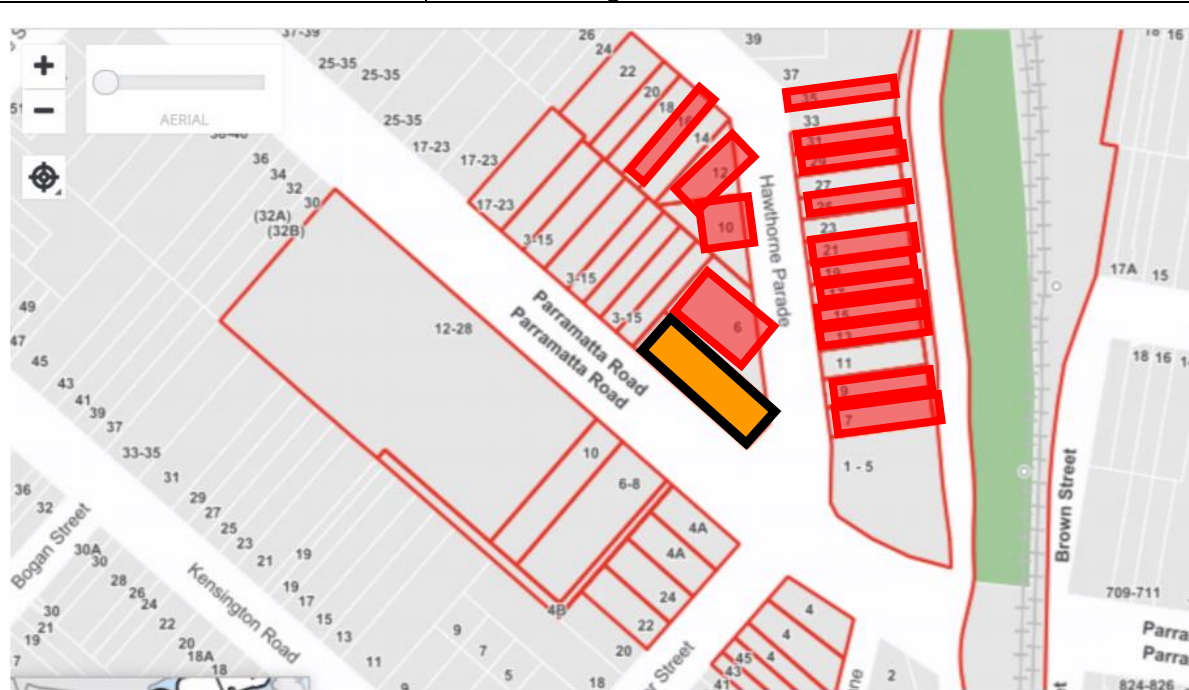







# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2020/0298
<b>Address</b>	1 Parramatta Road HABERFIELD NSW 2045
<b>Proposal</b>	Demolition of all existing structures and construction of a three storey mixed use development with ground floor vehicular sales or hire premises and 23 serviced apartments with basement car parking.
<b>Date of Lodgement</b>	23 April 2020
<b>Applicant</b>	Benson McCormack Architecture - Glenn McCormack
<b>Owner</b>	Mr George Touma Mr Emil Touma
<b>Number of Submissions</b>	Initial: 31 After Renotification: 4
<b>Value of works</b>	\$6,205,157.00
<b>Reason for determination at Planning Panel</b>	Number of submissions
<b>Main Issues</b>	Non-compliance with maximum height, non-compliance with building envelope controls outlined within DCP
<b>Recommendation</b>	Approval with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards
<b>Attachment D</b>	Statement of Heritage Significance
<b>Attachment E</b>	Plan of Management



### LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

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

## 1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of all existing structures and construction of a three storey mixed use development with ground floor vehicular sales or hire premises and 23 serviced apartments with basement car parking at 1 Parramatta Road, Haberfield.

The application was notified to surrounding properties and 31 submissions were received in response to the initial notification and four (4) submissions were received in response to renotification of the application.

The main issues that have arisen from the application include:

- 0.7m non-compliance with clause 4.3 *Height of Buildings* in the ALEP 2013
- Relationship to Haberfield Heritage Conservation Area
- Four (4) space deficiency with minimum car parking rate as required by the Inner West Comprehensive Development Control Plan 2016.
- Non-compliance with building envelope controls outlined within the Inner West Comprehensive Development Control Plan 2016.

The non-compliances are acceptable on balance having regard to the merits of the development proposal and therefore the application is recommended for approval.

## 2. Proposal

The current application seeks consent for the demolition of all structures and construction of a three storey mixed-use development, comprising ground floor vehicular sales or hire premises and 23 serviced apartments above. In particular the proposal seeks consent for the following works:

### Basement

- Construction of two (2) levels of basement, accommodating 25 vehicular parking spaces, garbage rooms, fire stairs, lift, storage rooms and a car host to service the motor show room.

### Ground Floor

- Construction of an indoor motor show room with 445.3m<sup>2</sup> of GFA and car lift.
- Construction of a lobby and reception area to service the serviced apartments above.

### First Floor

- Construction of fourteen (14) serviced apartments and a cleaner room.

### Second Floor

- Construction of nine (9) serviced apartments and cleaners room.

Documentation submitted as part of the current development application regarding the serviced apartments has outlined the following operational matters:

- Customers of the serviced apartments will be limited to a maximum 3 month stay,
- There is to be a maximum of four (4) staff on site at any one time
- A manager is to be appointed and will be available to customers and neighbours on a 24 hour basis
- Check in is to be after 2pm and check out prior to 10am

Documentation submitted as part of the current development application regarding the vehicular sales or hire premises has outlined the following operational matters:

- Hours of operation are to be 8:00am to 6:00pm Monday to Sunday, with delivery times between these hours
- There is to be a maximum of four (4) staff on site at any one time

### 3. Site Description

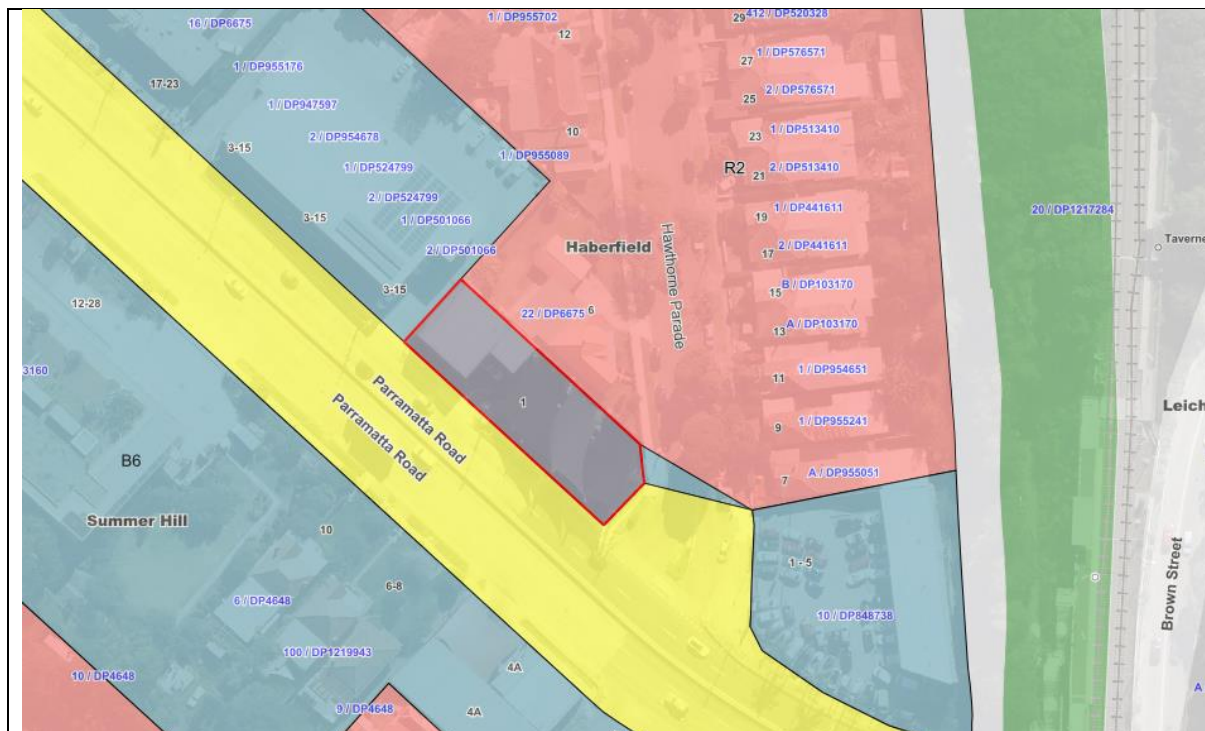
The subject site is located on the western side of Hawthorne Parade and northern side of Parramatta Road, at the intersection of Hawthorne Parade and Parramatta Road. The site consists of one (1) allotment and is generally rectangular shaped with a total area of 874.4 sqm and is legally described as 1 Parramatta Road, Haberfield.

The site has a frontage to Parramatta Road of 53 metres and a secondary frontage of approximate 19.3 metres to Hawthorne Parade.

The site supports a single storey motor show room and car yard. The adjoining properties along Parramatta Road support two storey commercial premises and single storey vehicular hire premises. The adjoining properties along Hawthorne Parade consist of single storey brick and tile residential dwelling houses, located within the Haberfield Heritage Conservation Area.

The subject site is not listed as a heritage item or located within a heritage conservation area. The site is however immediately adjacent to the Haberfield Heritage Conservation Area.

There are no trees located upon the site, or within the road reserve in front of the site. An electrical substation is located within the road reserve immediately in-front of the subject site’s frontage to Hawthorne Parade.



Map 1 – Zoning Map subject site outlined by red box

### 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
6.1964.5083	Motor vehicle showroom & offices	Approved – 4/8/1964
10.2003.412	Deferred commencement consent for: Erection of four signs at car sales yard, conversion of existing garage into workshop and erection of new boundary fences and alterations to driveways and open car park.	Approved – 26/3/2004
10.2006.319	Demolition of office building, the construction of a car showroom, workshop and the erection of light poles and signage at 1 Parramatta Road, Haberfield.	Approved – 30/10/2007
10.2006.65	Construction of canopy/shading structures for an approved car yard	Approved – 4/5/2009
09.2019.12	PRE-DA - Demolition of all existing structures and construction of a three (3) storey mixed-use development comprising a car showroom and child care centre over two (2) levels of basement car parking.	17 July 2019 – Advice Issued
09.2019.64	Demolition of existing building and construction of a car show room / serviced apartments	17 December 2019 – Advice Issued

## 4(b) Application history

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

Date	Discussion / Letter / Additional Information
8 July 2020	<p>Council officers issued formal correspondence to the applicant requesting the submission of amended plans/ additional information addressing the following matters:</p> <ul style="list-style-type: none"> <li>- Amended plans detailing greater compliance with building setback plane control</li> <li>- Amended plans detailing improved built form presentation to Hawthorne Parade</li> <li>- Amended plans detailing the removal of the proposed level 2 terrace</li> <li>- Amended plans detailing improve privacy treatment to ensure amenity for neighbouring residential dwellings</li> <li>- Amended plans detailing improved streetscape presentation to Parramatta Road (avoiding the presentation of blank walls)</li> <li>- Amended plans detailing improved sightlines to vehicular entrance/ exit</li> <li>- Additional information regarding proposed stormwater disposal system</li> <li>- Amended plans detailing the location and treatment of any services such as hydrant boosters.</li> </ul>
29 July 2020	Applicant provided amended plans and additional information in response to Council's letter.
6 August – 3 September 2020	Application was placed on re-neighbour notification in accordance with Councils policy

This assessment report is based off the amended plans/ additional information provided by the applicant on the 29 July 2020.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Ashfield Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. 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. As such the applicant has undertaken a stage 1 – preliminary and stage 2 – detailed site investigation. These investigations have determined that the site is not contaminated and is suitable for the proposed use. The investigations have found that a remediation action plan is not required, in this instance. It is considered that the site will not require remediation in accordance with *SEPP 55*. Council has recommended appropriate conditions regarding unexpected contamination finds during construction, which is sufficient to ensure compliance with *SEPP 55*.

#### 5(a)(ii) *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)*

##### *Development with frontage to classified road (Clause 101)*

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

The application was referred to Roads and Maritime Services (RMS) for comment. RMS raised no objections with the application with regard to ingress and egress to the site which remains adequate to support the intended vehicle movements by road. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

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

Clause 102 of the *SEPP Infrastructure 2007* relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 40,000 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.

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

### **5(a)(iii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)**

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

The application does not seek the removal of vegetation from within the site and on Council land. Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions, which have been included in the recommendation of this report.

### **5(a)(iv) Ashfield Local Environment Plan 2013 (ALEP 2013)**

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

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks

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

The site is zoned B6 – Enterprise Corridor under the *ALEP 2013*. The *ALEP 2013* defines the development as:

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

*Vehicle sales or hire premises* means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

The development is permitted with consent within the zone. The development is generally consistent with the objectives of the B6 zone.

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

Standard	Proposal	non compliance	Complies
<b>Height of Building</b> Maximum permissible: 10m	10.7m	0.7m or 7%	No
<b>Floor Space Ratio</b> Maximum permissible: 1.5:1 or 1312.2m <sup>2</sup>	1.43:1 1250.30m <sup>2</sup>	or N/A	Yes

#### 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 7% (0.7 metres).

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 or 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 LEP below.

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

- *It is worthy to note that the proposed variation to the height control is limited to the roof slab and parapet at the Parramatta Road/Hawthorne Parade corner portion of the building and the enclosed services area set behind the front building line. The areas of variation do not form part of the gross floor area of the development.*
- *The proposed development overall has been designed to achieve a high degree of architectural merit and to ensure minimal amenity impacts occur to the adjoining residential zone. The building envelope has worked within the site constraints and controls to achieve an articulated, physically and materially, appearance and is generally compliant with the controls and the intent behind the controls where variations have occurred. A high quality built form is considered to have been designed, noting the majority of the development is below the height control.*
- *The proposed development will only overshadow Parramatta Road and Hawthorne Parade, being to the south of 6 Hawthorne Parade and south-east of 3-15 Parramatta Road. The proposal will have no impact on the solar access available to other properties. In terms of public areas, the only areas to be affected are the footpath and Parramatta Road to which no direct solar access controls apply. The degree of variation is minimal in terms of the additional overshadowing it would cause, noting that the services area/fire stairs portion of the variation would only overshadow the proposed roof.*
- *In terms of the height variation at the corner part of the property, there is deemed to be no negative consequence in terms of the provision of a transition. The height massed to the corner is consistent with the DCP performance criteria and design solutions in that it defines or bookends the corner. A strictly compliant development*

*would not create a better outcome in architectural design and, conversely, a variation does not create tangible negative consequences to adjoining properties.*

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 B6, in accordance with Clause 4.6(4)(a)(ii) of the Ashfield LEP for the following reasons:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*

The proposal promotes and introduces two new forms of commercial activity being a vehicular sale and hire premises and serviced apartments. These uses are considered to be compatible with the desired future character of the Parramatta Road corridor and actively encourages and promotes its revitalisation/urban renewal.

- *To provide a range of employment uses (including business, office, retail and light industrial uses).*

The two business will target and employ different demographics of the population and ensure a variety of local employment opportunities. The current proposal is expected to create new service apartment manager, cleaner and reception roles. While the vehicular sales or hire premises will create new sales roles.

- *To maintain the economic strength of centres by limiting retailing activity.*

The proposal limits the retailing activity and promotes uses and services which acknowledge/take advantage of the site's location and proximity to the greenway and transport links to the greater Sydney Area.

It is considered the development is in the public interest because it is consistent with the objectives of the height of buildings development standard, in accordance with Clause 4.6(4)(a)(ii) of the Ashfield LEP for the following reasons:

- a. *to achieve high quality-built form for all buildings,*

The proposal has been reviewed by Council's Architectural Excellence Panel who outlined that the proposal is generally of a high-quality built form and will provide an appropriate addition to the Parramatta Road corridor.

- 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 has been designed to be setback a minimum of 4.3m from the northern side boundary for the first floor and roughly 7.5m for the second storey. These setbacks will provide sufficient separation to ensure satisfactory sky exposure to neighbouring residential dwellings. The location of the development to the south of neighbouring residential lots ensures that the proposal will not result in a loss of solar access for neighbouring sites.

- 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,*

As seen within the provided sections and elevations, the development has been appropriately designed to step down towards the Haberfield Heritage Conservation Area. As discussed below the DCP establishes a height plane control which governs the built form transition from Parramatta to Haberfield. The proposal has been appropriately designed to mass the majority



of the proposed level 2 towards Parramatta Road. The proposal is considered to result in a built form transition which respects the different areas and is acceptable.

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

The proposal will not overshadow neighbouring residential properties, with the majority of shadow cast falling upon Parramatta Road. The extent of shadow cast is considered to be acceptable and unavoidable given the orientation of the site resulting from the time of original subdivision and permissible built form allowed under current planning controls. The proposed height variation is minor and limited to a small portion of the site and does not result in a substantial or unreasonable increase to shadows cast by the development. It is considered that a strictly compliant design would cast a similar rate of shadow on to Parramatta Road and therefore strict compliance is unnecessary.

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

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

#### Impact to Heritage Conservation Area

As seen below within map 2, the subject site is adjoining the Haberfield Heritage Conservation Area. The proposal is therefore required to be assessed against the provisions of clause 5.10 of the ALEP 2013 and was sent to Council's Heritage Advisor for comment and review.

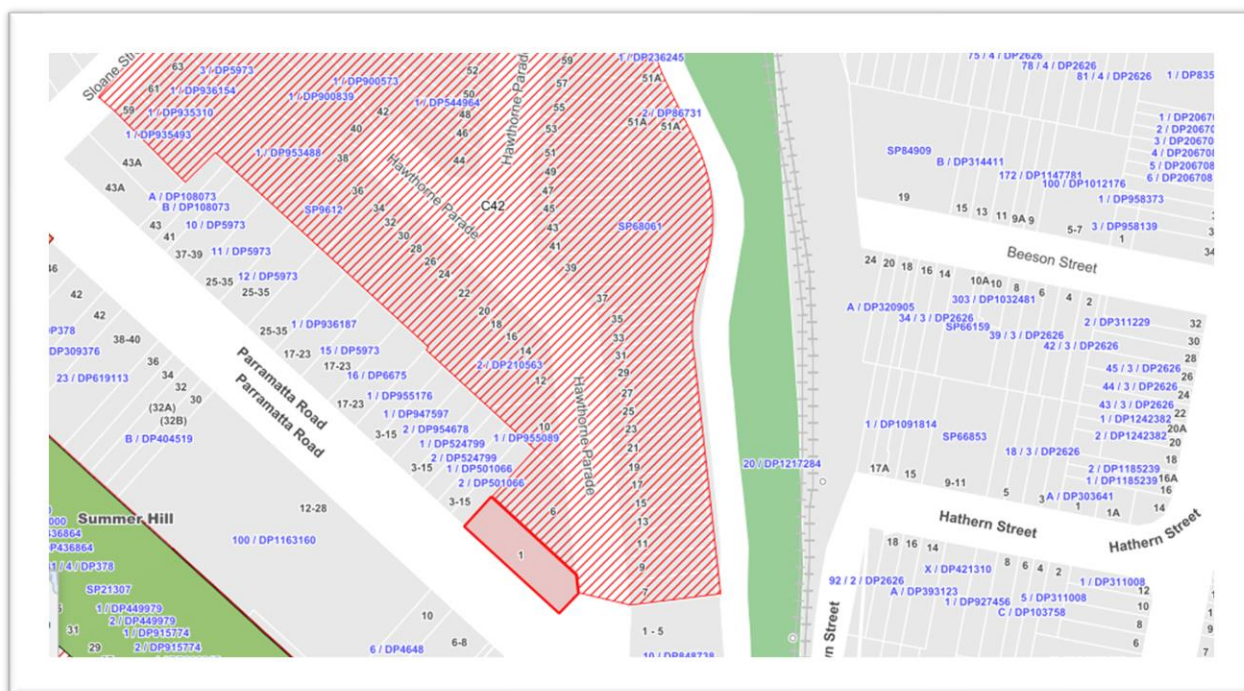
Council's Heritage Advisor has made the following comments with regards to the proposal and potential impacts to the neighbouring Haberfield Heritage Conservation area:

*The northern boundary of the site is the boundary of the Haberfield Conservation Area. A substantial Federation style residence is located at No. 6 Hawthorne Parade, Karoola. Erected in 1914, is an atypical residence in Haberfield due to the shape of the block. The dwelling, which is substantially intact externally, retains the key architectural and aesthetic characteristics of the type of Federation style suburban housing that this particular conservation area is now renowned for. The house also retains its substantial grounds and front fence which matches the detail of the verandah. Given the position of the front gable of Karoola, it is likely that the bedrooms are located along the southern wall.*

*The proposal is not supported on heritage grounds due to the scale and the substantial impacts that the proposed uses and the extent of excavation will have on Karoola, No. 6 Hawthorne Parade, the adjacent residence located within the Haberfield Conservation Area.*

*Any increase in scale in the commercial development along Parramatta Road needs to be carefully designed so that it does not have an unacceptable impact on the individual residences and the longstanding residential character of the adjacent garden suburb that the Haberfield Conservation Area controls seek to protect. As the suburb of Haberfield has been proposed for State Heritage Listing, greater care needs to be taken in the design of the buildings on the perimeter, particularly those fronting Parramatta Road.*

*The scale of the still proposal needs to be reduced to lessen the impact in terms of privacy to the rear garden on No 6 Hawthorne Parade, to reduce the extent of excavation adjacent to the existing residential building that is located within the Haberfield HCA and to reduce the demand for additional street parking.*



Map 2 – Map of Heritage Conservation Area subject site outlined by red box

The comments and concerns raised by Council’s Heritage Advisor have been incorporated into the assessment of the application and were expressed to the applicant within Council’s letter to the applicant. The amended plans provided by the applicant are considered to largely address and resolve the concern raised by Council’s Heritage Advisor. The amended design is considered to be largely compliant with DCP and LEP controls for the Parramatta Road Corridor and generally reflects the permissible and desired future character for the corridor, as expressed by current planning controls. Where non-compliances do exist, it is considered that they are unavoidable given the constraints of the site and will not result in any further environmental impact for neighbouring sites. The proposed development will not have unreasonable amenity impacts on neighbouring sites and will not diminish the heritage values of the conservation area through unreasonable bulk/scale.

The proposed material finishes are also considered to be acceptable and will not detract from the heritage conservation area. To ensure an acceptable streetscape presentation to the Haberfield Heritage Conservation area a design change condition requiring the north-east external wall of the vehicular sales or hire premises (where it addresses Hawthorne Parade) to be changed from off form concrete to face brick matching that of levels 1 and 2 above, has been recommended for the consent.

The proposal is considered to be acceptable with regards to the requirements of clause 5.10 of the ALEP 2013 and is recommended for approval, subject to conditions of consent.

### 5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The 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 relevant to the assessment of the application with serviced apartments becoming prohibited in the B6 Enterprise Corridor under the new LEP. The draft IWLEP 2020 at this time has not been gazetted and is not enforceable, therefore the provisions of the ALEP 2013, where serviced apartments are permitted with consent, remain.

## 5(d) 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
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes
<b>Section 2 – General Guidelines</b>	
<b>A – Miscellaneous</b>	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	No – see discussion
15 - Stormwater Management	Yes
<b>B – Public Domain</b>	
<b>C – Sustainability</b>	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	Yes
6 – Tree Replacement and New Tree Planting	Yes
<b>D – Precinct Guidelines</b>	
6 – Enterprise Corridor (B6) – Parramatta Road	No – see discussion
<b>F – Development Category Guidelines</b>	
11 – Car Showrooms	Yes

The following provides discussion of the relevant issues:

### Parking

Clause DS3.4 of Chapter A within the Inner West Comprehensive Development Control Plan 2016, requires the development to provided 29 on-site parking spaces. The 29-space tally comes from a requirement for the vehicular sales or hire premises to have 3 parking spaces and the serviced apartments having 26 parking spaces (24 spaces required for guests and 2 spaces for employees).

The current application proposes 25 on-site parking spaces and is deficient 4 parking spaces. The intention of this control is to ensure that provision of off-street parking satisfies the needs of occupants, minimise loss of on street parking, manage traffic efficiently, considers the capacity of local roads and to encourage sustainable transport such as bicycles and walking.

The subject site has been assessed and is located within an area of high accessibility being only 800m (10 minute walk) from Summer Hill and Lewisham train stations, 200m walk from bus stops servicing bus routes 461, 480 and 483 and 200m (3 minute walk) from the Taverners Hill Light Rail Station. The site is also directly adjacent to the Greenway which runs the length of the Inner West LGA and provides a high degree of walking/cycling connectivity to the Inner West. The current proposal seeks consent for a serviced apartment and vehicular sales/hire development and as such will be utilised by guests visiting the area. The proximity of the premises to the various public transport options is expected to make it an appealing choice for visitors who do not have a motor vehicle and encourage the use of public transport.

There are also numerous existing car share options within an 800m radius of the development and should guests require a private motor vehicle such options are readily available. It is important to note that the proposal is not seeking to introduce a new car share scheme to offset parking requirements, but is instead outlining an existing local availability.

The provided 25 on-site parking spaces are sufficient to service staff and some guests who decide to bring a motor vehicle. Such an arrangement ensures sufficient parking for the operation of the premises without a reliance upon street parking. The addition of 25 parking spaces will not impact the flow of traffic along Parramatta Road and will not significantly impact traffic flow for Hawthorne Parade. The highly accessible nature of the site and proximity to pedestrian links, bus, trains and light rail stations makes it a suitable candidate for a minor reduction in parking rates and encourages the use of public transport.

The proposed rate of parking is considered acceptable given the circumstances of the case and is recommended for support.

**Part 6 – Enterprise Zone (B6) Parramatta Road**

The proposal results in a variation from clauses DS3.2, DS3.4, DS3.10 contained within Chapter DCP 2016 – Chapter D: Precinct Guidelines – Part 6 Parramatta Road – Area 4, which requires development to align with the relevant setback diagrams outlined within the DCP (Figures 11 and 13 replicated below).

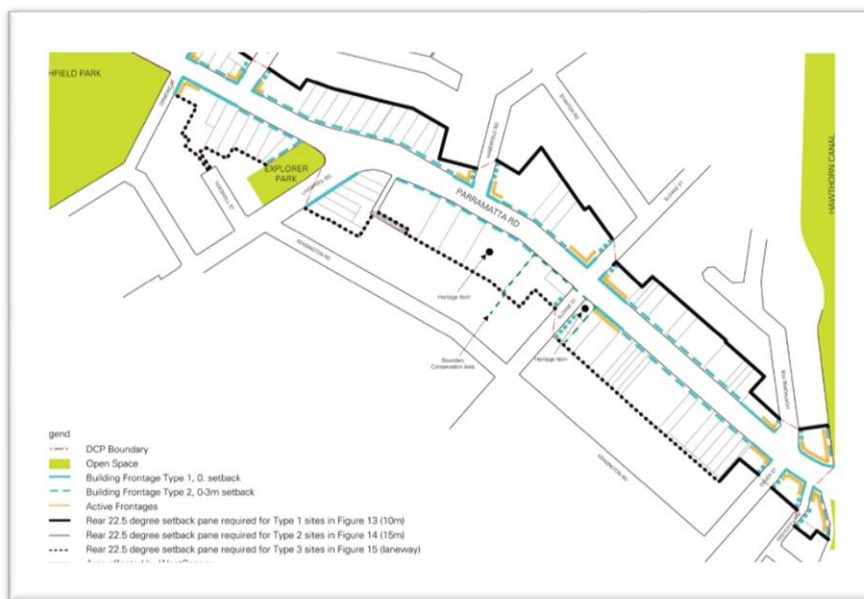


Figure 1 – Replicate of Figure 11 from DCP

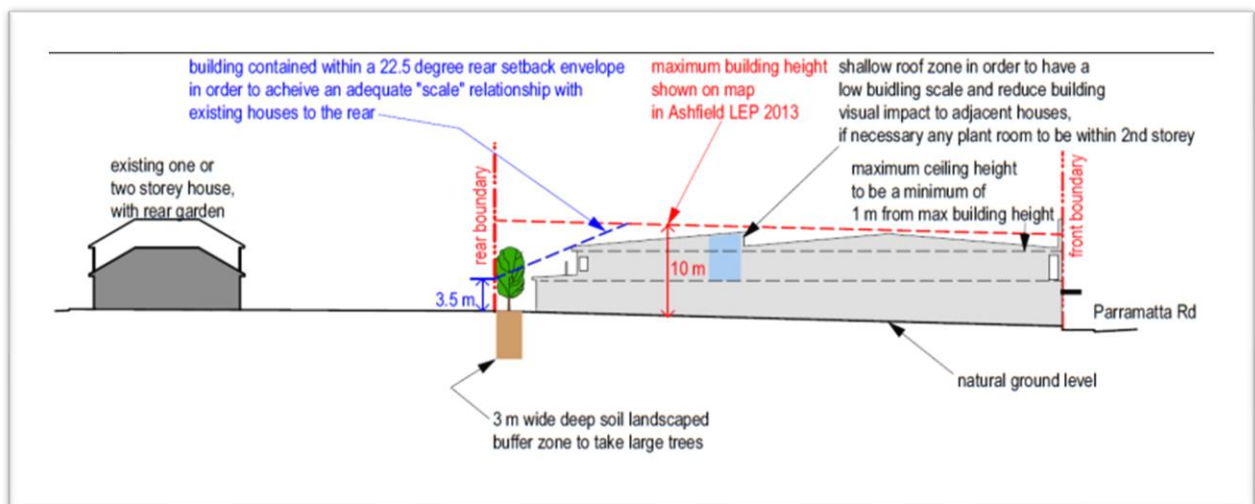


Figure 2 – Replicate of Figure 13 from DCP

*Rear Setback Envelope*

As seen from sections provided by the applicant, the proposal does not comply with the required 22.5 degree rear setback envelope as required by figure 13 of the DCP. The intention of this control is to ensure that development reduces its scale towards the residential zone.

The shape of the allotment resulting from the time of original subdivision is the driving factor to the developments non-compliance with the rear setback envelope. As seen by plans provided by the applicant the site is orientated to have a its length to Parramatta Road, while its depth is relatively minor. This lot shape is unique to the subject site, with other lots within the B6 corridor incorporating a substantially greater lot depth as seen in figure 3 below. This relatively shallow lot depth means that strict compliance with DCP controls would result in any development unable to incorporate a third storey and would place DCP controls which are contrary to permissible heights and FSR outlined by the ALEP 2013.

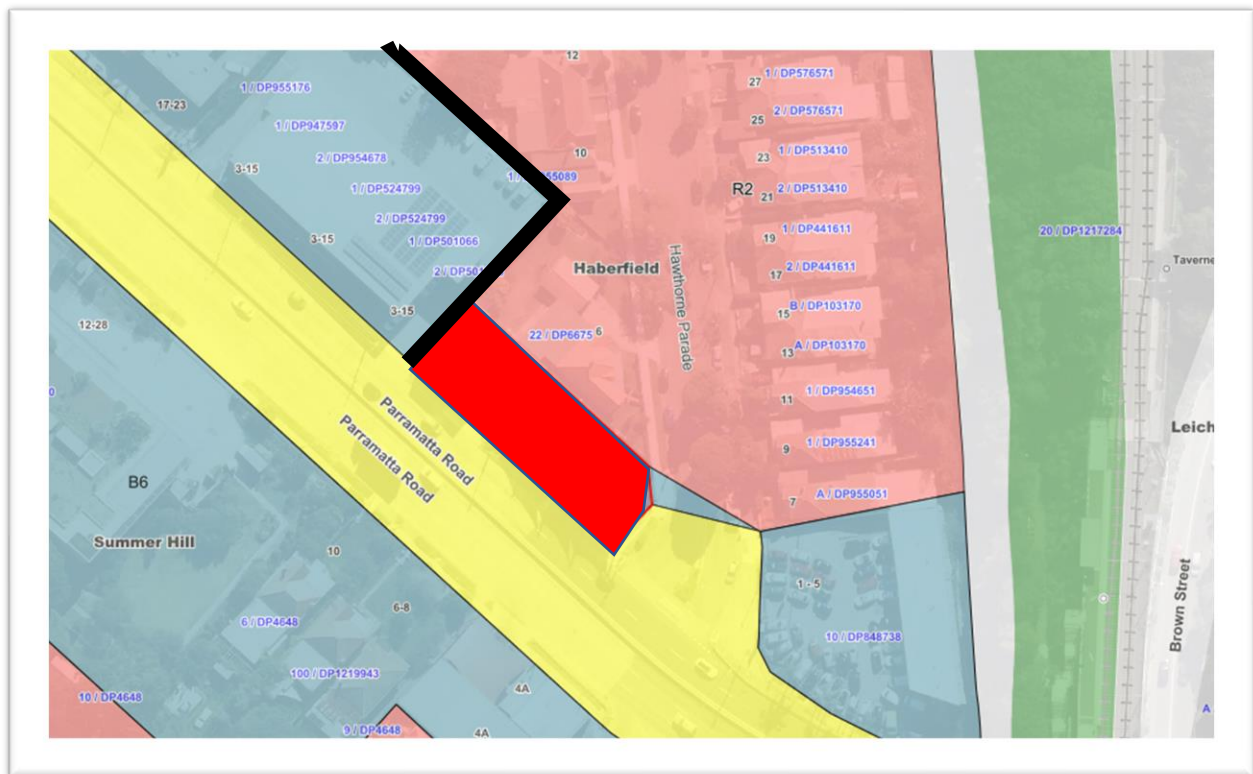


Figure 3 – Subject site outlined by red box, depth of neighbouring B6 sites highlighted by black line and blue square

Analysis of the provided Level 2 floor plan and section BB highlights that the extent of encroachment is generally minor and relates mostly to elements of the balustrades for corridors, roof over the corridor and corridor. These elements are generally ‘open form’ sections of the development and when combined with the 7.5m setback to the northern boundary assist to minimise the extend of visual bulk and scale. The development has been appropriately designed to mass the majority of the building towards Parramatta Road and away from the neighbouring residential properties as required by the DCP. Due to the orientation of the site no additional shadow impacts result from acceptance of the variation and privacy impacts have been mitigated by the substantial side boundary setbacks and limited areas of pedestrian trafficability upon level 2.

A review of sections AA and CC highlight enclosed elements of the proposal which result in a more substantial variation to the rear envelope control. Analysis of these sections against the provided level 2 floor plan highlights that they relate to small portions of the building with

section AA relating to the fire stairs/lobby and section CC relating to corridor and serviced apartment 209. These elements are located at the front and rear of the proposal and will have minimal impacts of bulk and scale on the neighbouring residential area because of the reduced length associated with each area. In this instance the proposed side boundary setbacks of at least 7m from the northern boundary are enough to offset and minimise impacts of bulk/scale.

Overall it is considered that the development has been appropriately designed to ensure that the built form is stepped down to the neighbouring low-density areas and that the intention of the control has been met. Given the merits of the case it is considered that strict compliance with the rear setback envelope is unreasonable/unnecessary and that the proposed variation be accepted, and the proposal approved.

#### *3m wide deep soil landscaped buffer zone*

The current proposal does not comply with the required rear 3m wide deep soil landscaped buffer zone as outlined by figure 13 of the DCP, with the development incorporating a driveway and basement along a nil boundary setback to the northern boundary. This variation is largely driven by the small nature of the site and the requirements of clause 101 of the infrastructure SEPP which requires new development to have vehicular entry and exits not on classified roads.

In this instance the development has been appropriately designed to accommodate a 3 - 4m wide planter box (900mm soil depth) on top of the basement. This planter box while not considered to be deep soil landscaped area, acts as an alternative performance-based solution to the 3m landscaped setback requirement, responding to the constraints of the site.

The proposed planter box has been assessed against Council's Green roofs, walls and facades technical guidelines and has been determined to be of a size and depth which is sufficient to accommodate small (6-8m high) or medium (8-12m high) trees. Given the merits of the case and constraints of the site, the proposed planter boxes are sufficient to meet the objectives of the control, which is to provide visual screening and relief between neighbouring commercial and residential usages. The proposed plantings of small to medium size trees will actively screen the bulk of the development from neighbouring residential sites and assist to ensure continued amenity. The proposed variation is acceptable in the circumstances of the case and the proposal is recommended for approval.

With regards to the proposed driveway presentation to Hawthorne Parade and non-compliance with required 3m rear landscape setback to Hawthorne Parade this is unavoidable given the requirements of clause 101 of the Infrastructure SEPP. As the proposed variation will not have a substantial impact on the presentation of the development to Hawthorne Parade and will not impact the significance of the conservation area, the variation is recommended for support and approval.

#### *Maximum Ceiling height 1m from maximum building height*

The proposal results in a variation to the requirement for new development to have a ceiling height 1m below the maximum building height outlined within figure 13 above. The intention of this control is to provide adequate room on the ceiling for the provision of roof features and services while also not exceeding the maximum height limit. In this instance the slope of the site and nature of the proposal means that compliance with the height limit and other DCP controls is not possible. The proposed height variation has been assessed above and is considered to be acceptable based on the merits of the case. As discussed above the proposed variations are minor and do not result in a built form which will impact amenity of neighbouring sites or result in unreasonable bulk or scale. The proposed variation is considered acceptable and the application is recommended for approval.

## Visual Privacy

### *Ground Floor*

A review of the proposed ground floor has highlighted glazing along the northern boundary of the proposed sales premises, looking out onto the landscaped 3m setback and glazing along the northern boundary of the proposed lobby looking out onto the 3m setback. The neighbouring 6 Hawthorne Parade has 4 existing windows, which are to roughly align with the proposed glazing for the motor show room, while the private open space (POS) of 6 Hawthorne Parade will roughly align with the glazing for the proposed lobby.

Analysis of the proposed finished floor levels for the vehicle sales/hire premises has revealed a finished floor level of RL 7.50, while the adjacent planter box is to finish at RL 7.90 – 7.27. These levels are roughly 1m below the existing ground level of the subject site currently (as identified by the survey plan) and assist to minimise potential for direct sightlines into the neighbouring 6 Hawthorne Parade. The proposed finished floor levels of the development result in 6 Hawthorne Parade having a minimum window sill height 1.2m above the finished floor level of the subject development. This combined with a 3-4m setback, 1.8m high fencing and landscaping of small (6-8m high) or medium (8-12m high) trees ensures minimal opportunities for direct sightlines into the residential premises.

A review of the proposed finished floor level for the lobby/entry to serviced apartments has highlighted a finished floor level of RL 8.00, with the adjacent planter box at RL7.90. The proposed finished floor level is roughly in line with that of the ground level adjacent POS for 6 Hawthorne Parade, therefore it is considered that a 1.8m high boundary fence, supplemented by landscaping is sufficient to ensure minimal overlooking or privacy impacts into the neighbouring residential property.

Privacy impacts from the ground floor of the development are expected to be minimal/mitigated through the current design of the proposal.

### *First Floor*

Analysis of the proposed first floor of the subject development has highlighted 9 windows along the northern boundary relating to serviced apartments which have potential for privacy impacts. Concerns regarding the potential privacy impacts from these windows was pointed out in correspondence to the applicant and in response the applicant provided amended plans detailing fixed obscured glazing to a height of 1.5m measured from the finished floor level. Council has reviewed this amendment and considers it to be acceptable.

The proposed 1.5m fixed obscured glazing ensures that future occupants of the serviced apartments will have their sightlines into the neighbouring residential properties mostly obscured and not readily achieve passive surveillance. The proposed 1.5m fixed obscured glazing leaves the topmost portion of the windows available for light and ventilation for the serviced apartments and ensures adequate amenity for occupants of the serviced apartments. The proposed privacy treatments are considered to be a reasonable balance between neighbouring amenity and amenity for the development and are accepted. Appropriate conditions requiring the installation and operation of all privacy treatments prior to the issue of any occupation certificate is recommended for the consent.

### *Second Floor*

A review of the proposed second floor has highlighted minimal opportunities for privacy impacts to neighbouring sites. The proposal has been designed to be set back roughly 8.3m from the northern boundary and relates largely to an open corridor with a maximum 2.2m width, providing access to 9 serviced apartments. This space has been designed to be only a trafficable/transitional space and provides minimal opportunities for gatherings or lingering of

customers which has the potential to impact amenity of neighbouring residents. The proposed setback of 8.3m and limited width of trafficable areas means that customers will not readily achieve a direct sightline into neighbouring sites and ensures sufficient visual privacy for all neighbouring residents.

### Basement Setback

The current proposal seeks consent for the construction of two levels of basement on a nil boundary setback. The proposed basement has been designed to comply with the requirements of the Australian Standards for Vehicular Parking and Access and with the requirements of clause 101 of the infrastructure SEPP. In this instance any reduction to the size of the proposed basement would make vehicular parking and access impossible for the site and result in a significant variation from parking standards. The proposed basement setbacks are not anticipated to have any amenity impacts on neighbouring sites, subject to suitable conditions of consent regarding dilapidation reports, geotechnical investigations and construction methods.

### Vehicular sightlines and Driveway Waiting Bay

A review of the initial proposal by Council Development and Traffic Engineers highlighted concerns relating to the ability of cars existing the site to see onto Parramatta Road to view incoming traffic. Initially these sightlines were blocked by cars waiting in the waiting bay of the driveway and by the motor show room building itself. These concerns were expressed to the applicant who has since provided amended plans increasing the motor show room setback from the corner of the site and increasing the width and depth of the driveway waiting bay.

These amendments ensure that vehicles leaving the site are able to obtain sightlines to Parramatta Road and can view any cars turning or about to turn onto Hawthorne Parade. The proposed amendments have been reviewed by Council's development engineers and are considered to be acceptable. The proposal is recommended for approval, subject to suitable conditions of consent.

### Deliveries

#### *Vehicular sales or hire premises*

Analysis of the traffic report provided by the applicant has outlined that the method of deliveries to the site is to be vehicles driven individually to the site and then parked within the designated parking space within the basement or in the car show room, with no requirement for large multi-vehicle transporters to attend the site. The applicant has outlined that deliveries are to occur between 8:00am and 6:00pm Monday to Sunday during operating hours. Council raises no objection to the proposed method or time of deliveries and has appropriate conditions of consent requiring compliance with the outlined method and time of deliveries.

#### *Serviced Apartments*

The proposed serviced apartments are not anticipated to require frequent deliveries with the most common form of deliveries occurring via cleaning services. Such deliveries are anticipated to be undertaken via vans and utilities which are able to utilise passenger parking spaces and access the basement, where storage areas for cleaning supplies and linen will be located.

### Plan of Management

As part of the current application the applicant has provided a plan of management for the serviced apartments, this plan of management outlines the following details with regards to the operation of the serviced apartments:



- Customers of the serviced apartments will be limited to a maximum 3 month stay,
- There is to be a maximum of four (4) staff on site at any one time
- A manager is to be appointed and will be available to customers and neighbours on a 24 hour basis
- Check in is to be after 2pm and check out prior to 10am
- Complaints management system
- A requirement of no smoking anywhere on the premises
- House rules

The provided plan of management is sufficient to ensure appropriate operation of the serviced apartments and minimal impacts to neighbouring dwellings. Appropriate conditions of consent regarding the finalising of a plan of management and submission to Council prior to the issue of an occupation certificate is recommended.

#### Hours of Operation

The proposed vehicular sales and hire premises currently seeks consent to operate between the following hours of operation:

- 8:00am and 6:00pm Monday to Sunday

These hours of operation are the same hours currently utilised by the existing premises. The proposed hours of operation are in-keeping with that of traditional hours for a vehicular sale or hire premises and are anticipated to have minimal amenity impacts for neighbouring sites or the locality. The proposed hours of operation are supported and recommended for approval.

#### 5(e) The Likely Impacts

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

#### 5(f) The suitability of the site for the development

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

#### 5(g) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 28 days to surrounding properties. 31 submissions were received in response to the initial notification and four (4) submissions were received in response to renotification of the application.

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

Issue: Privacy Impacts

Comment: A review of the potential privacy impacts has been undertaken under the assessment section of this report. The amended proposal has been appropriately designed not to result in privacy impacts for neighbouring sites. The proposed level 2 terrace has been removed/deleted upon the request of Council, following concerns regarding potential privacy impacts. The amended design is considered acceptable and is recommended for approval.

Issue: Impact to the Haberfield Heritage Conservation Area

Comment: A review of the impacts of development to the heritage conservation area has been undertaken above in the assessment section of this report. Overall the development is not anticipated to have an impact to the conservation area and reflects a built form and density generally permissible under current planning controls.

Issue: Pedestrian Safety

Comment: The proposal has been amended since initial lodgement and now incorporates a revised design with improved vehicular sightlines. This amended design has been reviewed by Council's Engineers and is considered to be acceptable/complaint with Australian Standards. The proposed location of driveway is compliant with RMS requirements and is not anticipated to impact pedestrian safety with surrounding fencing near the driveway exit identified as being limited to a maximum 1m in height to enable sightlines of footpath and ensure pedestrian safety.

Issue: Noise, dust and amenity impact from construction

Comment: Appropriate conditions regarding hours of construction, noise, sediment control, traffic management plans and other construction conditions have been recommended for the consent. Compliance with these conditions is considered to be sufficient to mitigate most impacts of construction.

Issue: Increased traffic and loss of parking

Comment: An assessment of the proposed non-compliance with parking has been undertaken within the assessment section of this report. The proposed introduction of 25 parking spaces is sufficient for the servicing of the development and is not anticipated to result in a heavy reliance on street parking. The density and intensity of the development and subsequent traffic generation has been assessed in the applicants traffic report, which has been reviewed by Council's Development and Traffic Engineers, who both agree that the proposed traffic generation is acceptable and unlikely to significantly impact the locality. The proposal is in-line with the desired future character for Parramatta Road and is recommended for approval.

Issue: Damage to neighbouring properties as a result of excavation and construction

Comment: Appropriate conditions regarding geotechnical reports, dilapidation reports and supporting of neighbouring properties have been recommended for the consent. Compliance with these conditions is expected to be sufficient to ensure the protection of neighbouring properties.

Issue: Location of driveway is unsafe and will result in conflict with vehicles exiting Parramatta Road

Comment: The proposal has been amended since initial lodgement and now incorporates a revised design with improved vehicular sightlines. This amended design has been reviewed by Council's Engineers and is considered to be acceptable/complaint with Australian Standards. The proposed location of driveway is compliant with RMS requirements, which outline that where possible driveways must not be located on classified roads such as Parramatta Road.

- Issue: Overdevelopment of the site and out of character with the area
- Comment: The proposal is generally compliant with current planning controls and reflects a built form and density which is permissible for Parramatta Road. The proposed non-compliances have been assessed above and are considered acceptable given the circumstances of the case. The proposal is not considered to be an overdevelopment of the site, but instead reflects the desired future character for the Parramatta Road corridor of which it is a part.
- Issue: Multi-vehicle trucks will be required to use Hawthorne Parade to deliver cars
- Comment: Analysis of the traffic report provided by the applicant has outlined that the method of deliveries to the site is to be vehicles driven individually to the site and then parked within the designated parking space within the basement or in the car show room, with no requirement for large multi-vehicle transporters to attend the site. The applicant has outlined that deliveries are to occur between 8:00am and 6:00pm Monday to Sunday during operating hours. Council raises no objection to the proposed method or time of deliveries and has appropriate conditions of consent requiring compliance with the outlined method and time of deliveries.
- Issue: Decrease to property value as a result of the development
- Comment: Property values is not a matter of consideration under the Environmental Planning and Assessment Act 1979 and as such the impact on property prices (be it positive or negative) cannot be considered in the assessment of any development application.
- Issue: Non-compliance with DCP controls for building envelope
- Comment: An assessment of the proposed non-compliance with DCP controls has been undertaken within the assessment section of this report. The proposed variations are considered acceptable given the merits of the case.
- Issue: Acoustic Impacts from the roller door and driveway intercom
- Comment: Standard conditions of consent regarding mechanical noise and operation are recommended. The applicant's acoustic report has also provided acoustic recommendations with regards to potential impacts resulting from the garage door and intercom. A condition requiring compliance with these conditions has been recommended for the consent.
- Issue: Loss of Solar Access
- Comment: The orientation of the site results in the majority of solar access falling upon Parramatta Road or Hawthorne Parade, neighbouring residential properties will continue to receive existing levels of solar access and will not be impacted by the proposed development. The proposed rate of overshadowing and solar access loss for neighbouring sites is compliant with the requirements of the DCP and therefore considered to be acceptable.
- Issue: Amenity Impacts from the operation of the serviced apartments
- Comment: The applicant has provided a plan of management which details the operations of the serviced apartments. The provided plan of management is sufficient to ensure minimal amenity impacts. The design of the serviced apartments is also considerate to neighbouring residential uses and limits opportunities for

amenity impacts through the removal of open spaces for gatherings. Amenity impacts resulting from the serviced apartments are anticipated to be minimal/appropriately managed through enforcement of the provided plan of management.

Issue: Acoustic impacts from plant operation

Comment: Standard conditions of consent regarding mechanical noise and operation will be recommended as part of any development consent.

Issue: Waste Collection

Comment: The proposed method of waste collection has been reviewed and approved by Council's Commercial Resource recovery team, who have outlined no objection to the method of waste collection, subject to conditions regarding hours of collection, bin storage locations and storage of bins when not awaiting collection.

Issue: Loss of parking due to driveway crossover expansion

Comment: The proposed driveway crossover has been designed to comply with Australian Standards and ensure two-way traffic movements in and out of the site. The proposed expansion may result in the loss of 1 on street parking spot, however this is unavoidable and mitigated through the introduction of 25 new on-site parking spaces. The potential loss of street parking is considered to be minor and acceptable.

Issue: Acoustic impacts from serviced apartment use

Comment: Windows to the proposed service apartments have been designed to be of a hatch opening style and are limited to only open above a height of 1.5m when measured from finished floor level. This design along with compliance of the recommendations made within the acoustic report ensure reduced opportunities for acoustic impacts resulting from the day to day use of the serviced apartments. This combined with compliance of the approved plan of management is expected to ensure minimal acoustic impacts for residential neighbours.

Issue: Street light relocation

Comment: The proposed driveway expansion results in a requirement for an existing streetlight to be moved. The exact location of this streetlight relocation is to be confirmed as part of the public domain/works and will be subject to approval from Council's Engineers/ Council assets team. Any new streetlight location will consider amenity impacts for neighbours and minimise light pollution. With regards to concerns about a loss of light for Parramatta Road and Hawthorne Parade intersection, the current proposal incorporates a new public domain awning with lighting for the street. This is expected to provide enough lighting to ensure public safety and compliance with CEPTED.

## 5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not considered 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.

- Architectural Excellence Panel (AEP) - The proposal has been reviewed by Council's AEP who initially outlined concerns with presentation of the fire stairs and services elements to the Haberfield Heritage Conservation Area. These concerns were passed on to the applicant who has since amended the application and removed these services from public visibility. The application is now considered to be acceptable.
- Environmental Health – The proposal has been reviewed by Council's Environmental Health Team who outlined no objection subject to suitable conditions of consent.
- Development Engineer – The proposal has been reviewed by Council's Development Engineer who initially outlined concerns with the proposed driveway and vehicular sightlines. The applicant has since amended the proposal and Council's Development Engineer has outlined no objection subject to suitable conditions of consent.
- Resource Recovery – The proposal has been reviewed by Council's Resource Unit who outlined no objection subject to suitable conditions of consent.
- Traffic Engineer – The proposal has been reviewed by Council's Traffic Engineer who initially outlined concerns with the proposed driveway and vehicular sightlines. The applicant has since amended the proposal and Council's Traffic Engineer has outlined no objection.
- Heritage Advisor – The proposal has been reviewed by Council's Heritage Advisor who outlined concerns with the development and impact to the neighbouring conservation area. An assessment of the proposal with regards to impact to the conservation area has been undertaken above under the assessment section of this report.

### 6(b) External

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

- Roads Marine Services (RMS) – The proposal has been referred to the RMS under clause 101 of the Infrastructure SEPP. The RMS have reviewed the proposal and outlined no objection to the development subject to suitable conditions of consent regarding traffic management and impacts to Parramatta Road.

## 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. A contribution of \$70,327.62 would be required for the development under Ashfield Section 94/94A Contributions Plan 2011. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

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

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

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

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 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 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 consent to Development Application No. DA/2020/0298 for Demolition of all existing structures and proposed three storey mixed use development with ground floor vehicular sales or hire premises and 23 serviced apartments with basement car parking. at 1 Parramatta Road HABERFIELD NSW 2045 subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. 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 Rev 2	Site Plan	29/7/2020	Benson McCormack Architecture
A-0101 Rev 2	Basement 2 Plan	29/7/2020	Benson McCormack Architecture
A-0102 Rev 2	Basement 1 Plan	29/7/2020	Benson McCormack Architecture
A-0103 Rev 2	Ground Floor Plan	29/7/2020	Benson McCormack Architecture
A-0104 Rev 2	Level 01 Floor Plan	29/7/2020	Benson McCormack Architecture
A-0105 Rev 2	Level 02 Floor Plan	29/7/2020	Benson McCormack Architecture
A-0106 Rev 2	Roof Plan	29/7/2020	Benson McCormack Architecture
A-0201 Rev 2	North Elevation	29/7/2020	Benson McCormack Architecture
A-0202 Rev 2	South Elevation	29/7/2020	Benson McCormack Architecture
A-0203 Rev 2	East & West Elevations	29/7/2020	Benson McCormack Architecture
A-0251 Rev 2	Sections AA, BB, CC	29/7/2020	Benson McCormack Architecture
A-0252 Rev 2	Section DD	29/7/2020	Benson McCormack Architecture
A-1050 Rev 1	Finishes & Materials	16/4/2020	Benson McCormack Architecture
-	Plan of Management	Received by Council 29/7/2020	-

As amended by the conditions of consent.

#### DESIGN CHANGE

##### 2. Design Change

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

- a. The length of the north-east, ground floor external wall facing/addressing Hawthorne Parade, relating to the showroom is to be the same material finishes as level 1 and 2 above (BK01).

**FEES****3. 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 \$70,327.62 indexed in accordance with Ashfield Development Contributions Plan/ Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 14/8/2020.

**\*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	\$16,116.07
Local Public Transport Facilities	\$9,071.88
Local Public Car Parking	\$0.00
Local Open Space and Recreation	\$36,887.77
Local Community Facilities	\$0.00
Plan Preparation and Administration	\$8,251.89
<b>TOTAL</b>	<b>\$70,327.62</b>

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.

**4. 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.



**5. 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.

<b>Security Deposit:</b>	\$60,000.00
<b>Inspection Fee:</b>	\$230.65

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

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

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

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

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

**GENERAL CONDITIONS**

**6. Noise – Consultant’s Recommendations**

The recommendations contained in the acoustic report prepared by Acoustic, vibration & Noise Pty Ltd, Reference No: 2020-070 dated 9 April 2020 must be implemented and including the following:

1. Section 9 - Mechanical Plant & Roller door Noise Control
2. Section 10 - Recommendations in Part 10.1 to Part 10.5

**7. Car Parking**

The development must provide and maintain within the site:

- a. 25 car parking spaces must be paved and line marked;
- b. 3 car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces
- c. A minimum of 21 parking spaces must be dedicated for the use of the approved serviced apartments

**8. 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. 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 and comply with the recommendations of the approved acoustic report.

**10. 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.

**11. 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.

**12. 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.

**13. 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.

**14. Works Outside the Property Boundary**

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

**15. RMS Condition 1**

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Parramatta Road boundary.

**16. RMS - Compliance with Australian Standards**

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.

**17. RMS - Excavation of Site**

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

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

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

**18. RMS - No Stopping Signage**

'No Stopping signage' shall be installed along the Parramatta Road frontage of the development, at no cost to TfNSW.

**19. RMS - Road Occupancy Licence (ROL)**

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

A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

**20. Vehicles entering and exiting**

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

**21. 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.

**22. Awnings with Lighting**

The proposed awning must be of cantilever type and be set back at least 600mm from the kerb line. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.

**23. 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.

**24. Rock Anchors**

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

**PRIOR TO ANY DEMOLITION**

**25. 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.

**26. 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.

**27. Construction Fencing**

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

**28. RMS - Stormwater Approval**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

**29. 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.

**30. 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 by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

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

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;

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

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **31. Noise General – Acoustic Report**

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

#### **32. Light Spill**

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

**33. Enclosure of Fire Hydrant**

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

**34. Sydney Water – Tap In**

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

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

**35. Fibre-ready Facilities**

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

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

**36. Green Roofs, Walls and Facades Report**

Prior to the issue of Construction Certificate, the Certifying Authority is to be provided with a report prepared by a suitably qualified person demonstrating that the proposed landscape plan and details of any green roofs, wall and facades are consistent with Inner West Councils Green Roof, Walls and Facades Technical Guidelines including but not limited to using species selected from the suggested species list, water proofing and drainage.

**37. Structural Details and Design**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings).

**38. Structural and Geotechnical Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified 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.

#### **39. RMS - Removal of Redundant Crossing**

The removal of the redundant vehicular crossing on Parramatta Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@rms.nsw.gov.au](mailto:DeveloperWorks.Sydney@rms.nsw.gov.au).

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

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

#### **40. Stormwater Drainage System – Major Developments**

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

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. SW01 to SW 09 prepared by Alpha Engineering and Development and dated 9 April 2020, as amended to comply with the following;
- b. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged by gravity to the Council's piped drainage system via the OSD tank;
- 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 other than for the pump-out of subsurface flows and surface flows from the driveway from the basement;
- e. 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 pipe system limited to pre-development conditions;
- f. Pipe drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI);

- g. Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;
- h. A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
  - 1. Comply with all relevant Australian Standards;
  - 2. An overflow, flashing light and audible alarm is to be provided to warn of pump failure;
  - 3. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months;
  - 4. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event;
  - 5. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank;
  - 6. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls;
  - 7. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system; and
  - 8. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system.
- i. The design must make provision for the natural flow of stormwater runoff from adjacent properties/lands;
- j. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- k. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet
- l. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- m. Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:



n.

Pollutant	Baseline Pollution (kg/ha/yr)	Annual Load	Retention Criteria
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500		90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900		85% reduction of average annual load
Total Phosphorous	2		65% reduction of average annual load
Total Nitrogen	15		45% reduction of average annual load
Hydrocarbons (Oil and Grease)			90% reduction of average annual load – no visible discharge
Toxicants			100% containment of toxicants

- o. A water balance model must be submitted to accompany the water re-use proposal;
- p. A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council’s water quality targets;
- q. 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; and
- r. 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.

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

- a. The construction of heavy duty vehicular crossing at the vehicular access location and removal of the redundant vehicular crossing from Parramatta Road;
- b. New concrete footpath along the frontage of the site;
- c. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.
- d. 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 2.4 m lintel) must be installed; 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. Installation of a stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

#### **DURING DEMOLITION AND CONSTRUCTION**

##### **42. Documentation of Demolition and Construction Waste**

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

##### **43. 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.

##### **44. Imported Fill Materials**

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

##### **45. 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.

#### **46. 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.

#### **47. RMS - Utility Works**

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

### **PRIOR TO OCCUPATION CERTIFICATE**

#### **48. 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 Noise Policy for Industry 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.

#### **49. Plan of Management and Noise Management Plan**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier and Council must be provided with a Plan of Management and Noise Management Plan in accordance with the Acoustic Report by Acoustic, Vibration & Noise Pty Ltd in Section 10.3 and Section 10.5 dated 9 April 2020. Both Management Plans are to be certified by the consultant of Acoustic, Vibration & Noise Pty Ltd stating that it meet the noise control requirement.

#### **50. Smoke Alarms - Certification of upgrade to NCC requirements**

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

**51. Section 73 Certificate**

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

**52. Verification and Maintenance of Green Roofs, Walls and Facades Works**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be provided with written evidence demonstrating that the works have been carried out in accordance with the Green Roofs, Walls and Facades Report that was submitted at Construction Certificate Stage and a maintenance plan that is consistent with the [Inner West Councils Green Roof, Walls and Facades Technical Guidelines](#).

**53. Privacy Treatments**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate) all privacy treatments must be installed and operational. This includes but is not limited to the obscure glazing proposed for windows located along the first floor northern elevation.

**54. 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".

**55. 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.

**56. Protect Sandstone Kerb**

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

**57. Undergrounding Power – Major development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any existing overhead power cables frontage of the site have been relocated underground with appropriate street lighting and new steel standard poles. The street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet the lighting category required by Council and RMS. In addition the design must also comply with AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

**58. Parking Signoff – Major Development**

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 and the following has been implemented within the property.

- a. The car park has been completed, line marked and all signage relating to car parking erected; and
- b. A notice has been clearly displayed at the frontage to indicate that visitor parking is available within the property with access from Hawthorne Parade.

**59. Public Domain - Major Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with the works-as-executed plan, certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

**60. Dilapidation Report – Post-Development**

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

**61. Stormwater Drainage and Road Works – Certification**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a 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. All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans;
- b. Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator; and
- c. Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.

**62. 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 system commissioned and stormwater quality improvement devices and pumps installed in

accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plans 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.

#### **63. 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 stormwater quality improvement devices and pumps. 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.

#### **64. 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.

#### **65. 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.

### **ON-GOING**

#### **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. 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.

#### **69. Licensed Premises – Plan of Management - Operation**

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

**70. Commercial Waste/Recycling Collection**

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

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

**71. Hours of Operation**

- a. The hours of operation of the vehicle sales or hire premises must not exceed the following:

Day	Hours
Monday to Sunday	8:00am to 6:00pm

**72. Serviced Apartments**

The use of the premises as serviced apartments must comply at all times with the following:

- a. The use must comply at all times with the approved Plan of Management referred to in the condition titled documents relating to this consent above and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e. All tenancy/occupation agreements for rooms within the premises must be for a maximum period of three (3) months;
- f. Not more than 2 lodgers must occupy each room;
- g. The premises must not be adapted for use as backpacker's accommodation, boarding house or a residential flat building;
- h. All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- i. Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

**73. Green Roofs, Walls and Facades Establishment**

The plantings within the Green Roofs, Walls and Facades as part of this consent are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the planting are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate they must be replaced with the same species within one (1) month (up to 3 occurrences).

**74. Vehicle sales or hire premises deliveries**

All motor-vehicles are to be driven individually to the site and then parked within the designated parking space within the basement or in the car show room.

No large multi-vehicle transporters are to attend the site at anytime.

Deliveries are to occur between 8:00am and 6:00pm Monday to Sunday during business operating hours.

**75. Operation and Management Plan**

The Operation and Management Plan for the on-site detention and 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.

**76. Vehicles Leaving the Site**

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

**77. Loading/unloading on site**

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

**78. Privacy Treatments**

All privacy treatments required to be installed as part of this consent must remain in place/operational at all times and are not permitted to be removed without the prior consent of Council. In the event privacy treatments are taken down without consent they must be reinstalled within 24 hours of being taken down and be of the same specifications as that of the original treatments.

**ADVISORY NOTES****Prescribed Conditions**

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

**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.

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>

Water Efficiency Labelling and Standards (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)

WorkCover Authority of NSW 13 10 50

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and 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.

#### Accessibility

The Access to Premises Code is applicable to this development as new work is proposed. The applicant(s) should investigate whether there are any exemptions for the requirement to upgrade the 'affected' part and principal pedestrian entrance.

The applicant should be made aware of their legislative requirements and shall provide an Accessibility Report from an accredited Access Consultant prior to issue of the DA determination / with the CC documentation to investigate the implications relating to their proposed development.

#### Building Access requirements:

- a. Table D3.1 requires an accessway to the building and within all areas normally used by the occupants of the building at the main point(s) of entry, car parking area, and sanitary compartments in accordance with Part D3, BCA Vol 1 and AS 1428.1;
- b. **Class 2:** Table D3.1 requires an accessway from a common use pedestrian entrance required to be accessible to at least 1 floor containing sole-occupancy units and to the entrance doorway of each sole-occupancy unit located on that level. Further, where a passenger lift is installed, access to the entrance doorway of each sole-occupancy unit and common areas/rooms served by the lift; and
- c. This may include compliant accessways, walkways, ramps, stairs, doorways and circulation space, braille & tactile design, signage, and all associated finishes and fittings throughout the building.

#### 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.

**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.

**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 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, 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.****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.

Attachment B – Plans of proposed development

DRAWING No.	DRAWING NAME
A-0001	DRAWING REGISTER
A-0002	LOCATION PLANS
A-0003	SITE CONTEXT
A-0004	SITE PHOTOGRAPHS
A-0005	SITE SURVEY
A-0006	SITE PLAN
A-0007	SITE ANALYSIS
A-0101	BASEMENT 2 PLAN
A-0102	BASEMENT 1 PLAN
A-0103	GROUND FLOOR PLAN
A-0104	LEVEL 01 FLOOR PLAN
A-0105	LEVEL 02 FLOOR PLAN
A-0106	ROOF PLAN
A-0201	NORTH ELEVATION
A-0202	SOUTH ELEVATION
A-0203	EAST & WEST ELEVATIONS
A-0251	SECTIONS AA, BB & CC
A-0252	SECTION DD
A-1001	WINDOW AND GLAZED DOOR SCHEDULE
A-1050	FINISHES & MATERIALS
A-1301	MASSING STUDY
A-1302	BUILDING HEIGHT LIMIT
A-1303	SHADOW ANALYSIS
A-1304	SOLAR ACCESS 1-2
A-1305	SOLAR ACCESS 2-2
A-1306	GFA CALCULATION
A-1310	EXTERNAL LIGHTING PLAN
A-1320	PHOTOMONTAGE VIEW – HAWTHORNE PARADE

**01 SITE LOCATION (REGULATION)**  
 LOCAL GOVERNMENT AREA: INNER WEST COUNCIL  
 LAND ZONING: B6  
 SITE AREA (m<sup>2</sup>): 8743 m<sup>2</sup>  
 FLOORSpace RATIO: 1250:30 m<sup>2</sup>  
 PERMISSIBLE GFA (m<sup>2</sup>): 13112.2 m<sup>2</sup>  
 MAX. HEIGHT OF BUILDINGS: 10 m  
 FLOOR-TO-FLOOR HEIGHT: 4.10 m  
 FLOOR-TO-FLOOR HEIGHT: 4.10 m

**02 DEVELOPMENT DATA - GFA CALCULATION**

LEVEL	NO OF SERVICED APARTMENTS	AREA (m <sup>2</sup> )	TOTAL (m <sup>2</sup> )
GF	0	493.00	493.00
1	14	474.20	967.20
2	9	352.50	1319.70
TOTAL	23	1319.70	1319.70

**03 DEVELOPMENT DATA - PARKINGS**  
 SERVICED APARTMENTS: 23  
 NUMBER OF SERVICED APARTMENTS: 23  
 CAR PARKING RATES: 1.0  
 TOTAL: 23  
 MOTORCYCLE PARKING RATES: 0.75/motorcycle  
 TOTAL: 17.25  
 TOTAL CAR SPACES REQUIRED: 26.25  
 TOTAL MOTORCYCLE SPACES REQUIRED: 13.125  
 TOTAL RECYCLE MATERIAL GENERATION: 172.5 car spaces  
 TOTAL RECYCLE MATERIAL GENERATION: 172.5 car spaces

**04 DEVELOPMENT DATA - WASTE**  
 SERVICED APARTMENTS: 23  
 RECYCLE MATERIAL GENERATION: 172.5 car spaces  
 RECYCLE MATERIAL GENERATION: 172.5 car spaces  
 RECYCLE MATERIAL GENERATION: 172.5 car spaces  
 RECYCLE MATERIAL GENERATION: 172.5 car spaces



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 W: www.bensonmccormack.com

APPROVED NORTH  
 GM CHECKED  
 DA GM  
 PROJECT NO: 1858A  
 DRAWING NO: A-001 02

DRAWING TITLE  
**DRAWING REGISTER**

PRODUCT  
**1P**  
 ELUDRIVE  
 1 Parkmetta Road  
 HABERFIELD NSW  
 2045

CLIENT  
 Private Open Space  
 Private Open Space  
 Private Open Space

POS  
 Private Open Space  
 Private Open Space  
 Private Open Space

CONTRIBUTOR  
 Commercial Open Space  
 Commercial Open Space  
 Commercial Open Space

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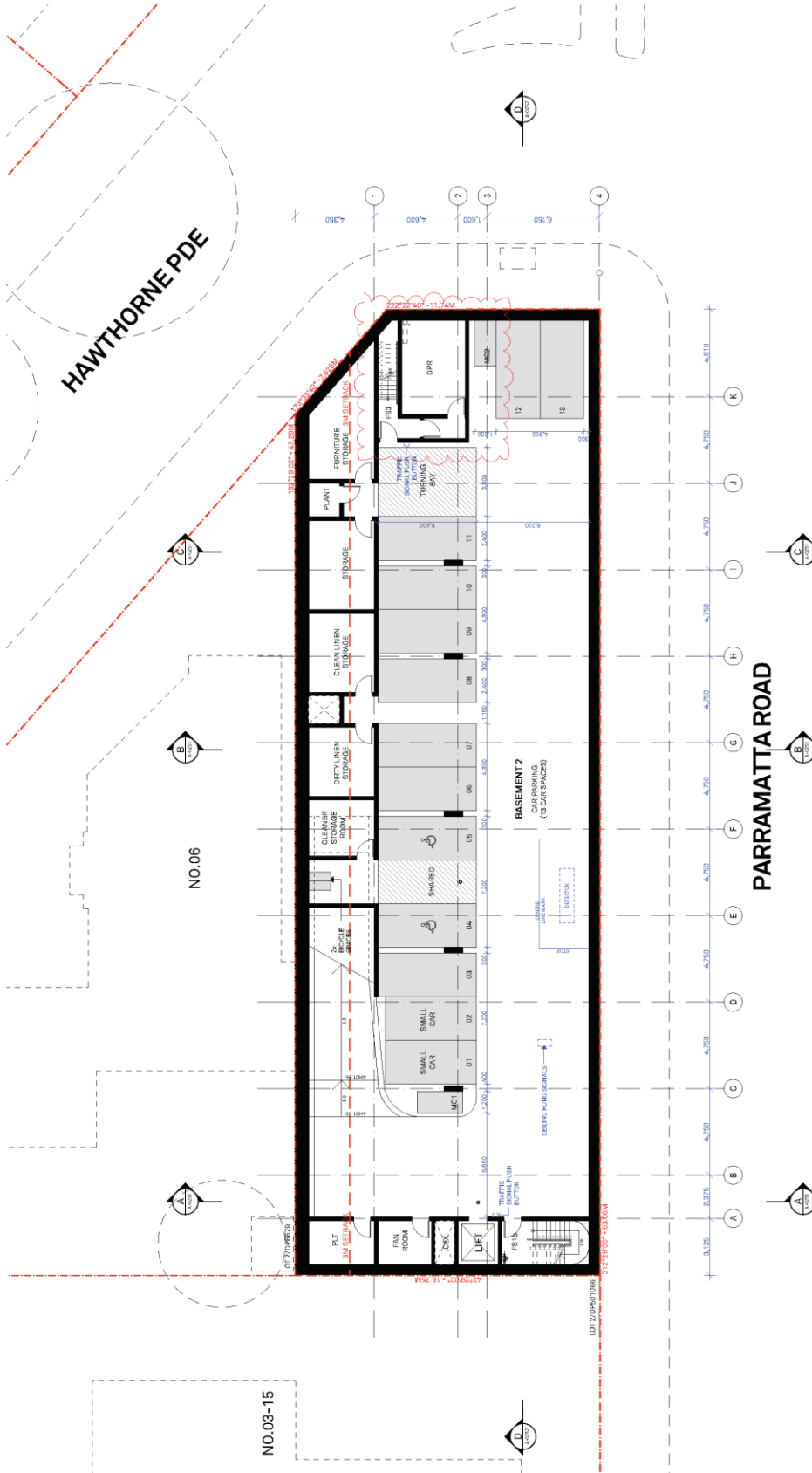
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 Commercial Open Space  
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 Commercial Open Space









This drawing is to be used for the purposes of an application for a development consent and should not be used for any other purpose without the written approval of the architect. The architect is not responsible for any errors in this drawing and is not liable for any loss or damage resulting from its use. This drawing is the property of the architect and is to be used only for the purposes stated above. It is to be used in conjunction with the site plan, floor plan, and other relevant drawings. If you have any queries, please contact the architect at the address below.

**PROVISION**

Rev	Description	Date	Chk
01	Initial	28/10/20	DM
02	Checklist	29/10/20	DM
03	Final	29/10/20	DM

**LEGEND**

Code	Description
A/C	Air Conditioning Unit
A/D	Adapted
B	Basement
B/C	Basement
B/G	Basement
B/L	Basement
B/S	Basement
C	Common
CM	Common
CO	Common
CR	Common
CS	Common
CU	Common
D	Down
E	Electric
F	Fuel
G	Garage
H	Habitat
I	Industrial
J	Junction
K	Kitchen
L	Lift
M	Mechanical
N	Natural
O	Open
P	Plant
Q	Quality
R	Ramp
S	Storage
T	Terrace
U	Underground
V	Vehicle
W	Water
X	Window
Y	Yield
Z	Zoned

**APPROVED NORTH**

**SCALE** 1:200

**DRAWING TITLE** BASEMENT 2 PLAN

**PROJECT** 1P Parramatta Road HABERFIELD NSW 2045

**CLIENT** EURODRIVE Road HABERFIELD NSW 2045

**STATUS** DA

**PRODUCT NO** 1856A

**APPROVED** GM

**CHECKED** GM

**DRAWING NO** A-0101 02

**STUDIO 4, 505 BALMAIN RD, LULFIELD NSW 2045**  
 PH: 9338 0388  
 P: 9 611 2 8818 0777  
 E: enquire@benson-mccormack.com.au  
 W: www.benson-mccormack.com.au

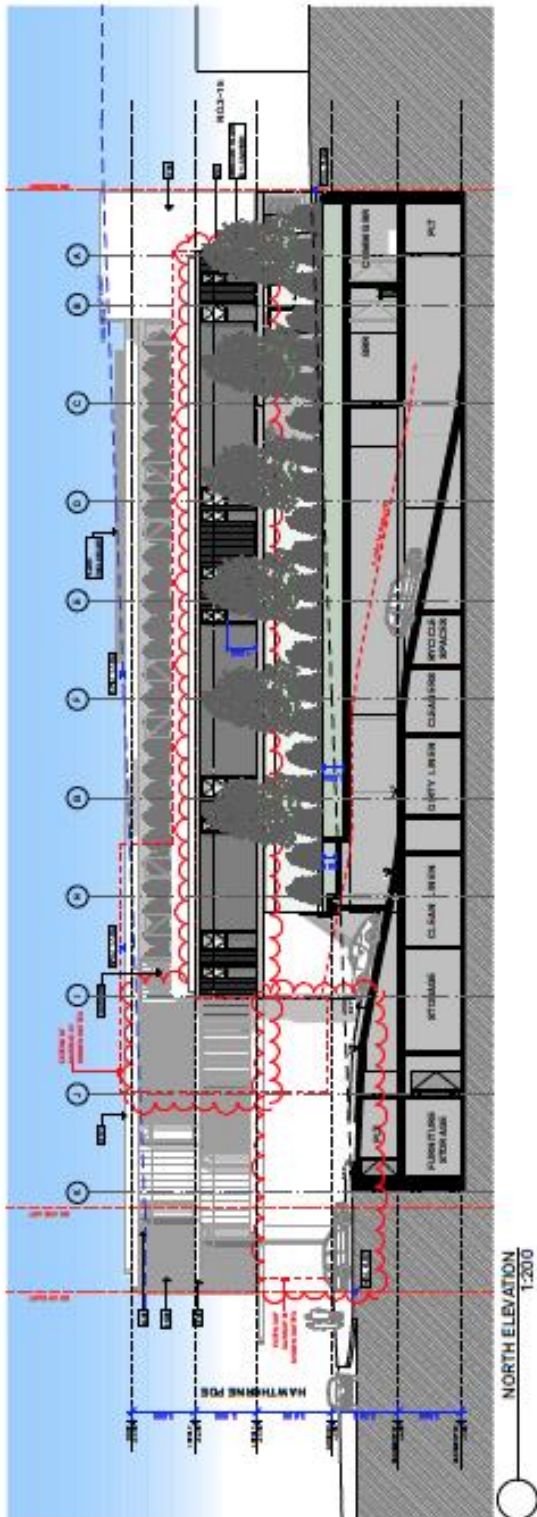












**BENSON MCCORMACK ARCHITECTURE**

**PROJECT** NORTH HAVEN WATSON ROAD

**CLIENT** 1 BENSON ROAD NORTH HAVEN NSW 2063

**DATE** 2021

**DESIGNER** BENSON MCCORMACK ARCHITECTURE

**ARCHITECT** BENSON MCCORMACK ARCHITECTURE

**SCALE** 1:200

**DATE** 2021

**DRAWN BY** GM

**CHECKED BY** GM

**PROJECT NO.** A-0001

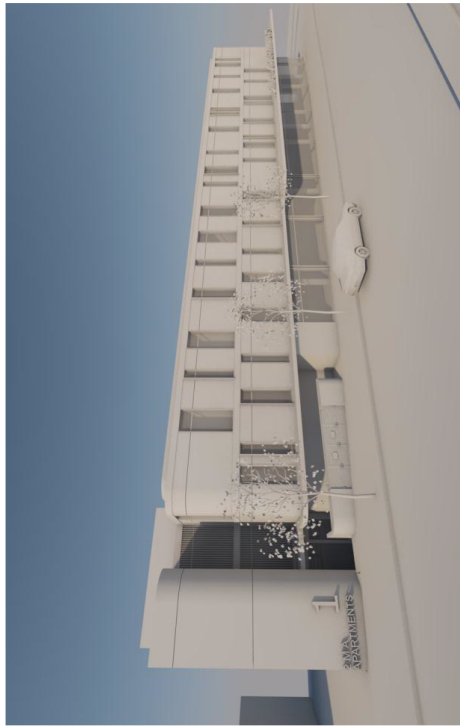
**REVISIONS**

NO.	DATE	DESCRIPTION
1	2021	ISSUED FOR PERMIT
2	2021	REVISED PER FEEDBACK
3	2021	REVISED PER FEEDBACK
4	2021	REVISED PER FEEDBACK
5	2021	REVISED PER FEEDBACK
6	2021	REVISED PER FEEDBACK
7	2021	REVISED PER FEEDBACK
8	2021	REVISED PER FEEDBACK
9	2021	REVISED PER FEEDBACK
10	2021	REVISED PER FEEDBACK





SOUTH ELEVATION  
1:200



The drawings are to be used for information only. They are not to be used for construction purposes. The drawings are the property of the architect and shall remain confidential. No part of these drawings may be reproduced without the written consent of the architect. The architect is not responsible for any errors or omissions in these drawings. The drawings are to be used for information only. They are not to be used for construction purposes. The drawings are the property of the architect and shall remain confidential. No part of these drawings may be reproduced without the written consent of the architect. The architect is not responsible for any errors or omissions in these drawings.

REVISION	Rev	Description	Date	CHK
	01	ISSUED FOR PERMIT	14/08/2024	GM
	02	ISSUED FOR PERMIT	14/08/2024	GM

LEGEND	Code	Description
ACG	ACG	Air Conditioning Unit
ADG	ADG	Aspirator
B	B	Bathroom
BALC	BALC	Balcony
BEF	BEF	Bedroom
CDRM	CDRM	Commons Room

CLIENT	PROJECT	DRAWING TITLE	SCALE	APPROVED	NORTH
EURODRIVE Road HABERFIELD NSW 2045	IP Parramatta Road HABERFIELD NSW 2045	SOUTH ELEVATION	1:200	GM	GM

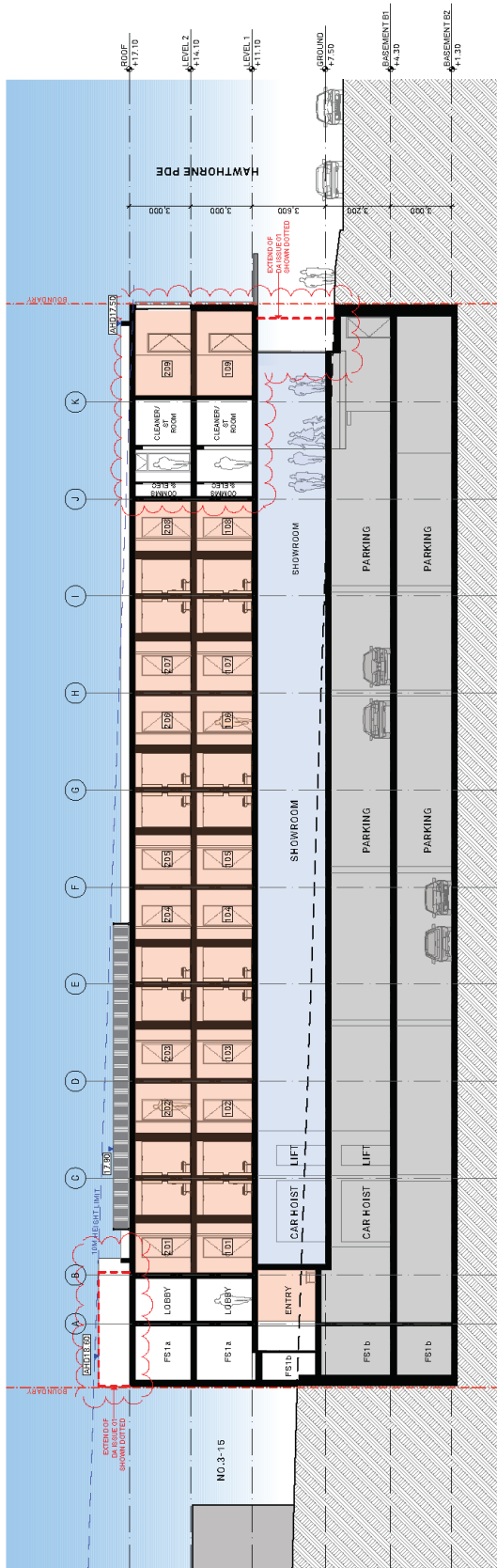
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P + 61 2 8618 0277	P + 61 2 8618 0277
F + 61 2 8618 0278	F + 61 2 8618 0278
E: enquiries@benzonsmccormack.com.au	E: enquiries@benzonsmccormack.com.au
W: www.benzonsmccormack.com.au	W: www.benzonsmccormack.com.au

PROJECT No	DA No	SCALE	APPROVED	NORTH
1558A	1558A	1:200	GM	GM









SECTION DD  
1:200



**BENSON  
McCORMACK**  
ARCHITECTURE

<p>STUDIO 5, 505 BALMAIN RD LILFIELD NSW 2040 PH 02 932 265 RN 7336</p>		<p>APPROVED NORTH GM CHECKED</p>		<p>SCALE 1:200</p>		<p>DRAWING TITLE SECTION DD</p>		<p>PROJECT 1P</p>		<p>CLIENT EURDDRIVE Road HABERFIELD NSW 2045</p>		<p>CLIENT EURDDRIVE Road HABERFIELD NSW 2045</p>																																																																																																																																																																																																																																																																											
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**WINDOW AND GLAZED DOOR SCHEDULE**

ID	W01	W02	W03	W04	W04a	W05	W50	W51
Nominal W x H Size	600x2,700	900x2,700	1,200x2,700	600x2,700	900x2,700	2,075x2,700	3,625x2,600	1,186x2,340
Elevation View								
Notes	AWNING	AWNING	AWNING	AWNING OBSCURE GLASS TO 1.5m HIGH	AWNING OBSCURE GLASS TO 1.5m HIGH	FIXED	SLIDING DOOR	DOUBLE HINGED ENTRY DOOR
Quantity	25	15	8	3	5	2	1	1



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 W: www.bensonmccormack.com.au

APPROVED NORTH  
 GM CHECKED  
 DA GM  
 PROJECT No 1858A  
 DRAWING No REV A-1001 02

DRAWING TITLE  
**WINDOW AND GLAZED DOOR SCHEDULE**

PROJECT  
**1P Parramatta Road HABERFIELD NSW 2045**

CLIENT  
**EURODRIVE 1 Parramatta Road HABERFIELD NSW 2045**

R205 R206 R207 R208 R209 R210 R211 R212 R213 R214 R215 R216 R217 R218 R219 R220 R221 R222 R223 R224 R225 R226 R227 R228 R229 R230 R231 R232 R233 R234 R235 R236 R237 R238 R239 R240 R241 R242 R243 R244 R245 R246 R247 R248 R249 R250 R251 R252 R253 R254 R255 R256 R257 R258 R259 R260 R261 R262 R263 R264 R265 R266 R267 R268 R269 R270 R271 R272 R273 R274 R275 R276 R277 R278 R279 R280 R281 R282 R283 R284 R285 R286 R287 R288 R289 R290 R291 R292 R293 R294 R295 R296 R297 R298 R299 R300 R301 R302 R303 R304 R305 R306 R307 R308 R309 R310 R311 R312 R313 R314 R315 R316 R317 R318 R319 R320 R321 R322 R323 R324 R325 R326 R327 R328 R329 R330 R331 R332 R333 R334 R335 R336 R337 R338 R339 R340 R341 R342 R343 R344 R345 R346 R347 R348 R349 R350 R351 R352 R353 R354 R355 R356 R357 R358 R359 R360 R361 R362 R363 R364 R365 R366 R367 R368 R369 R370 R371 R372 R373 R374 R375 R376 R377 R378 R379 R380 R381 R382 R383 R384 R385 R386 R387 R388 R389 R390 R391 R392 R393 R394 R395 R396 R397 R398 R399 R400 R401 R402 R403 R404 R405 R406 R407 R408 R409 R410 R411 R412 R413 R414 R415 R416 R417 R418 R419 R420 R421 R422 R423 R424 R425 R426 R427 R428 R429 R430 R431 R432 R433 R434 R435 R436 R437 R438 R439 R440 R441 R442 R443 R444 R445 R446 R447 R448 R449 R450 R451 R452 R453 R454 R455 R456 R457 R458 R459 R460 R461 R462 R463 R464 R465 R466 R467 R468 R469 R470 R471 R472 R473 R474 R475 R476 R477 R478 R479 R480 R481 R482 R483 R484 R485 R486 R487 R488 R489 R490 R491 R492 R493 R494 R495 R496 R497 R498 R499 R500 R501 R502 R503 R504 R505 R506 R507 R508 R509 R510 R511 R512 R513 R514 R515 R516 R517 R518 R519 R520 R521 R522 R523 R524 R525 R526 R527 R528 R529 R530 R531 R532 R533 R534 R535 R536 R537 R538 R539 R540 R541 R542 R543 R544 R545 R546 R547 R548 R549 R550 R551 R552 R553 R554 R555 R556 R557 R558 R559 R560 R561 R562 R563 R564 R565 R566 R567 R568 R569 R570 R571 R572 R573 R574 R575 R576 R577 R578 R579 R580 R581 R582 R583 R584 R585 R586 R587 R588 R589 R590 R591 R592 R593 R594 R595 R596 R597 R598 R599 R600 R601 R602 R603 R604 R605 R606 R607 R608 R609 R610 R611 R612 R613 R614 R615 R616 R617 R618 R619 R620 R621 R622 R623 R624 R625 R626 R627 R628 R629 R630 R631 R632 R633 R634 R635 R636 R637 R638 R639 R640 R641 R642 R643 R644 R645 R646 R647 R648 R649 R650 R651 R652 R653 R654 R655 R656 R657 R658 R659 R660 R661 R662 R663 R664 R665 R666 R667 R668 R669 R670 R671 R672 R673 R674 R675 R676 R677 R678 R679 R680 R681 R682 R683 R684 R685 R686 R687 R688 R689 R690 R691 R692 R693 R694 R695 R696 R697 R698 R699 R700 R701 R702 R703 R704 R705 R706 R707 R708 R709 R710 R711 R712 R713 R714 R715 R716 R717 R718 R719 R720 R721 R722 R723 R724 R725 R726 R727 R728 R729 R730 R731 R732 R733 R734 R735 R736 R737 R738 R739 R740 R741 R742 R743 R744 R745 R746 R747 R748 R749 R750 R751 R752 R753 R754 R755 R756 R757 R758 R759 R760 R761 R762 R763 R764 R765 R766 R767 R768 R769 R770 R771 R772 R773 R774 R775 R776 R777 R778 R779 R780 R781 R782 R783 R784 R785 R786 R787 R788 R789 R790 R791 R792 R793 R794 R795 R796 R797 R798 R799 R800 R801 R802 R803 R804 R805 R806 R807 R808 R809 R810 R811 R812 R813 R814 R815 R816 R817 R818 R819 R820 R821 R822 R823 R824 R825 R826 R827 R828 R829 R830 R831 R832 R833 R834 R835 R836 R837 R838 R839 R840 R841 R842 R843 R844 R845 R846 R847 R848 R849 R850 R851 R852 R853 R854 R855 R856 R857 R858 R859 R860 R861 R862 R863 R864 R865 R866 R867 R868 R869 R870 R871 R872 R873 R874 R875 R876 R877 R878 R879 R880 R881 R882 R883 R884 R885 R886 R887 R888 R889 R890 R891 R892 R893 R894 R895 R896 R897 R898 R899 R900 R901 R902 R903 R904 R905 R906 R907 R908 R909 R910 R911 R912 R913 R914 R915 R916 R917 R918 R919 R920 R921 R922 R923 R924 R925 R926 R927 R928 R929 R930 R931 R932 R933 R934 R935 R936 R937 R938 R939 R940 R941 R942 R943 R944 R945 R946 R947 R948 R949 R950 R951 R952 R953 R954 R955 R956 R957 R958 R959 R960 R961 R962 R963 R964 R965 R966 R967 R968 R969 R970 R971 R972 R973 R974 R975 R976 R977 R978 R979 R980 R981 R982 R983 R984 R985 R986 R987 R988 R989 R990 R991 R992 R993 R994 R995 R996 R997 R998 R999 R1000

REVISION  
 Rev Description Date  
 01 CHANGED 24/02/2020 DM

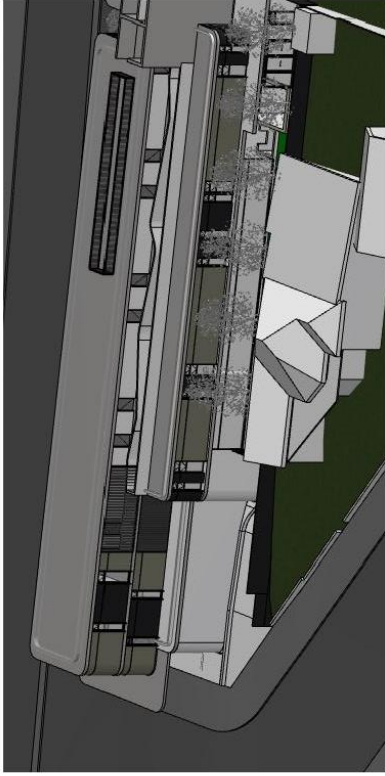
The drawing is to be used only for the purposes of the information provided and is not to be used for any other purpose.  
 It is the responsibility of the user to ensure that the drawing is used in accordance with the relevant standards and specifications.  
 ALL WORKS TO COMPLY WITH THE BUILDING ACT 2016 AND THE BUILDING REGULATIONS 2016.  
 \*\*DATE REVISION TO DATE\*\* www.1100.com.au



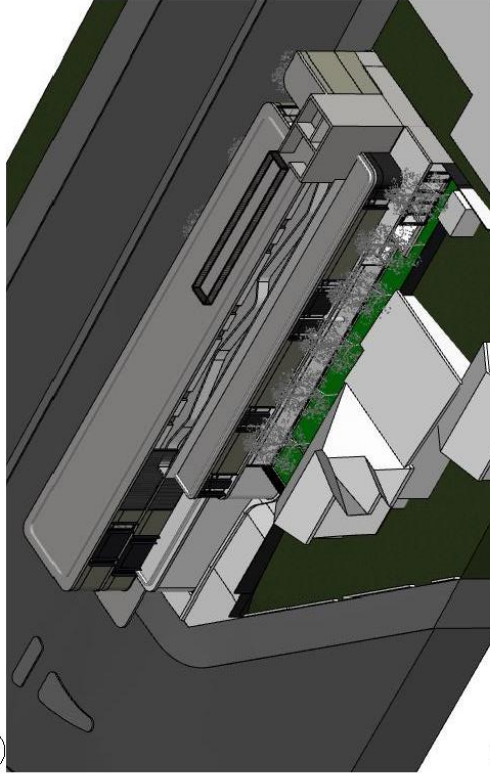




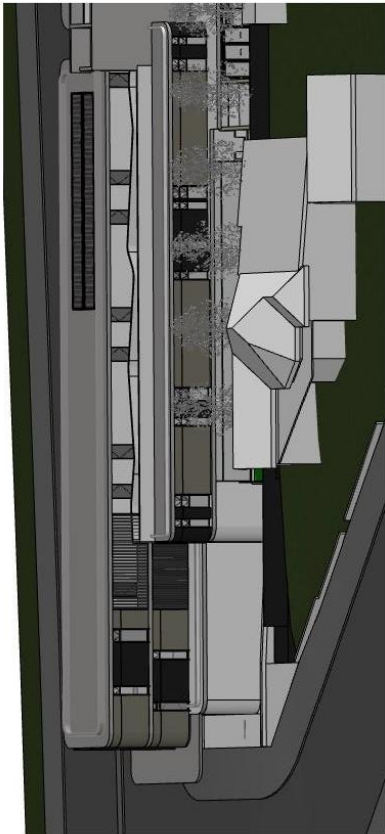




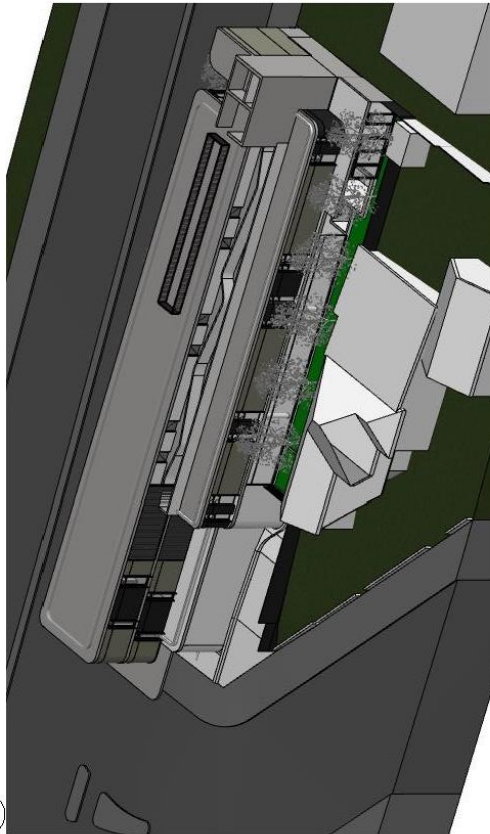
VIEW FROM THE SUN - 10AM



VIEW FROM THE SUN - 12PM



VIEW FROM THE SUN - 9AM



VIEW FROM THE SUN - 11AM



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APPROVED	NORTH
GM	CHECKED
DA	REV
PROJECT No	A-1304_02

SCALE	PROJECT No
DA	1858A

DRAWING TITLE	PROJECT
SOLAR ACCESS 1-2	1P

CLIENT	CLIENT
1 Parramatta Road	1 Parramatta Road
HABERFIELD NSW	HABERFIELD NSW
Z045	Z045

1 Parramatta Road	1 Parramatta Road
HABERFIELD NSW	HABERFIELD NSW
Z045	Z045
Project location am	Project location am

Review Open Space	Review Open Space
Review Structure	Review Structure
Review Services	Review Services
Review Materiality	Review Materiality
Review Footprint	Review Footprint
Review Street Frontage	Review Street Frontage
Review Wind	Review Wind
Review Water	Review Water
Review Other	Review Other

Site	Site
Site Services	Site Services
Site Structure	Site Structure
Site Materiality	Site Materiality
Site Footprint	Site Footprint
Site Street Frontage	Site Street Frontage
Site Wind	Site Wind
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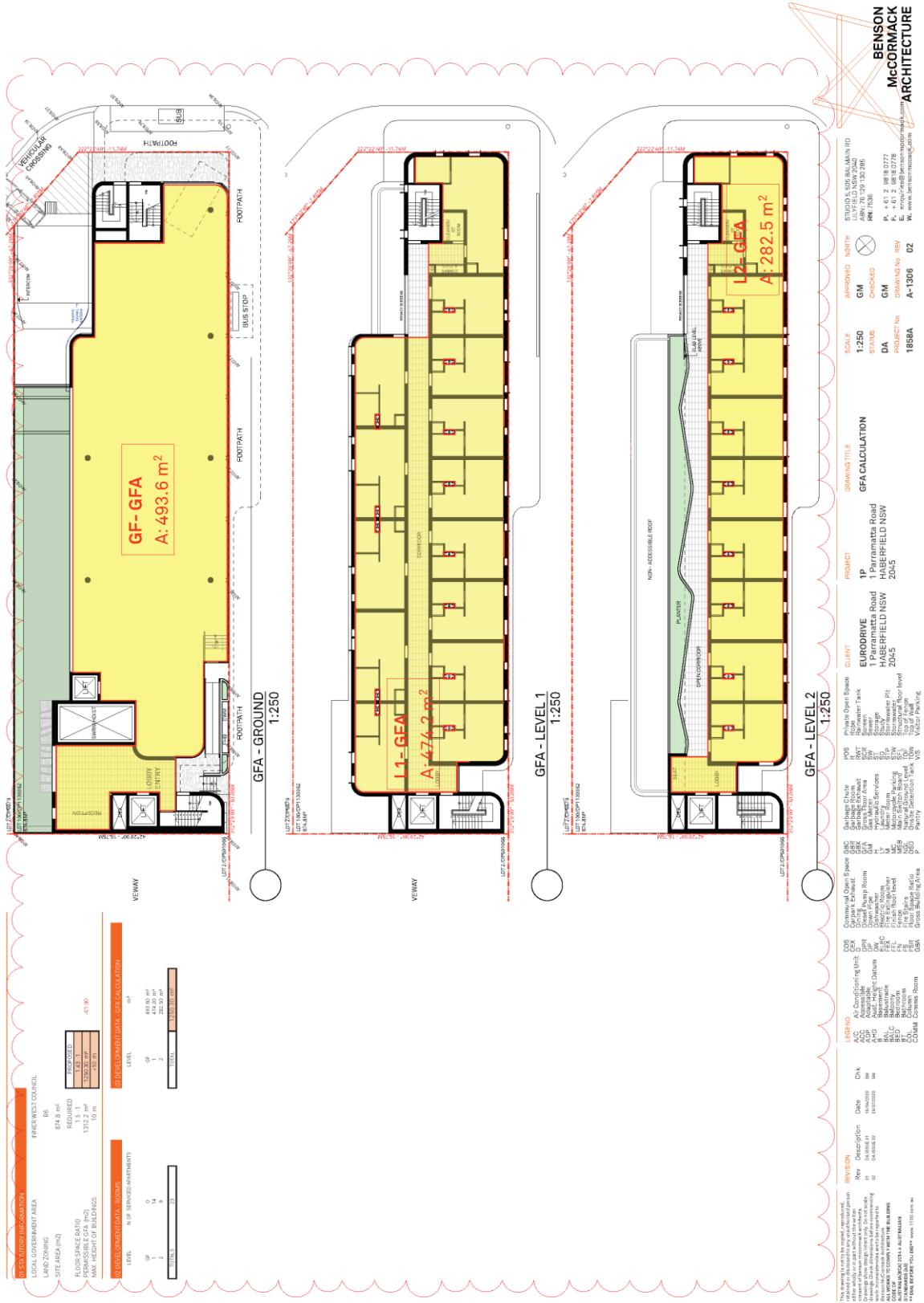
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PROJECT NO: 1858A  
DRAWING NO: A-1306 02  
DATE: 10/11/2017

APPROVED NORTH  
DATE: 10/11/2017  
SCALE: 1:250

LEVEL	N OF SERVICED APARTMENTS	GROSS GARAGE SPACE - GFA CALCULATION	GROSS GARAGE SPACE - GFA CALCULATION
GF	14	484.50 m <sup>2</sup>	
L1	14	474.20 m <sup>2</sup>	
L2	14	282.50 m <sup>2</sup>	
<b>TOTAL</b>	<b>42</b>	<b>1241.20 m<sup>2</sup></b>	<b>767.20 m<sup>2</sup></b>

**LEGEND**

Q08	Communal Open Space
Q09	Communal Enclosed
Q10	Communal Enclosed
Q11	Communal Enclosed
Q12	Communal Enclosed
Q13	Communal Enclosed
Q14	Communal Enclosed
Q15	Communal Enclosed
Q16	Communal Enclosed
Q17	Communal Enclosed
Q18	Communal Enclosed
Q19	Communal Enclosed
Q20	Communal Enclosed
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Q27	Communal Enclosed
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Q32	Communal Enclosed
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Q42	Communal Enclosed
Q43	Communal Enclosed
Q44	Communal Enclosed
Q45	Communal Enclosed
Q46	Communal Enclosed
Q47	Communal Enclosed
Q48	Communal Enclosed
Q49	Communal Enclosed
Q50	Communal Enclosed

## Attachment C- Clause 4.6 Exception to Development Standards

### 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 1 Parramatta Road, Haberfield, for the demolition of all existing structures and the erection of a three storey mixed use development comprising ground floor car showroom and 24 serviced apartments with basement car parking.

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 known as 1 Parramatta Road, Haberfield, and is legally referred to as Lot 100 in Deposited Plan 1130362. The site is located on the northern side of Parramatta Road on the western side of the intersection with Hawthorne Parade.

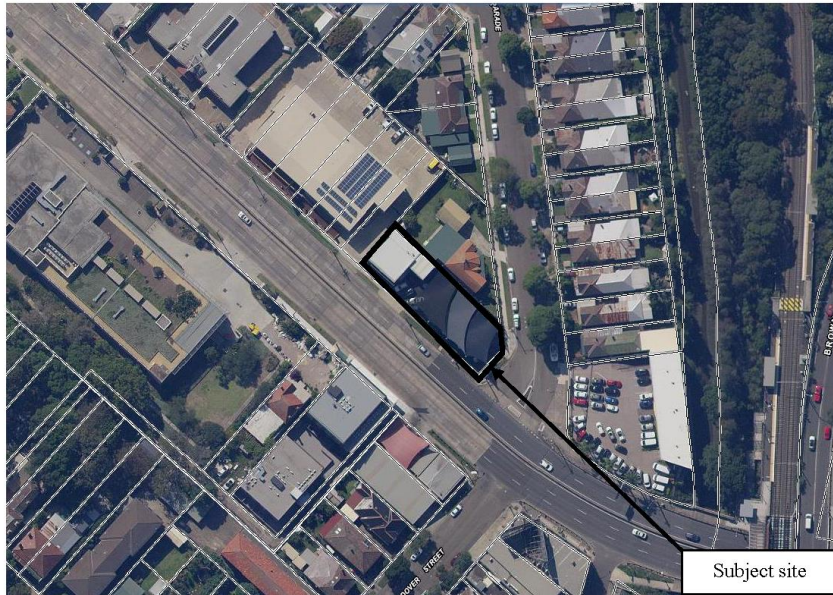
The site has a frontage of 53.06m to Parramatta Road and a secondary frontage to Hawthorne Parade of 11.74m and 7.625m. The rear setback measures 47.29m and the shared side boundary to the north-west measures 16.75m. The total site area is 874.8m<sup>2</sup>. Refer to Figure 1 below.

Eurodrive Centre, a car showroom business premises, currently operates on the site. It comprises a two storey structure and outdoor hardstand car showroom area with shade cloths. A bus stop is located out the front of the site along Parramatta Road and a substation is located along Hawthorne Parade. Refer to Figure 1 on the following page.

Development along Parramatta Road is characterised by commercial and business premises, including a Renault car showroom to the east at 3-5 Hawthorne Parade and a two storey commercial building with rear at-grade car parking to the north-west at 3-15 Parramatta Road. Notwithstanding the corner properties, Hawthorne Parade is a residential street generally characterised by older single storey dwelling houses, such as the immediate adjoining property to the north, 6 Hawthorne Parade. Refer to Figures 2-8 for photos of site and surrounds.

The site is located in proximity to public transportation, noting a bus stop outside the property boundary along Parramatta Road and its tandem stop opposite, and Taverners Hill Light Rail Station within 100m walking distance to the east of the site. Both transportation options allow good access to near centres such as Leichhardt, Ashfield and those further afield such as the CBD or Burwood. The site is also 650m walking distance from the Summer Hill Train Station.

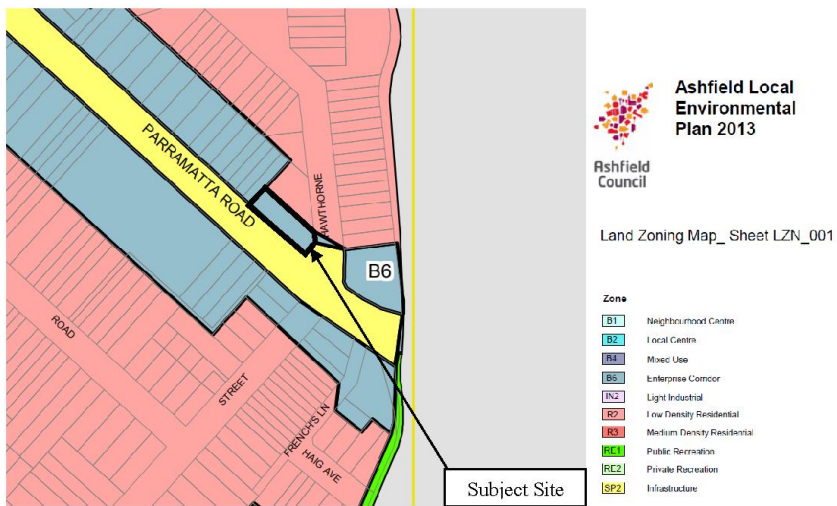
Figure 1 Site Location Map



Source: SIX Maps

Under the ALEP13, the subject site is zoned B6 Enterprise Corridor. Refer to the figure below.

Figure 2 Zoning Map



Source: NSW Legislation, ALEP13

Serviced apartments and vehicle sales or hire premises are permissible with consent in the B6 zone.

### 3. Clause 4.6

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#### ***“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

This submission has been prepared having regard to the following guideline judgements:

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



- *Micaul Holdings Pty v Randwick City Council* [2015] NSWLEC 1386;
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7; and
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

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.*

*(2B) Subclause (2A) does not apply to development on land identified as “Area 3” on the Key Sites Map if the consent authority is satisfied that the development achieves the objectives of this clause.”*

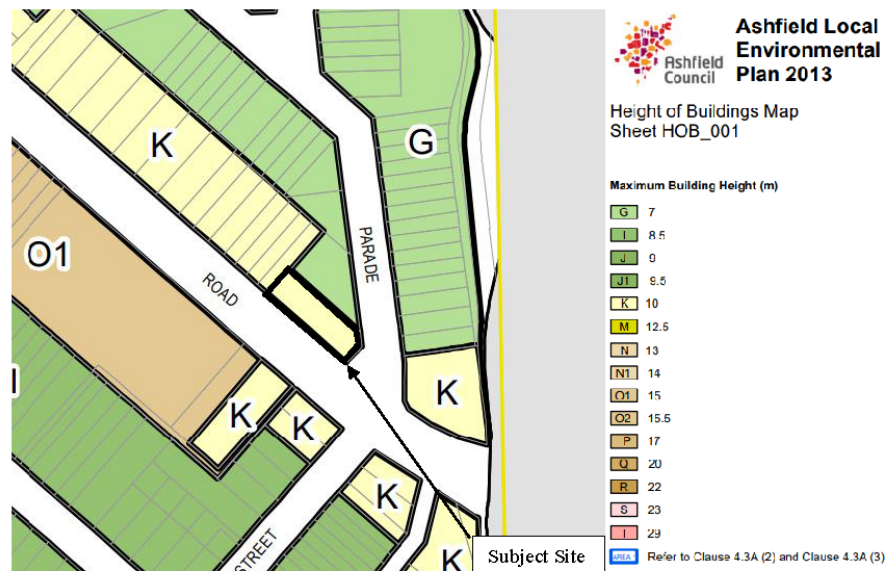
As demonstrated in Figure 3 below, the subject site is limited to a maximum building height of 10m.

The proposed development seeks a maximum height of 10.7m, as measured from ground level to the top the parapet.

Subclause 2A does not apply as the site does not fall within the B4 Mixed Use zone.

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.

Figure 3 – Height of Buildings Map



Source: NSW Legislation, ALEP 13

**4. Extent of Non-Compliance**

As noted above, Clause 4.3 of the ALEP13 states that the maximum building height for the site is 10m.

The current proposal seeks a maximum building height of 10.7m. The proposal therefore exceeds the standard by 700mm or 7%.

Refer to Figures 4 and 5 below, an excerpt of the section plans submitted to Council and 3D height blanket, that illustrates the elements exceeding the standard. The blue line in the section indicates the 10m height line. The red areas in the 3D image relates to the 10m height line.

As both Figures 4 and 5 detail, no gross floor area exceeds the height, only the roof slabs and parapets of the corner part of the proposed building and the services/fire stairs area behind the front building line.

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.

Figure 4 - Section DD Excerpt

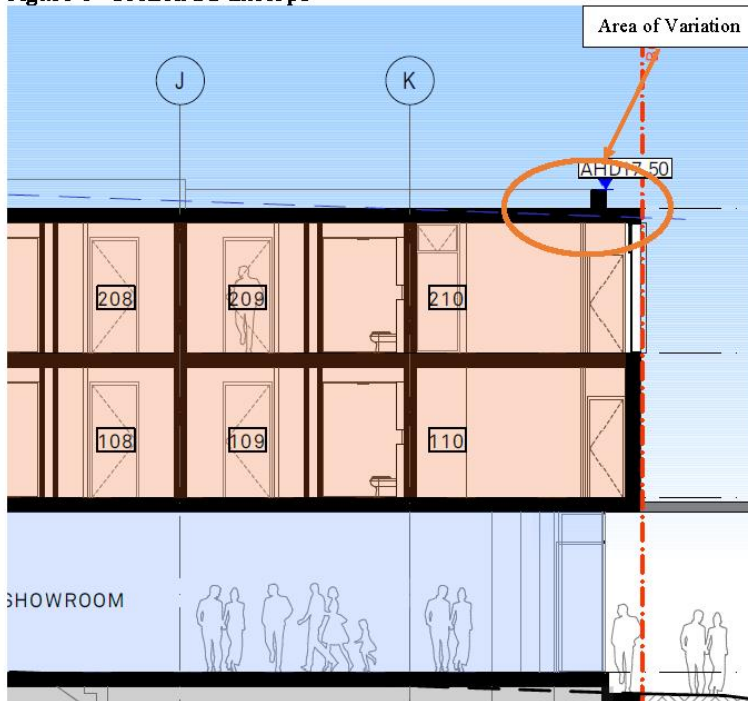
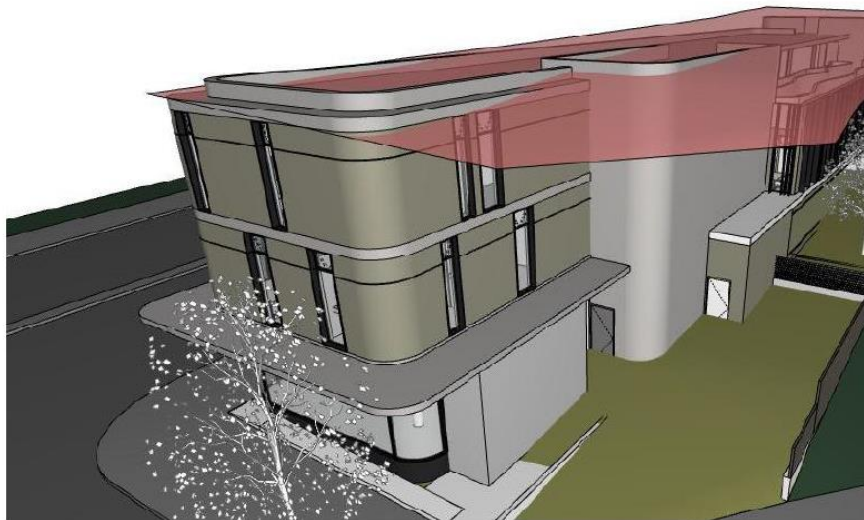


Figure 5 - 3D Height Blanket



**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:

<b>First</b>	<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.  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>
<b>Second</b>	<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>
<b>Third</b>	<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>
<b>Fourth</b>	<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>
<b>Fifth</b>	<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 10 metres and a floor space ratio of 1.5:1. The proposal is notably compliant with the maximum floor space ratio control (1.45:1 proposed). 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 roof slab and parapet at the Parramatta Road/Hawthorne Parade corner portion of the building and the enclosed services area set behind the front building line. The areas of variation do not form part of the gross floor area of the development.

The proposed development overall has been designed to achieve a high degree of architectural merit and to ensure minimal amenity impacts occur to the adjoining residential zone. The building envelope has worked within the site constraints and controls to achieve an articulated, physically and materially, appearance and is generally compliant with the controls and the intent behind the controls where variations have occurred. A high quality built form is considered to have been designed, noting the majority of the development is below the height control.

On objective (b), the proposal seeks to be designed to the desired future character of the Parramatta Road and B6 Enterprise Corridor zone. The proposed built form is located on a corner, to the south of the adjoining residential property, 6 Hawthorne Parade and to the south-east of the adjoining business development on 3-15 Parramatta Road. A nil side setback is proposed to the latter development in accordance with the DCP setback controls, while setbacks generally aligning with the building height plane has been proposed to 6 Hawthorne Parade. The setback, at minimum at ground level is 3m, however is mostly 4.3m. At Level 1, the setback is 4.65m to the serviced apartments and 6m to the services area. At Level 2, the same setbacks apply to the roof terrace using the roof slab over the serviced apartments at Level 1 and to the services area.

The proposed setbacks have retained ample availability of sky exposure and daylight into the south facing windows of 6 Hawthorne Parade, the most affected by the proposed development. The surrounding streets of Parramatta Road and Hawthorne Parade retain ample sky exposure and daylight, with the areas of variation casting minimal additional shadowing. The proposal is consistent with objective (b).

Having regard to objective (c), a suitable transition in scale is proposed despite the height variation being sought. A DCP building height plane control governs the building envelope as it transitions from Parramatta Road toward the rear boundary residential properties with the fundamental design ethic to transition the built form away from Parramatta Road to the rear residential properties. The Level 2 gross floor area has been massed toward the Parramatta Road frontage with the area behind unenclosed with the exception of the services/fire stairs block that partially breaches the height of buildings standard, limiting the additional bulk and scale the proposed development creates. The services/fire stairs block has been carefully positioned to limit the visual impact particularly from the most vulnerable receiver being 6 Hawthorne Parade. The block is located forward of the south facing windows and generally forward of the front building line of the dwelling, meaning it is not readily visible from within the dwelling or from the private open space which minimises the impact. A transition in scale has been provided inclusive of the height breach in a manner that minimises the impact.

In terms of the height variation at the corner part of the property, there is deemed to be no negative consequence in terms of the provision of a transition. The height massed to the corner is consistent with the DCP performance criteria and design solutions in that it defines or bookends the corner. A strictly compliant development would not create a better outcome in architectural design and, conversely, a variation does not create tangible negative consequences to adjoining properties.

The adjoining property, while within a heritage conservation area, is notably not a heritage item, nor are there any within the vicinity of the site. The proposal is consistent with objective (c).

Regarding objective (d), the proposed development will only overshadow Parramatta Road and Hawthorne Parade, being to the south of 6 Hawthorne Parade and south-east of 3-15 Parramatta Road. The proposal will have no impact on the solar access available to other properties. In terms of public areas, the only areas to be affected are the footpath and Parramatta Road to which no direct solar access controls apply. The degree of variation is minimal in terms of the additional overshadowing it would cause, noting that the services area/fire stairs portion of the variation would only overshadow the proposed roof.

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?**

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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 a new mixed use development in an area zoned to permit such development that achieves a good level of amenity to the development itself without

compromising that of adjoining properties. The variation being limited to the roof slabs and parapets in proximity to the corner part of the site means the impact of the variation is very limited to non-existent. It does not create any overshadowing or privacy impacts to adjoining properties. The positioning of the built form and the variation has had regard to the site constraints and surroundings to minimise the impact from additional visual bulk.

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?**

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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 an excellent balance of built form and landscaping to mitigate the increasing density on the site.

Furthermore, it is important to also consider the objectives of the B6 Enterprise Corridor zone in relation to the development, which are as follows:

##### ***B6 Enterprise Corridor – Objectives of zone***

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

The following comments are made with regard to the objectives:

The proposed development incorporates two businesses in that it retains a car showroom on the site but also 24 serviced apartments above. The two uses are compatible in that they do not impact the amenity of each other noting the integral hours of the car showroom do not overlap with the sleeping hours for guests of the serviced apartment uses.

The two businesses are of different types and target different demographics of employment opportunities, ensuring the use of the land within the zone provides for multiple employment and job types.

No retailing is proposed on the site.

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**

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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 the construction of a refreshed car showroom and new serviced apartment development, two permissible land uses. The proposal does not seek to maximise development on the land, notably being below the maximum floor space ratio, and has been designed with regard to the amenity of surrounding properties, most notably the residential property to the north. A balanced built form and landscaped area is proposed with a buffer area proposed along the northern rear boundary behind the basement entry mouth to mitigate the impact of the uplift permitted on the site. The degree of variation has not resulted in unreasonable additional impacts.

The proposed development provides additional business and employment opportunities on the site in a business zoning which is located along a key corridor. The area can support an increase in density, and this is encouraged by Council's planning controls.

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?**

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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 B6 Enterprise Corridor 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

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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

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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,

Darren Laybutt  
GAT & Associates  
Plan 2806

## Attachment D – Statement of Heritage Significance

as an Urban Conservation Area by the National Trust in 1978, and has been included on the Register of the National Estate since 1990.

### Why Haberfield is important - a statement of significance

Haberfield has historic significance as the first successful comprehensively planned and marketed Garden Suburb in Australia. Designed and developed by real estate entrepreneur and town planning advocate, Richard Stanton, its subdivision layout and tree lined streets, its pattern of separate houses on individual lots (the antithesis of the unhealthy crowded inner suburbs of the period) and its buildings and materials, clearly illustrate his design and estate management principles. Haberfield pre-dates the first Garden Suburbs in Britain by some five years.

It is significant in the history of town planning in NSW. The separation of land uses, exclusion of industry and hotels, designation of land for community facilities and its comprehensive provision of utility services and pre-development estate landscaping profoundly affected housing trends, state subdivision practice and planning legislation in 20<sup>th</sup> century Australia.

It is significant in the history of Australian domestic architecture for its fine ensemble of Federation houses and their fences, and shops, most with their decorative elements intact.

It is outstanding for its collection of modest Federation houses displaying skilful use of materials and a high standard of workmanship of innovative design and detail particularly reflective of the burgeoning naturalistic spirit of the Federation era in which they were built.

The form, materials, scale and setback of buildings and their landscaped gardens fronting tree lined streets together provide mature streetscapes of aesthetic appeal.

Haberfield is a major research repository of the Federation era, garden design and plant material, architectural detail, modest house planning, public landscaping and utility provision.

### Haberfield and its history

The present day suburb of Haberfield occupies all the land north of Parramatta Road between Iron Cove and Long Cove Creeks granted to Nicholas Bayly in 1803. It was purchased in 1805 by emancipist and successful businessman and land owner, Simeon Lord, for 850 pounds. Lord named these 480 acres "Dobroyde" for his cousin's home in Lancashire. When his eldest daughter, Sarah, married Mr David Ramsay in 1825, the Dobroyd Estate was part of her marriage settlement.

Mr Ramsay died in 1860, leaving his widow to dedicate land for church, manse, school and cemetery (St David's, Dalhousie Street) and to divide the rest of the Dobroyd Estate amongst their ten children.

Three of the Ramsay children put portion of their land up for sale in the 1880s. Louisa's land was subdivided into villa allotments in 1885. However, despite the extension of the tramway from Leichhardt along Ramsay Street to Five Dock, it would appear that very few villas were constructed, probably because of the restraints put on investment and development by the Depression of the 1890s.

Haberfield owes its reputation today as Australia's first Garden Suburb to the successive purchase and development of much of the Ramsay children's estates by R Stanton and W H Nicholls, real estate agents of Summer Hill.

Stanton was a friend of John Sulman, British immigrant and dominant figure in the town planning debate in Australia at the turn of the century. Australia's urban areas, particularly Sydney, faced problems of health and poverty as the rapidly growing post-Gold Rush population crowded into the cities. People were housed in unsewered terrace buildings and household drains often flowed into the back lanes. Debate about the state of our cities led to a Royal Commission in 1909, which Sulman addressed. He was aware of the British Garden City Movement which was concerned about the unhealthy effects of crowded industrial cities. It sought to design and build self-sufficient cities where industrial, commercial and residential land uses were separated, where houses were set in gardens and adequate space for agriculture and parkland was provided. Sulman lectured about town planning and architecture at Sydney University in the 1880s and gave public lectures about towns and planning. In 1914 he brought leaders of the



## Attachment E – Plan of Management

### PLAN OF MANAGEMENT FOR SERVICED APARTMENTS AT 1 Parramatta Road, Haberfield

#### INTRODUCTION

This Plan of Management is for a Serviced Apartment development incorporating 24 serviced apartments at No. 1 Parramatta Road, Haberfield.

The serviced apartments are for the temporary and short-term accommodation for tourists and visitors. The maximum stay for occupants is 3 months.

This Plan of Management accompanies a development application for the use and may need to be refined subject to formal development consent.

The Objectives of the Management Plan are:

- a) To detail the nature of the operation so as to ensure compliance with Council's approvals.
- b) To ensure that the occupants of the serviced apartments are safe.
- c) Establish operational rules of the serviced apartments.
- d) To ensure that the premises operates in a manner which maintains a high level of amenity for both the serviced apartment guests and visitors and the residents and businesses within the surrounding neighbourhood.

This Management Plan is divided into the following sections:

- Details of the Serviced Apartments
- Operational Details
- Complaint System
- House Rules

**Details of the Serviced Apartments**

The serviced apartments are located on Levels 1 and 2 of the mixed use building at 1 Parramatta Road, Haberfield. A lobby area with a concierge desk for the serviced apartments is located at ground level on the north-western end of the Parramatta Road frontage.

A total of 24 single bedroom serviced apartments are proposed with self-contained bathrooms and kitchens.

The serviced apartments are for the temporary and short-term accommodation of tourists and visitors with a maximum length of stay of 3 months.

Employees for the serviced apartments have been allocated 2 parking spaces within Basement Level 2.

## **Operational Details**

### Staff

A staff member will be stationed at the concierge desk on the ground floor outside of the lift lobby during general hours of operation. The staff member will be available for existing and new occupants, enquiries, complaints and reporting of any issues.

A manager or managing agent will be appointed and be available to occupants and neighbours via telephone on a 24 hour basis. The manager will be responsible for the day-to-day operation, administration, cleanliness and fire safety of the serviced apartments, including the ongoing compliance with the terms and conditions of this Plan of Management and the relevant Development Consent issued by Inner West Council.

Contact information will be updated into the Management Plan upon their appointment and distributed to each apartment and to neighbours.

Upon check-in, a brochure is to be distributed to guests. The brochure is to include key information such as contact information for the concierge, manager or managing agent, emergency contacts, the complaints or incidents reporting process and the house rules. Guests are to be instructed to be respectful and considerate of other guests and neighbours by keeping noise to a minimum and the usage of the communal terrace.

The manager or managing agent is to ensure that a copy of the House Rules is clearly displayed in common areas and in each of the serviced apartments. They shall also ensure that the House Rules are kept up to date and that any updates to the House Rules are also provided to each guest.

The House Rules exist to maintain respect and consideration of other guests within the premises and of those around.

The manager or managing agent shall ensure that a copy of the House Rules is located within each serviced apartment and that if these House Rules are amended, the outdated copy is replaced with the updated copy. The manager or managing agent will also be responsible for ensuring the rules are adhered to.

### Serviced Apartments

The serviced apartments comprise 24 one-bedroom apartments.

All serviced apartments have a bedroom and living area, bathroom, kitchen and laundry cupboard. The apartments will be fully furnished with fixtures and fittings, including beds, chairs and table, lights, linen, towels, fridge, a washer and curtains or blinds for the windows.

Check in is available after 2pm and check out by 10am.

Servicing and cleaning will be available on a daily basis or as requested.

A communal outdoor terrace area is proposed on Level 2 for use of the guests during the hours of 7am and 10pm. Usage of the outdoor terrace is subject to operational house rules. Guests will be advised of these rules upon check-in.

#### Accessibility

The serviced apartments are accessibility by a lift from the ground floor lobby to Level 1 and 2, and into the basement to access the car parking.

Two of the apartments will be accessible rooms (110, 210).

#### Cleaning

The manager or managing agent will appoint a cleaner to keep the common areas cleaned on a weekly basis.

Cleaning of the serviced apartments will be available on a daily basis or as requested.

The manager or managing agent is to ensure that pest control inspections are to be carried out on a 12 month basis as a minimum.

All waste and recycling services will be provided by a licensed private waste collection contractor on a weekly basis.

#### Security

A key card/pad or intercom system is to be installed to manage access throughout the development to guests. The key cards or codes will be distributed to guests upon available and collected upon completion of their stay. The manager or managing agent will is responsible for the system to be maintained in full working order.

The manager or managing agent will be responsible for the installation and ongoing maintenance of lighting and CCTV in common areas and entrances and exists to the building.

Internal signage will be installed internally to the serviced apartments showing:

- The concierge contact number;
- The manager or managing agents contact number and name;
- Emergency contact numbers;
- An evacuation plan showing paths of egress from the individual units.

#### Fire Safety

The manager or managing agent and owner of the serviced apartments are to ensure the building complies with all relevant provisions of the Building Code of Australia at all times.

The building will be equipped with various signage such as:

- NO-SMOKING within the internal common areas, the outdoor communal terrace or within serviced apartments.
- DO NOT Disconnect Smoke Detectors to smoke in rooms.

Appropriate signage stating the following (or similar):

- "Abuse of Smoke Detectors will result in the Fire Brigade being at your door step. FINE \$600 (and an additional \$50 processing fee) as this is what the Fire Brigade charges for False Alarms."

A regular (Electronic Smoke and Heat Detector Back to Base) inspection contract will be entered into and maintained.

In the event of a fire, the fire alarm will sound. It is the duty of the on-site staff to check all rooms and ensure all people leave the building. An assembly point will be designated at the site. All rooms will be provided with a fire evacuation plan and map.

The manager or managing agent will ensure that the fire safety equipment within the premises is properly maintained, checked and certified and that the Annual Fire Safety Statement procedures required for the building are carried out and a copy of the Annual Fire Safety Statement is displayed in the entry area.

**Other Matters:**

VISITOR INFORMATION - Visitor information will be available in at the concierge and within each apartment.

REVIEW PROCESS - This document is to be reviewed annually, or as required should issues be identified, by the owners of the serviced apartment in conjunction with the manager or managing agent of the premises to ensure that this Plan of Management continues to be current and relevant to the operation of the premises and the effectiveness of the House Rules. A copy of any amended Plan of Management for these premises shall be provided to Inner West Council.

EMERGENCY AND EVACUATION PLAN - Emergency and evacuation routes are to be displayed on an Evacuation Notice that is to be posted on the back of each serviced apartment and in each hallway.

Emergency contact details are to be displayed on the Evacuation Notice.

On-site staff must maintain appropriate training for emergency evacuations.



#### COMPLAINT SYSTEM

To ensure that all the conditions of the development consent are adhered to and a healthy relationship with surrounding properties is maintained, a Complaint Monitoring System has been established as part of this Plan.

The complaint system is to relate to any aspect of the development inclusive of noise.

A staff member stationed at the concierge desk or the manager or managing agent outside of standard operation hours will be contactable to lodge a complaint either in person, via phone or email.

The contact details of the manager or managing agent is to be provided to surrounding properties and to be displayed at the front of the serviced apartments.

A copy of the Plan of Management will be kept on site and will be available for inspection by request to the staff.

Complaints may be made to the staff member on site or the manager or managing agent who will then action the problem.

The manager or managing agent will then notify the complainant of the action taken to rectify the problem.

The following procedure is adopted for the handling of any complaint: -

1. Complaints can be made by any of the following means:
  - telephone,
  - mobile phone,
  - email,
  - mail.
2. Complaints should include the following information to assist in the investigation of the potential problem: -
  - exact nature and details of the incident;
  - date and time of the incident; and
  - full name and address of complaint.
3. The details of all complaints are to be recorded in a Complaints Register including the above information. The Register shall also be updated to record the action taken by management to resolve the complaint.
4. The Complaints Register shall always be retained on the premises and shall be produced upon request to any Inner West Council officer or any officer of the NSW Police Service.
5. In receiving a complaint from a resident/land owner, staff are to adhere to the following guidelines: -
  - When taking a telephone call or a personal visit, ensure that you remain polite and the visitor or enquirer is given every reasonable assistance.

- If the comment/complaint is about a problem that is actionable immediately, appropriate action is to be taken to alleviate the problem immediately and the details are to be recorded in the Complaints Register of the action taken.
- If the problem is not actionable immediately, the complainant is to be contacted and informed of what action is proposed to resolve the issue and a time frame provided – again such action is to be recorded in the Complaints Register.
- Once all actions are completed, final details are to be recorded in the Complaints Register.

## HOUSE RULES

The following house rules apply to all guests and their visitors.

The rules consist of behavioural requirements as well as operational issues that need to be managed on site at all times.

The rules below are listed in no particular order of importance.

House rules can be amended by management to resolve issues that arise due to operational issues resulting from complaints and/or general management changes required as part of the everyday running of the operation.

The house rules will be displayed in each room and in all common areas and will form part of the tenant's agreement that are signed by all occupants.

The rules are as follows:

1. Drugs – illegal drugs are banned. Possession or usage of drugs will lead to eviction, police reporting and possible prosecution.
2. Alcohol – guests must act in a responsible and considerate manner at all times. Excessive consumption of alcohol that impacts other guests will be issued a warning. Repeat offenders will have their occupation terminated and be evicted from the premises.
3. Alcohol – consumption of alcohol is prohibited in the outdoor communal area.
4. No smoking is permitted within the communal outdoor area, hallways, or any of the serviced apartments.
5. No guests or visitors are to be gathered in the outdoor communal area from 10pm to 7am.
6. No music is to be played in the outdoor communal area.
7. Speech is to be kept to conversational level. Shouting is not acceptable.
8. All guests and visitors are to not make unreasonable noise while on the premises.
9. Guests are responsible for the behaviour of their visitors.
10. Management has the right to cease any gathering in the communal outdoor area at any time where it deems that the group is of a size that could cause a possible nuisance.
11. Anti-social behaviour is unacceptable. This includes threatening or demeaning any person within the building. Damage to any property, graffiti, theft of any property, physical or sexual harassment, or loud and rowdy noise. Any such behaviour can result in warnings, eviction and/or police intervention.
12. Dress code – guests and visitors are not permitted to walk around the common areas in any state of undress. Guests and visitors are to be mindful of other cultures.
13. The volume of the television or music or any noise generating device must be kept within reasonable levels so as to not disturb other guests.

14. The car parking spaces will be allocated upon check-in. Guests are not to use a car space that has not been allocated to them.
15. No animals or pets are allowed anywhere within the premises.

LOCAL RESIDENTS/LAND OWNERS CONCERNS – RECORD

Reference No \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

RESIDENT/LAND OWNERS NAME: \_\_\_\_\_

RESIDENT/LAND OWNERS ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

RESIDENT/LAND OWNERS PHONE No: \_\_\_\_\_

RESIDENT/LAND OWNERS CONCERN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ACTION TAKEN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ACTION COMPLETE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

BY: \_\_\_\_\_ (Manager Name)