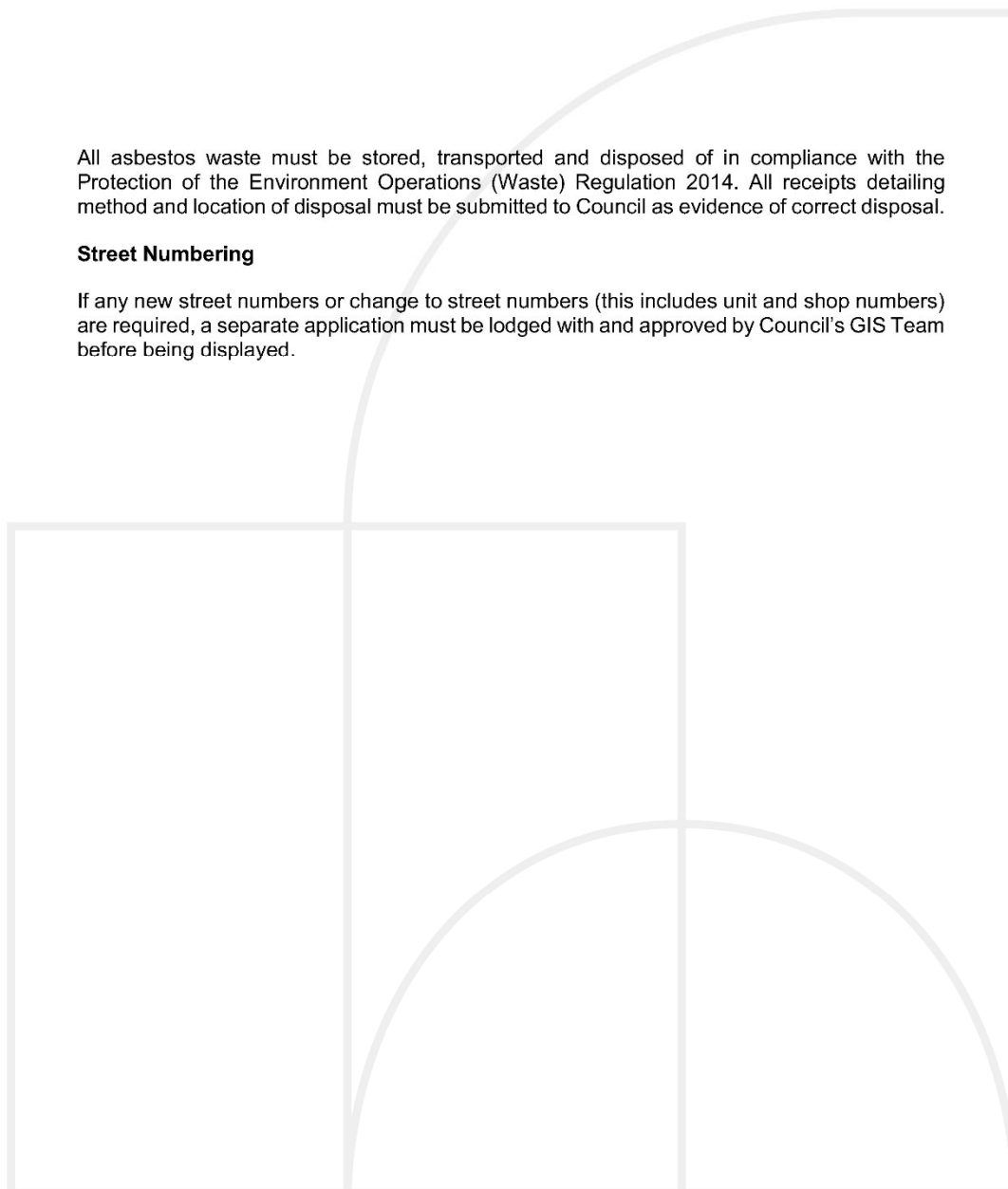
Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.



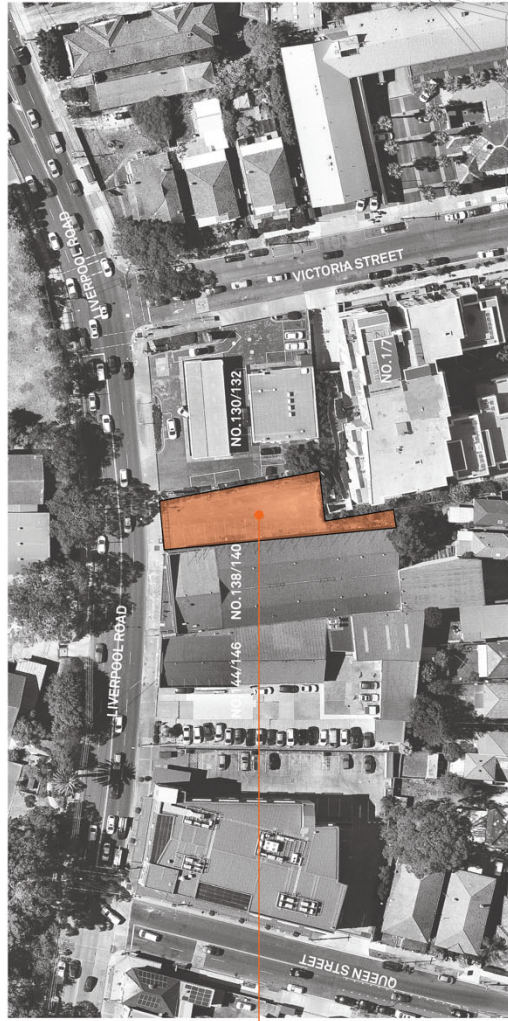
Attachment B – Plans of proposed development





- ASHFIELD RAILWAY STATION
- ASHFIELD STATION MEDICAL CENTER
- ASHFIELD MALL
- ASHFIELD PUBLIC SCHOOL / HIGH SCHOOL
- WEST ASHFIELD LEAGUES CLUB
- ASHFIELD POLICE / FIRE STATION
- ALLMAN PARK
- PRATTEN PARK

LOCATION PLAN 01



THE SITE
136 LIVERPOOL ROAD ASHFIELD NSW 2131

LOCATION PLAN 02

136 LIVERPOOL

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CLIENT
SIDNEY LAM & ASSOC.
136 LIVERPOOL ROAD
ASHFIELD NSW 2131



PROJECT NORTH
N

SCALE
@ A3

PROJECT NO.
1849A

DRAWING NO.
A-0001

DRAWING
LOCATION PLANS

REV
A

ARCHITECT
P + 61 2 8816 0777
BENSON MCCORMACK
STUDIOS, 505 BASS HILL RD
LIVERPOOL NSW 2160
WWW.BMCA.COM.AU

DA



136 LIVERPOOL ROAD ASHFIELD NSW 2131
THE SITE



136 LIVERPOOL ROAD ASHFIELD NSW 2131
THE SITE (CIRCA 1943)

136 LIVERPOOL

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CLIENT
SIDNEY LAM & ASSOC.
136 LIVERPOOL ROAD
ASHFIELD NSW 2131



SCALE
@ A3

PROJECT NO. 1849A
DRAWING NO. A-0002
DRAWING SITE CONTEXT

REV A

ARCHITECT
P: + 61 2 9818 0777
F: + 61 2 9818 0777
STUDIO 5, 505 BALMAIN RD
LIVERPOOL NSW 2160
WWW.BENSONMCCORMACK.COM

DA

LOCATION PLAN 04

LOCATION PLAN 03



04 VIEW OF THE NORTHERN BOUNDARY FROM LIVERPOOL ROAD



02 VIEW OF THE EASTERN/SOUTHERN BOUNDARIES



01 VIEW FROM BACK OF THE PETROL STATION



03 VIEW FROM LIVERPOOL ROAD



06 VIEW FROM EASTER BOUNDARY



05 VIEW FROM LIVERPOOL ROAD

136 LIVERPOOL

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 136 LIVERPOOL ROAD
 ASHFIELD NSW 2131

PROJECT DETAILS
 136 LIVERPOOL
 136 LIVERPOOL ROAD
 ASHFIELD NSW 2131

SCALE
 @ A3

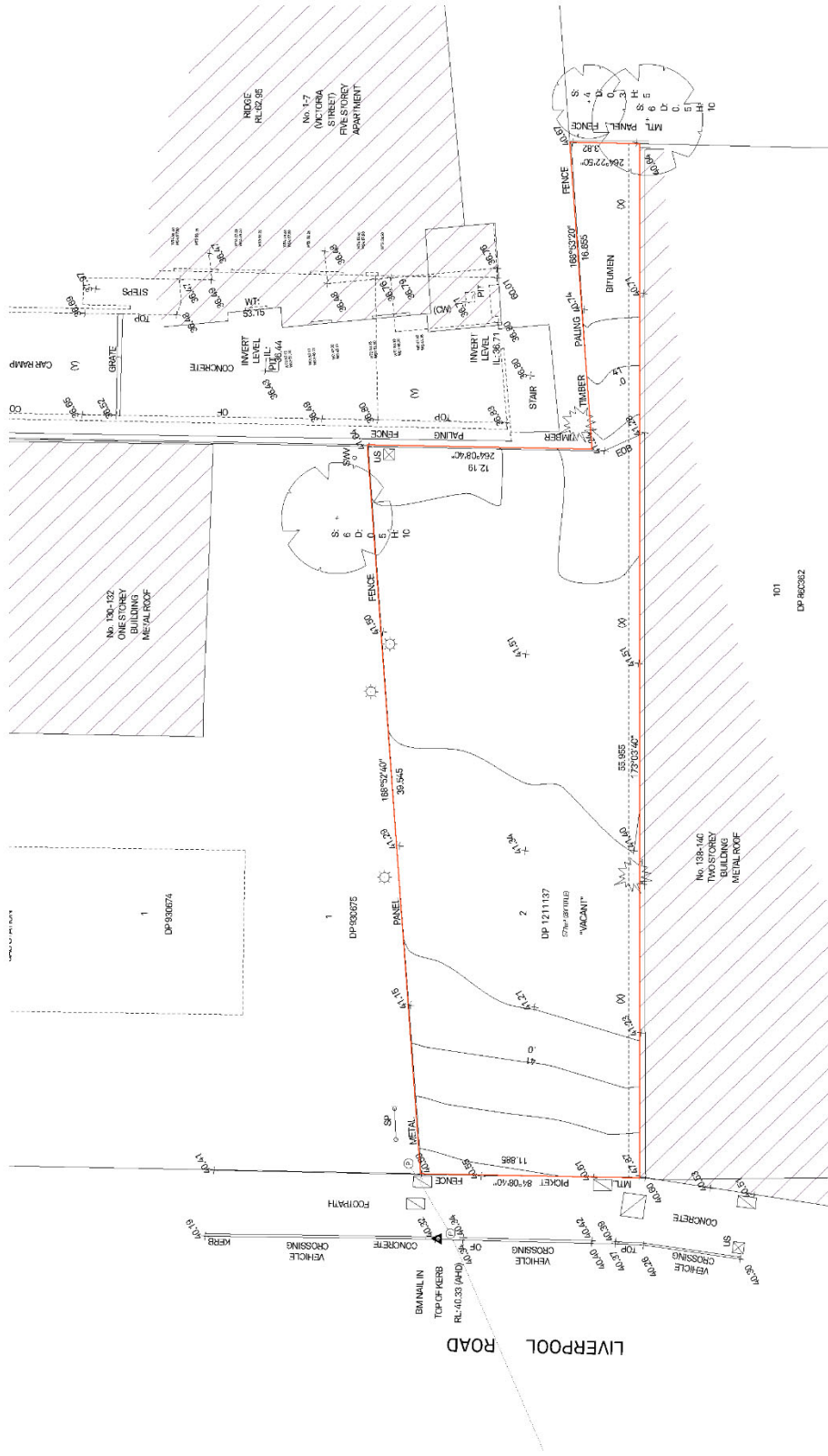
PROJECT NO.
 1849A

DRAWING NO. | **DRAWING**
 A-0003 | SITE PHOTOGRAPHS

REV
 A

ARCHITECT
 P + 61 2 9816 0777
 F + 61 2 9816 0778
 1/136 LIVERPOOL ROAD
 ASHFIELD NSW 2131
 488 71 03 1038P
 8011038





DA

BENSON MCCORMACK ARCHITECTURE

ARCHITECT
 P: 1 81 2 8818 8777
 F: 1 81 2 8818 8778
 1/100 BALMAIN RD
 BALMAIN NSW 2214
 4881 1513 3538

SURVEY PREPARED BY
 RGN PROPERTY SURVEYS PTY LTD.

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PROJECT NO.
1849A

SCALE
1:200 @ A3

PROJECT DETAILS
136 LIVERPOOL

CLIENT
SIDNEY LAM & ASSOC.

DATE
1/10/2019

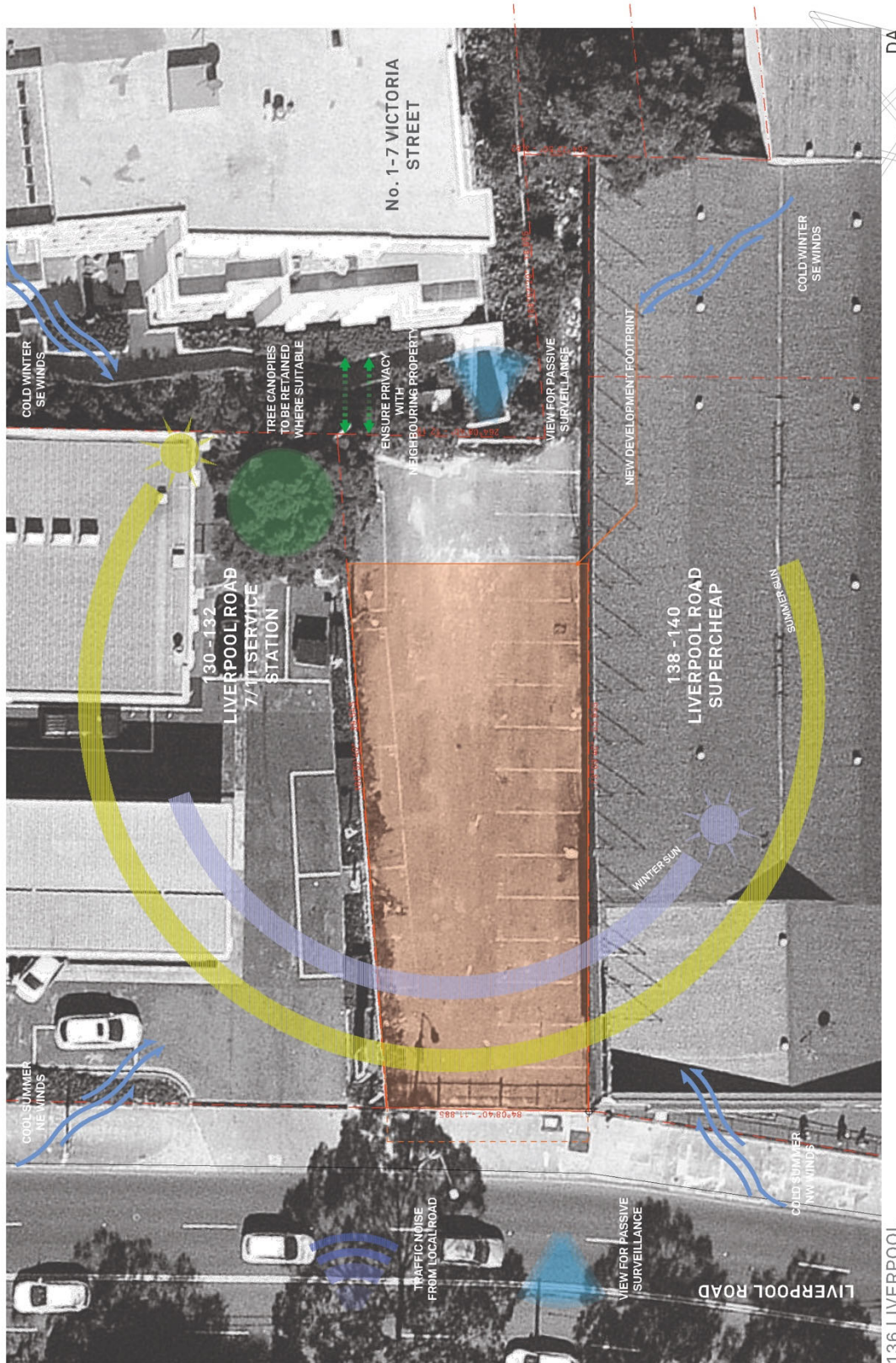
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136 LIVERPOOL



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PROJECT DETAILS 136 LIVERPOOL ROAD, ASHFIELD NSW 2131
PROJECT NORTH 

SCALE 1:200 @ A3
PROJECT NO. 1849A
DRAWING NO. A-0005
DRAWING SITE ANALYSIS

REV A
ARCHITECT BENSON MCCORMACK ARCHITECTURE
 P: + 61 2 8818 0777
 F: + 61 2 8818 0777
 STUDIOS: 5/506 BAYLUM RD LIVERPOOL NSW 2150
 489 1519191085 881 7101

DA



- RETAINED LIGHT POLE
- RETAINED SIGNAGE
- RETAINED POWER POLE
- RETAINED COMMUNICATION PITS
- POWER POLE TO BE REPLACED
- VEHICLE CROSSING TO BE DEMOLISHED
- SHOWN HATCHED AREA TO BE EXCAVATED
- RETAINED COMMUNICATION PITS
- SHRUBS TO BE REMOVED

136 LIVERPOOL

ZONE TO BE SAWARDED IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 2009 IN ACCORDANCE WITH WASTE/RECYCLING MANAGEMENT PLAN

STRUCTURE TO BE DEMOLISHED IN ACCORDANCE WITH WASTE/RECYCLING MANAGEMENT PLAN

NOTES

1. THIS DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER RELEVANT AUTHORITIES.

2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER RELEVANT AUTHORITIES.

3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER RELEVANT AUTHORITIES.

4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER RELEVANT AUTHORITIES.

5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER RELEVANT AUTHORITIES.

DO NOT SCALE DRAWINGS.

CLIENT SIDNEY LAM & ASSOC. 136 LIVERPOOL
 136 LIVERPOOL STREET
 ASHFIELD NSW 2131

PROJECT DETAILS PROJECT NORTH
 136 LIVERPOOL
 ASHFIELD NSW 2131

SCALE 1:200 @ A3

PROJECT NO. 1849A

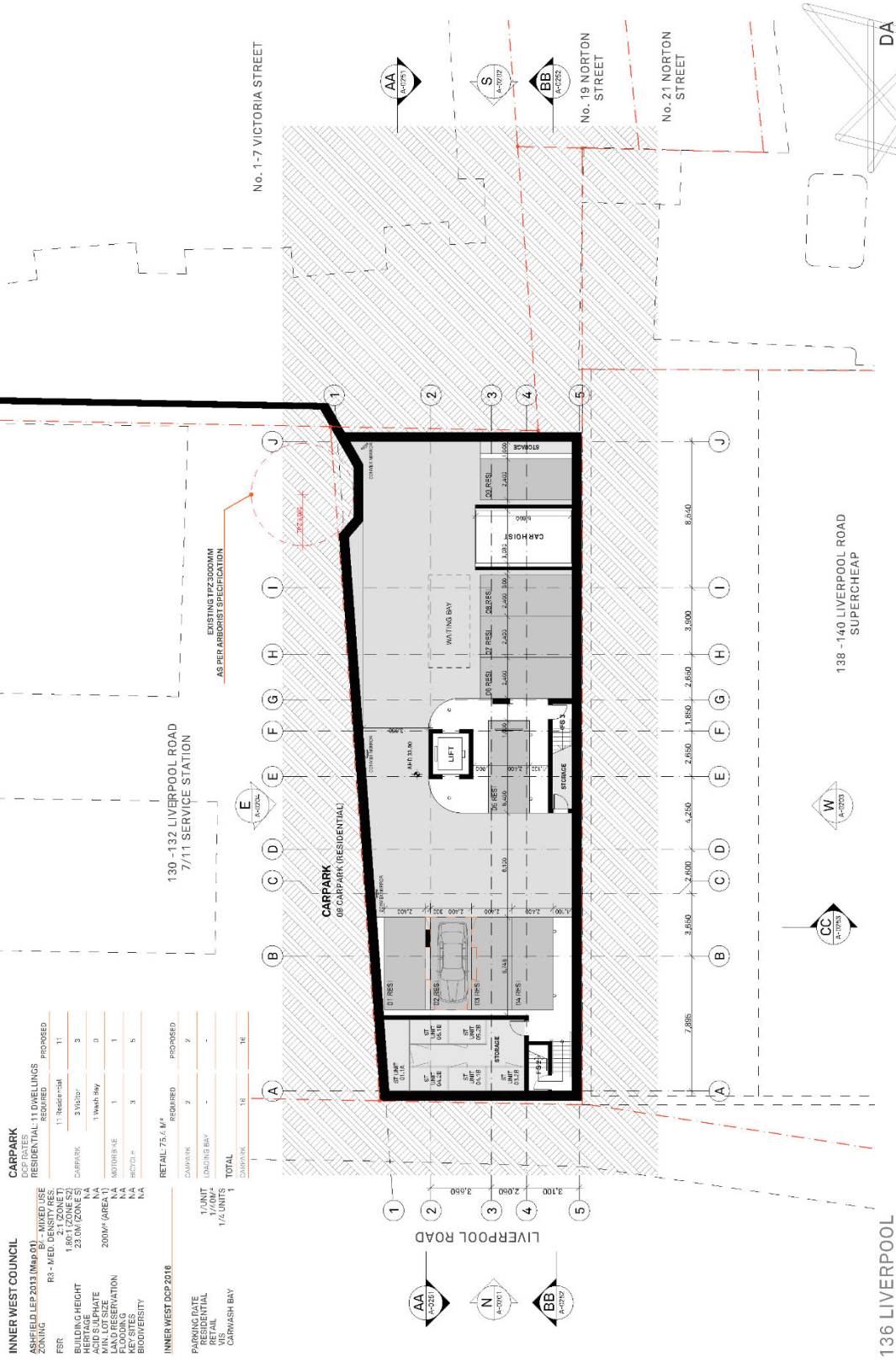
DRAWING NO. A-0006

DRAWING DEMOLITION PLAN

REV A

ARCHITECT BENSON MCCORMACK ARCHITECTURE
 P1 1 81 2 8818 0777
 136 LIVERPOOL STREET
 LAFIELD NSW 2540
 02 4333 3333

DA



INNER WEST COUNCIL

ASHFIELD LEP 2013 (Map 01)

RESIDENTIAL 11 DWELLINGS

DCP RATES	REQUIRED	PROPOSED
RESIDENTIAL 11 DWELLINGS	11	11

FSR

R3 - MED. DENSITY RES.	11.86%
RESIDENTIAL 11 DWELLINGS	11.86%

BUILDING HEIGHT

RESIDENTIAL 11 DWELLINGS	3
--------------------------	---

ACID SULPHATE

RESIDENTIAL 11 DWELLINGS	0
--------------------------	---

MIN. LOT SIZE

RESIDENTIAL 11 DWELLINGS	NA
--------------------------	----

OVERLAP

RESIDENTIAL 11 DWELLINGS	1
--------------------------	---

FLOODING

RESIDENTIAL 11 DWELLINGS	1
--------------------------	---

KEY SITES

RESIDENTIAL 11 DWELLINGS	3
RESIDENTIAL 11 DWELLINGS	5

BIO DIVERSITY

RESIDENTIAL 11 DWELLINGS	NA
--------------------------	----

INNER WEST DCP 2016

RETAIL 75.4 M ²	REQUIRED	PROPOSED
CARPARK	2	2
LOADING BAY	-	-
TOTAL	2	2

PARKING RATE

RESIDENTIAL	1/UNIT
RETAIL	1/4 UNIT
CARWASH BAY	1/4 UNIT

ARCHITECT
BENSON
MCCORMACK
ARCHITECTURE

P: 01 81 2 8818 0777
 F: 01 81 2 8818 0778
 STUDIO 5, 606 BALMAIN RD
 LAFFIELD NSW 2204
 4881 1318 3500 88 131 788

REV
A

PROJECT NO. 1849A
DRAWING NO. A-0101
BASEMENT 02 PLAN

CLIENT
SIDNEY LAM & ASSOC.
 136 LIVERPOOL
 136 LIVERPOOL STREET
 ASHFIELD NSW 2133

PROJECT DETAILS
136 LIVERPOOL
 136 LIVERPOOL STREET
 ASHFIELD NSW 2133

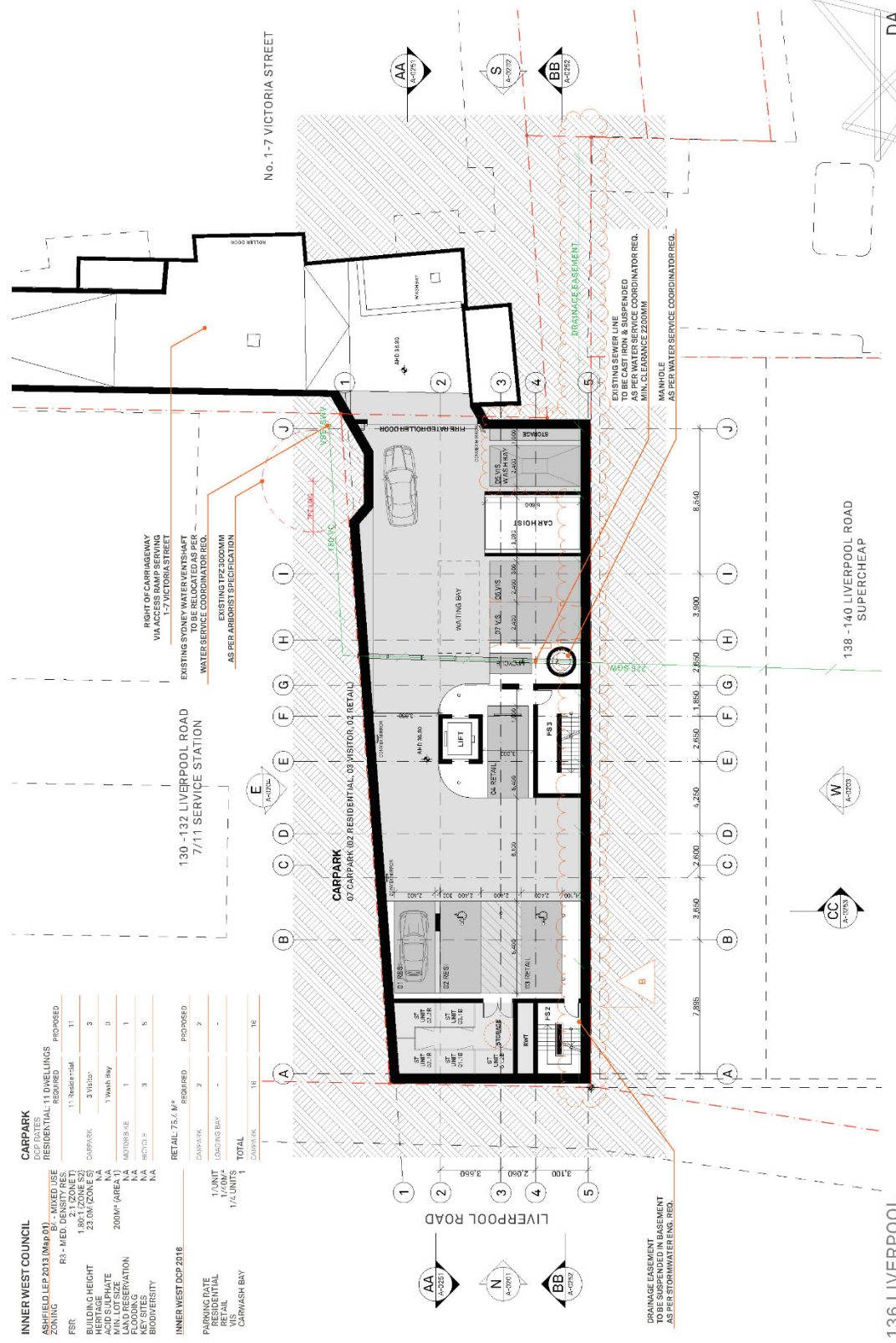
NOTES

1. This drawing is to be read in conjunction with the approved DA and all other relevant drawings and specifications. It is not to be used for any other purpose without the written consent of the architect.

2. The architect is not responsible for any errors or omissions in this drawing or any other drawings or specifications.

3. The architect is not responsible for any errors or omissions in this drawing or any other drawings or specifications.

DO NOT SCALE DRAWINGS.



INNER WEST COUNCIL		CARPARK	
DCP CODES	R3 - MED. DENSITY RES	RESIDENTIAL 11 DIMENSIONS	PROPOSED
ASHPFIELD LEP 2013 (Map 01)	1.861 (ZONE S2)	11	11
ZONING	23.0M (ZONES S2)	11	11
FSR	3.1%	3	3
BUILDING HEIGHT	1 Wash Bay	0	0
ACID SULPHATE	NA	1	1
MIN. LOT SIZE	200M ² (AREA 1)	NA	NA
MIN. LOT WIDTH	NA	3	3
FLOODING	NA	5	5
KEY SITES	NA	RETAIL 75.6 M ²	RETAIL 75.6 M ²
BIO DIVERSITY	NA	2	2
INNER WEST DCP 2016			
PARKING RATE	1/UNIT		
RESIDENTIAL	1/60M ²		
RETAIL	1/4 UNIT		
CARWASH BAY			
TOTAL		18	18

NOTES
 1. This drawing is prepared by the architect for the client. It is not to be used for any other purpose without the written consent of the architect.
 2. The client is responsible for obtaining all necessary approvals from the relevant authorities.
 3. The client is responsible for ensuring that the site is suitable for the proposed development.
 4. The client is responsible for ensuring that the proposed development complies with all applicable laws and regulations.
 5. The client is responsible for ensuring that the proposed development is constructed in accordance with the approved plans and specifications.
 6. The client is responsible for ensuring that the proposed development is maintained in accordance with the approved plans and specifications.
 7. The client is responsible for ensuring that the proposed development is demolished in accordance with the approved plans and specifications.
 8. The client is responsible for ensuring that the proposed development is not used for any other purpose without the written consent of the architect.
 9. The client is responsible for ensuring that the proposed development is not used for any other purpose without the written consent of the architect.
 10. The client is responsible for ensuring that the proposed development is not used for any other purpose without the written consent of the architect.

CLIENT
 SIDNEY LAM & ASSOC.
 136 LIVERPOOL ROAD
 SYDNEY NSW 2131
 ASHP FIELD 136/2131

PROJECT DETAILS
 136 LIVERPOOL ROAD
 ASHP FIELD 136/2131

PROJECT NORTH

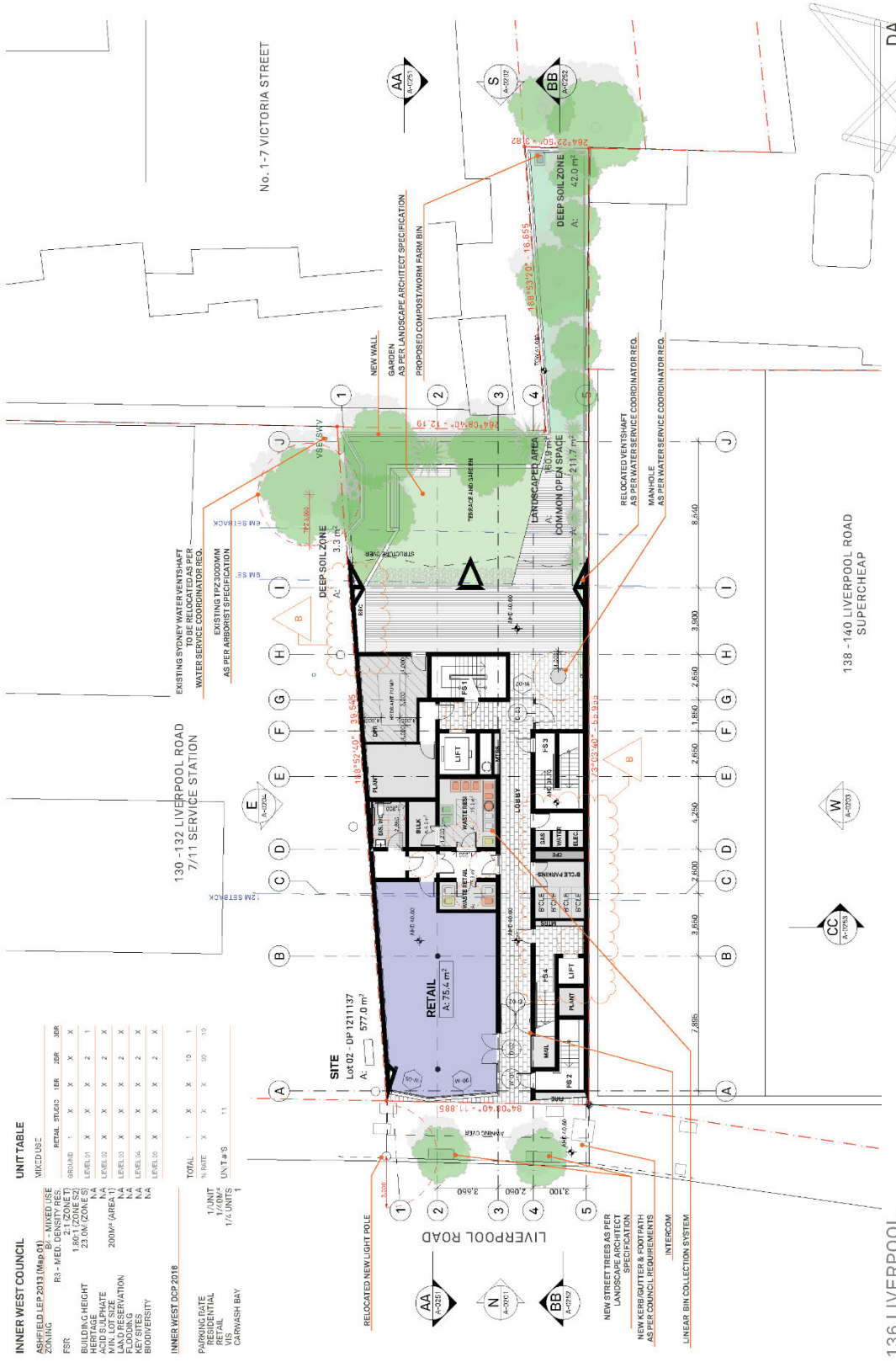
SCALE
 1:200 @ A3

PROJECT NO. 1849A

DRAWING NO. A-0102

DRAWING BASEMENT 01 PLAN

ARCHITECT
 BENSON MCCORMACK ARCHITECTURE
 P: +61 2 8818 8777
 F: +61 2 8818 8778
 STUDIOS: 608 BALMAIN RD
 LAFFIELD NSW 2546
 40M FID 136/2131



UNIT TABLE

MIXED USE	UNIT #9		UNIT #10		UNIT #11	
	1/2 UNIT	1 UNIT	1/2 UNIT	1 UNIT	1/2 UNIT	1 UNIT
RESIDENTIAL	X	X	X	X	X	X
RETAIL	X	X	X	X	X	X
CARWASH BAY	X	X	X	X	X	X
TOTAL	1	1	1	1	1	1

INNER WEST DSP 2016

ASPHIELD LEP 2013 (Map 01)	ZONE	RESIDENTIAL	RETAIL	INDUSTRIAL	COMMERCIAL	OTHER
R3 - MED. DENSITY RES.	1,861 (ZONE S2)	X	X	X	X	X
200M² (AREA 1)	NA	X	X	X	X	X
MIN. LOT SIZE	NA	X	X	X	X	X
FLOODING	NA	X	X	X	X	X
KEY SITES	NA	X	X	X	X	X
BIO DIVERSITY	NA	X	X	X	X	X

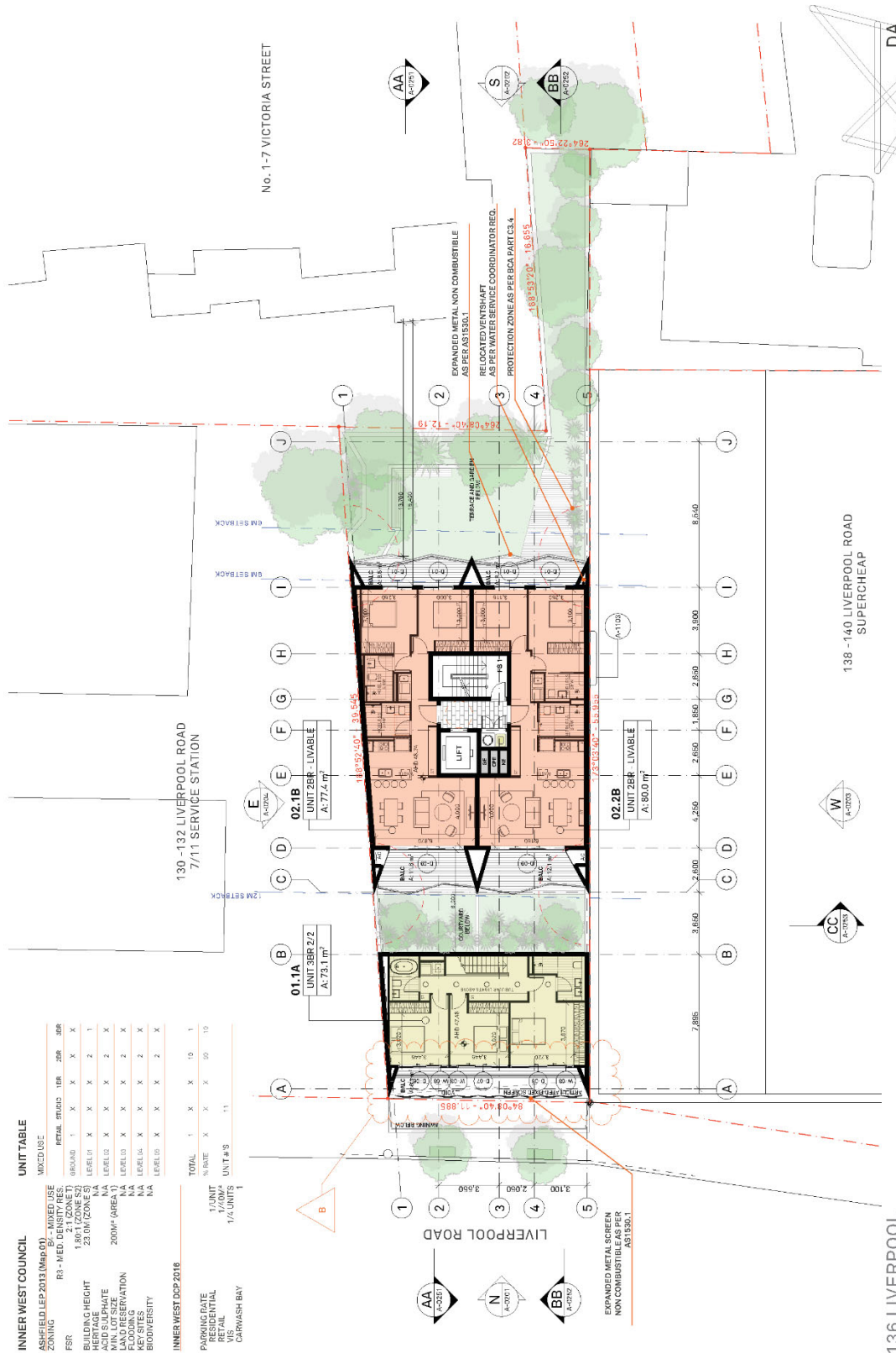
NOTES

- 1. All work to be completed in accordance with the relevant Australian Standards and Council Requirements.
- 2. The client is responsible for obtaining all necessary permits and approvals from the relevant authorities.
- 3. The architect is not responsible for any delays or costs incurred by the client due to late submission of information or failure to obtain necessary permits and approvals.
- 4. The architect is not responsible for any errors or omissions in the drawings or specifications.
- 5. The architect is not responsible for any construction defects or damage to the property.

REVISIONS

REV	DATE	ISSUE
A	1/10/2020	DA (S)H-F-01
B	24/01/2020	DA (S)H-F-02

CLIENT SIDNEY LAM & ASSOC. 136 LIVERPOOL ROAD, SYDNEY NSW 2131
PROJECT DETAILS 136 LIVERPOOL ROAD, SYDNEY NSW 2131
PROJECT NORTH PROJECT NORTH
SCALE 1:200 @ A3 1849A
DRAWING NO. A-0103
DRAWING GROUND FLOOR PLAN
ARCHITECT BENSON MCCORMACK ARCHITECTURE
 P: 1 81 2 8818 0777
 F: 1 81 2 8818 0778
 STUDIOS: 606 BALMAIN RD, LAFIELD NSW 2280
 4881 1518 3008 1518 7000



UNIT TABLE

UNIT	AREA (m ²)	TYPE	1/2 UNIT	1/4 UNIT	TOTAL
01.1A	73.1	LIVABLE	X	X	10
02.1B	77.4	LIVABLE	X	X	10
02.2B	90.0	LIVABLE	X	X	10
TOTAL	240.5		3	3	30

INNER WEST DSP 2016

USE	1/2 UNIT	1/4 UNIT
PARKING GARAGE	X	X
RETAIL	X	X
CARWASH BAY	X	X

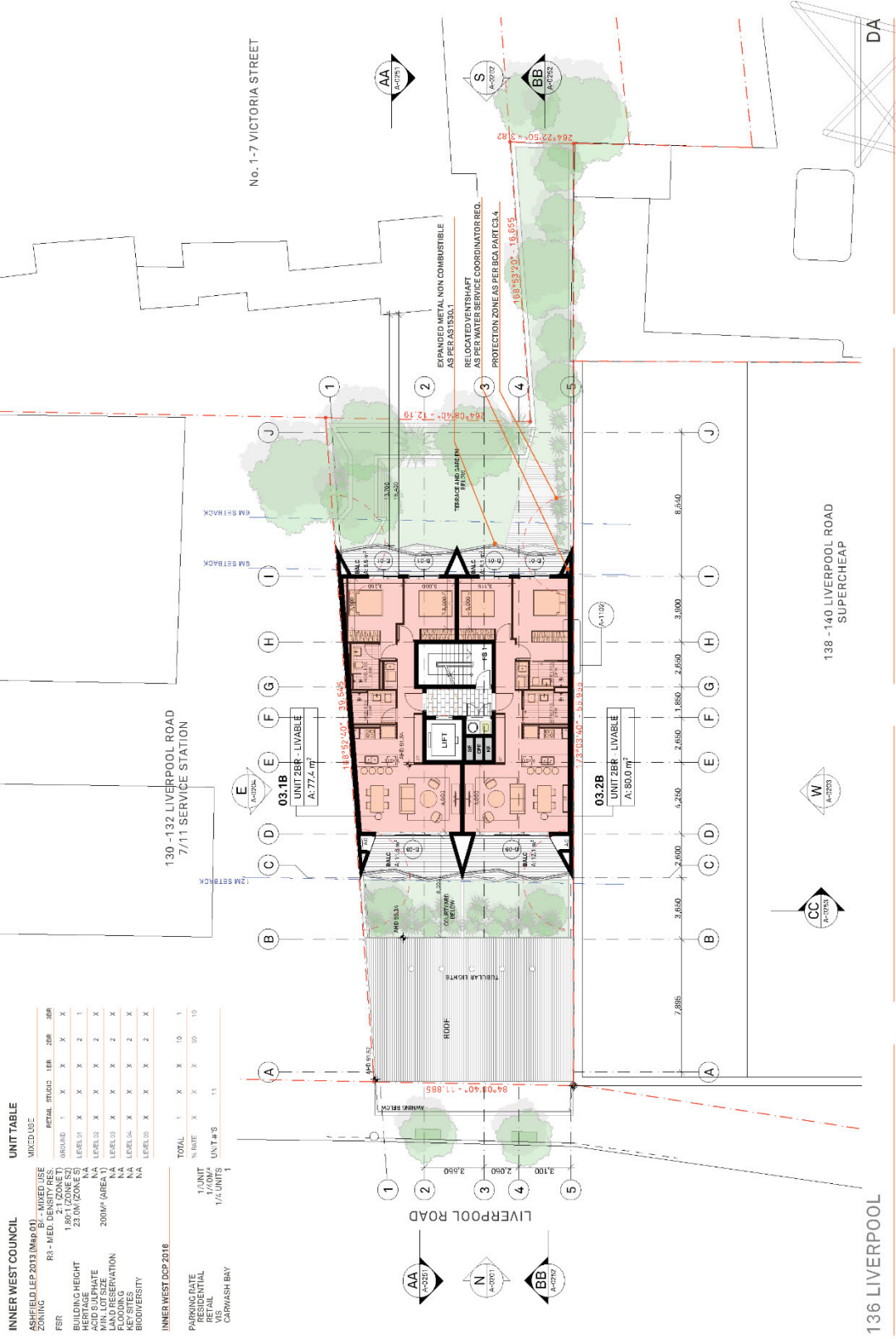
BENSON MCCORMACK ARCHITECTURE
 ARCHITECT
 P: 01 81 2 8818 8777
 F: 01 81 2 8818 8778
 1/100 BALMAIN RD
 LAITFIELD NSW 2146
 4881 1518 3500 88 151 782

REV B

PROJECT NO. 1849A
DRAWING NO. A-0105
SCALE 1:200 @ A3
DRAWING LEVEL 02 PLAN

CLIENT SIDNEY LAM & ASSOC.
 ARCHITECT
 136 LIVERPOOL
 136 LIVERPOOL
 136 LIVERPOOL

ISSUE
 DATE 1/10/2020
 DA 0814-01
 DA 0814-02
 DA 0814-03
 DA 0814-04
 DA 0814-05
 DA 0814-06
 DA 0814-07
 DA 0814-08
 DA 0814-09
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 DA 0814-99
 DA 0814-100



INNER WEST COUNCIL UNIT TABLE

INNER WEST COUNCIL		UNIT TABLE	
ASHFIELD LEP 2013 (Map 01)		MIXED USE	
FSR	R3 - MED. DENSITY RES. 1,861 (ZONE S2)	GROUND	1 X X X X X X
BUILDING HEIGHT	23.0M (ZONE S2)	LEVEL 01	X X X X X X
ACID SULPHATE	NA	LEVEL 02	X X X X X X
MIN. LOT SIZE	200M ² (AREA 1)	LEVEL 03	X X X X X X
MIN. LOT COVERAGE	NA	LEVEL 04	X X X X X X
FLOODING	NA	LEVEL 05	X X X X X X
KEY SITES	NA	LEVEL 06	X X X X X X
BIO DIVERSITY	NA	LEVEL 07	X X X X X X
TOTAL		LEVEL 08	X X X X X X
PARKING RATE	1/UNIT	LEVEL 09	X X X X X X
RESIDENTIAL	1/100M ²	LEVEL 10	X X X X X X
RETAIL	1/400M ²	LEVEL 11	X X X X X X
CARWASH BAY	1/4 UNIT	LEVEL 12	X X X X X X

NOTES

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 2. All dimensions are to the face of the work unless otherwise stated.
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 5. All dimensions are to the face of the work unless otherwise stated.
 6. All dimensions are to the face of the work unless otherwise stated.

CLIENT
SIDNEY LAM & ASSOC.
ARCHITECTS
136 LIVERPOOL STREET
SYDNEY NSW 2011

PROJECT DETAILS
136 LIVERPOOL
ASPH #136 LEP 2013

PROJECT NORTH

SCALE
1:200 @ A3

PROJECT NO.
1849A

DRAWING NO.
A-0106

DRAWING
LEVEL 03 PLAN

REV
A

ARCHITECT
BENSON MCCORMACK ARCHITECTURE
P 1 81 2 8818 8777
F 1 81 2 8818 8777
STUDIOS, 608 BALMAIN RD
LIVERPOOL NSW 2140
WWW.BENSONMCCORMACK.COM.AU

INNER WEST COUNCIL

UNIT TABLE
ASHFIELD LEP 2013 (Map 01)
ZONING
 R3 - MED. DENSITY RES. 1,861 (ZONE S2)
 R3 - MED. DENSITY RES. 23.0M (ZONE S2)
 200M² (AREA 1)
 NA
 NA
 NA
 NA

WICKLISE
 RETAIL STUDIO 18R 20R 30R
 GROUND 1 X X X X
 LEVEL 01 X X X X
 LEVEL 02 X X X X
 LEVEL 03 X X X X
 LEVEL 04 X X X X
 LEVEL 05 X X X X

INNER WEST DCP 2016
 TOTAL 1 X X 10 1
 % R3 1/10M² X X X 50 10
 1/4 UNIT 1
 UNIT # 9 11

PARKING RATE
 RESIDENTIAL
 RETAIL
 CARWASH BAY

136 LIVERPOOL
 LIVERPOOL ROAD
 130-132 LIVERPOOL ROAD
 7/11 SERVICE STATION

138-140 LIVERPOOL ROAD
 SUPERCHEAP

No. 1-7 VICTORIA STREET

Expanded METAL NON COMBUSTIBLE AS PER AS 1535.1
 RELOCATED VENT SHAFT AS PER WATER SERVICE COORDINATOR RED.
 PROTECTION ZONE AS PER BCA PART 3.5.4

TEMPERATURE SENSITIVE

18' 9" x 52' 0" = 31.04m
 11' 8" x 12' 0" = 11.88m
 18' 9" x 52' 0" = 31.04m
 7' 2" x 05' 4" = 35.19m
 6' 4" x 08' 4" = 17.19m

04.1B UNIT 2BFR LIVABLE
 A: 77.4 m²

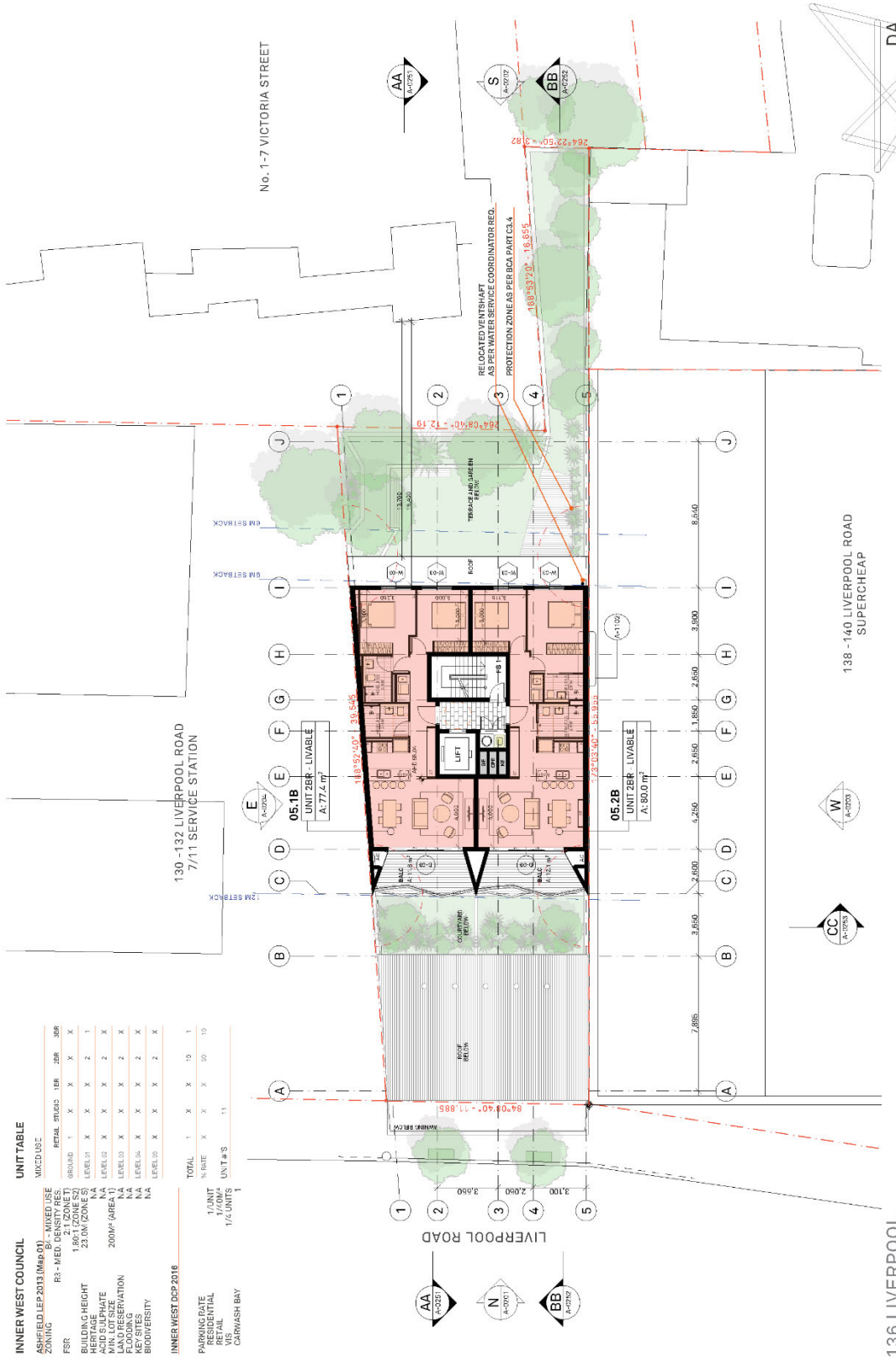
04.2B UNIT 2BFR LIVABLE
 A: 90.0 m²

Notes: (AA) A-10/21, (BB) A-10/22, (CC) R-10/23, (WW) A-10/23, (JJ) A-10/23, (I) A-10/23, (H) A-10/23, (G) A-10/23, (F) A-10/23, (E) A-10/23, (D) A-10/23, (C) A-10/23, (B) A-10/23, (A) A-10/23

CLIENT: SIDNEY LAM & ASSOC. (NSW 2131)
 PROJECT DETAILS: 136 LIVERPOOL (NSW 2131)
 PROJECT NORTH

SCALE: 1:200 @ A3
 PROJECT NO.: 1849A
 DRAWING NO.: A-0107
 DRAWING: LEVEL 04 PLAN

REV: A
 ARCHITECT: BENSON MCCORMACK ARCHITECTURE
 P: 1 81 2 3818 9377
 F: 1 81 2 3818 9378
 STU: 55, 65, 69 BALMAIN RD
 L: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
 4400 17 30 25 25 00 00 00 00 00 00



UNIT TABLE

UNIT	AREA (SQM)	TYPE	STATUS
05.1B	1,777.4	LIVABLE	1
05.2B	1,900.0	LIVABLE	1
TOTAL	3,677.4		2

INNER WEST COUNCIL UNIT TABLE

UNIT	AREA (SQM)	TYPE	STATUS
05.1B	1,777.4	LIVABLE	1
05.2B	1,900.0	LIVABLE	1
TOTAL	3,677.4		2

INNER WEST DCP 2016

UNIT	AREA (SQM)	TYPE	STATUS
05.1B	1,777.4	LIVABLE	1
05.2B	1,900.0	LIVABLE	1
TOTAL	3,677.4		2

INNER WEST DCP 2016

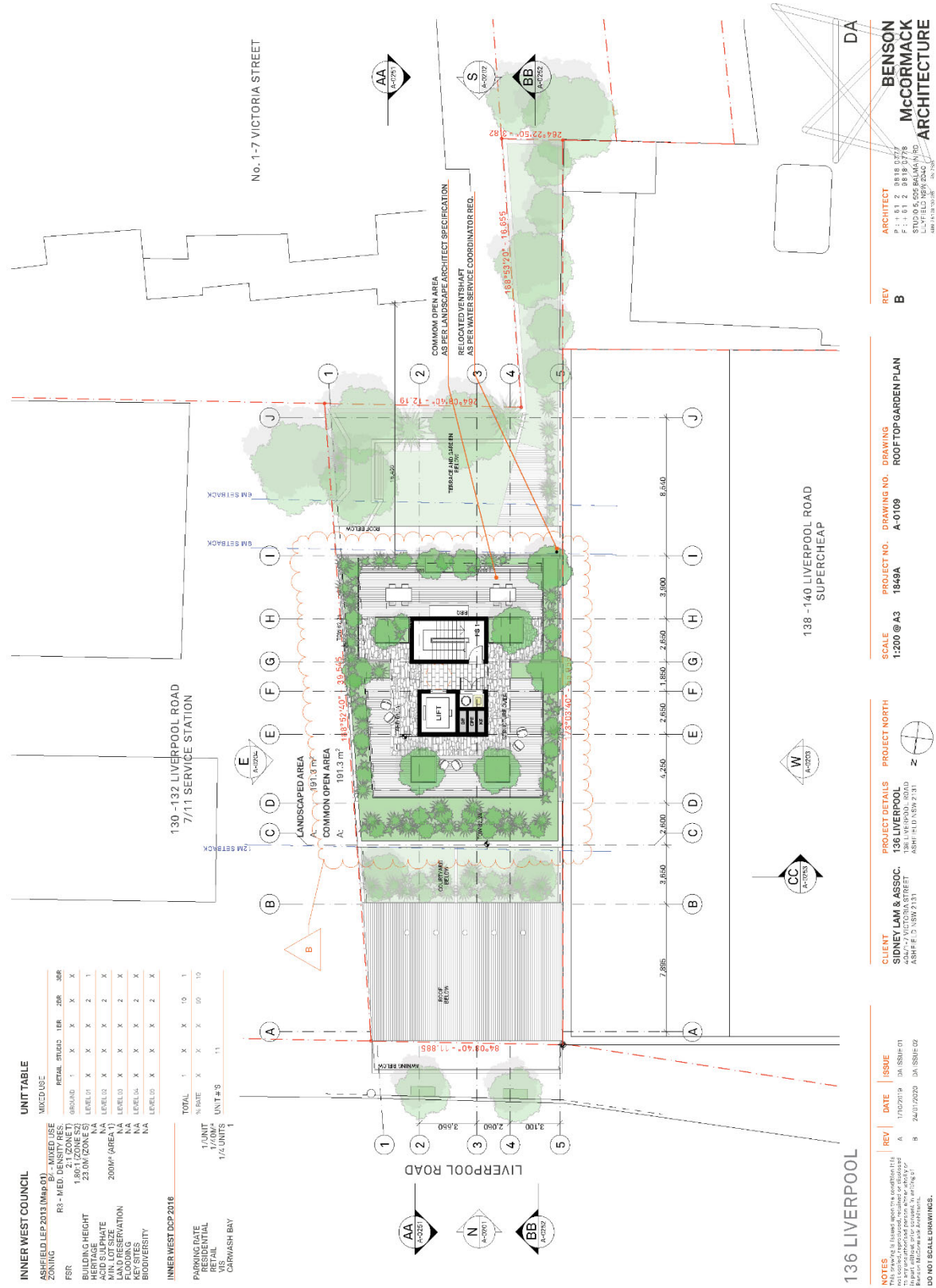
UNIT	AREA (SQM)	TYPE	STATUS
05.1B	1,777.4	LIVABLE	1
05.2B	1,900.0	LIVABLE	1
TOTAL	3,677.4		2

NOTES

1. All dimensions are in millimetres (mm).
2. All dimensions are to the face of the wall unless otherwise stated.
3. All dimensions are to the centre of the wall unless otherwise stated.
4. All dimensions are to the edge of the wall unless otherwise stated.
5. All dimensions are to the edge of the wall unless otherwise stated.
6. All dimensions are to the edge of the wall unless otherwise stated.
7. All dimensions are to the edge of the wall unless otherwise stated.
8. All dimensions are to the edge of the wall unless otherwise stated.
9. All dimensions are to the edge of the wall unless otherwise stated.
10. All dimensions are to the edge of the wall unless otherwise stated.

CLIENT SIDNEY LAM & ASSOC. (NSW) PTY LTD
PROJECT DETAILS 136 LIVERPOOL
SCALE 1:200 @ A3
DRAWING NO. A-0108
PROJECT NORTH
DRAWING NO. 1849A
LEVEL 05 PLAN

ARCHITECT BENSON MCCORMACK ARCHITECTURE
 P: 02 9388 0777
 F: 02 9388 0778
 1/10 BALMAIN RD
 BALMAIN NSW 2245
 AUSTRALIA



INNER WEST COUNCIL

ASHFIELD LEP 2013 (Map 01)

ZONING

R3 - MED. DENSITY RES

MIXED USE

RETAIL STUDIO 1BR 2BR 3BR

GROUND 1 X X X X

LEVEL 01 X X X X

LEVEL 02 X X X X

LEVEL 03 X X X X

LEVEL 04 X X X X

LEVEL 05 X X X X

UNIT TABLE

TOTAL 1 X X 10 1

1/UNIT %RATE X X X 50 10

1/10M#

UNIT#9 11

1/4 UNIT#1

INNER WEST DSP 2016

PARKING GATE

RESIDENTIAL

RETAIL

CARWASH BAY

NOTES

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2. The architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom.

3. The architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom.

DO NOT SCALE DRAWINGS.

CLIENT SIDNEY LAM & ASSOC.
ARCHITECTS
ASHP (E.C.) NSW 2131

PROJECT DETAILS 136 LIVERPOOL
ROOFTOP GARDEN PLAN
ASHP (E.C.) NSW 2131

PROJECT NORTH

SCALE 1:200 @ A3

PROJECT NO. 1849A

DRAWING NO. A-0109

DRAWING ROOFTOP GARDEN PLAN

REV B

ARCHITECT BENSON MCCORMACK ARCHITECTURE
P1: 012 8818 0777
P2: 012 8818 0778
STUDIO 5, 608 BALMAIN RD
LAFIELD NSW 2040
WWW.BENSONMCCORMACK.COM



UNIT TABLE

UNIT	AREA (SQM)	PERCENTAGE	PERMITS	REQUIREMENTS
1/1 UNIT	10.1	100%	1	1
1/2 UNIT	5.05	50%	1	1
TOTAL	15.15	100%	2	2

UNIT TABLE

UNIT	AREA (SQM)	PERCENTAGE	PERMITS	REQUIREMENTS
1/1 UNIT	10.1	100%	1	1
1/2 UNIT	5.05	50%	1	1
TOTAL	15.15	100%	2	2

INNER WEST COUNCIL
 ASHFIELD LEP 2013 (Map 01)
 ZONING: R3 - MED. DENSITY (RES)
 BUILDING HEIGHT: 1.86M (ZONE S2)
 ACID SULPHATE: NA
 MIN. LOT SIZE: 200M² (AREA 1)
 FLOODING: NA
 KEY SITES: NA
 BIODIVERSITY: NA

INNER WEST DSP 2016
 PARKING RATE: 1/UNIT
 RETAIL: 1/100M²
 CARWASH BAY: 1/2 UNIT

NOTES
 1. All dimensions are in millimeters unless otherwise stated.
 2. All dimensions are to the centerline of the wall unless otherwise stated.
 3. All dimensions are to the face of the wall unless otherwise stated.
 4. All dimensions are to the centerline of the wall unless otherwise stated.
 5. All dimensions are to the face of the wall unless otherwise stated.
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 8. All dimensions are to the centerline of the wall unless otherwise stated.
 9. All dimensions are to the face of the wall unless otherwise stated.
 10. All dimensions are to the centerline of the wall unless otherwise stated.

CLIENT
 SIDNEY LAM & ASSOC.
 ARCHITECTS
 136 LIVERPOOL ROAD
 ASHFIELD NSW 2133

PROJECT DETAILS
 136 LIVERPOOL ROAD
 ASHFIELD NSW 2133

PROJECT NORTH
 PROJECT NORTH

SCALE
 1:200 @ A3

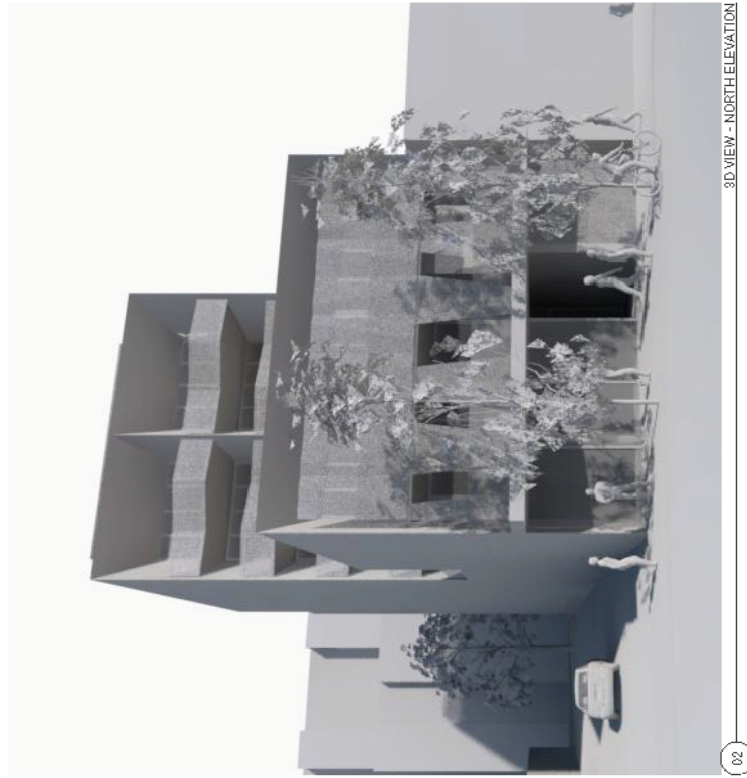
PROJECT NO.
 1849A

DRAWING NO.
 A-0110

DRAWING
 ROOF PLAN

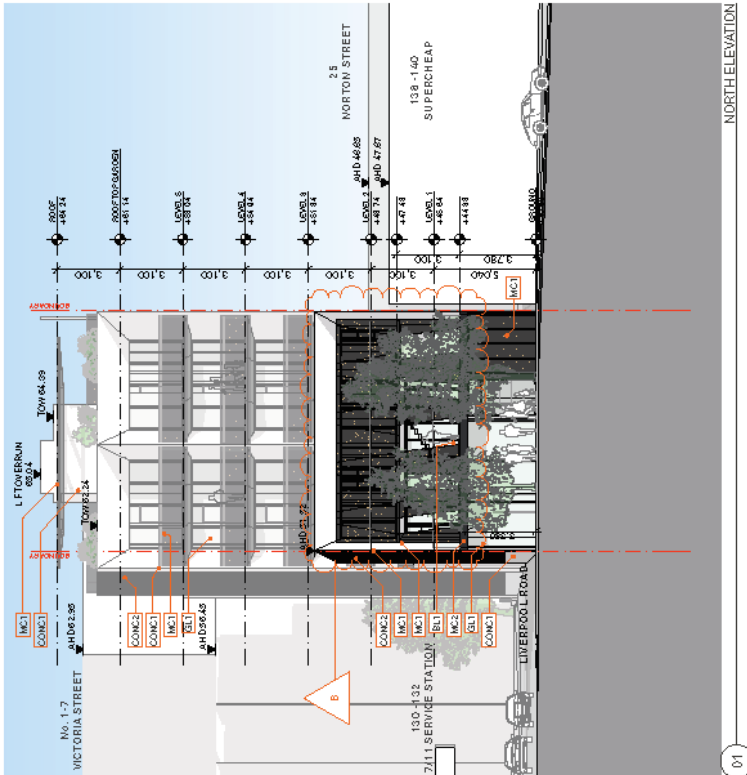
REV
 A

ARCHITECT
 BENSON MCCORMACK ARCHITECTURE
 P: 02 9388 0777
 F: 02 9388 0778
 1/100 BALMAIN RD
 LAFFIELD NSW 2540
 4881 1518 30188



3D VIEW - NORTH ELEVATION

02



NORTH ELEVATION

01

FINISHES AND MATERIALS

- MC1: EXPANDED METAL MESH - MEDIUM COLOUR
- MC2: METAL CLADDING - DARK COLOUR
- CONC1: CONCRETE OFF FORM - NATURAL - LIGHT COLOUR
- CONC2: CONCRETE COATING - PRISM PROF. LE - LIGHT COLOUR

- GL1: GLASS - TYPE 1
- GL2: GLASS - TYPE 2
- GL3: GLASS - TYPE 3
- GL4: GLASS - TYPE 4
- GL5: GLASS - TYPE 5
- GL6: GLASS - TYPE 6
- GL7: GLASS - TYPE 7
- GL8: GLASS - TYPE 8
- GL9: GLASS - TYPE 9
- GL10: GLASS - TYPE 10
- GL11: GLASS - TYPE 11
- GL12: GLASS - TYPE 12
- GL13: GLASS - TYPE 13
- GL14: GLASS - TYPE 14
- GL15: GLASS - TYPE 15
- GL16: GLASS - TYPE 16
- GL17: GLASS - TYPE 17
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- GL67: GLASS - TYPE 67
- GL68: GLASS - TYPE 68
- GL69: GLASS - TYPE 69
- GL70: GLASS - TYPE 70
- GL71: GLASS - TYPE 71
- GL72: GLASS - TYPE 72
- GL73: GLASS - TYPE 73
- GL74: GLASS - TYPE 74
- GL75: GLASS - TYPE 75
- GL76: GLASS - TYPE 76
- GL77: GLASS - TYPE 77
- GL78: GLASS - TYPE 78
- GL79: GLASS - TYPE 79
- GL80: GLASS - TYPE 80
- GL81: GLASS - TYPE 81
- GL82: GLASS - TYPE 82
- GL83: GLASS - TYPE 83
- GL84: GLASS - TYPE 84
- GL85: GLASS - TYPE 85
- GL86: GLASS - TYPE 86
- GL87: GLASS - TYPE 87
- GL88: GLASS - TYPE 88
- GL89: GLASS - TYPE 89
- GL90: GLASS - TYPE 90
- GL91: GLASS - TYPE 91
- GL92: GLASS - TYPE 92
- GL93: GLASS - TYPE 93
- GL94: GLASS - TYPE 94
- GL95: GLASS - TYPE 95
- GL96: GLASS - TYPE 96
- GL97: GLASS - TYPE 97
- GL98: GLASS - TYPE 98
- GL99: GLASS - TYPE 99
- GL100: GLASS - TYPE 100

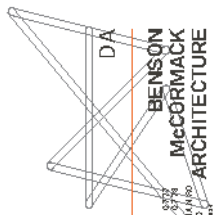
136 LIVERPOOL

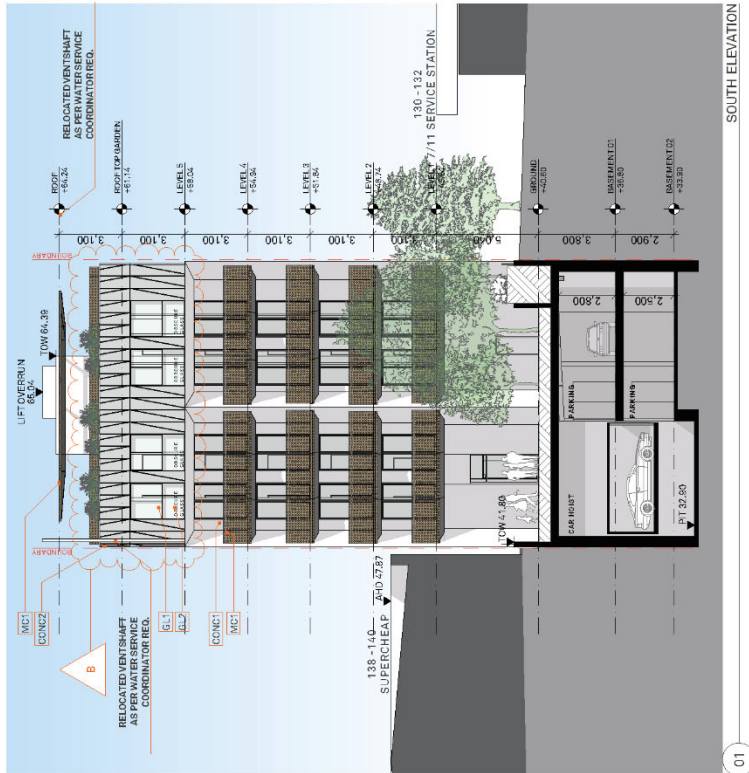
NOTES	REV	DATE	ISSUE
1. All work to be done in accordance with the relevant Australian Standards and the relevant Building Code of Australia (BCA).	A	15/02/2018	04 8848/01
2. All work to be done in accordance with the relevant Australian Standards and the relevant Building Code of Australia (BCA).	B	24/01/2020	04 8848/02

CLIENT	PROJECT DETAILS	PROJECT NORTH
SIDNEY LAM & ASSOC. ARCHITECTS 136 LIVERPOOL ROAD LIVERPOOL NSW 2170	136 LIVERPOOL NORTH ELEVATION ARCHITECTURE	136 LIVERPOOL NORTH ELEVATION ARCHITECTURE

SCALE	PROJECT NO.	DRAWING NO.	DRAWING
1:200 @ A3	1843A	A-0201	NORTH ELEVATION

REV	ARCHITECT
B	BENSON McCORMACK ARCHITECTURE





FINISHES AND MATERIALS

MC1: EXPANDED METAL MESH - MEDIUM COLOUR
Finish, texture and colour TBD

MC2: METAL CLADDING - DARK COLOUR
Finish, texture and colour TBD

CONC1: CONCRETE COAT - FORM NATURAL - LIGHT COLOUR
Neutral Finish

CONC2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR
Neutral Finish

GL1: GLASS - TYPE 1
Clear glazing in aluminium frame to BASIX req.

GL2: GLASS - TYPE 2
Clear glazing in aluminium frame to BASIX req.

BL: BALUSTRADE - GLASS FRAMELESS
Glass Panel and handrail

02

01

136 LIVERPOOL

NOTES	REV	DATE	ISSUE
1. All work to be done in accordance with the approved plans and specifications.	A	17/10/2019	ISSUE 01
2. All work to be done in accordance with the approved plans and specifications.	B	24/01/2020	ISSUE 02

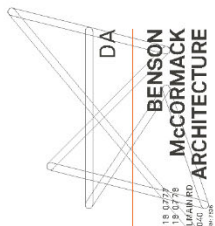
CLIENT	PROJECT DETAILS	PROJECT NORTH
SIDNEY LAM & ASSOC. 343 HFIELD RD ASHFIELD NSW 2131	136 LIVERPOOL 343 HFIELD RD ASHFIELD NSW 2131	

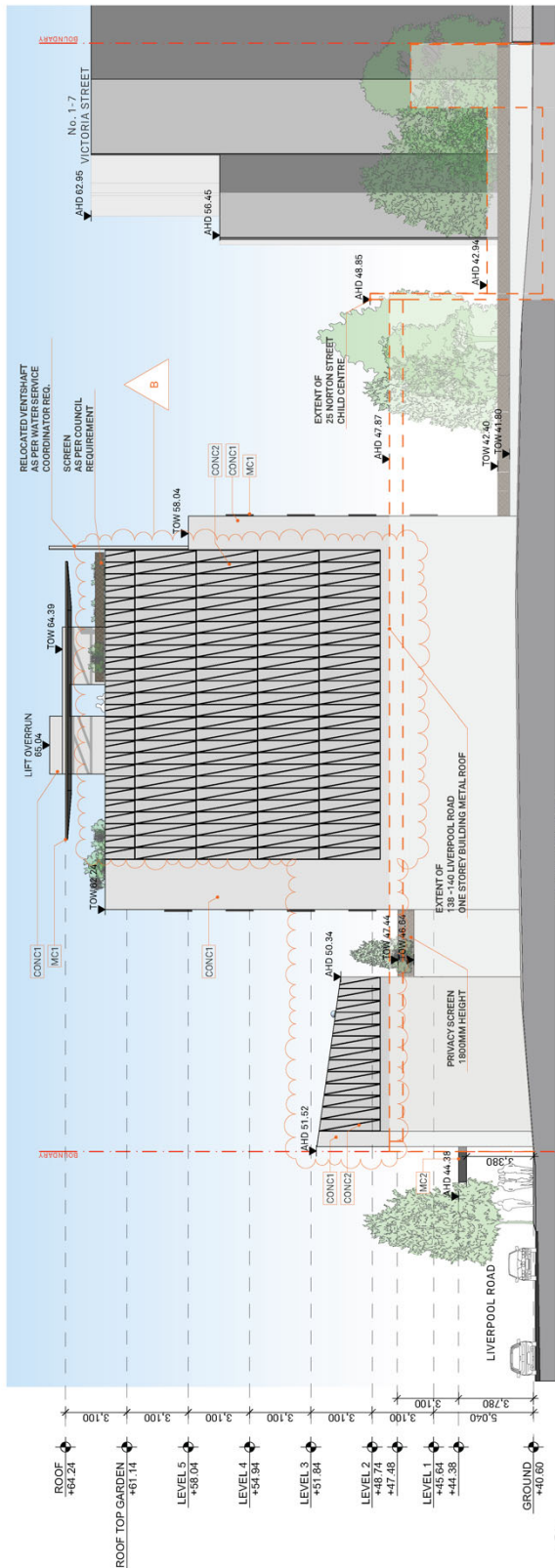
SCALE	PROJECT NO.	DRAWING NO.	DRAWING
1:200 @ A3	1849A	A-0202	SOUTH ELEVATION

REV	DESCRIPTION
B	

ARCHITECT
P + 61 2 8818 0277
136 LIVERPOOL
343 HFIELD RD
ASHFIELD NSW 2131
WWW.BENSONMCCORMACK.COM.AU

**BENSON
McCORMACK
ARCHITECTURE**





136 LIVERPOOL

FINISHES AND MATERIALS

MC1: EXPANDED METAL MESH - MEDIUM COLOUR
 Finish, Texture and Colour TBD

MC2: METAL CLADDING - DARK COLOUR
 Natural Finish

CONC1: CONCRETE OFF FORM - NATURAL - LIGHT COLOUR
 Concrete Coating - Prism Profile - Light Colour

CONC2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR
 Natural Finish

GL1: GLASS - TYPE 1
 Clear glazing in aluminium frame to BASIX req.

GL2: GLASS - TYPE 2
 Clear glazing in aluminium frame to BASIX req.

BL: BALUSTRADE - GLASS FRAMELESS
 Glass Panel and Handrail

NOTES

1. The client has indicated that the building is to be a residential building. The client has indicated that the building is to be a residential building. The client has indicated that the building is to be a residential building.

REV | **DATE** | **ISSUE**

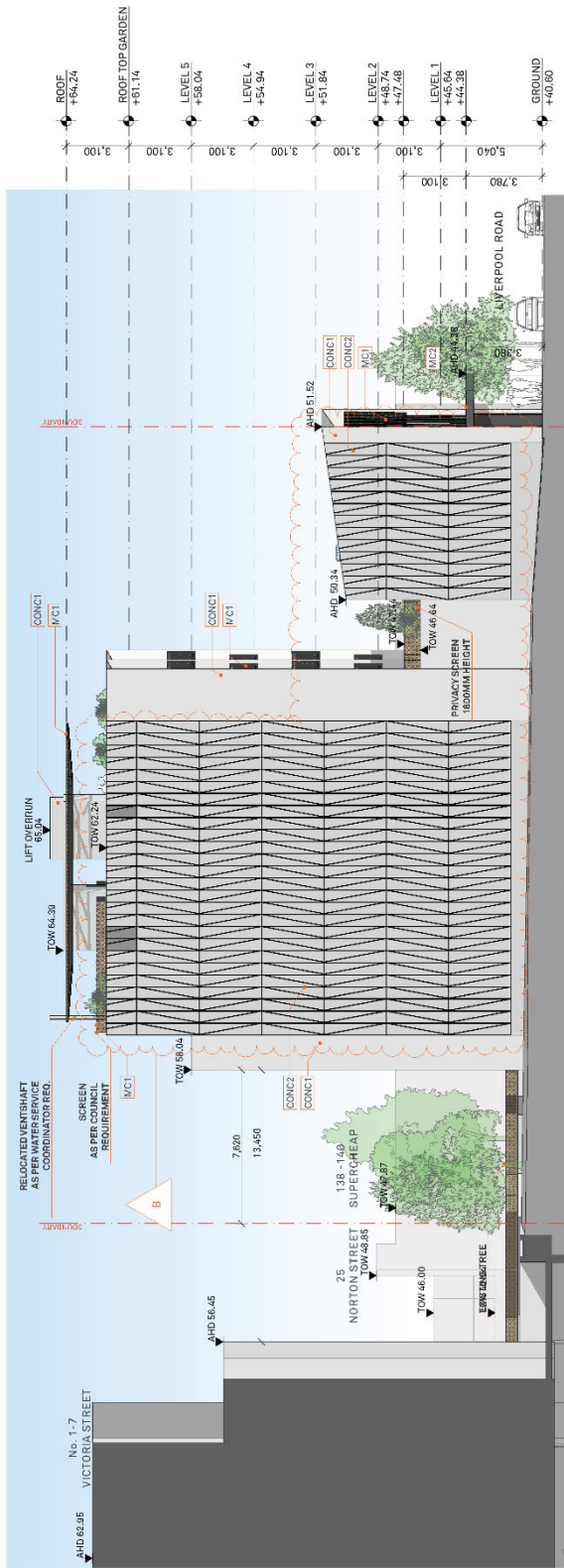
A	1/10/2019	DA ISSUE 01
B	24/01/2020	DA ISSUE 02

CLIENT
 SIDNEY LAM & ASSOC. - 136 LIVERPOOL
 136 LIVERPOOL STREET
 ASHFIELD NSW 2131

PROJECT NORTH
 PROJECT NO. 1849A
 DRAWING NO. A-0203
 WEST ELEVATION

SCALE
 1:200 @ A3

ARCHITECT
 BENSON
 MCCORMACK
 ARCHITECTURE
 P + 61 2 9838 0777
 1/100 WILSON STREET
 STUDIOS 5, 505 BAKARA RD
 LIVERPOOL NSW 2140
 0481 193 3928



EAST ELEVATION



3D VIEW - EAST ELEVATION

- FINISHES AND MATERIALS**
- MC1: EXPANDED METAL MESH - MEDIUM COLOUR Finish, Texture and Colour TFD
 - MC2: METAL CLADDING - DARK COLOUR
 - CONC1: CONCRETE OFF FORM - NATURAL - LIGHT COLOUR Natural Finish
 - CONC2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR Neutral Finish
- GL:**
- GL1: GLASS - TYPE 1 Clear glazing in aluminium frame to BASIX req.
 - GL2: GLASS - TYPE 2 Clear glazing in aluminium frame to BASIX req.
 - BL: BALUSTRADE - GLASS FRAMELESS Glass Panel and Handrail



**BENSON
McCORMACK
ARCHITECTURE**

ARCHITECT
P: 1 81 2 8618 0777
F: 1 81 2 8618 0778
STUDIO: 5/105 BALMAIN RD,
LIVERPOOL NSW 2160
WWW.BENSONMCCORMACK.COM.AU

REV B

DRAWING NO. A-0204

DRAWING NO. 1849A

DRAWING NO. EAST ELEVATION

SCALE 1:200 @ A3

PROJECT NO. 136 LIVERPOOL

PROJECT NORTH

PROJECT DETAILS 136 LIVERPOOL

CLIENT SIDNEY LAM & ASSOC.

CLIENT ADDRESS 136 LIVERPOOL STREET

CLIENT ADDRESS 2131 ASHFIELD NSW 2131

NOTES

1. This drawing is based upon the approved DA and is for information only. It is not a contract document and should not be used for any other purpose without the written consent of Benson McCormack Architecture.

2. DO NOT SCALE DRAWINGS.

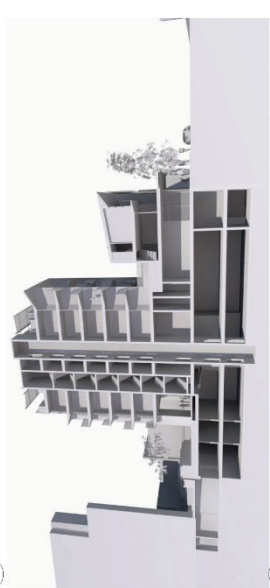
REVISIONS

REV	DATE	ISSUE
A	11/02/2019	DA ISSUE 01
B	24/07/2020	DA ISSUE 02



SECTION AA

01



SECTIONAL PERSPECTIVE

02

FINISHES AND MATERIALS

MC1: EXPANDED METAL MESH - MEDIUM COLOUR
 MC2: METAL CLADDING - DARK COLOUR
 CONCR1: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR
 CONCR2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR
 Natural Finish

GL1: Clear glazing in aluminium frame to BASIX req.
 GL2: Clear glazing in aluminium frame to BASIX req.
 BL: BALUSTRADE - GLASS FRAMELESS
 Glass Pane and Handrail.

**BENSON
 MCCORMACK
 ARCHITECTURE**

ARCHITECT
 P: +61 2 8918 0777
 6/177-779
 STUDIO 5, 508/5A PARRAMATTA ROAD
 LIVERPOOL NSW 2170

REV B

SCALE 1:200 @ A3
DRAWING NO. A-0251
DRAWING SECTION AA

CLIENT SIDNEY LAM & ASSOC.
 45/111-113/115
 45/111-113/115

PROJECT DETAILS 136 LIVERPOOL
 45/111-113/115
 45/111-113/115

PROJECT NORTH

NOTES

1. All work to be done in accordance with the approved plans and specifications.
2. All work to be done in accordance with the approved plans and specifications.
3. All work to be done in accordance with the approved plans and specifications.

DO NOT SCALE DRAWINGS.



01

SECTION BB



02

SECTIONAL PERSPECTIVE

- FINISHES AND MATERIALS**
- MC1: EXPANDED METAL MESH - MEDIUM COLOUR
 - MC2: METAL CLADDING - DARK COLOUR
 - CONC1: CONCRETE OPT FORM - NATURAL - LIGHT COLOUR
 - CONC2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR
 - Natural Finish
- GLASS - TYPE 1**
Clear glazing in aluminium frame to BASIX req.
- GLASS - TYPE 2**
Clear glazing in aluminium frame to BASIX req.
- GLASS - TYPE 3**
Balustrade - GLASS FRAMELESS
- GLASS - TYPE 4**
Glass Pane and Handrail.
- GL1:**
Clear glazing in aluminium frame to BASIX req.
- GL2:**
Clear glazing in aluminium frame to BASIX req.
- BL:**
Glass Pane and Handrail.



**BENSON
McCORMACK
ARCHITECTURE**

ARCHITECT
P: + 61 2 8918 0777
F: + 61 2 8918 0778
STUDIO 5, 500A PARRAMATTA ROAD
LIVERPOOL NSW 2160
www.bmccormack.com.au

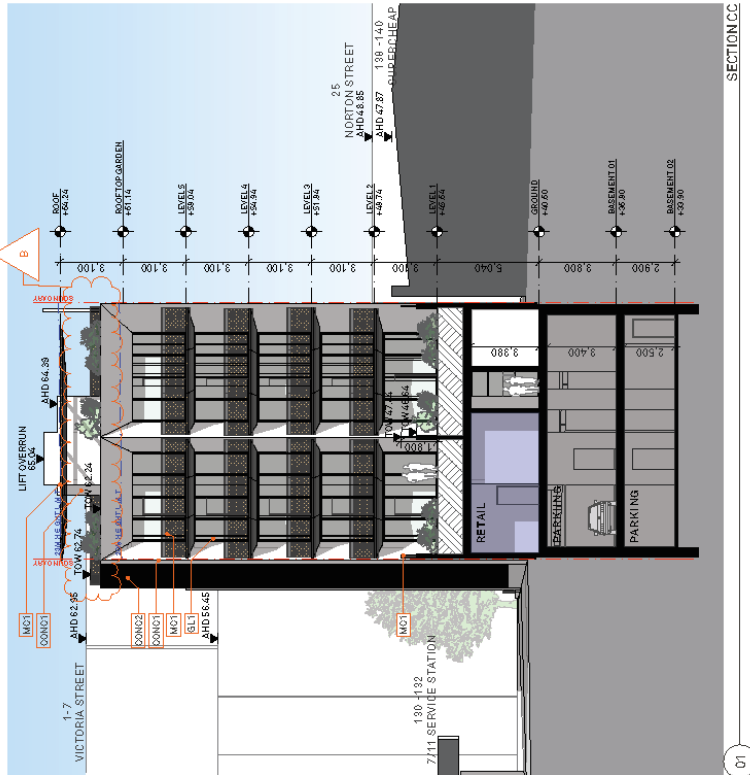
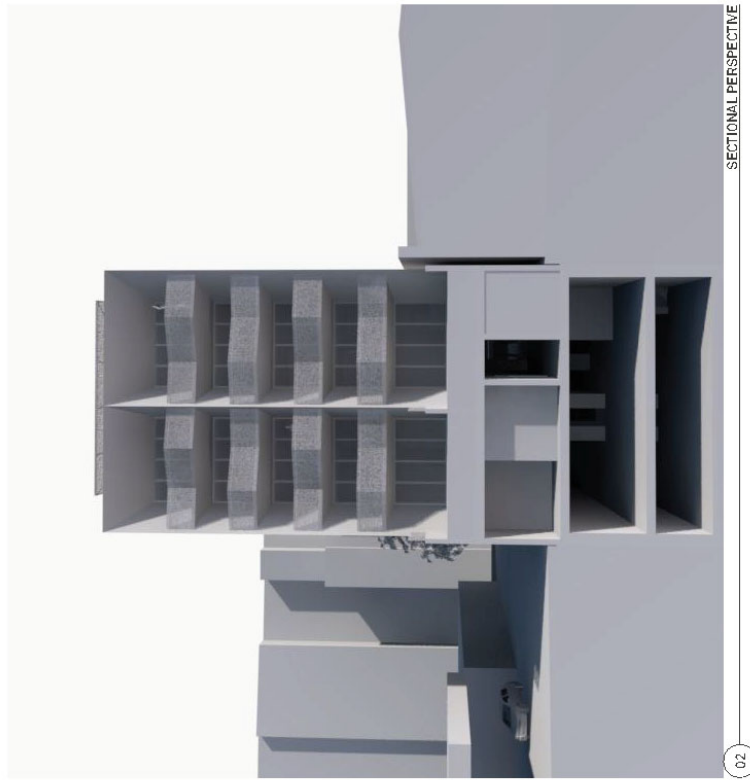
REV B

PROJECT NO. 1849A
DRAWING NO. A-0252
SCALE 1:200 @ A3

CLIENT SIDNEY LAM & ASSOC.
459/470, VASSANT 7/151
ASPH/CL, VASSANT 7/151
ASPH/CL, NSW 2171

PROJECT DETAILS 136 LIVERPOOL
PROJECT NORTH

NOTES
1. This drawing is to be used in accordance with the approved development consent and is not to be used for any other purpose without the written consent of Benson McCormack Architects.
DO NOT SCALE DRAWINGS.



FINISHES AND MATERIALS

MC1: EXPANDED METAL MESH - MEDIUM COLOUR
 Finish, Texture and Colour TBD
 MC2: METAL CLADDING - DARK COLOUR
 Finish, Texture and Colour TBD
 COCON1: CONCRETE OFF FORM - NATURAL - LIGHT COLOUR
 Natural Finish
 COCON2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR
 Natural Finish

GL1: GLASS - TYPE 1
 Clear glazing in aluminum frame to BASIX req.
 GL2: GLASS - TYPE 2
 Clear glazing in aluminum frame to BASIX req.
 BL: BALUSTRADE - GLASS FRAMELESS
 Glass Panel and Handrail

136 LIVERPOOL

NOTES	REV	DATE	ISSUE
1. See notes on sheet 135.1 for general information and material specifications. All materials to be supplied and installed in accordance with the relevant Australian Standards.	A	1/10/2019	DA/ISSUE01
2. See notes on sheet 135.2 for general information and material specifications. All materials to be supplied and installed in accordance with the relevant Australian Standards.	B	24/01/2020	DA/ISSUE02

DO NOT SCALE DRAWINGS.

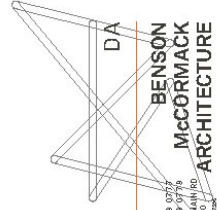
CLIENT	PROJECT DETAILS	PROJECT NORTH
SIDNEY LAM & ASSOC. 136 LIVERPOOL STREET ASHFIELD NSW 2121	136 LIVERPOOL 136 LIVERPOOL STREET ASHFIELD NSW 2121	

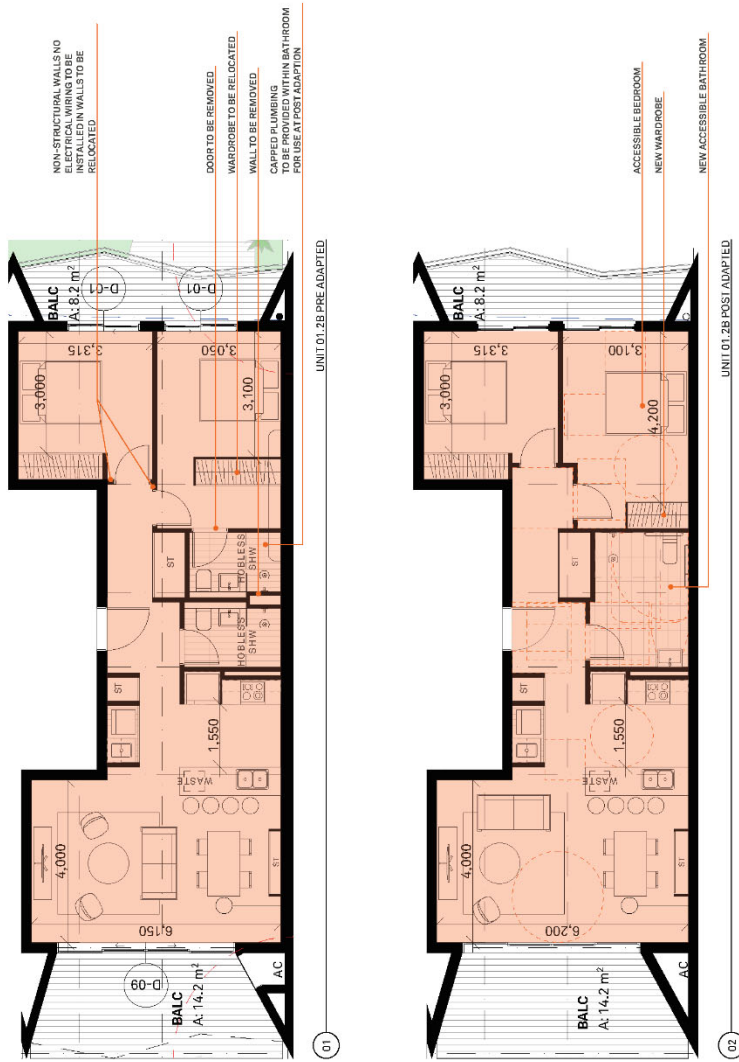
SCALE	PROJECT NO.	DRAWING NO.	DRAWING
1:200 @ A3	1849A	A-0253	SECTION CC

REV B

ARCHITECT
 P + 61 2 9818 0977
 136 LIVERPOOL STREET
 STUDIOS 205 8464441/PO
 LINDFIELD NSW 2050
 442 76 123123/ART @ 7/2020

**BENSON
 MCCORMACK
 ARCHITECTURE**





136 LIVERPOOL

REV	DATE	ISSUE
A	1/10/2019	DA (S) (P) (T)

NOTES: To be used only in conjunction with the approved DA (S) (P) (T). No work to be undertaken until the DA (S) (P) (T) is approved. All work to be undertaken in accordance with the DA (S) (P) (T) and the relevant Building Code of Australia. Do not scale drawings.

CLIENT
SIDNEY LAM & ASSOC.
136 LIVERPOOL STREET
ASHTON NSW 2133

PROJECT DETAILS
136 LIVERPOOL STREET
ASHTON NSW 2133

PROJECT NORTH

SCALE
1:100 @ A3

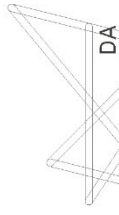
PROJECT NO.
1849A

DRAWING NO.
A-0551

DRAWING
PRE/POST ADAPTED DWELLING

REV
A

ARCHITECT
BENSON MCCORMACK ARCHITECTURE
P1: 01 2 8818 0777
P2: 01 2 8818 0778
STUDIOS: 609 BALMAIN RD
LAFFELD NSW 2280
4011 1518 3000R 00 782



GLAZED DOOR & WINDOW SCHEDULE												
ID	D-01	D-02	D-03	D-05	D-06	D-07	D-08	D-09	W-02	W-03	W-04	W-05
W x H SIZE	1,800x2,700	1,800x3,380	1,850x3,380	3,350x2,700	2,450x2,800	2,995x2,900	3,350x2,800	4,400x2,700	1,485x3,380	1,800x2,700	1,715x3,380	2,394x3,380
ELEVATION VIEW												
NOTES	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	OPAQUE GLAZING AT LOWER TRANSOM, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME
QUANTITY	16	2	1	2	1	1	1	10	1	4	1	1

GLAZED DOOR & WINDOW SCHEDULE		
ID	W-06	W-08
W x H SIZE	4,067x3,380	4,500x2,800
ELEVATION VIEW		
NOTES	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME	CLEAR GLAZING, POWDERCOATED ALUMINIUM FRAME
QUANTITY	1	3

136 LIVERPOOL

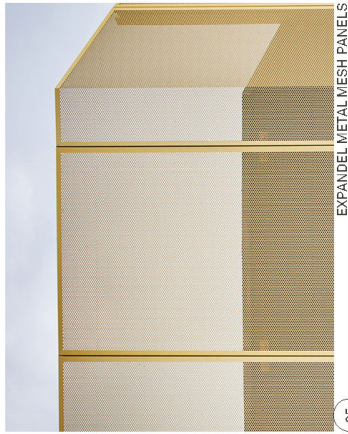


ARCHITECT
 BENSON
 MCCORMACK
 ARCHITECTURE
 P L L B I 2 8818 0777
 10/100 BALMAIN RD
 BALMAIN NSW 2283
 488 15 03 30 88 15 72 81

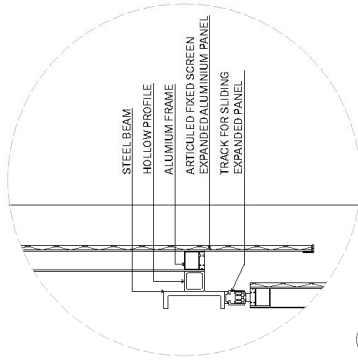
CLIENT
 SIDNEY LAM & ASSOC.
 136 LIVERPOOL
 BALMAIN NSW 2283
 488 15 03 30 88 15 72 81

PROJECT DETAILS
 136 LIVERPOOL
 BALMAIN NSW 2283
 488 15 03 30 88 15 72 81

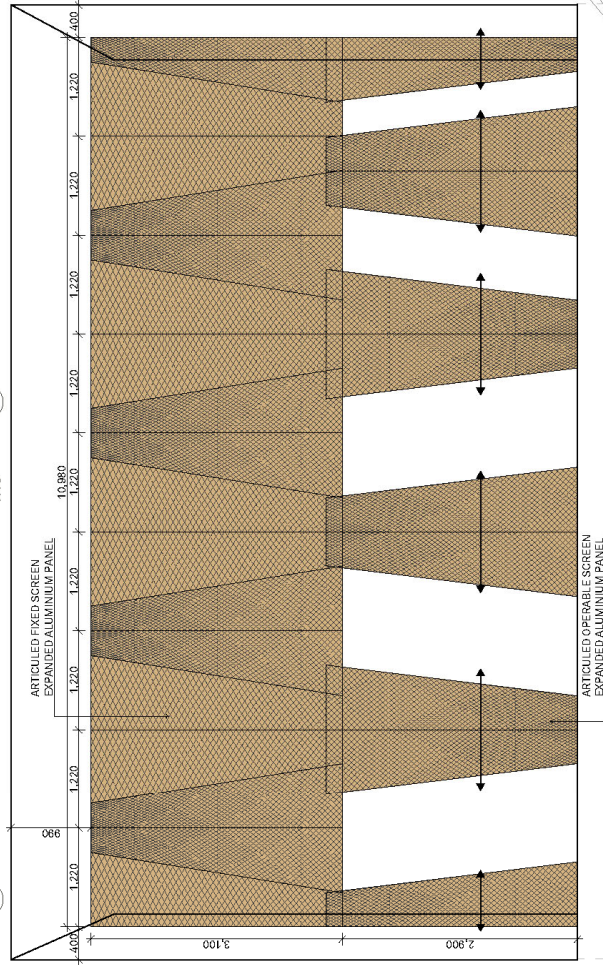
PROJECT NO. A-1001
DRAWING NO. DOOR & WINDOW SCHEDULE
SCALE @ A3
PROJECT NORTH
ISSUE DA (S)H-01
DATE 1/10/2020
REV A 1/10/2020 DA (S)H-01
 B 24/01/2020 DA (S)H-02
 DO NOT SCALE DRAWINGS.



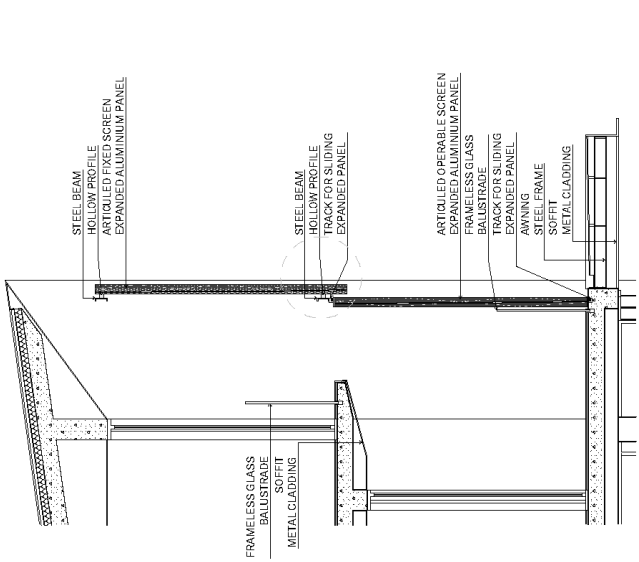
05 EXPANDED METAL MESH PANELS



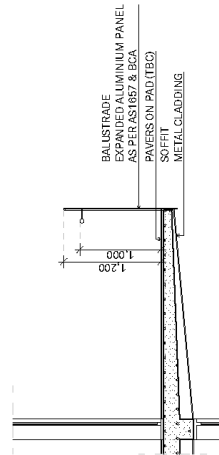
02 TYPICAL SLIDING PANEL DETAILS 1:10



04 SCREEN ELEVATION DETAILS



01 SCREEN BALCONY & AWNING DETAILS



03 TYPICAL BALUSTRADE DETAILS

136 LIVERPOOL

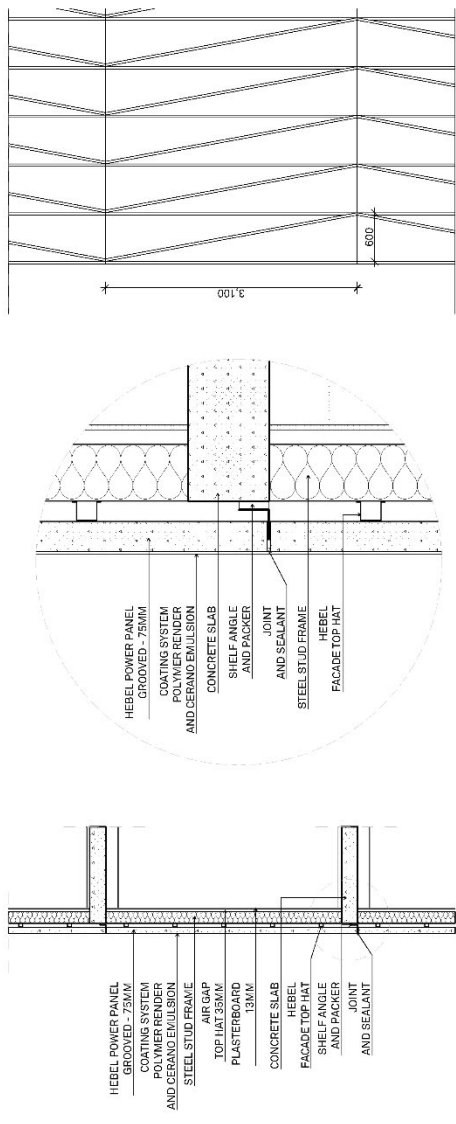
BENSON MCCORMACK ARCHITECTURE
 ARCHITECT
 P + 61 2 8816 9777
 1/110 WYNDHAM STREET
 LIVERPOOL NSW 2140
 484 16 12193287

REV A
 DRAWING NO. A-1101
 PROJECT NO. 1849A
 SCALE 1:50 @ A3
 DRAWING TITLE BALUSTRADE & SCREEN DETAILS

PROJECT NORTH
 PROJECT DETAILS
 CLIENT SIDNEY LAM & ASSOC.
 136 LIVERPOOL STREET
 LIVERPOOL NSW 2143

DATE 24/07/2020
 ISSUE DA ISSUE 02
 REV A

NOTES
 1. All work shall be in accordance with the Australian Standards and other relevant standards unless otherwise stated.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals.
 3. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved drawings.
 4. All dimensions are in millimetres unless otherwise stated.
 5. DO NOT SCALE DRAWINGS.



HEBEL POWER PANEL PRISM PANEL

ROCKCOTE CERANO ACRYLIC BASED COATING



06 HEBEL POWER PANEL PRISM



REV A

ARCHITECT

P + 61 2 8618 9772

F + 61 2 8619 0778

136 LIVERPOOL ROAD

LIVERPOOL NSW 2150

REVISED 20/07/2020

DA

BENSON MCCORMACK ARCHITECTURE

SCALE 1:50 @ A3

PROJECT NO. 1849A

DRAWING NO. A-1102

WALL SYSTEM DETAILS

CLIENT SIDNEY LAM & ASSOC. 464-117 VICTORIA STREET ADHFIELD NSW 2151

PROJECT DETAILS 136 LIVERPOOL ROAD LIVERPOOL NSW 2150

PROJECT NORTH

NOTES

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW BUILDING REGULATIONS 2015 AND THE NSW BUILDING ACT 2016.

2. THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE PRIOR TO COMMENCEMENT OF WORK.

3. THE CONTRACTOR IS TO MAINTAIN ACCESS TO ALL SERVICES AT ALL TIMES.

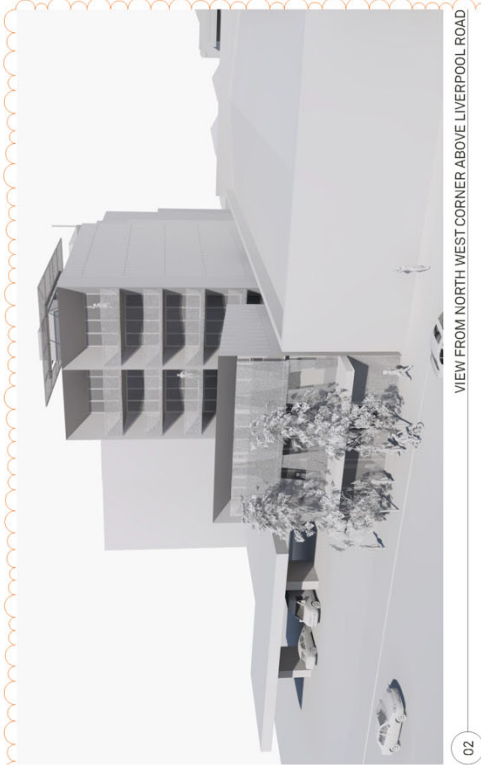
4. DO NOT SCALE DRAWINGS.

REV A

DATE 24/07/2020

ISSUE DA ISSUE 02

136 LIVERPOOL



ARCHITECT
**BENSON
 MCCORMACK
 ARCHITECTURE**
 P: + 61 2 8818 0777
 F: + 61 2 8818 0776
 136 LIVERPOOL ROAD
 LULLFIELD NSW 2040
ABN 76 133 153288

REV
B

PROJECT NO.
1849A

DRAWING NO.
A-1301

DRAWING
MASSING STUDY

SCALE
@ A3

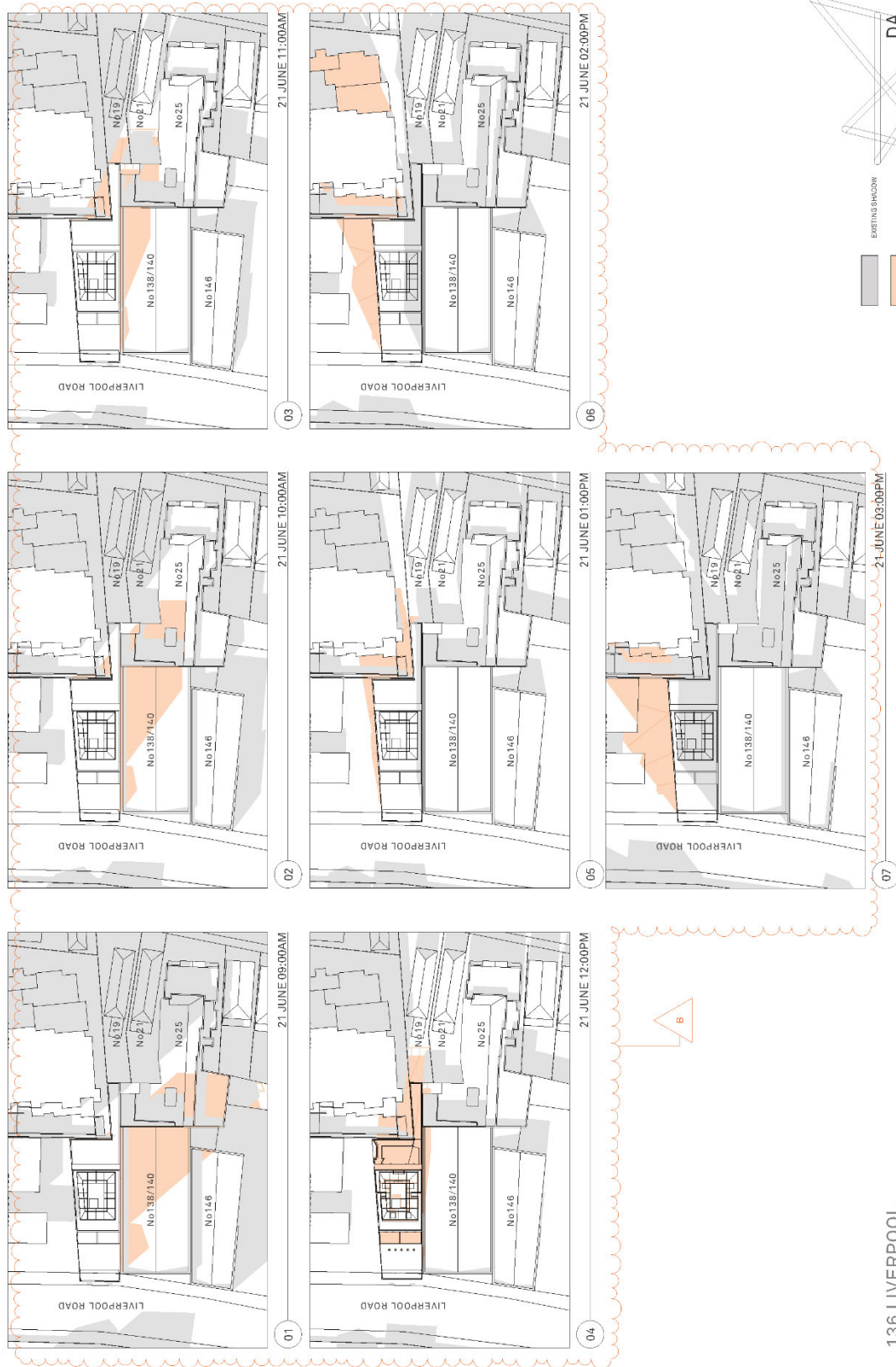
CLIENT
SIDNEY LAM & ASSOC.
 404/117 VICTORIA STREET
 ADHFIELD NSW 2111

PROJECT DETAILS
136 LIVERPOOL
 136 LIVERPOOL ROAD
 ADHFIELD NSW 2111

REV	DATE	ISSUE
A	11/02/2019	DA ISSUE 01
B	24/07/2020	DA ISSUE 02

NOTES
 1. All heights are to top of finished floor level.
 2. All setbacks are measured at ground level unless otherwise stated.
 3. This drawing is for the purpose of providing a visual impression of the proposed development only and does not constitute an offer of any financial product.
 4. All setbacks are measured from the centreline of the road.
 5. All setbacks are measured from the face of the building.
 6. All setbacks are measured from the face of the building.
 7. All setbacks are measured from the face of the building.

DO NOT SCALE DRAWINGS.



136 LIVERPOOL

NOTES
 1. All drawings are based on the information provided.
 2. No liability is accepted for any errors or omissions.
 3. No part of this drawing is to be used for any other purpose without the written consent of Benson McCormack Architects.
 4. DO NOT SCALE DRAWINGS.

REV	DATE	ISSUE
A	17/02/2019	DA (S)H-E/01
B	24/01/2020	DA (S)H-E/02

CLIENT
 SIDNEY LAM & ASSOC.
 136 LIVERPOOL
 ASHP (E.D.) 138/7131

PROJECT DETAILS
 136 LIVERPOOL
 ASHP (E.D.) 138/7131

PROJECT NORTH

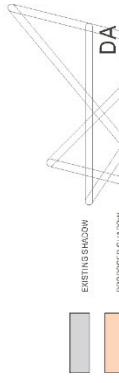
SCALE
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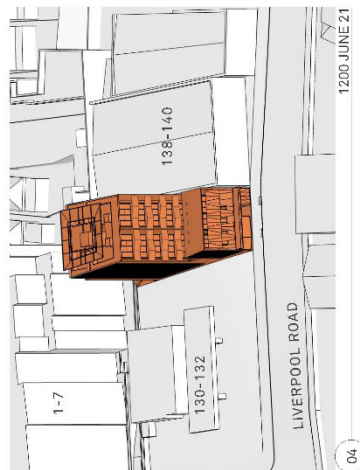
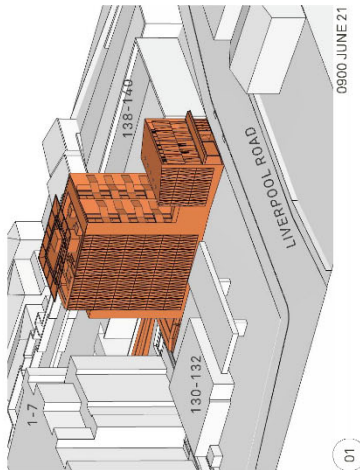
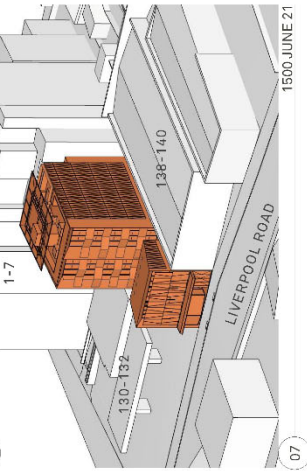
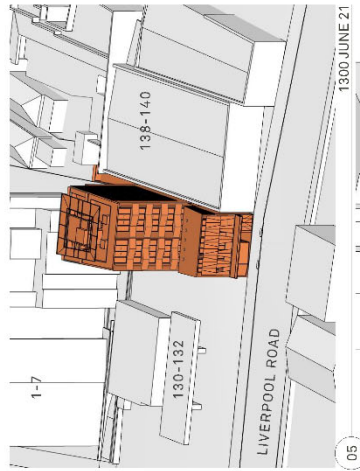
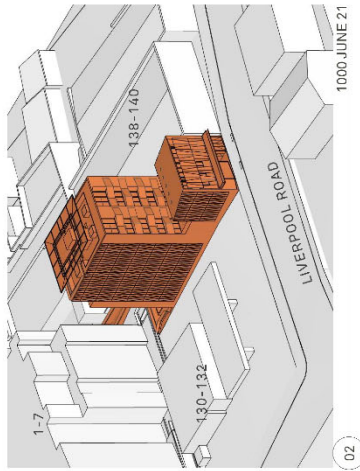
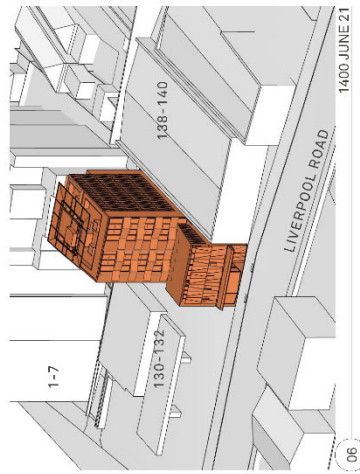
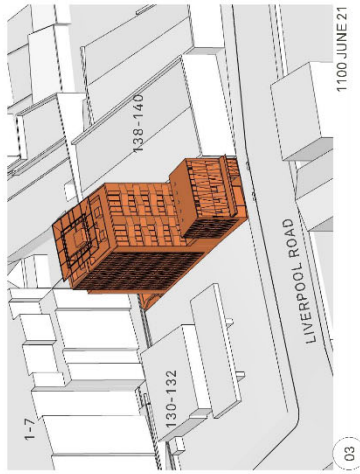
PROJECT NO. 1849A
DRAWING NO. A-1302

DRAWING SHADOW ANALYSIS

REV B

ARCHITECT
 BENSON MCCORMACK ARCHITECTURE
 P: +61 2 8818 0777
 F: +61 2 8818 0778
 1/100 BALMAIN RD
 LAFFELD NSW 2540
 4881 1318 1301 081 131 782





136 LIVERPOOL

NOTES
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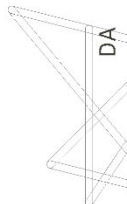
CLIENT
 SIDNEY LAM & ASSOC.
 136 LIVERPOOL STREET
 ASHFIELD NSW 2131

PROJECT DETAILS
 136 LIVERPOOL STREET
 ASHFIELD NSW 2131

PROJECT NORTH
 PROJECT NO. 1849A
 DRAWING NO. A-1303
 SCALE @A3
 SOLAR ACCESS

ARCHITECT
 BENSON
 McCORMACK
 ARCHITECTURE
 P + 61 2 8818 0777
 F + 61 2 8818 0778
 1/100 SYDNEY STREET
 STUDIOS 505 BALMAIN RD
 LIVERPOOL NSW 2160
 WWW.BENSONMCCORMACK.COM.AU

SOLAR ANALYSIS METHODOLOGY
 THE VIEW FRAME (GAMERA .INDO.V) SHOWS THE LOCATION OF THE PROPOSED BUILDING AND THE LOCATION OF THE SUN AT THE TIME OF THE ANALYSIS. THE SUN'S POSITION IS DETERMINED BY THE DATE AND TIME OF THE ANALYSIS. THE SUN'S POSITION IS DETERMINED BY THE DATE AND TIME OF THE ANALYSIS. THE SUN'S POSITION IS DETERMINED BY THE DATE AND TIME OF THE ANALYSIS.



SOLAR ACCESS INTO LIVING AREAS & PRIVATE OPEN SPACES - PROPOSED UNITS

LEVEL	UNIT NO	HOUR												TOTAL	COMPLIANCE		
		9 am	9.30	10 am	10.30	11 am	11.30	12 pm	12.30	1 pm	1.30	2 pm	2.30			3 pm	
LEVEL 01	01.1A															6	Y
	01.1B															2	Y
	01.2B															1	N
LEVEL 02	01.1A															6	Y
	02.1B															6	Y
	02.2B															6	Y
LEVEL 03	03.1B															6	Y
	03.2B															6	Y
	04.1B															6	Y
LEVEL 04	04.2B															6	Y
	05.1B															6	Y
	05.2B															6	Y

NATURALLYCROSS VENTILATED UNITS

LEVEL	UNIT NO	CROSS VENTILATION
LEVEL 01	01.1A	
	01.1B	
	01.2B	
LEVEL 02	01.1A	
	02.1B	
	02.2B	
LEVEL 03	03.1B	
	03.2B	
	04.1B	
LEVEL 04	04.2B	
	05.1B	
	05.2B	

> 2 HRS DIRECT SUNLIGHT INTO PRIMARY LIVING AREAS & PRIVATE OPEN SPACE : 10 / 11 = 91 %
 SEPP 65 REQUIREMENT : = 70%
 NO DIRECT SUNLIGHT INTO PRIMARY LIVING AREAS & PRIVATE OPEN SPACE : 00 / 11 = 00 %
 SEPP 65 REQUIREMENT : = 15%

CROSS VENTILATED UNITS : 11 / 11 = 100 %
 SEPP 65 REQUIREMENT : = 60%

■ WINDOWS TO LIVING/DINING AREA & PRIVATE OPEN SPACE WITH NO SOLAR ACCESS
 ■ WINDOWS TO LIVING/DINING AREA & PRIVATE OPEN SPACE WITH DIRECT SOLAR ACCESS

■ NATURAL CROSS VENTILATION

136 LIVERPOOL

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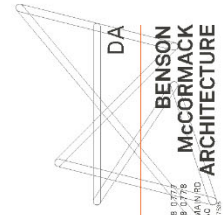
PROJECT DETAILS
 136 LIVERPOOL
 A3H (E.C. NSW 2131)

SCALE
 @ A3

PROJECT NO.
 1849A

DRAWING NO.
 A-1304

DRAWING
 SOLAR ACCESS & CROSS VENTILATION ASSESSMENT



ARCHITECT
 BENSON MCCORMACK ARCHITECTURE
 P 1 81 2 8818 8777
 F 1 81 2 8818 8777
 STUDIO 5, 608 BALMAIN RD
 LAFFIELD NSW 2146
 4881 1518 3518 8818 8777

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136 LIVERPOOL



**BENSON
McCORMACK
ARCHITECTURE**

ARCHITECT
P + 61 2 8818 0777
F + 61 2 8818 0778
STUDIOS, 505, 506, 504/5, 503
LIVFIELD NSW 2142
4881 1513 3328* 9/11/2019

REV **A**

PROJECT NO. **A-1308**
DRAWING NO. **1849A**
STORAGE CALCULATION 1/2

SCALE **1:400 @ A3**

PROJECT NORTH

CLIENT **SIDNEY LAM & ASSOC.**
136 LIVERPOOL
LIVFIELD NSW 2131
PROJECT DETAILS **136 LIVERPOOL**
LIVFIELD NSW 2131

DATE **7/10/2019**
ISSUE **DA ISSUE 01**

REV **A**

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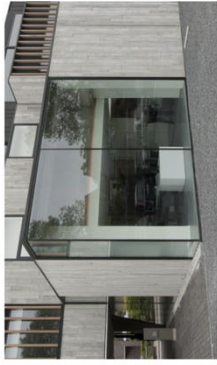


01

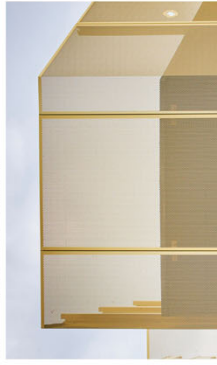
FINISHES AND MATERIALS

- MC1: EXPANDED METAL MESH - MEDIUM COLOUR Finish, Texture and Colour TBD
- MC2: METAL CLADDING - DARK COLOUR Finish, Texture and Colour TBD
- CONC1: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR Natural Finish
- CONC2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR Natural Finish

- GL1: GLASS - TYPE 1 Clear glazing in aluminium frame to BASIX req.
- GL2: GLASS - TYPE 2 Obscure glazing in aluminium frame to BASIX req. Glass glazing in aluminium frame to BASIX req. Glass Panel and Handrail
- BL: Glass Panel and Handrail



GL1: GLASS - TYPE 1 - CLEAR GLASS



MC1: EXPANDED METAL MESH - LIGHT COLOUR



MC2: CONCRETE PRE-CAST - NATURAL - LIGHT COLOUR



CONC2: CONCRETE COATING - PRISM PROFILE - LIGHT COLOUR

B

136 LIVERPOOL

REV	DATE	ISSUE
A	11/02/2019	DA ISSUE 01
B	24/07/2020	DA ISSUE 02

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SIDNEY LAM & ASSOC.
404-117 VICTORIA STREET
ADFIELD NSW 2131

PROJECT DETAILS
136 LIVERPOOL
138 LIVERPOOL ROAD
ADFIELD NSW 2131

SCALE
@ A3

PROJECT NO.
1849A

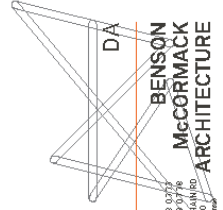
DRAWING NO.
A-1310

DRAWING FINISHES



REV
B

ARCHITECT
BENSON
McCORMACK
ARCHITECTURE
P + 61 2 8818 0777
F + 61 2 8818 0778
LIVFIELD NSW 2040
WWW.BENSONMCCORMACK.COM.AU



ARCHITECT
 P : + 61 2 98 18 0772
 F : + 61 2 98 19 0776
 1/111 VICTORIA STREET
 LIVERPOOL NSW 2150
 www.bmccormack.com.au

REV
A

PROJECT NO.
 1849A

DRAWING NO.
 A-1311

SCALE
 @A3

PROJECT NORTH

PROJECT DETAILS
 138 LIVERPOOL
 256 LIVERPOOL ROAD
 ASHFIELD NSW 2131

CLIENT
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 40/41/43 VICTORIA STREET
 ASHFIELD NSW 2131

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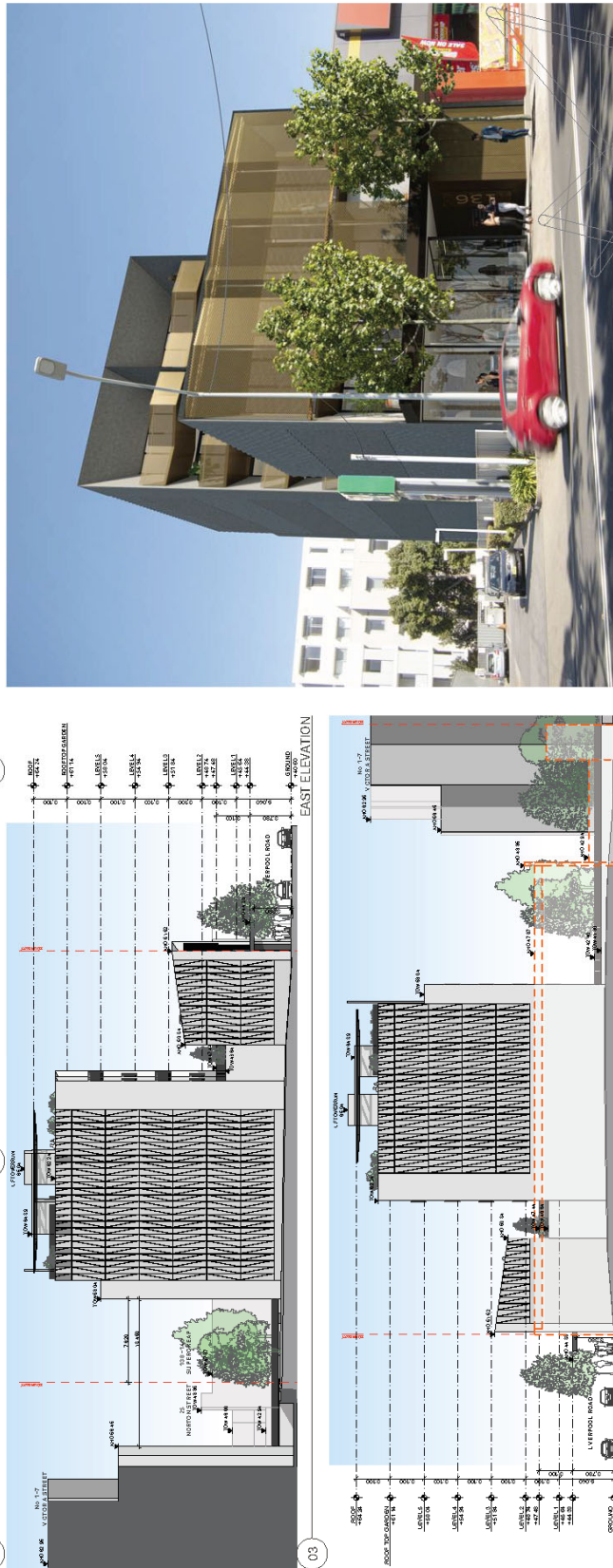
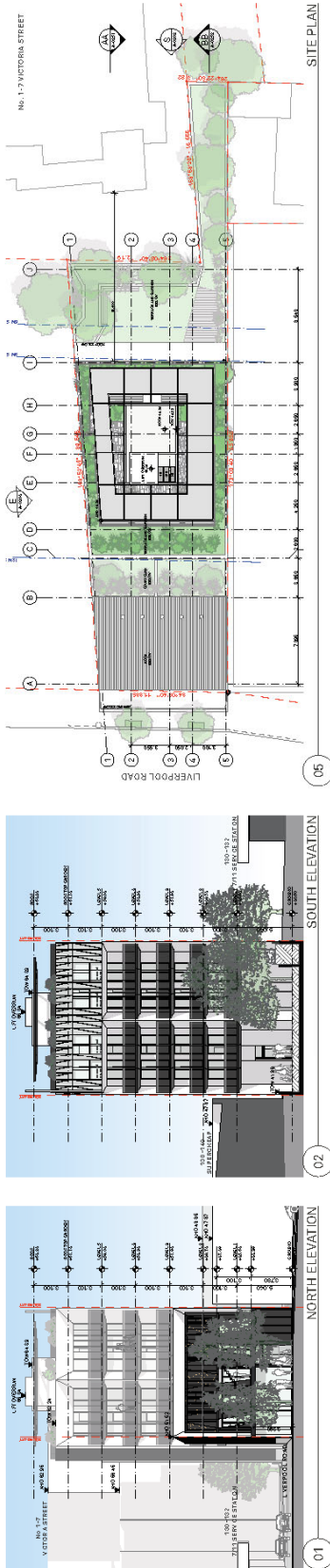
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136 LIVERPOOL ROAD
ASHFIELD NSW 2131

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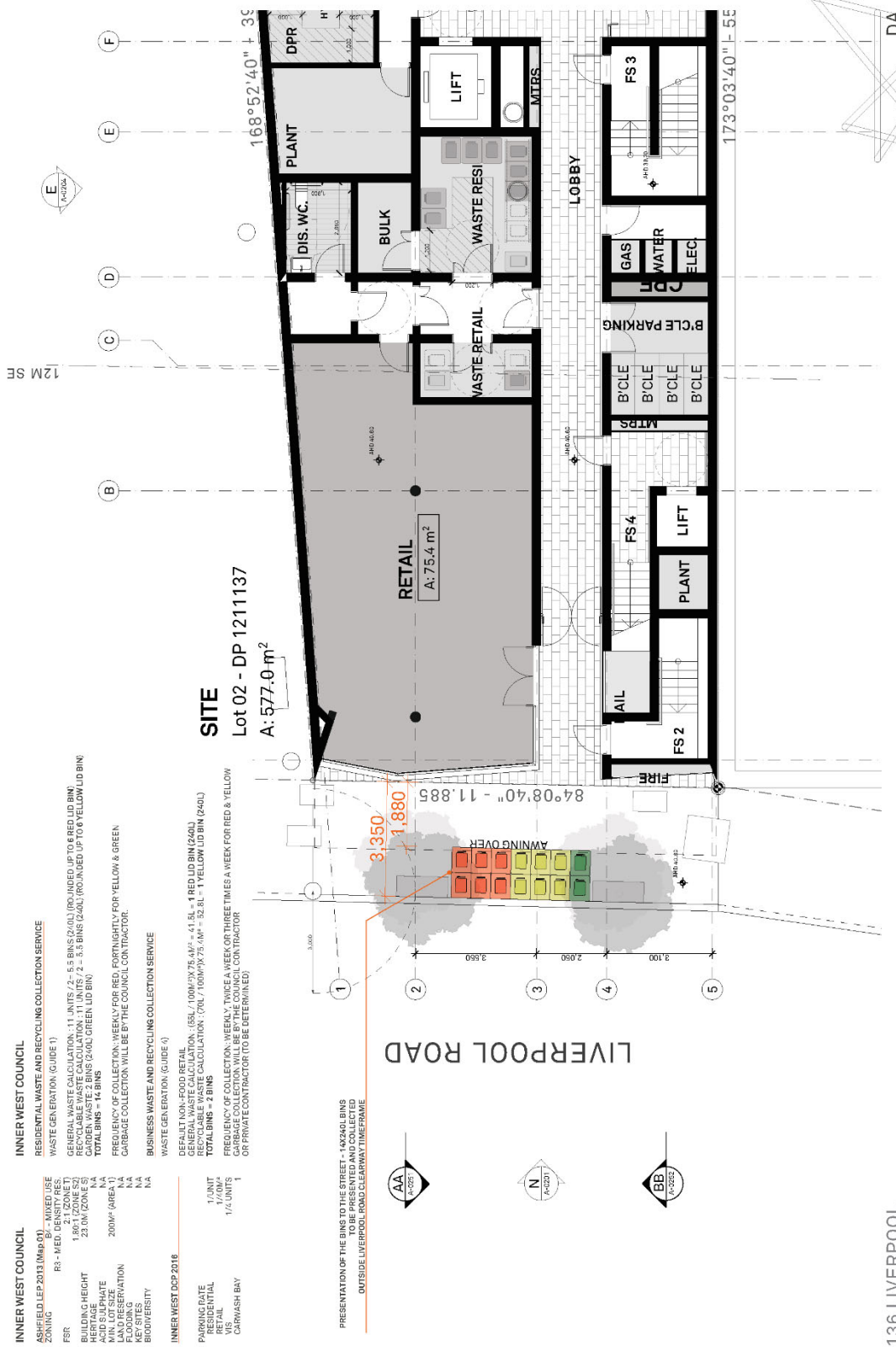
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136 LIVERPOOL ROAD

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ARCHITECT BENSON McCORMACK ARCHITECTURE
P : + 61 2 9818 0777
F : + 61 2 9819 0778
STUDIO 5, 505 BALMAIN RD
LILYFIELD NSW 2040
ABN: 76 128 130 285

DA



INNER WEST COUNCIL
RESIDENTIAL WASTE AND RECYCLING COLLECTION SERVICE

INNER WEST COUNCIL
RESIDENTIAL WASTE AND RECYCLING COLLECTION SERVICE

WASTE GENERATION (GUIDE 1)
RECYCLABLE WASTE CALCULATION: 11 UNITS / 2 - 3.8 BINS (240L) (ROUNDED UP TO 6 YELLOW LID BIN)
GARDEN WASTE: 2 BINS (240L GREEN LID BIN)
TOTAL BINS = 14 BINS

FREQUENCY OF COLLECTION: WEEKLY FOR RED, FORTNIGHTLY FOR YELLOW & GREEN
GARBAGE COLLECTION WILL BE BY THE COUNCIL CONTRACTOR.

BUSINESS WASTE AND RECYCLING COLLECTION SERVICE
WASTE GENERATION (GUIDE 4)

DEFAULT NON-FOOD RETAIL
GENERAL WASTE CALCULATION: 100L / 1000 X 75 / 407 = 41.5L = 1 RED LID BIN (240L)
RECYCLABLE WASTE CALCULATION: 100L / 1000 X 75 / 407 = 35.0L = 1 YELLOW LID BIN (240L)
TOTAL BINS = 2 BINS

FREQUENCY OF COLLECTION: WEEKLY TWICE A WEEK OR THREETIME A WEEK FOR RED & YELLOW
GARBAGE COLLECTION WILL BE BY THE COUNCIL CONTRACTOR
OR PRIVATE CONTRACTOR (TO BE DETERMINED)

PRESENTATION OF THE BINS TO THE STREET - 1x2240L BINS TO BE PRESENTED AND COLLECTED OUTSIDE LIVERPOOL ROAD CLEARWAY TIMEFRAME

AA A-2021
BB B-2021

136 LIVERPOOL

CLIENT SIDNEY LAM & ASSOC. 136 LIVERPOOL LIVERPOOL NSW 2131
ARCHITECTURE & INTERIOR DESIGN

PROJECT DETAILS PROJECT NORTH
136 LIVERPOOL LIVERPOOL NSW 2131
ARCHITECTURE & INTERIOR DESIGN

SCALE 1:100 @ A3

PROJECT NO. 1849A

DRAWING NO. A-1313

DRAWING WASTE MANAGEMENT PLAN
BINS PRESENTATION TO LIVERPOOL ROAD

REV A

ARCHITECT BENSON MCCORMACK ARCHITECTURE
P: 1 81 2 8818 8777
F: 1 81 2 8818 8777
STUDIOS: 606 BALMAIN RD LIVERPOOL NSW 2131
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Attachment C- Clause 4.6 Exception to Development Standards



Appendix F Clause 4.6 Variation to Clause 4.3 Height of Buildings of the ALEP13

**CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
OF THE ASHFIELD LOCAL ENVIRONMENTAL PLAN 2013**

1. Introduction

This submission seeks a variation to Clause 4.3 of the Ashfield Local Environmental Plan 2013 (ALEP13), which relates to building height.

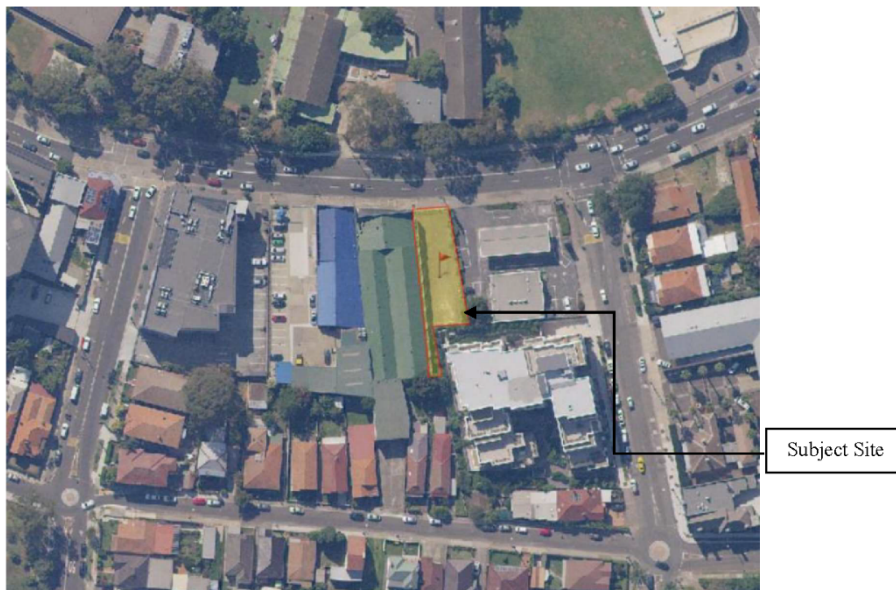
This submission has been prepared with regards to a development application over No. 136 Liverpool Road, Ashfield, seeking six storey mixed use building comprising of two levels of basement parking, one retail shop and 11 residential dwellings including rooftop communal open space and associated site works.

As detailed in this written request for a variation to building height being a development standard under ALEP13, the proposed development meets the requirements prescribed under Clause 4.6 of ALEP13.

2. Site Background

The subject site is commonly referred to as 136 Liverpool Road, Ashfield and consists of a single allotment, legally described as Lot 2 in Deposited Plan 1211137. The site is located on the southern side of Liverpool Road between Queen Street to the west and Victoria Street to the east. Refer to Figure 1 below.

Figure 1 Site Location Map



Source: SIX Maps

The subject property is best described as being irregular in shape, providing for a “handle” to the rear of the site which aligns with the rear boundary of Nos. 1 – 7 Victoria Street. Access to the site is achieved via the 11.885m frontage to Liverpool Road. The overall site area is 577m² (by title). Reference should be made to the submitted Survey Plan.

The subject site is currently vacant, comprising of a hard paved area that is fenced to its northern, eastern and rear boundaries by metal palisade, Colorbond and timber fences. A single light pole is sited along the eastern boundary.

Immediately adjoining the subject site to the west is Super Cheap Auto which is built to the shared boundary. Adjoining the site to the east is a 7-Eleven Service Station. To the rear is a recently constructed six storey residential flat building which appears to have an area of communal open space built at roof level.

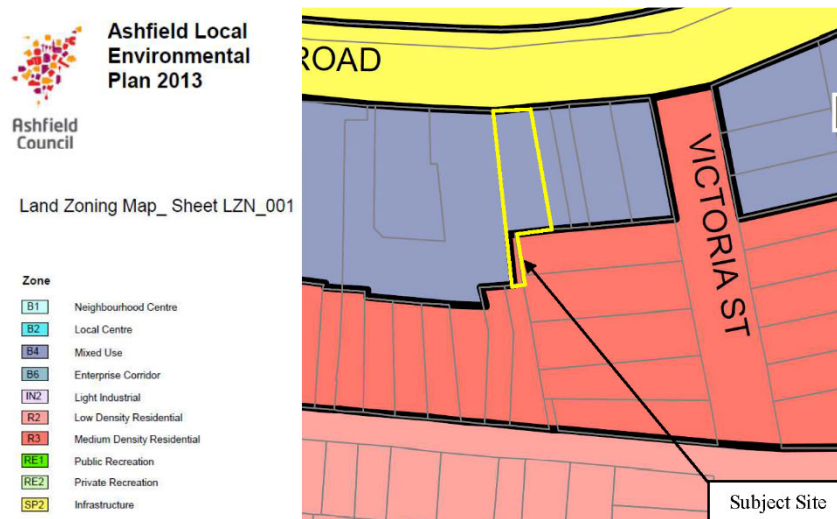
Located immediately opposite the site on the northern side of Liverpool Road is Good Start Early Learning Ashfield, Ashfield Public School and Ashfield Boys High School.

Development in the immediate area is varied in its form, with a mix of older commercial buildings and residential dwellings as well as new shop top housing developments. To the east of the site along Victoria Street is Ashfield Police and Fire Stations while to the north east is Wests Ashfield Leagues Club. Allman Park is located to the south.

The site is well serviced by public transport with Ashfield Train Station located approximately 400m (radius) from the subject site (or a 750m walking distance). A bus stop is also located opposite the subject site linking the property to neighbouring inner west suburbs and Sydney city.

Under the ALEP13, the subject site is zoned B4 Mixed Use. Refer to the figure below.

Figure 2 Zoning Map



Source: NSW Legislation, ALEP13

Shop top housing is permissible with consent in the B4 zone.

3. Clause 4.6

"4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.**
- (2) Development consent may, subject to this clause, be granted for a 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.*
- (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 Director-General has been obtained.**
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.**
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made it did not include any of these Zones.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4".*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (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*

The Environmental Planning Instrument to which these variations relate to is the ALEP13.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

- "(1) The objectives of this clause are as follows:*
 - (a) to achieve high quality built form for all buildings,*

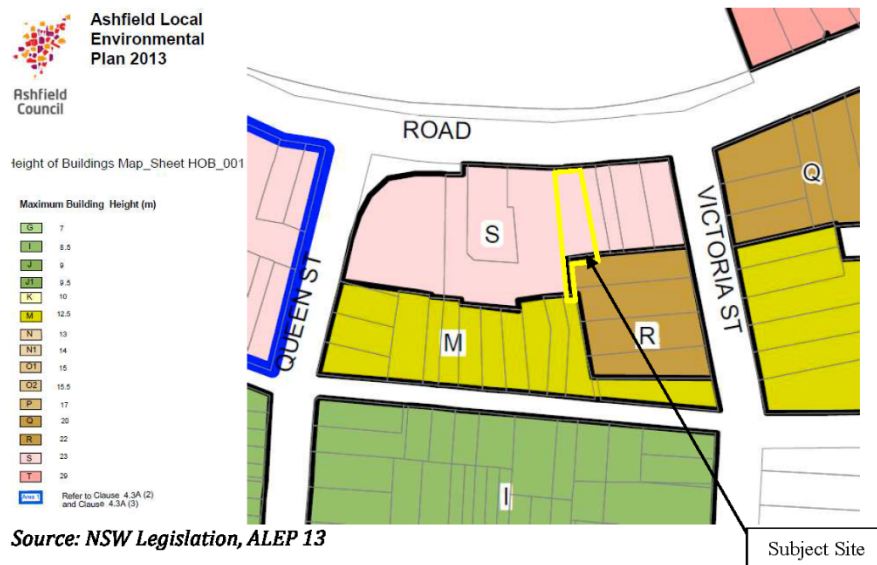
- (b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,
- (c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,
- (d) to maintain satisfactory solar access to existing buildings and public areas.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area".

As demonstrated in Figure 3 below, the subject site is limited to a maximum building height of 23m.

Figure 3 – Height of Buildings Map



The proposed shop top housing development will exceed the standard with a proposed building height of 23.7m as measured from ground level to the top of the lift overrun. The variation is equivalent to 700mm or 3%.

The proposal is notably compliant with the provisions of Clause 4.3(2A) with all the proposed gross floor area located within the first 19.44m of the building.

A written justification is therefore required for the proposed variation to the maximum building height development standard, in accordance with Clause 4.6 of the ALEP13.

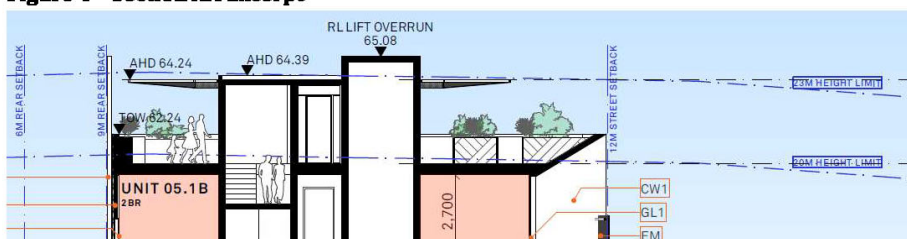
4. Extent of Non-Compliance

As noted above Clause 4.3 of the ALEP13 states that the maximum building height for the site is 23m.

The current proposal seeks a maximum building height of 23.7m. The proposal therefore exceeds the standard by 700mm or 3%.

Refer to Figure 4 below, an excerpt of the section plans submitted to Council, that illustrates the elements exceeding the standard.

Figure 4 – Section AA Excerpt



As the section demonstrates, there is no gross floor area proposed over the 20m height limit which is prescribed under Clause 4.3(2A). The only element located above the maximum height control of 23m is the lift overrun that has enabled access to the rooftop terrace communal open space.

It is our submission that the breach to the building height control will not impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development. Compliance with the development standard is unreasonable in this instance.

5. Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis

is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i> <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.</i>
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

In respect of the building height standard, the first method is invoked.

The objectives supporting the maximum building height control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

- "(1) The objectives of this clause are as follows:*
(a) to achieve high quality built form for all buildings,
(b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,

- (c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,*
- (d) to maintain satisfactory solar access to existing buildings and public areas”.*

With respect to objective (a), the subject site is prescribed a maximum height of buildings of 23 metres and a floor space ratio of 2:1 to the portion of the site zoned B4 Mixed Use and 1.8:1 to the R3 Medium Density Residential zoned land. The proposal is notably compliant with the maximum floor space ratio control. However, it seeks a variation to the maximum height control as described in this Clause 4.6 variation.

It is worthy to note that the proposed variation to the height control is limited to the lift overrun that enables access to the rooftop terrace communal open space. The communal open space has been located on the roof as it is the only reasonable location for it that would enable good amenity for future residents to the property, noting the north-south orientation of the site and medium to high density surrounds. Its proposed location serves to provide excellent levels of solar access, with the design of the space itself achieving a positive balance between passive and active spaces with substantial landscaping. The proposed variation has not compromised the high quality overall built form. Rather, the variation has enabled a better outcome for the future residents.

It also acknowledged in the Pre-DA advice that both Council and the Architectural Excellence Panel supported relocating the originally proposed ground level communal open space to the rooftop. In view of the above comments, the proposal satisfies objective (a).

On objective (b), the proposal seeks to be designed to the desired future character of the Liverpool Road and B4 Mixed Use corridor and be constructed to both side boundaries. The site is bounded to the east by a 7Eleven service station and to the west by a Supercheap Auto which is built to the shared boundary. There are currently no openings on the Supercheap Auto eastern elevation. Consequently, there is no loss of sky exposure or daylight. The 7Eleven will not lose access to either by this proposal. Were either site to redevelop, it is envisioned they would also be designed to the same side boundary to side boundary construction that aligns with the desired future character of the B4 Mixed Use and Liverpool Road corridor.

The properties to the south of the site are a residential flat building at 1-7 Victoria Street and two dwelling houses at 19 and 21 Norton Street. Given the proposal is for a six storey structure, there will be an increase in overshadowing as a consequence of developing to the desired future character of the area as prescribed by the LEP planning controls. However, the element (i.e. lift overrun) above the height control contributes a negligible additional impact. Notwithstanding this, 1-7 Victoria Street receives ample solar access over the existing 7Eleven and Victoria Street while the dwelling houses at 19 and 21 Norton Street are sufficiently setback to maintain sky exposure and daylight. The proposal is consistent with objective (b).

Having regard to objective (c), a suitable transition in scale is inherently provided by the staggered height controls applying to the site and its B4 Mixed Use zoning and to the properties to the rear zoned R3 Medium Density Residential. It is also noted that the subject site permits a maximum floor space ratio of 2.0:1 and a building height of 23m. The R3 Medium Density zone permits a maximum floor space ratio of 1.8:1 and a building height of 22m. The controls between the two sites are therefore not vastly different.

As the height variation only relates to 700mm for a lift overrun, noting that 700mm variation is a maximum and not a blanket variation for the lift overrun, the extent of the variation is limited to the central portion of the site. Given the comments above, the variation to the height control does not result in a conflict in the transition of built form between the two land zones.

The site is not a heritage item, nor does it adjoin any heritage items. The proposal is consistent with objective (c).

Regarding objective (d), the proposed development will overshadow in part the buildings to the east, south and west. The built forms to the east and west are a 7Eleven service station and Supercheap Auto. Neither has no solar access requirement.

The 7Eleven is partially overshadowed in the afternoon from 1pm, however it mostly falls on the hard stand area. The Supercheap Auto is overshadowed in the morning, however has no openings along the eastern elevation and no glazing is therefore affected. A future redevelopment of both sites for a similar development as the proposal will still receive excellent solar access from the north over Liverpool Road.

1-7 Victoria Street is partially affected in the afternoon, however still receives unimpeded access to the units up until between 1pm and 2pm. Ample solar access remains available.

Finally, 19 Norton Street is a dwelling house to the rear of the 'handle' of the subject site. The proposed development does not overshadow the existing dwelling on the site. It does, however, impact on the private open space in part between 11am and 1pm. However, the private open space still receives solar access to the private open space in the order of 8m² at 11am, 24.3m² at 12pm and 45.6m² at 1pm. Solar access to this space is partially reduced, though it results from a building envelope envisioned to be developed on the subject site.

Notwithstanding the above, it is worth acknowledging that 19 Norton Street is within a lesser density zone than the subject site. The planning principle regarding solar access as consolidated and revised in *The Benevolent Society v Waverley Council [2010] NSWLEC 1082* states:

"The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong."

The proposed development is of a size and scale consistent with the planning controls prescribed to the site in the Ashfield LEP as detailed earlier, being the 23m height control and 2:1 FSR over the B4 Mixed Use area of the site upon which the built form is sited. The proposal keeps all floor space below the 20m maximum permitted height under Clause 4.3(2A). While a height control variation is sought to the overall 23m height control, this is limited to a 700mm variation solely for a small, centralised structure on the roof in the form of a lift overrun. The proposed siting of the built form, including its rear setback is also consistent with discussions with Council and the Architectural Excellence Panel as part of the Pre-DA process and as further elaborated in this SEE. Consequently, the overshadowing

impact is not out of poor design but as a consequence of developing the site within the prescribed planning controls and design guidance from the Panel.

The site is also located directly to the north of 19 Norton Street and per the orientation receives the greatest extent of overshadowing. It will be characteristic of all development along Liverpool Road on this block to overshadow the properties to the south fronting Norton Street when developing to and within the planning controls prescribed through the LEP and DCP.

Consequently, a satisfactory amount of solar access is retained to the private open space of 19 Norton Street.

The subject development does not impact on public areas.

The proposal maintains satisfactory solar access to existing buildings and public areas consistent with objective (d).

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the standard.

6. Are there Sufficient Environmental Planning Grounds?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

We respectfully submit that the proposal will result in a better planning outcome as the proposal seeks to provide communal open space as a rooftop terrace, the optimal location for such space on the site to receive good solar access and overall amenity. The variation being limited to the centralised lift overrun means the impact of the variation is very limited to non-existent, not being visible or appreciable from the public domain, and does not result in additional overshadowing or visual bulk impacts.

In this case, strict compliance with the development standard for height of buildings development standard of the ALEP13 is unnecessary and unreasonable.

7. Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless 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 to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the B4 Mixed Use zone in relation to the development, which are as follows:

B4 Mixed Use – Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To enhance the viability and amenity of Ashfield town centre as the primary business activity, employment and civic centre of Ashfield.*
- *To encourage the orderly and efficient development of land through the consolidation of lots.*

The following comments are made with regard to the objectives:

The proposal provides for a mixed use development comprising of a retail space measuring 76.6m² at ground level and 11 residential units at Levels 1 – 5.

The subject site is well located to public transport services, with Ashfield Train Station just 750m away (walking distance). Bus services also operate along Liverpool Road with the closest bus stop located immediately opposite the site.

The proposal retail space will generate employment opportunities within the area whilst the active shop front to Liverpool Road will positively contribute towards the vitality of the Ashfield Town Centre.

The proposed works do not involve the consolidation of lots.

None of the listed objectives directly relate to the height control. However, the variation does not inhibit or compromise consistency with the objectives of the zone.

Given the above comments, the proposal and the proposed height meets the objectives of the zone.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

8. Public Benefit of Maintaining the Standard

It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality mixed use development which as stated above meets the desired objectives of the standard.

The additional height sought on the site will enable an additional area of communal open space to be provided on site to the benefit of the future occupants. As stated in the submitted Statement of Environmental Effects, an integrated landscape design is proposed, including communal rooftop terrace with passive and active spaces and substantial, which be included on site benefiting the future residents.

The proposed development provides additional residential development within an established centre area, which is located near public infrastructure. The area can support an increase in density and this is encouraged by Council. It also provides for a retail tenancy to support the business style zoning and desired future character of the area.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control within the ALEP13 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the ALEP13 in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- There are sufficient environmental planning grounds to justify the departure from the standards;
- The development meets the objectives of the standard to be varied (height of buildings) and objectives of the B4 Mixed Use zoning of the land;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- The breach does not raise any matter of State of Regional Significance.

Based on the above, the variation is considered to be well founded.

10. General

Clause 4.6 also states that:

“(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include any of these zones.*

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4".*

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate was provided for the development.

Clause 5.4 of the ALEP13 does not apply to the proposal.

11. Conclusion

The proposal does not strictly comply with the maximum building height control as prescribed by Clause 4.3 of the ALEP13. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the ALEP13 are satisfied as the breach to the controls does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the ALEP13 to vary this development controls appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,

Melissa Rodrigues
GAT & Associates
Plan 3478