

1. Executive Summary

This report is an assessment of the application submitted to Council pursuant to Section 8.2 of the *Environmental Planning and Assessment Act 1979* for a review of Determination No. MOD/2020/0401, which refused the modification of the existing development to regularise works and the inclusion of a dogwash facility at 95 Ramsay Street, Haberfield. The application was refused for the following reasons:

- 1. The unauthorised structures and excessive signage are unsympathetic to, and not in keeping with, the Haberfield Heritage Conversation Area.
- 2. The proposed eight car parking spaces are insufficient parking for staff and customers and cannot be satisfactorily be accommodated on the site.
- 3. Unacceptable noise impacts on neighbouring properties.

A copy of the refused plans are included as Attachment D to this report.

A review of the determination under Section 8.2 of the *Environmental Planning and Assessment Act 1979* (*EP&A Act 1979*) has been requested. The application was notified to surrounding properties and 14 submissions were received.

The main issues that have arisen from the application include:

- Impacts of unauthorised works
- Car parking requirements
- · Suitability of proposed dog wash facility
- · Concerns raised in submissions

Despite the matters noted above, the proposal generally complies with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, Ashfield Local Environmental Plan 2013 (ALEP 2013), and Inner West Comprehensive Development Control Plan (IWCDCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill subject to conditions.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable, given the context of the site and the existing and desired future character.

The application is suitable for consent subject to the imposition of appropriate terms and conditions.

2. Proposal

The application seeks a review of Determination No. MOD/2020/0401 under Section 8.2 of the *Environmental Planning and Assessment Act 1979* (*EP&A Act 1979*). The original application was for the modification of the existing development to regularise works and include a dogwash facility at the site, which was refused by the Inner West Local Planning Panel on 23 February 2021.

The current application proposes to modify the existing development to regularise the following works that have been constructed at the site:

- Shade structure over the wipe-down area;
- Enclosure of walkway adjacent to the car wash;

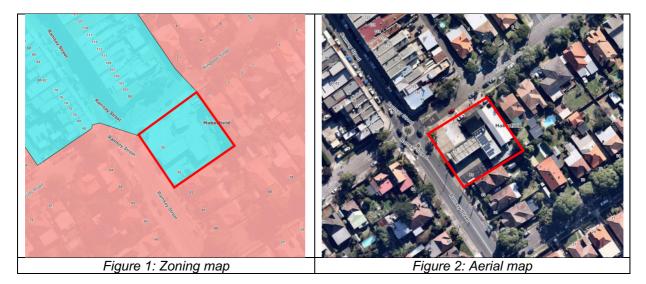
- Extension of the car wash roof;
- Installation of numerous signs;
- Inclusion of new dog wash service; and,
- Reconfiguration of the car parking arrangement and landscaping.

3. Site Description

The subject site is located on the eastern side of Ramsay Street, on the eastern corner of the intersection of Ramsay Street, Kingston Street, and St Davids Road, Haberfield. The site consists of one allotment and is generally square in shape with a total area of 1860sqm and is legally described as 95 Ramsay Street, Haberfield.

The site has a 39.6m wide primary frontage to Ramsay Street and a 45.7m wide secondary frontage to Kingston Street. The site currently has vehicular access from both frontages.

An existing service station, car wash, and vehicle repair station are located on the site. Surrounding development comprises residential and commercial development.



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
MOD/2020/0401	Modification of existing development to regularise works	Refused by IWLPP
	and inclusion of a dog wash facility	23 Feb 2021
10.2017.170.4	Modification of approved service station and extension of	Refused
	trading hours until 7.00pm daily	24 Sep 2019
10.2017.170.3	Removal of a 3m wide section of approved landscape	Approved
	strip and construction of new vehicle crossing to Kingston	1 Mar 2019
	Street	

10.2017.170.2	Section 4.55 application to amend DA2017.170 to retain	Approved
	the existing service station, reversal of the vehicle flow	20 Nov 2018
	and modifications to the existing floor area and approved	
	staff amenities building	
10.2017.170.1	Alterations and additions to existing service station to	Approved
	create new extended building to provide a convenience	21 Jan 2018
	store, new café and ancillary spaces, new single storey	
	building to provide plant, amenities and staff room, a new	
	car washing facility, car parking and associated signage	
10.2005.159.1	Construction of a concrete block retaining wall and fence	Approved
	between the service station at No. 95 Ramsay Street and	20 Sep 2005
	the dwelling house at No. 1 Kingston Street; Installation of	
	crash barrier on service station side	
10.2001.109.1	Demolition of existing service station and removal of all	Refused
	trees on the site; construction of petrol	13 Dec 2001
	station/convenience store to operate 24 hours and	
	construction of a car wash and advertising signage	
6.1990.370.1	Alterations to service station	Approved
		26 Oct 1990
6.1984.15.1	Building Application – Steel Canopy	Approved
		7 Feb 1984
6.1981.459.1	Building Application – Convert to self service	Approved
		17 Nov 1981
1.1970.7720.1	Building Application – Car wash	Approved
		1 Jan 1970

In addition to the above, it is noted that the site has been subject to investigation by Council's Compliance Officers and Environmental Health Officers with regard to unauthorised works and noise impacts.

4(b) Application history

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

Date	Discussion / Letter / Additional Information		
29 March 2021	Application lodged.		
6 to 20 May 2021	Application notified.		

5. Assessment

The following is a summary of the assessment of the application in accordance with Sections 4.15 and 8.2 of the *EP&A Act 1979*.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No. 55—Remediation of Land
- State Environmental Planning Policy No. 64 Advertising and Signage
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ashfield Local Environmental Plan 2013 (ALEP 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. IWCDCP 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. However, as the application seeks to modify the service station only It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) specifies aims, objectives, and assessment criteria for signage as addressed below. Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination, and safety.

The application seeks consent for the following signage:

- 1 x ground mounted vertical sign measuring approximately 3600mm (height) by 1190mm (width) fronting the corner of Ramsay Street and Kingston Street reading "4 MIN CAR WASH \$19" (Sign A);
- 1 x ground mounted vertical sign measuring approximately 2820mm (height) by 1190mm (width) fronting Ramsay Street indicating the fuel prices (Sign B);
- 1 x illuminated wall sign measuring approximately 790mm (height) by 4000mm (width) fronting Ramsay Street reading "CRYSTAL carwash café" (Sign D);
- 1 x illuminated wall sign measuring approximately 600mm (height) by 120mm (width) fronting Ramsay Street reading "CRYSTAL carwash café" (Sign F);
- 2 x illuminated ground mounted vertical signs measuring 2400mm (height) by 1050mm (width) reading "CRYSTAL" and displaying price menus (Signs G & H);
- 1 x ground mounted sign measuring approximately 1550mm (height) by 3230mm (width) fronting Kingston Street reading "CRYSTAL carwash cafe" (Sign I);
- 2 x parapet signs measuring approximately 400mm (height) by 4000mm (width) fronting Ramsay Street and Kingston Street reading "CRYSTAL carwash café" (Signs L & J);
- 1 x wall sign measuring approximately 910mm (height) by 6990mm (width) fronting Kingston Street reading "CRYSTAL carwash café" (Sign K);
- 3 x fence mounted signs measuring approximately 900mm (height) 2790mm (width) fronting Ramsay Street adverting carwash prices (Sign M);
- 2 x ground mounted signs measuring approximately 1250mm (height) by 950mm (width) fronting Ramsay Street advertising various in-store products (Sign N);
- 3 x double sided illuminated signs mounted on the fuel canopy measuring approximately 780mm (width) by 780mm (height) containing the BP 'Helio' (Sign P);
- 4 x doubled sided signs mounted on the fuel canopy columns measuring approximately 900mm (height) by 1360mm (width) containing "BP Ultimate" (Sign Q).

The location of the proposed signage is demonstrated in the figure below. It is noted that no changes are proposed to Signs C, E, and O as part of the subject application.

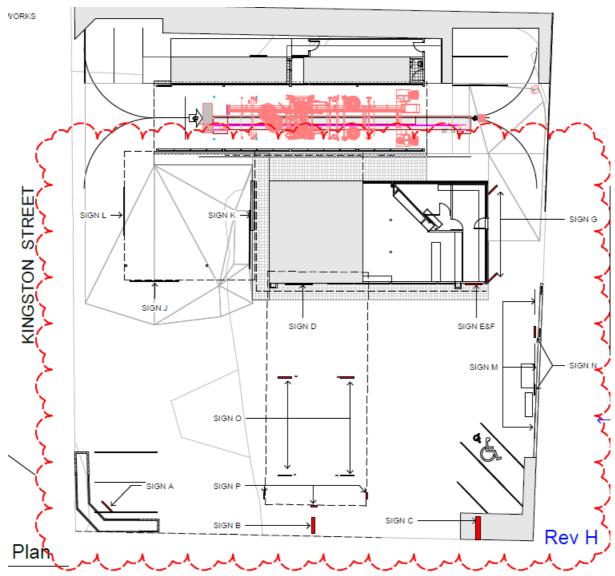


Figure 3: Proposed signage location.

While in principle new signage can generally be supported on the site, the proposed signage schedule is not considered to satisfy the assessment criteria contained in Schedule 1 of SEPP 64. The signage proposed is considered inconsistent with the existing character of the area and the streetscape and detracts from the visual quality and amenity of the Haberfield Heritage Conservation Area and the adjoining residential uses. The extent of signage proposed is considered unnecessary and results in visual clutter given the total number of signs on the site and their proximity and positioning relative to other similar signs, particularly along the southern boundary.



Figure 4: Location of signs M and N adjacent to eastern side boundary.

Given the above, the following conditions are recommended to reduce the number of signs on the site to ensure the signage schedule does not adversely impact the aesthetic quality of the streetscape and residential amenity:

- Signs I, J, and L are to be deleted.
- Sign M is to be amended to consist of one sign only.
- Sign N is to be amended to consist of one sign only.

In addition to the above, the submitted plans demonstrate that Sign A obstructs the two proposed parking spaces at the western corner of the site. While not shown on the plans, an existing air pump is also located adjacent to Sign A, further reducing the space available for car parking.

As discussed further under Section 5(d)(i) of this report, eight (8) car parking spaces are required. To ensure the required number of spaces can be accommodated on the site, Sign A and the air pump must be removed to enable three (3) spaces to be provided. A condition has been included in the recommendation requiring the removal of Sign A and the air pump accordingly.

5(a)(iii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

Vegetation SEPP concerns the protection and removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of IWCDCP 2016. The application will not result in any impacts to any significant vegetation on the site or on Council land and is therefore considered acceptable.

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

The application was assessed against the following relevant clauses of *ALEP 2013*:

Control	Proposed	Comp	liance
Clause 1.2	The proposal is consistent with the relevant aims of the	Yes,	subject
Aims of Plan	plan as follows:	to the	removal

	 The proposal does not adversely impact the environmental heritage of Ashfield; and, The proposal does not adversely impact the urban character of the Haberfield urban village centre and retains the existing development that contributes to the vitality of the centre. 	of a number of signs to reduce visual clutter, the proposal is consistent with the aims of the plan
Clause 2.3 Zone objectives and Land Use Table	 The proposal satisfies the clause as follows: The application proposes modifications to the existing service station. Service stations are permissible with consent in the B2 Local Centre zone; The other proposed works, including the dog wash, are considered an ancillary use to the principal service station use and are therefore acceptable; The provision of Business Identification Signs are permissible having regard to the zoning of the land; and, The proposal is consistent with the relevant objectives of the zone, as it will provide a range of business uses that serve the needs of the local community and promotes an employment opportunity in an accessible location. 	Yes
Clause 4.3 Height of Buildings K – 10m	The application does not result in any increase to the existing maximum height.	Yes
Clause 4.4 Floor space ratio N – 1:1	The application does not result in any change to the existing gross floor area.	Yes
Clause 5.10 Heritage conservation Clause 6.5 Development on land in Haberfield Heritage Conservation Area	The proposal achieves the objectives of this clause as follows: • Subject to the recommended conditions requiring the deletion of signage, the proposed development is considered unlikely to result in adverse impacts on the significance of the heritage conservation area. The subject site is located within the Haberfield Heritage Conservation Area. However, as the application does not involve a dwelling house the requirements of this clause are not applicable.	Yes – subject to conditions

5(b) Draft Environmental Planning Instruments

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below and is considered to be acceptable:

• State Environmental Planning Policy No. 55—Remediation of Land

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

Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *EP&A Act 1979*.

The development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of IWCDCP 2016.

Control	Compliance					
Section 2 – General Guid	Section 2 – General Guidelines					
A – Miscellaneous	A – Miscellaneous					
1 – Site and Context Analysis	The applicant submitted an acceptable site and context analysis as part of the application.	Yes				
8 – Parking	See Section 5(d)(i) below.	Yes – subject to conditions				
10 – Signs and Advertising Structures	See Section 5(a)(ii) below.	Yes – subject to conditions				
Chapter E2 – Haberfield	Heritage Conservation Area					
Section 1 – Preliminary						
Objectives	The proposal is considered to meet the relevant objectives as follows: • Subject to the recommended conditions regarding signage, the proposed development is not considered to detract from the special heritage qualities and significance of Haberfield.	Yes – subject to conditions				
Section 3 – Planning Mea	asures for Commercial Properties					
3.3 – Commercial Buildings	 The proposal satisfies the relevant provisions of this Part as follows: The proposal does not result in any changes to the existing siting pattern of development on the site; The proposal does not involve the removal or changes to any original façades; and, Subject to the recommended conditions regarding signage, the proposal is considered unlikely to detract from the character of the streetscape. 	Yes – subject to conditions				

(i) Part 8 – Parking

Part 8 of IWCDCP 2016 requires a minimum of eight (8) car parking spaces to be provided for the service station and convenience store. The existing development consent for the site requires a minimum of nine (9) parking spaces. The application proposes to reduce the number of parking spaces to seven (7), as demonstrated in Figure 4 below.

The proposed reduction is a result of previous acoustic mitigation works being undertaken on the site resulting in insufficient space in the eastern rear corner of the site to accommodate the approved three (3) parking spaces. Notwithstanding, it is considered that there is sufficient area on the site to accommodate one (1) additional space to provide the eight (8) car parking spaces required to satisfy IWCDCP 2016.

As demonstrated in Figure 5 below, the development was previously approved with nine (9) parking spaces, three (3) of which were to be provided at the western corner of the site. It is

noted that the parking arrangement and landscaping strip have not been constructed in accordance with the approval. The angle and extent of the landscape buffer differ, the placement of trees do not match and the space is currently obstructed by Sign A and an air pump.

Subject to the imposition of a condition requiring the removal of Sign A and the adjacent air pump, a reduction in the width of the adjoining driveway crossing on Kingston Street from the current width of 10 metres down to 7 metres, this will provide sufficient area in the western corner of the site to accommodate three (3) parking spaces as previously approved. Therefore, the provision of an additional space in the western corner enables the eight (8) required spaces to be provided. The reduction in driveway width does not compromise ingress and egress from the site and ensures the development can comply with the prescribed parking requirements.

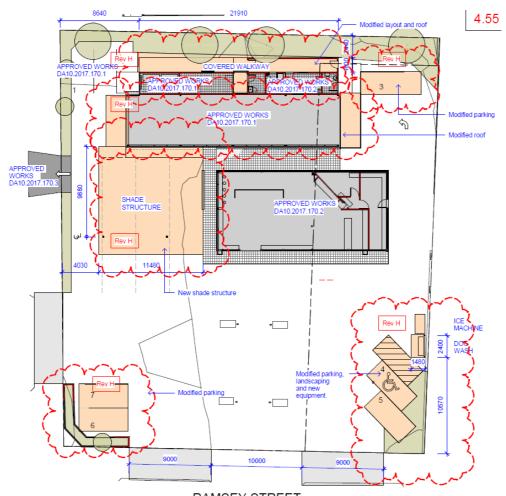


Figure 4: Proposed car parking plan indicating seven (7) car parking spaces.

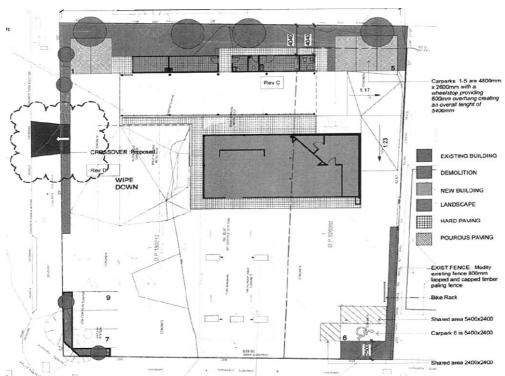


Figure 5: Approved site plan (DA 2017.170.3) demonstrating nine (9) car parking spaces.

(ii) Dog Wash

As noted above, the application proposes the inclusion of a dog wash facility, which is to be located adjacent to parking spaces 4 and 5 at the southern corner of the site.

While in principle the inclusion of a dog wash facility at the site is considered acceptable given it is a minor structure that is unlikely to adversely impact the significance of the HCA, the application has not adequately demonstrated that the dog wash facility will not result in any adverse acoustic impacts to adjoining residential properties.

As a result, the proposed dog wash facility is not supported, and a condition has been included in the recommendation requiring any reference to the dog wash to be removed from the development.

5(e) Section 8.2 of the Environmental Planning and Assessment Act 1979

The following is an assessment of the application against the requirements of Sections 8.2 and 8.3 of the *EP&A Act 1979*:

Provision	Comment
8.2 Determinations and decisions subject to review	
 (1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division— (a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), (b) the determination of an application for the modification of a 	The subject application seeks the review of a determination made by a local planning panel.

development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),	
(c) the decision of a council to reject and not determine an application for development consent.	
(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division—	The subject application does not relate to the listed application types.
(a) a complying development certificate,	
(b) designated development,	
(c) Crown development (referred to in Division 4.6).	
(3) A determination or decision reviewed under this Division is not subject to further review under this Division.	Noted.
8.3 Application for and conduct of review	
(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	The applicant has requested that the original decision be reviewed.
 (2) A determination or decision cannot be reviewed under this Division— (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or (b) after the Court has disposed of an appeal against the determination or decision. 	The application was lodged and will be considered by the Inner West Local Planning Panel for determination prior to the period within which any appeal may be made to the Court has expired.
(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	The subject proposed development remains substantially the same development as that originally proposed.
(4) The review of a determination or decision made by a delegate of a council is to be conducted—	NA
 (a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or 	
(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.	
(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.	This report has been prepared for the consideration of and determination by the Inner West Local
DAGE 18	

		Planning Panel.
(6)	The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council	NA
(7)	The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.	NA
(8)	The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.	NA
(9)	The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.	NA

An assessment of the amended proposal against the reasons for refusal issued under the original determination is provided below:

1. The unauthorised structures and excessive signage are unsympathetic to, and not in keeping with, the Haberfield Heritage Conversation Area.

As noted above, subject to the recommended conditions requiring the removal of signage, the proposed development is not considered to result in adverse impacts to the Haberfield Heritage Conservation Area.

2. The proposed eight car parking spaces are insufficient parking for staff and customers and cannot be satisfactorily be accommodated on the site.

As noted above, the proposed development requires a minimum of eight (8) car parking spaces to be provided in accordance with Section A8 of IWCDCP 2016. The site can accommodate eight (8) spaces and a condition has been included in the recommendation accordingly.

3. Unacceptable noise impacts on neighbouring properties.

The proposed development does not result in any changes to the existing hours of operation or to the approved use of the site, subject to the removal of the proposed dog wash facility. In this regard, the proposed development is considered unlikely to result in any adverse noise impacts.

5(e) The Likely Impacts

The assessment of the 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 the Inner West Council *Community Engagement Framework* for a period of 14 days to surrounding properties. Fourteen (14) submissions were received in response to the initial notification.

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

- Impacts on Heritage Conservation Area see Section 5(a)(ii)
- Suitability of proposed signage see Section 5(a)(ii)
- Insufficient parking see Section 5(d)(i)
- Noise impacts see Section 5(e)
- Intensification of use due to proposed dog wash facility see Section 5(d)(ii)

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

Concern			Comment		
Illegal and unauthorised			As noted previously, the site has been subject to investigation as		
works, and non-compliance			a result of unauthorised works being carried out at the site and		
with conditions of development			associated noise impacts due to non-compliance with the		
consent			approved operations of the development.		

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.

Subject to amendment as specified in this report, the proposal is not contrary to the public interest.

6 Referrals

The application was referred to the following internal sections/officers whose comments have been taken into consideration in the assessment of the application:

- Development Engineer
- Environmental Health
- Building Certification

7. Section 7.11 Contributions/7.12 Levy

The proposed modification will not alter the contributions payable for the approved development.

8. Conclusion

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

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

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

9. Recommendation

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act* 1979, grant consent to Application No. REV/2021/0006 for S8.2 Review of MOD/2020/0401 for modifications of existing development to regularise works at 95 Ramsay Street, Haberfield subject to the modified conditions listed in Attachment A below.

Attachment A - Recommended modified conditions of consent

Attachment A - Recommended modified conditions of consent

1. Amend condition A(1) as follows:

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers

No.	Issue	Title	Prepared by	Council Date Stamp
A1.00	1	Site Analysis	i.d. Projects	21/09/2017
A1.01	Đ	Site Plan	i.d. Projects	11/12/2018
A1.03	С	Demolition Plan	i.d. Projects	06/07/2018
A2.00	С	Existing Floor Plan	i.d. Projects	06/07/2018
A2.01	E	Proposed Floor Plan	i.d. Projects	06/07/2018
A2.02	E	Proposed Roof Plan	i.d. Projects	06/07/2018
A3.02	E	Elevations	i.d. Projects	06/07/2018
A3.03	C	Elevations	i.d. Projects	06/07/2018
A4.01	E	Sections	i.d. Projects	06/07/2018
A4.02	E	Sections	i.d. Projects	06/07/2018
A5.01	E	Schedules	i.d. Projects	06/07/2018
A6.01	E	Finishes	i.d. Projects	06/07/2018
A6.02	С	Finishes	i.d. Projects	06/07/2018
A7.01	E	Perspectives	i.d. Projects	06/07/2018
A7.02	E	Perspectives	i.d. Projects	06/07/2018
A8.01	E	Signage Plan	i.d. Projects	06/07/2018
A8.02	E	Signage Detail	i.d. Projects	06/07/2018
A1.01	Н	Site Plan	i.d. Projects	14/09/2021
A2.01	Н	Proposed Floor Plan	i.d. Projects	14/09/2021
A2.02	Н	Proposed Roof Plan	i.d. Projects	14/09/2021
A3.02	Н	Elevations	i.d. Projects	14/09/2021
A3.03	Н	Elevations	i.d. Projects	14/09/2021
A4.01	Н	Sections	i.d. Projects	14/09/2021
A4.02	Н	Sections	i.d. Projects	14/09/2021
A5.01	С	Schedules	i.d. Projects	14/09/2021
A6.01	Н	Finishes	i.d. Projects	14/09/2021
A8.01	Н	Signage Plan	i.d. Projects	14/09/2021
A8.02	Н	Finishes	i.d. Projects	14/09/2021
A8.03	Н	Finishes	i.d. Projects	14/09/2021

and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

(Condition modified under REV/2021/0006 dated 14 September 2021)

2. Add condition B(2) as follows:

(2) Design Change

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

- a) Sign A and the adjacent air pump as indicated on the approved plans be deleted.
- b) Signs I, L, and J as indicated on the approved plans be deleted.
- c) Sign M as indicated on the approved plans be amended to be one (1) sign only.
- d) Sign N as indicated on the approved plans be amended to one (1) sign only.

Within 90 days of the issue of the modified development consent, the signs required to be deleted under (a)-(d) above must be removed from the site.

(Condition modified under REV/2021/0006 dated 14 September 2021)

3. Add condition B(3) as follows:

(3) Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended Stormwater Plan that incorporates the shade structure, covered walkway, and modified roof drainage and certified by a suitably qualified Civil Engineer.

(Condition added under REV/2021/0006 dated 14 September 2021)

- 4. Amend condition C(9) as follows:
- (9) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans and certification by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a) A minimum of eight (8) on-site parking spaces must be provided.
- b) (i) Three (3) parking spaces must be provided at the western corner of the site.
 - (ii) The spaces must be parallel with Ramsay Street.
 - (iii) In order achieve the 3 car spaces, the adjoining driveway crossing on Kingston Street shall be reduced in width from 10 metres to 7 metres to accommodate the additional space and the landscape strip shall be

extended accordingly

(Condition modified under REV/2021/0006 dated 14 September 2021)

- 5. Amend condition H(15) as follows:
- (15) Parking spaces and loading areas maintenance/line marking/use

The nine (9) eight (8) off-street car parking spaces and the loading/unloading areas provided on site shall be maintained and line marked in accordance with AS2890.1 (1993). Under no circumstances are such spaces to be used for the storage of goods or waste products.

(Condition modified under REV/2021/0006 dated 14 September 2021)

- 6. Add condition H(22) as follows:
- (22) Dog wash facility

The use of the site for any "dog wash" facilities is not permitted by this development consent. All approved plans and documents must be amended to remove any reference to the "dog wash" facility.

(Condition added under REV/2021/0006 dated 14 September 2021)

- 7. Add condition H(23) as follows:
- (23) Illuminated Signs

All approved illuminated signs on the site are to be illuminated only during the approved hours of operation.

A copy of the Plan of Management, prepared by John Coady Consulting dated 14 September 2020 Ref: 16030, must be kept on the premises at all times. Staff are to comply with the Plan of Management in order to prevent a nuisance to nearby premises. 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.

(Condition added under REV/2021/0006 dated 14 September 2021)

Attachment B - Conditions of consent



SECTION 4.55 AMENDMENT OF 1 MARCH 2019 TO DEVELOPMENT CONSENT 10.2017.170

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(SECTION 4.18(1)(A))
ASHFIELD LOCAL ENVIRONMENTAL PLAN 2013

Consent No.
Date of Determination
Lapse Date:

10.2017.170.3 22 January 2018

Five (5) years from date of determination

APPLICANT:

MR V SAHADE GPO BOX 3341 SYDNEY NSW 2001

PREMISES: 95 RAMSAY STREET

HABERFIELD

LOT: 1 DP: 180212, LOT: 1 DP: 926992

APPROVAL:

Inner West Council, as the responsible authority, hereby consents to:

Alterations and additions to existing service station to create a new extended building to provide a convenience store, new café and ancillary spaces, new single storey building to provide plant, amenities and staff room, a new car washing facility, car parking and associated signage.

SINI

Jai Reid Team Leader Development Assessment

P.O. Box 14 Petersham 2049 | P (02) 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road

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CONDITIONS:

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers

No.	Issue	Title	Prepared by	Council Date Stamp
A1.00	1	Site Analysis	i.d. Projects	21/09/2017
A1.01	D	Site Plan	i.d. Projects	11/12/2018
A1.03	С	Demolition Plan	i.d. Projects	06/07/2018
A2.00	С	Existing Floor Plan	i.d. Projects	06/07/2018
A2.01	С	Proposed Floor Plan	i.d. Projects	06/07/2018
A2.02	С	Proposed Roof Plan	i.d. Projects	06/07/2018
A3.02	С	Elevations	i.d. Projects	06/07/2018
A3.03	С	Elevations	i.d. Projects	06/07/2018
A4.01	С	Sections	i.d. Projects	06/07/2018
A4.02	С	Sections	i.d. Projects	06/07/2018
A5.01	С	Schedules	i.d. Projects	06/07/2018
A6.01	С	Finishes	i.d. Projects	06/07/2018
A6.02	С	Finishes	i.d. Projects	06/07/2018
A7.01	С	Perspectives	i.d. Projects	06/07/2018
A7.02	С	Perspectives	i.d. Projects	06/07/2018
A8.01	С	Signage Plan	i.d. Projects	06/07/2018
A8.02	С	Signage Detail	i.d. Projects	06/07/2018

and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

Condition A(1) Amended 1 March 2019

(2) Compliance with BCA

All works are to comply with the Building Code of Australia and relevant Australian Standard requirements.

The building shall show compliance with the Building Code of Australia (BCA) Part J, Energy Efficiency Provisions.

B <u>Design Changes</u>

(1) Amended plans to be submitted

Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate:

- (a) The advertisement area of the pylon sign shall not be greater than 3.3sqm and shall include the street number (preferable on the top);
- (b) Two bicycles spaces are to be provided on the site;
- (c) The window located on the north eastern side of the staff room is to be deleted and

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relocated to the south western side of the staff room;

- (d) The terrace area to the south east of the staff room be deleted;
- (e) The areas shown as being of acrylic render, finished in "grey" are to be amended to an off-white colour equal to Dulux Traditional Colour "Lime White' and the render to be similar in finish to traditional roughcast plaster;
- (f) The areas shown as being BP White to be substituted for the BP Green on the column at the south west corner where "Trex Timber" separates the column from the roughcast rendered wall; and
- (g) The roof colour to be Colorbond "Gully", "Wallaby" or "Dune".

Condition B(1) Deleted 30 November 2018

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

(1) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Ashfield Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

(2) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the 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,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

pump concrete from within a public road reserve or laneway, or stand a mobile crane within the public road reserve or laneway, or use part of Council's road/footpath area, pump stormwater from the site to Council's stormwater drains, or

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store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway.

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(3) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "Pollution Control Manual for Urban Stormwater", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environment Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "Sedimentation and Erosion Control" Department of Conservation and Land Management.
- (b) "Soil and Water Management for Urban Development" Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer Environment Protection Authority Inner Sydney Region Locked Bag 1502 BANKSTOWN NSW 2200

(4) Landscaping plan

- (a) Submission of a Detailed Landscape Plan at scale 1:100 or 1:200 (prepared by a landscape architect, landscape designer or other suitably qualified person who is eligible for membership of the Australian Institute of Landscape Architecture or the Australian Institute of Landscape Designers and Managers) to the Principal Certifying Authority. The plan should be consistent with the approved development plans including any approved Landscape Concept Plan and include -
- (b) **Site information** show existing structures, fencing, neighbouring buildings, existing trees and rock outcrops, man-made structures.
- (c) Landscape Design proposed landscaping, surface levels, external/internal dimensions, retaining walls, driveways/pathways, screen planting, pools and features, lawn areas, soil depth on suspended concrete slabs etc.
- (d) Planting Schedules detail common/ botanic names and quantities.

Note: Ashfield Council encourages the use of indigenous native plants where appropriate.

- (e) Maintenance/Embellishment Strategy to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.
- (f) Landscaping details are to be provided for approval with the Construction Certificate. All site

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works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

Note: Please refer to Council's *development application form submission requirements* for more information.

(5) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of **\$22,800** is to be submitted prior to the release of the <u>Construction Certificate</u> covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be oncharged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process. The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(6) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(7) Section 94A Contribution

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$7,758.50** shall be paid to Ashfield Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009.

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

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(8) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

(9) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

(10) Access and services for people with a disability

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of AS4299 and AS 1428 and the provisions of Part C1 – Access, Adaptability and Mobility, Ashfield Development Control Plan 2007 prior to the issue of a Construction Certificate, and details of complying levels, ramp slopes, door widths, circulation spaces.

(11) Access management plan for people with a disability

An Access Management Plan shall be submitted to Council or the accredited certifier before the issue of a Construction Certificate. Details for the Access Management Plan shall include:

- (a) Access to the building for people with disabilities in accordance with the provisions of AS4299 and AS 1428 Part 1 and the Ashfield Development Control Plan for Access and Mobility (tel. 9716 1800 for a free copy)
- (b) Sanitary facilities accessible to people with disabilities. Such facilities shall be accessible to all persons working in or using the building.

(12) Water conservation

Water saving devices must be fitted to all showers and dual flush cisterns installed within all WC/ sanitary facilities provided throughout the development to reduce ongoing water consumption. Documentation to be shown on the plans to be provided with the Construction Certificate

(13) Energy Efficiency

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Contact the Sustainable Energy Development Authority, telephone 9291 5260 for general design and construction information relating to energy efficiency. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate.

(14) Ventilation

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) Building Code of Australia.
- (b) AS 1668.1 1998.
- (c) AS 1668.2 1991.
- (d) Public Health Amendment Regulation 2003
- (e) Public Health Act 1991
- (f) Work Cover Authority.
- (g) AS/NZS 3666.1 2002.

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Evidence from an appropriately qualified person certifying that these design requirements have been met shall accompany the application for the Construction Certificate.

(15) Footpath/laneway – photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this shall result in the applicant being held accountable for the cost of all repairs in the area near/at the site.

(16) Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council <u>prior to release of the Construction Certificate</u>.

(17) Health

- (a) Any mechanical, chemical and car wash related waste generated on the premises is to be stored and collected separately by a private waste collection service and not accessible to the public. This space needs to be identified on the plans submitted to Council.
- (b) Council does not provide collection of mechanical and related waste and may refuse to collect general waste bins contaminated with such waste.
- (c) The weekly waste and recycling generation from the site (café, convenience store and office component of the mechanic workshop) stated in the Waste Management plan is incorrect. The development must provide a waste collection service and bin storage area to adequate to facilitate the correct projected minimum waste and recycling generated:
 - General Waste 1897 litres weekly
 - Recycling 1834 litres weekly
- (d) The bin storage area needs to:
 - be well lit, ventilated and not effecting the amenity of neighbours
 - have access to water for cleaning the bins and the water is to drain directly to the sewer
 - Sufficient space close to commercial premise for interim storage of re-usable commercial items such as crates, pallets, kegs and similar items.
 - secure space must be allocated for the separate storage of liquid wastes, including commercial cleaning products, chemicals, paints, solvents, motor and cooking oil.
 This area for liquid waste storage must be in accordance with the requirements of State agencies and legislation.
- (e) The bin presentation point for a Council collection service should be located on Kingston Street
- (f) Consideration should be given to the close residential component of the area with waste and recycling collection services only occurring between the hours of 6am 10pm.
- (g) The Waste Management Plan for construction and demolition waste must be submitted and approved by Council, addressing the following:
 - Full disclosure of any asbestos-contaminated material known to be at the site, and details of quantities, the licence details of any asbestos removalist, and the designated disposal site licensed to accept asbestos-related waste;
 - Details regarding the types of waste and likely quantities of waste to be produced;
 - Details regarding how all other waste is to be minimised within a development; and estimations of quantities and types of materials to be re-used or left over for removal from the site;

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- A site plan showing storage areas away from public access for re-usable materials and recyclables during demolition and construction;
- Details of re-using or recycling methods for waste either on site or off site;
- Nomination of the person responsible for implementing the waste management plan on site and the person responsible for retaining waste dockets from facilities;
- Designation of appropriately licensed facilities to receive the development's construction and demolition waste;
- Confirmation that all waste going to landfill is not recyclable or hazardous; and
- The NSW Government Waste Avoidance and Resource Recovery Strategy 2013-2021 sets an 80% recycling target for Construction and Demolition Waste. The Waste Plans must indicate a level of reuse and recycling either on site or diverted with receipts sufficient to demonstrate consistency with that target.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given <u>Notification in Writing to Council</u> no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act* 1979 the erection of a building and/or construction works must not commence until:

- detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier: and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979.* It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

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(5) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' Stormwater Pollution Control Code for Local Government.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(6) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

(7) Protection of public places - erection or demolition of building

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or
 vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the
 enclosure of a public place; a hoarding or fence must be erected between the work site and the
 public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection
 with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed.

(8) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(9) Demolition work plan

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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(10) Asbestos sheeting removal - EPA/Workcover Authority

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and Workcover Authority requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the Work Cover Authority.

Note: There are substantial penalties for non-compliance with the above requirements.

(11) Garbage skips on Council land - Council approval

Bulk refuse bins or garbage skips shall not be placed on grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's Customer Service on telephone 9716 1800.

(12) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(13) On site detention system – check survey

Prior to the construction of an on-site detention system and above the underground garage involving permanent construction work (eg construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for ground floor, car park or garages) a "check survey from a registered surveyor" must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

(14) Existing Site Stormwater System

The total existing site stormwater system shall be tested by a qualified plumber to ensure it functions satisfactory in discharging water to the Council stormwater system. If it does not, the system shall be repaired to operate satisfactorily. No 'charged' lines are permitted.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Building construction - check survey

A check survey is to be submitted to the Principal Certifying Authority for perusal at an early stage of construction indicating excavated levels, boundary distances, site coverage and building alignment to ensure compliance with the approved plans.

(3) Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

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(4) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(5) Demolition requirements/standards

Demolition of is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to

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ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(6) Footpath, kerb and gutter protection

The applicant shall take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath shall be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

(7) Road opening permit – Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

(8) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

(9) Roof guttering and drainage system/disposal of stormwater

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

(10) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(11) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(12) Sign colour/intensity

The signs must not be arranged to move or vary the intensity from light to dark or colour to colour, or to be intense enough to impair a driver's vision nor to distract his/her attention.

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The illumination of the signs shall not create an amenity issue.

(13) Work to comply with Ashfield Council's "Guidelines for Food Premises"

All work shall comply with Ashfield Council's "Guidelines for Food Premises" and Australian Standard 4674-2004 "Design, construction and fitout of food premises".

(14) Stormwater Quality

At the last pit before discharge into the Council stormwater system, the following shall be installed:-

- a) The pit shall be extended to include a 300mm deep sediment collection area, with 8 vertical seepage holes (filled with clean gravel) in the base of the modified pit,
- b) A hot dipped galvanised, Maximesh, trash/filter screen over the outlet pipe.

F Conditions that must be complied with prior to installation of services

Nil

G Conditions that must be complied with before the building is occupied

(1) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(2) Compliance with approved plans

<u>Prior to the issue of an Occupation Certificate</u>, written verification from a suitably qualified professional civil engineer shall certify that the new building works have been designed and built in accordance with Ashfield's Comprehensive Development Control Plan 2016, "Chapter A, Part 3 - Flood Hazard" and the approved flood risk management report prepared for this application, which would include building materials and electrical works.

(3) House Number

A House Number that is clearly visible to motorists and a minimum lettering height of 80mm, shall be displayed.

(4) NSW Police Force Requirements

Conditions and requirements imposed by Ashfield Local Area Command in their letter dated 30 March 2017 (which is attached to this consent) shall be complied with. Compliance method of the conditions shall be submitted and approved by Inner West Council prior to release of the Occupation Certificate.

(5) Landscaping

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

(6) Heavy Duty Vehicle Crossing

A heavy duty vehicular crossing and layback shall be constructed in Kingston Street, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", before the issue of the Occupation Certificate and at no cost to Council. The vehicle crossing shall be 3m wide at the property boundary widening to the external edges of both wings as per Council's Standard Plan.

Condition G(6) Added 1 March 2019

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(7) Redundant Vehicle Crossing

The existing redundant vehicular crossings to the site in Kingston Street, shall be removed and replaced by kerb and gutter and concrete footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

Condition G(7) Added 1 March 2019

H Conditions that are ongoing requirements of development consents

(1) Approved use

The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Service station without the prior consent of the Council.

(2) Maximum number of employees

The maximum number of employees on the premises is not to exceed eight (8) at any time.

(3) Retain amenity

The use is to be conducted at all times without interference to the amenity of the area.

(4) Hours of operation

The hours of operation are limited to the following:

Monday to Sunday - 7.00am to 6.00pm

(5) Machinery - soundproofing

All plant/machinery or equipment to be soundproofed to reduce the emission of noise, to the requirements of the Principal Certifying Authority and in compliance with the *Protection of the Environment Operations Act 1997* and EPA noise control guidelines.

(6) Noise nuisance/prevention

Effective measures to be taken at all times to prevent any nuisance being caused by noise, vibrations, smells, fumes, dust, smoke, waste water products and the like.

(7) Lighting overspill – amenity

No security or other lighting shall cause light overspill to adjoining property owners occupiers or residents.

(8) Trade waste containers

Any trade waste containers are to be screened from view from a public place and are not to obstruct or interfere with the use of the loading and parking facilities.

(9) Liquid waste discharge to sewer - POEO Act

All liquid wastes arising from the premises, other than stormwater shall be discharged to the sewer in accordance with the requirements of Sydney Water and the *Protection of the Environment Operations Act 1997*.

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(10) Waste disposal - records

Permanent accurate and legible record of receipts for removal of both liquid and solid waste from the site shall be kept on the premises. Such records to be made available to upon request.

(11) Protection of the Environment Operations Act 1997 - offensive noise prohibited

The premises shall operate so as not to give rise to 'Offensive Noise" nuisance as defined by the *Protection of the Environment Operations Act 1997.*

(12) Protection of the Environment Operations Act 1997 - offensive noise/vibration prohibited

The use and occupation of the premises including all plant and equipment installed thereon, shall not give rise to any offensive noise or vibration from the premises within the meaning of the *Protection of the Environment Operations Act 1997*.

(13) Air conditioners - noise control - Protection of the Environment Operations Act 1997

The air conditioners as approved by this consent shall be installed and operated at all times so as not to cause "Offensive Noise" as defined by the *Protection of the Environment Operations Act 1997* that will adversely affect the amenity of the premises in close proximity to the property.

(14) Sign hazard – RMS objection reserved

The Roads and Maritime Services reserves the right to later object if the signs, after erection, are considered to be prejudicial to the safety of the travelling public.

(15) Parking spaces and loading areas - maintenance/ line marking/use

The **nine (9)** off-street car parking spaces and the loading/unloading areas provided on site shall be maintained and line marked in accordance with AS2890.1 (1993). Under no circumstances are such spaces to be used for the storage of goods or waste products.

Condition H(15) Amended 30 November 2018

(16) Loading/unloading on site

All loading and unloading are to be conducted within the site at all times within the approved hours of operation. 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.

(17) Service vehicles & tank trailer deliveries

- All service vehicles and tank trailers shall not impede or obstruct in the passage way, access
 to any of the bowsers, or spaces for the parking of customers in the service station.
- 2. Tank trailer deliveries shall be made at times least interfering with customer activity.

(18) Stormwater drainage system - clean discharges

Only clean and unpolluted water shall be permitted to discharge to Council's or Sydney Water's stormwater drainage system.

(19) Waste Bins

The waste bins shall be emptied frequently to avoid odour nuisance.

(20) Pollution nuisance/prevention

The premises must not give rise to any impurities or odours in contravention of the Protection of Environment Operations Act, 1997. Any odours released from the premises must not cause a public nuisance nor be hazardous or harmful to human health. Effective measures to be taken at all times to

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prevent any nuisance being caused by noise, vibrations, smells, fumes, dust, smoke, waste water products and the like.

(21) New Vehicle Crossing

The vehicular crossing and footpath works shall be constructed by your own contractor. You or your contractor shall complete an application for 'Construction of Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works."

Condition H(21) Added 1 March 2019

I Advisory Notes

(1) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

(2) Compliance with the Disability Discrimination Act - liability

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises is advised that under the *Disability Discrimination Act 1992*, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 - Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the *Disability Discrimination Act 1992*.

Reason for the imposition of conditions

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

Compliance with Building Code of Australia

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

NOTES

(i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.

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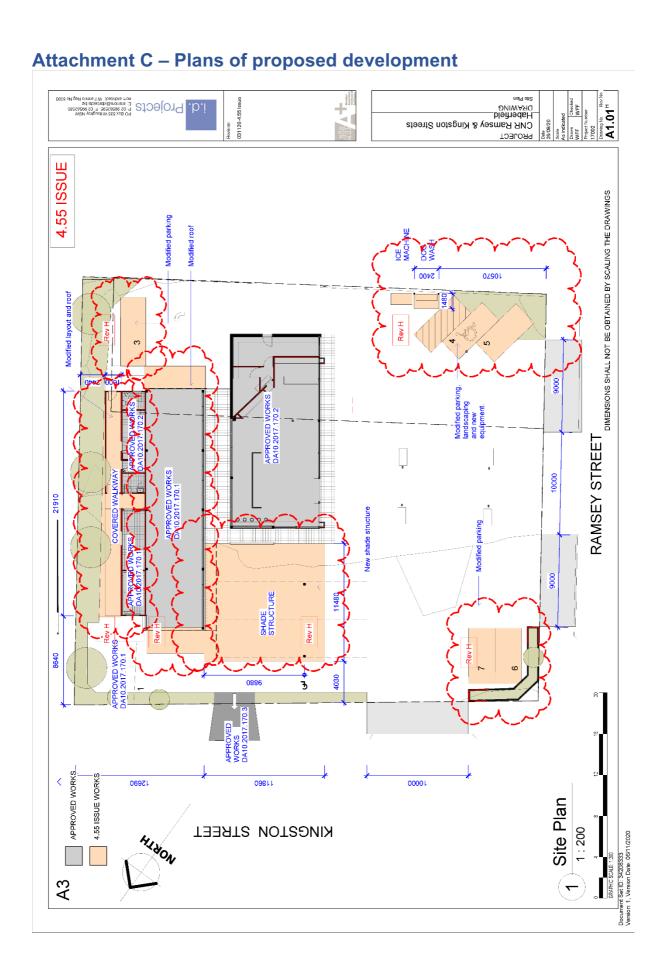
(ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

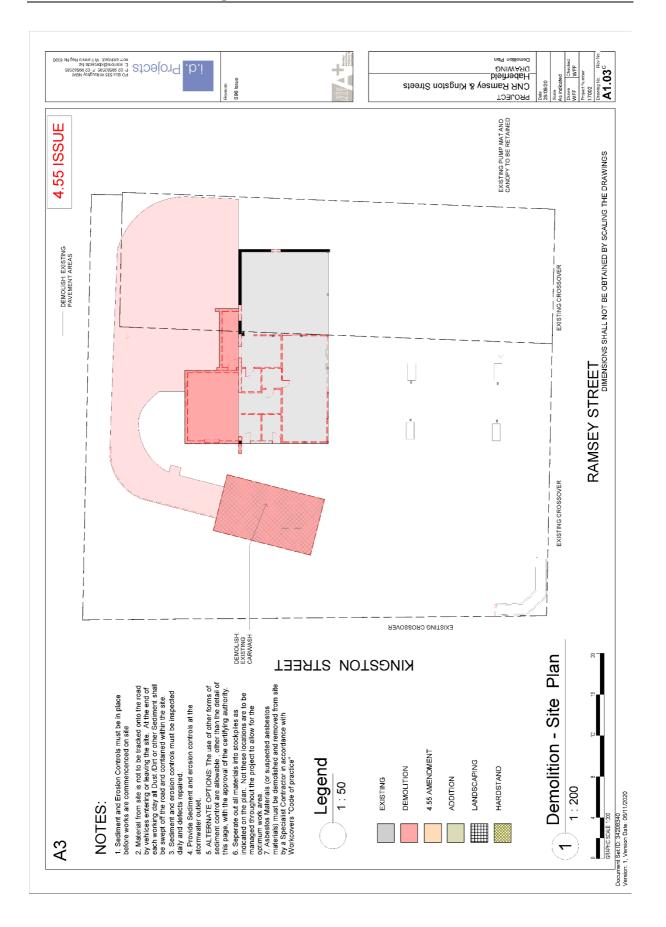
Ask Council if you are unsure of what procedures you need to follow.

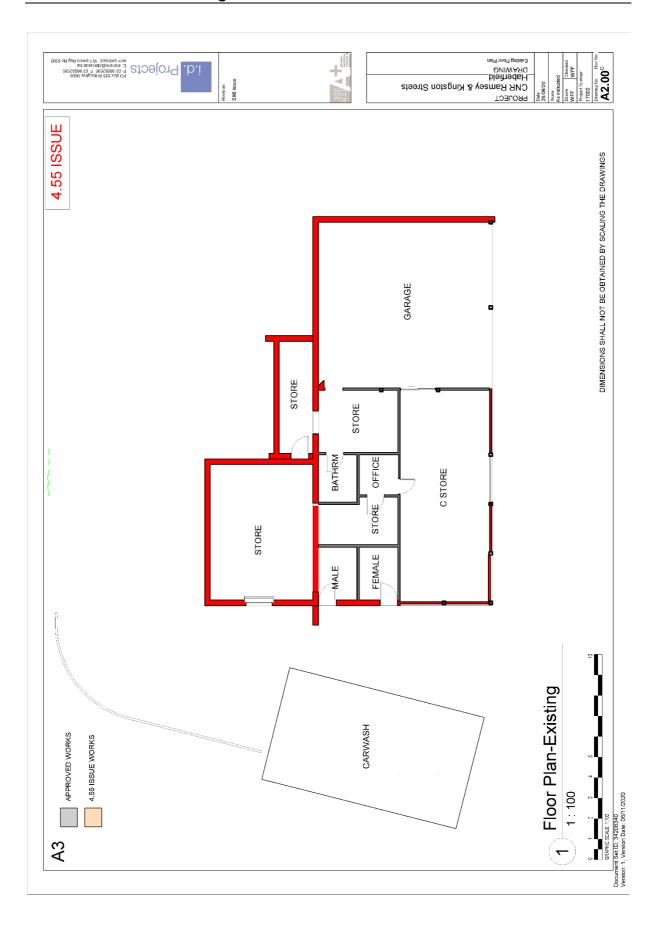
SECTIONS 8.2, 8.7 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

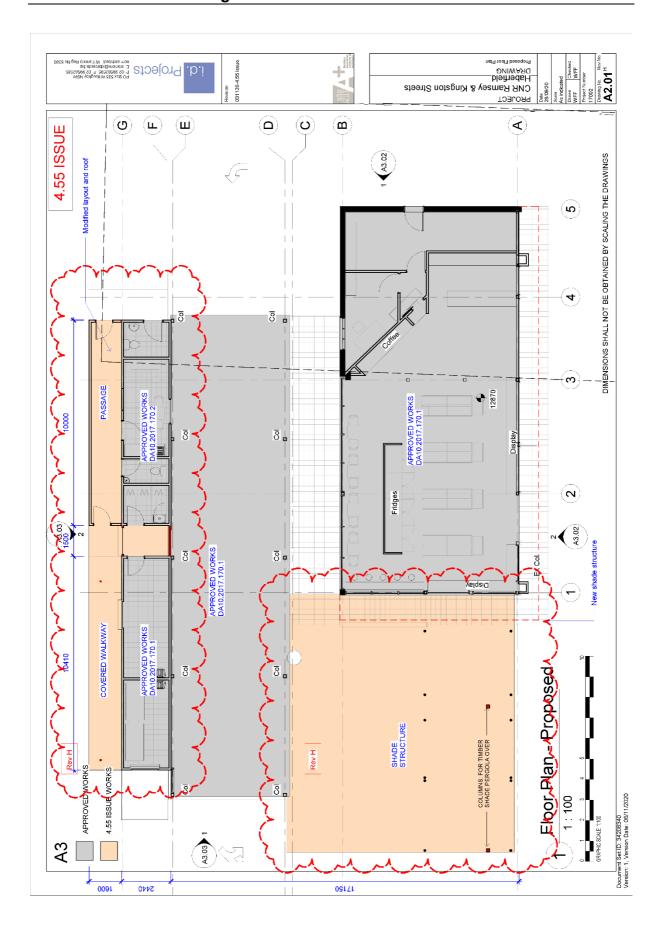
You are advised that:

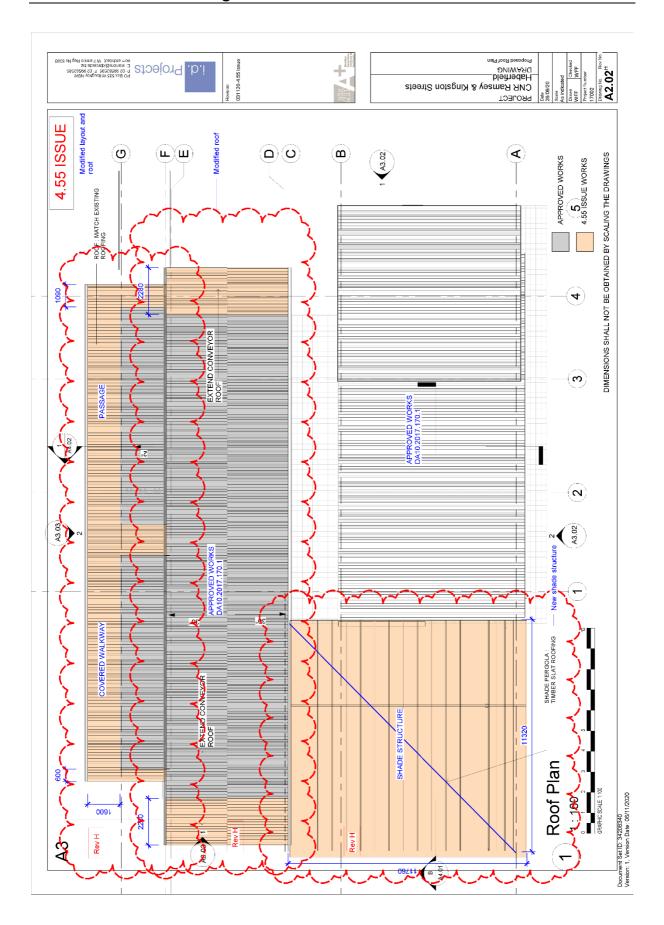
- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act,
 1979, unless the development, which is the subject of this consent, is commenced within five
 (5) years from the date of determination, the consent will lapse.

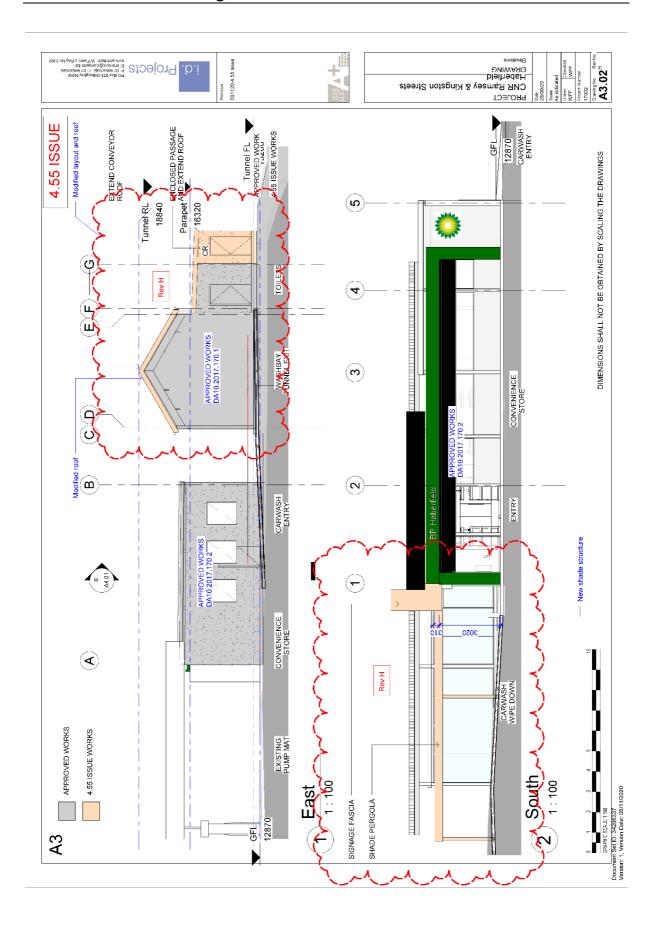


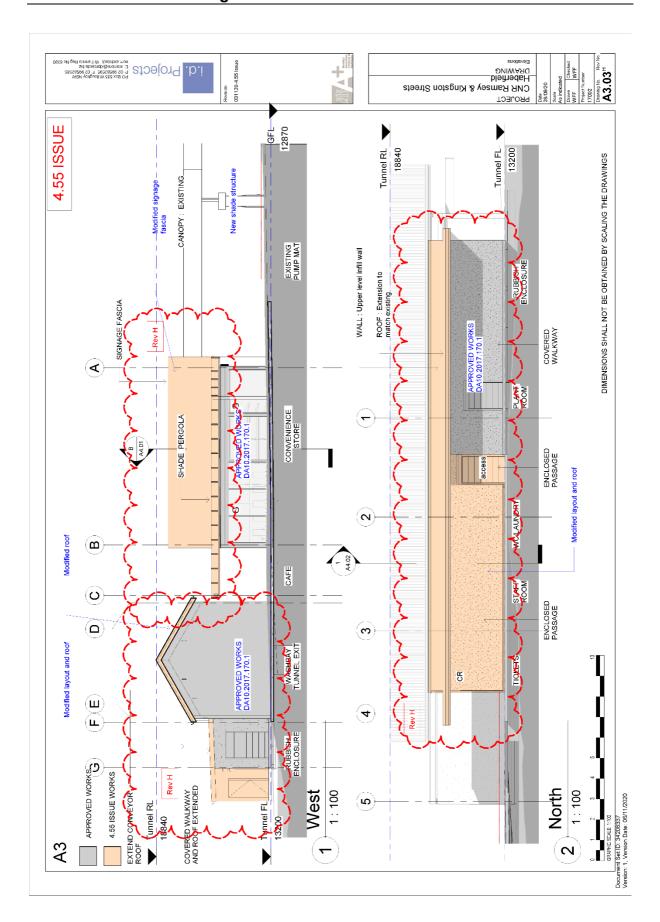


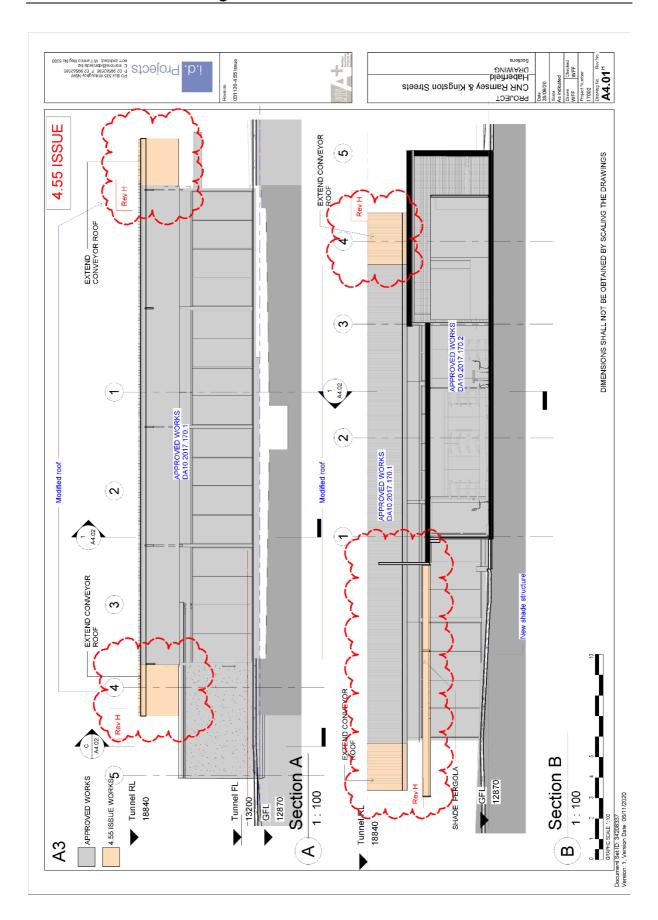


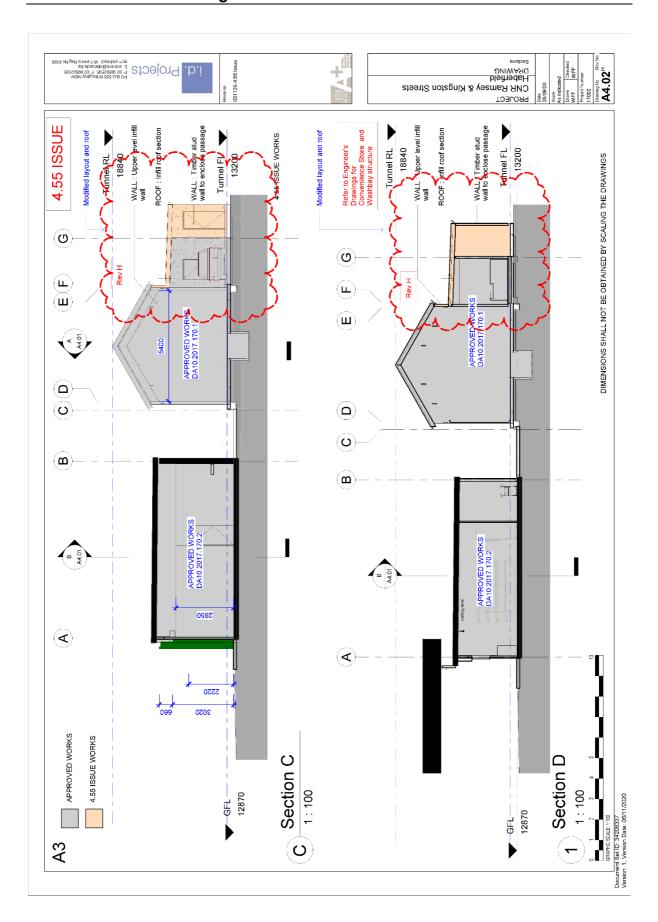


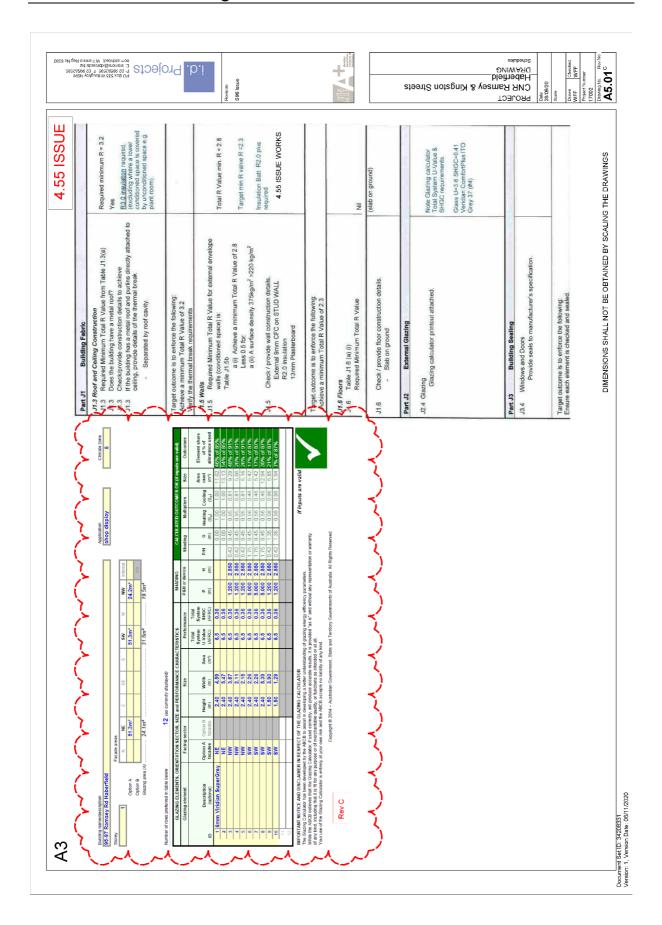


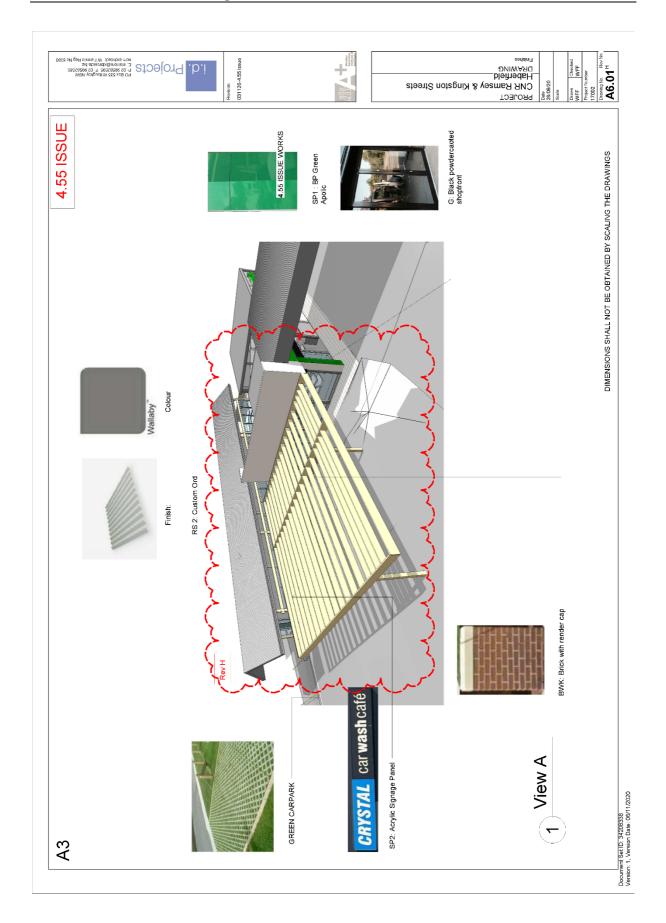


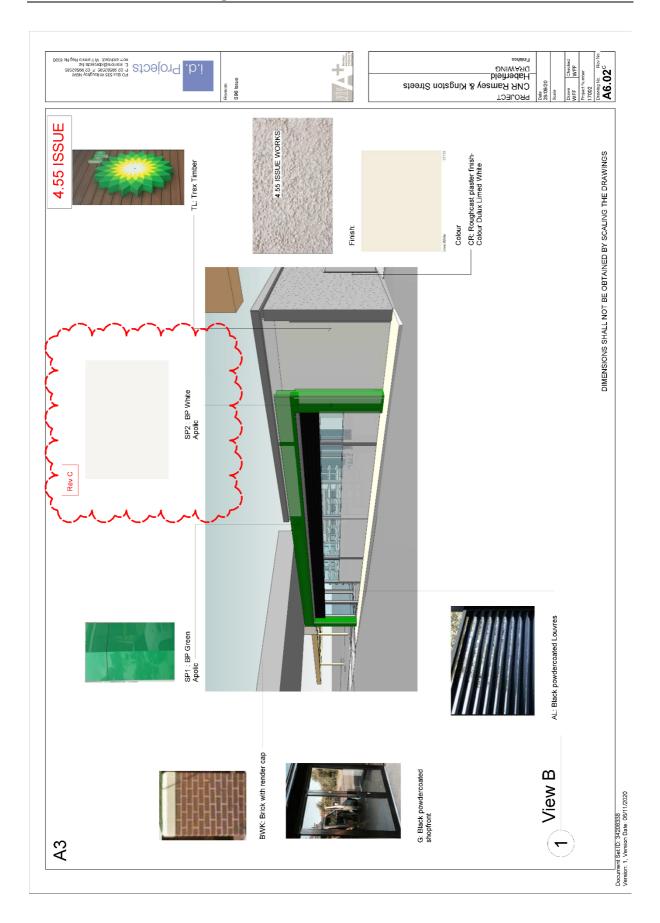


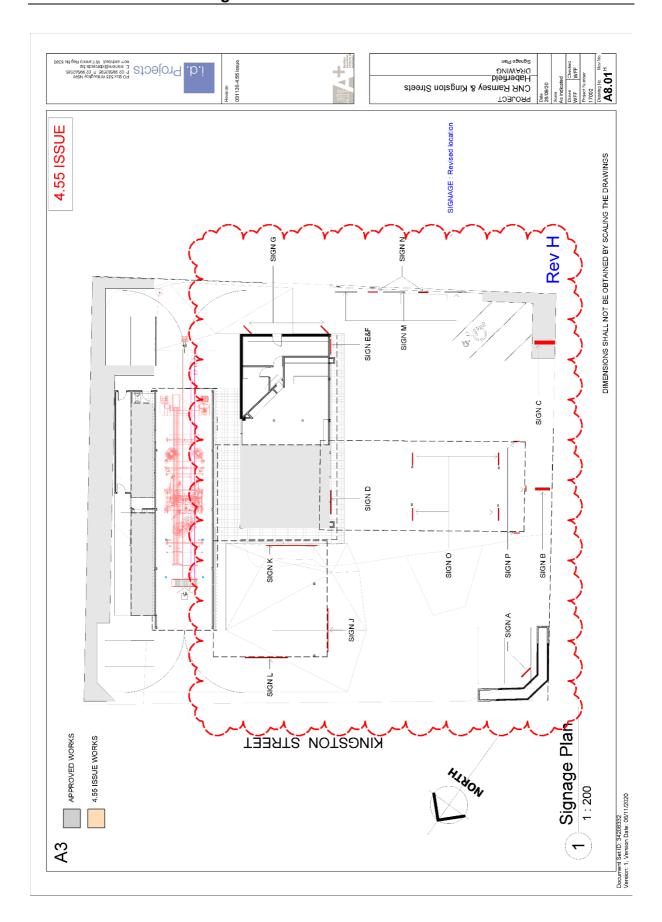


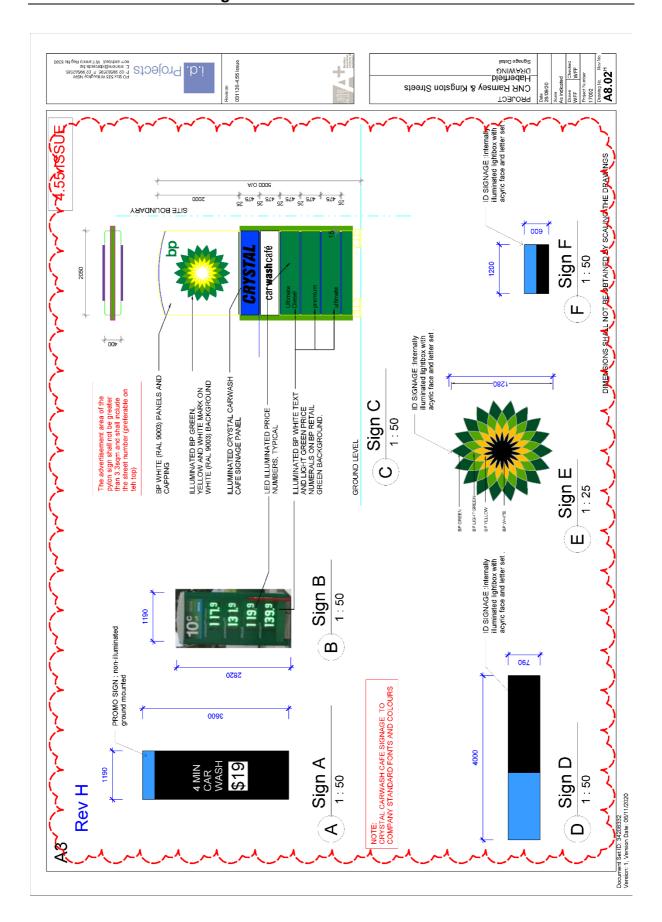


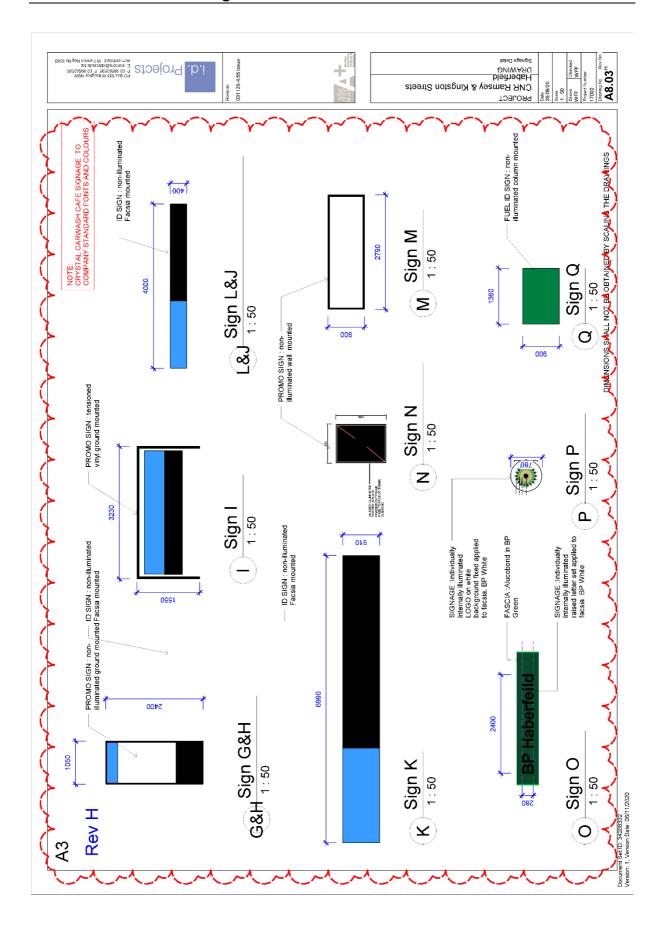












Attachment D - Refused stamped plans

