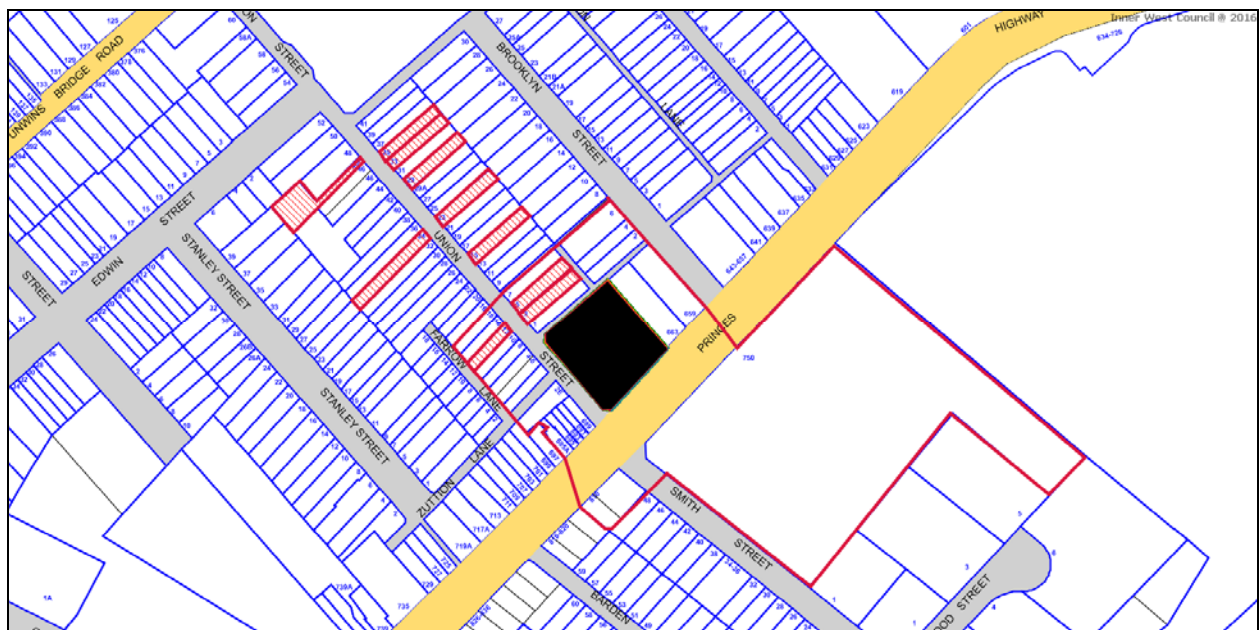







# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA201700187
<b>Address</b>	667-669 Princes Highway, Tempe
<b>Proposal</b>	To carry out alterations and additions to the existing premises to be used as a 24 hour taxi changeover base 7 days a week for 25 taxi's; a vehicle body repair workshop; and a vehicle repair station.
<b>Date of Lodgement</b>	24 April 2017
<b>Applicant</b>	Grand View Projects PL
<b>Owner</b>	Ying Yu Liu
<b>Number of Submissions</b>	Fourteen (14)
<b>Value of works</b>	\$45,000
<b>Reason for determination at Planning Panel</b>	The number of submissions received
<b>Main Issues</b>	Vehicular access/parking, noise and hours of operation
<b>Recommendation</b>	Deferred Commencement Consent / 12 month trial (time limited consent)



Subject Site: 	Objectors: 
Notified Area: 	*1 objection received outside the mapped area

### 1. Executive Summary

This report relates to an application to carry out alterations and additions to the existing premises to be used as a 24 hour taxi changeover base 7 days a week for 25 taxi's; a vehicle body repair workshop; and vehicle repair station. The application was notified to surrounding properties and 14 submissions were received.

The main issues that have arisen from the assessment of the application are predominately related to potential amenity impacts of the proposed development upon the neighbouring low density residential area with regards to traffic, parking and acoustic impacts.

A previous development application (DA201600399), involving a similar development was refused by Council on 28 November 2016. The application that is the subject of this report makes various changes and provides additional information to address the reasons for refusal in the prior application. Notably, the capacity of the taxi changeover facility has been reduced from 50 vehicles to 25 vehicles to address traffic management and amenity concerns in relation to the nearby residential dwellings. Further, a detailed acoustic assessment has been submitted to enable a thorough assessment of this component of the application.

Given the nature of the development, the hours of operation sought and the adjoining low density residential area, the application is supportable on the basis of a 12 month trial period which is also subject to the imposition of various conditions of consent to ensure that amenity impacts for neighbouring properties are minimised.

A deferred commencement condition of consent is also recommended that requires amended plans to be submitted to and approved by Council indicating the one way operation of the vehicle body repair workshop being reversed with all vehicles to enter that building via the roller door at the northern (rear) end of the building (having entered the site from Union Street) and exit via the southern (front) end of the building onto the Princes Highway. This will require the portable spray booth to be relocated to receive vehicles entering from the north.

## 2. Proposal

Approval is sought to carry out alterations and additions to the existing premises to be used as a 24 hour taxi changeover base 7 days a week for 25 taxi's; a vehicle body repair workshop; and vehicle repair station.

There are three key elements of the business which the application seeks consent for:

1. A taxi changeover base for 25 taxis;
2. A vehicle body repair workshop (panel repairs), primarily to repair taxis that have been involved in an accident. This component of the development is located at the north eastern end of the site and operates through a one way through system wherein access is proposed off the Princes Highway frontage with vehicles travelling through the building and out into the car parking area. A portable spray booth is proposed as part of this facility; and
3. A vehicle repair station (mechanical repairs), primarily to service taxis.

In addition to the above, the site also provides various amenities, a car wash bay and storage and office spaces that are all ancillary to the abovementioned uses. There is car parking for 39 vehicles, intended to be used for both taxi vehicles (at changeover time or when not being used) and employee's vehicles.

It is noted that the use of the premises as a taxi changeover base and vehicle repair station is currently operational and the subject application seeks to formalise an approval for the site.

Hours of Operation

*Taxi changeover base (driver parking facilities and general amenities)*

24 hours, 7 days a week

*Vehicle body repair workshop*

Monday to Friday: 8am to 6pm

Saturday: 9am to 4pm

*Vehicle repair station*

Monday to Friday: 8am to 6pm

Saturday: 9am to 4pm

Staffing details

- 2 x administrative personnel (Monday to Friday)
- 2 x fleet managers (Monday to Friday)
- 2 x mechanics (Monday to Saturday)
- 1 x trade assistant (Monday to Friday)
- 1 x night site manager (Monday to Sunday)
- 1 x weekend site manager (Saturday and Sunday)
- 1 x panel repairer (Monday to Friday)

### 3. Site Description

The site is known as 667-669 Princes Highway, Tempe and is located on the northern side of Princes Highway, between Union Street and Brooklyn Street, Tempe. A laneway adjoins the site along its north-western boundary. The site comprises Lot 1 in Deposited Plan 864315 and is approximately 2,595 square metres in area.

The site currently accommodates two attached brick and metal clad buildings. The westernmost building is 2 storeys in height with a large awning on the northern side of the building and the first floor provides an office and storage area whilst the easternmost building is single storey in height. Vehicular entry to the site is from both Union Street for the westernmost building and from Princes Highway for the easternmost building (from the easternmost crossover). Vehicles exit the site via the existing vehicular crossing off Princes Highway (from the westernmost crossover).

The surrounding development consists mainly of enterprise corridor uses and residential dwellings. The site adjoins a R2 low density residential zone to the north.

### 4. Background

#### 4(a) Site history

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

**Subject Site**

Application	Proposal	Decision & Date
DA201600399	To carry out alterations and additions to the existing building and use the premise	Refused on 28 November 2016 under delegated

	as a 24 hour taxi changeover base 7 days a week for approximately 50 taxis, a vehicle body repair workshop and vehicle repair station.	authority.
DA200200565	To construct a 2 storey industrial building to be used for storage and dismantling of motor vehicles and the sale of dismantled spare parts.	Approval on 23 October 2016 under delegated authority

### Surrounding properties

Application	Proposal	Decision & Date
DA201400289 659 Princes Highway	To use the premises as a specialist render and texture supply outlet	Approved on 9 October 2014 under delegated authority
TP007/92 689 Princes Highway	To use the premises for the sewing and retailing of cloth car seat covers	Approved under delegated authority on 10 February 1992
DA361/93 2E Union Street	To use the roof area of an existing building as playground in association with the existing 3 level secondary school	Approved under delegated authority on 6 October 1993
DA201200528 728-750 Princes Highway	To partially demolish the rear of the existing building, construct new building form and adaptively reuse the remainder of the existing building for two levels of bulky goods tenancies with off street car parking for up to 301 cars, erect signage, subdivide the land to provide a slip lane from the Princes Highway into Smith Street and widening Smith Street on the northern side	Approved on 21 August by the Joint Regional Planning Panel

### 4(b) Application history

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

Date	Discussion / Letter/ Additional Information
24 April 2017	The subject development application was submitted with Council.
23 June 2017	Council sent the applicant a letter requesting amended plans and/or additional information to address the following matters: <ul style="list-style-type: none"> <li>Plans not scale and no first floor plan submitted;</li> <li>Revised car parking layout required to ensure compliance with the relevant Australian Standard;</li> <li>Introduction of access spikes at the vehicular entry point on Union Street to ensure that it is used solely as an entry point;</li> <li>Drainage details associated with the proposed car wash bay to ensure water run-off is suitably managed;</li> <li>Details of the proposed spray booth, including compliance with the ventilation requirements in AS1668.2-1991;</li> </ul>

	<ul style="list-style-type: none"> <li>• Re-design of the vehicular access arrangements associated with the vehicle body repair shop;</li> <li>• Provision of a designated waste storage area in accordance with the MDCP 2011 requirements;</li> <li>• Revision of the Plan of Management to include a hotline number circulated to surrounding residents; and</li> <li>• Additional information regarding the day to day operations of the taxi changeover component of the development.</li> </ul>
12, 14, 17 and 28 July 2017,	The applicant submitted amended plans and other supporting information in response to Council's letter.
28 July 2017	Council advised the applicant that the information submitted is deficient as it does not address all of the issues raised in letter dated 23 June 2017.
4 August 2017	Further supporting information and amended plans submitted to Council seeking to address all outstanding matters.

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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
- Marrickville Local Environmental Plan (MLEP) 2011.

The following provides further discussion of the relevant issues:

#### (i) State Environmental Planning Policy No 55 - Remediation of Land

The proposed development does not involve any works that would be likely to disturb contaminated land.

#### (ii) State Environmental Planning Policy (Infrastructure) 2007

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

The site has a frontage to the Princes Highway, which is a classified road. Under Clause 101(2) of State Environmental Planning Policy (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.

Vehicular access to the property for the taxi changeover base is provided from Union Street and as such is provided by a road other than the classified road. There are currently 2 driveway crossovers on the Princes Highway, one serving the taxi changeover base as an exit point and the second serving the vehicle repair building as an entry point. However, the application was referred to Council's Development Engineer who advised that all vehicular

ingress to the site must be via Union Street to minimise the impact that the use will have on the efficiency and operation of the classified road. As such a deferred commencement condition of consent is proposed requiring the one way operation of the vehicle body repair workshop to be reversed with all vehicles to enter that building via the roller door at the northern (rear) end of the building (having entered the site from Union Street) and exit via the southern (front) end of the building onto the Princes Highway. This will require the portable spray booth to be relocated to receive vehicles entering from the north.

Subject to the above, it is assessed that the operation of the premises would not affect the safety, efficiency and ongoing operation of the classified road.

### (iii) Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the following relevant clauses of MLEP 2011:

- Clause 2.3 – Zone objectives and Land Use Table
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor Space Ratio
- Clause 6.1 – Acid Sulfate Soils

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

Standard (maximum)	Proposal	% of non compliance	Compliance
<b>Floor Space Ratio</b> 0.95:1 2,465m <sup>2</sup> GFA	0.41:1 1,076m <sup>2</sup> GFA	N/A	Yes

### (xii) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned B6 – Enterprise Corridor under the provisions of MLEP 2011. The development comprises a transport depot, vehicle body repair workshop and vehicle repair station, all of which are permissible with Council's consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the B6 - Enterprise Corridor zone. In particular, the proposed development would promote the following objectives of the B6 – Enterprise Corridor zone:

- *To promote businesses along main roads and encourage a mix of compatible uses;*
- *To provide a range of employment uses; and*
- *To maintain the economic strength of centres by limiting retailing activity.*

### (xiii) Height (Clause 4.3)

There is no maximum building height applying to the land on the Height of Buildings Map that accompanies MLEP 2011. Nevertheless, it is noted that there is no change sought to the height of the existing structures on site.

### (xiv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.95:1 applies to the land under MLEP 2011.

The development has a gross floor area (GFA) of approximately 1,076m<sup>2</sup> which equates to a FSR of 0.41:1 which complies with the FSR development standard.

(xv) Acid Sulfate Soils (Clause 6.1)

The site is identified as being land affected by class 5 acid sulfate soils. The application does not propose any works that may potentially disturb acid sulfate soils. No further concerns are raised in this regard.

**5(b) Draft Environmental Planning Instruments**

There are no relevant Draft Environmental Planning Instruments.

**5(c) Development Control Plans**

The application has been assessed and the following provides a summary of the relevant provisions of MDCP 2011.

Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 - Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes
Part 2.6 - Acoustic and Visual Privacy	Yes
Part 2.7 - Solar Access and Overshadowing	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 5 – Commercial and Mixed Use Development	Yes
Part 6 – Industrial Development	Yes
Part 9 – Strategic Context	Yes

*\*Note: There is some overlap in relation to the applicable controls in Parts 5 and 6 of Marrickville Development Control Plan 2011 in view of the three different uses proposed on the site. However, for abundant caution, the application has been considered against both parts of MDCP 2011*

The following section provides discussion of the relevant issues:

(xx) Acoustic and Visual Privacy (Part 2.6) & Noise and vibration generation (5.3.1.2 and Part 6.2.2)

Part 2.6.3(C7)(viii) of MDCP 2011 states all applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.

In addition to the above, Parts 5.3.1.2 and 6.2.2 of MDCP 2011 set out controls and objectives aimed at minimising the impact of noise and vibration on surrounding development.

The applicant submitted an acoustic report with the application in accordance with the requirements listed in the abovementioned controls. This report makes the following conclusions (in summary):

- The assessment involved measurements by an unattended noise logger at the nearest residential receiver. These were supplemented by attended measurements conducted during a taxi changeover operation;
- The high masonry walls on the boundary of the site provide shielding of noise emission from the site to the nearby residences;
- Princes Highway is the dominant source of ambient noise throughout the day and night, often exceeding the sleep disturbance criterion; and
- Measurable noise events from the subject premises gave rise to maximum levels less than 15 dB(A) above the night time RBL and as a result, the taxi changeover operation satisfies the sleep disturbance criterion. Consequently, the proposed use of the premises would comply with the intrusive and amenity noise targets.

On the basis of the above, the submitted acoustic assessment demonstrates that the proposed uses are acceptable with regard to the likely noise generation for nearby properties.

It is noted that concerns relating to unacceptable noise impacts were raised within the submissions from surrounding residential properties. Particular concern has been raised with noise generation from the use of an outdoor vacuum cleaner in the early hours of the morning as well as vehicles being washed. In the amended *Parking Plan, drawing A.104, Issue B* submitted by the applicant, an annotation states that pumps/generators and vacuums are to be housed inside the car wash facility. It is recommended that this requirement be integrated into the Plan of Management to ensure that users of the facility are aware of this limitation.

Further to the above, to preserve the residential amenity of nearby properties, a condition has been included in the recommendation stating that the car wash facility and use of the vacuum to clean vehicles is limited between the hours of 7.00am to 5.00pm.

Finally, to enable an on-going review to assess the noise impacts of the proposed development, it is recommended that the application only be supported on a 12 month trial basis.

(xxi) Parking (Part 2.10)

*Parking matters*

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. MDCP 2011 sets out the following car parking rates that are of relevance to the development:

- Vehicle Repair Station – 1 space per 40sqm GFA
- Vehicle Body Repair Workshop – 1 space per 40sqm GFA

On the basis of the above, a total of 16 spaces would be required for those components of the development. Both MDCP 2011 and RMS Guidelines do not provide any indication of the parking requirements for a taxi changeover base. In the absence of such guidelines, it is reasonable for a merit assessment to be applied.

In Council's letter dated 23 July 2017 it was noted that the dimensions of the car parking spaces and the aisle widths did not comply with the Australian Standard. The applicant was requested to revise the car parking layout to ensure compliance.



The applicant submitted an amended car parking plan which shows a total of 39 car parking spaces as well as a "private stack parking area" that measures 225sqm in area. The submitted traffic report states that this area is capable of accommodating up to 34 informal (stacked) spaces. This would bring the total number of onsite spaces to 73.

On the basis of the premises accommodating a taxi changeover for up to 25 vehicles, a total of 4 bays shown on the drawings within the vehicle repair station area and approximately 3 vehicles within the vehicle body repair workshop, the extent of on-site car parking is considered to be acceptable.

#### *Traffic matters*

Vehicular movements and on-street parking of taxi driver's private vehicles have been raised as concerns throughout the submissions. In particular, concern has been raised with drivers parking their vehicles in Union Street. Additionally multiple submissions have raised concern that taxis exit the site from the Union Street driveway, and rather than drive north along Union Street, they unlawfully drive south along Union Street (in the wrong direction) to access the Princes Highway, raising safety concerns.

To address the above concerns, the applicant has implemented an education program for its taxi employees, which has also been incorporated into a Plan of Management to encourage drivers to park on-site. The applicant has also reduced the number of taxis associated with the site, from 50 to 25 vehicles.

The applicant has indicated that the staggering of the changeover times means that not all taxis are utilised at all times and therefore the requirement for personal vehicles is lower than previously required. Changeover occurs primarily at 3pm and 3am with other times intermittently throughout the day.

The application was referred to Council's Development Engineer who raises no concern with the proposal subject to the following traffic and parking measures being implemented:

- (i) All traffic associated with the site shall ingress via Union Street and egress from the Princess Highway;
- (ii) Access spikes must be installed at the Union Street entry to prevent egress from Union Street. The spikes to be used shall be approved by Council before installation;
- (iii) All vehicles associated with the use of the site shall be parked on the property and not the adjacent local road network; and
- (iv) A maximum of 25 taxis only shall be associated with the use of the site.

Conditions of consent reflecting the above has been incorporated into the recommendation. The application is acceptable on traffic and parking grounds subject to ongoing compliance with these conditions.

However, having regard to the potential amenity impacts and to ensure the operator implements best practise in its day to day operations, and to ensure that the use of the premises is reviewed and assessed in light of its performance and that it does not interfere with the amenity of the locality, it is recommended that the proposal for the use be supported on a 12 month trial basis.

#### (xxii) Plan of Management (5.3.1.1) and (6.2.1)

A Plan of Management (PoM) was submitted with the application which describes how the ongoing operation of the site will be managed to reduce its impact on the amenity of surrounding properties. The submitted PoM details the following matters:

- Location and operational details;
- Hours of operation;
- Staffing details;
- Guidelines for staff using facilities and equipment;
- Deliveries for loading and unloading;
- Managing customers;
- Security details;
- Complaint recording and handling process;
- The review process and continuous improvement; and
- Waste management.

The submitted PoM contains sufficient detail, is well considered and generally satisfies the MDCP 2011 requirements. Compliance with this document would minimise the potential for any adverse amenity impacts for surrounding properties. A condition has however been incorporated into the recommendation which requires the PoM to be updated to reflect:

1. Time restrictions concerning use of vacuum cleaner and car wash facilities;
2. Use of Union Street as an entry point only;
3. Information made available to all users of the site stating that all vehicles associated with the use of the site must be parked on the property on not the adjacent local road network; and
4. Creation of a hotline phone number to be maintained for the operation of the taxi changeover base. The hotline number is to be circulated to any residence within 250m of the premises so surrounding residents can contact the premises to report any disturbances to the neighbourhood in relation to the operation of the taxi changeover base.

(xxiii) Hours of Operation (5.3.1.4) and (6.2.4)

The proposed hours of operation of each of the 3 uses sought are detailed below:

***Taxi changeover base (driver parking facilities and general amenities)***

Access: 24 hours, 7 days a week

***Vehicle body repair workshop***

Monday to Friday: 8am to 6pm

Saturday: 9am to 4pm

***Vehicle repair station***

Monday to Friday: 8am to 6pm

Saturday: 9am to 4pm

The hours proposed for the vehicle body repair workshop and the vehicle repair station are what can be reasonably expected for such land uses and are not dissimilar to surrounding commercial/industrial land uses. The submitted acoustic report demonstrates that the noise impacts associated with the 24 hour use of the site as a taxi changeover base comply with the relevant guidelines.

Subject to compliance with the contents of the submitted Plan of Management and the recommended conditions of consent, the hours of operation sought are considered to be acceptable. A 12 month trial period for all uses across the site is recommended. This provides Council with an opportunity to review the hours of operation and make any appropriate adjustments (or refuse outright) to the operational aspects of the development.

(xxiv) Vehicle body repair workshops and vehicle repair stations (6.4.1)

The proposal satisfies the requirements of Part 6.4.1 of MDCP 2011 in that:

- A condition has been incorporated into the recommendation stating that no vehicles waiting to be serviced, repaired or collected may stand, or otherwise be stored, on any adjoining road;
- The applicant has submitted details of the proposed spray painting booth to confirm it conforms to the relevant Australian Standards;
- All vehicles are capable of entering and exiting the site in a forward direction;
- The areas to be used for a repair workshop and station are limited to those identified on the submitted drawings;
- Storage of scrap body panels and motor parts would not be visible from the public domain having regard to the particular characteristics of the site; and
- The vehicle body repair workshop and repair station are sited in such a way where they will not cause a nuisance for surrounding properties.

(xxv) 12 Month Trial

The proposed development is supported on the basis of a 12 month trial period for all uses on site. This would enable the performance of the business to be reviewed in light of the concerns raised by the adjoining properties (traffic, parking, noise and hours of operation). A continuation of the development will require Council's approval under the Environmental Planning and Assessment Act 1979 by way of a fresh application.

#### **5(d) The Likely Impacts**

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

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

The site is zoned B6 – Enterprise Corridor under MLEP 2011. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### **5(f) Any submissions**

The application was advertised, an on-site notice displayed on the property and resident/property owners in the vicinity of the property were notified in accordance with Council's Notification Policy. A total of 14 submissions were received raising the following concerns which have already been discussed throughout the main body of the report under *Part 5(c) Development Control Plans*:

- (i) Vehicles travelling the wrong way down Union Street which is a one way street
- (ii) Acoustic impacts
- (iii) Hours of operation
- (iv) Additional traffic impacts and traffic safety
- (v) Users of the site utilising on-street parking in Union Street

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

- (i) The development is not appropriate for a residential area and would be more suited in an industrial area

Comment:

The subject site is located within the B6 –Enterprise Corridor in MLEP 2011. The permissible land uses in this zone anticipate a variety of industrial uses.

- (ii) Stormwater runoff from the site to adjoining properties

Comment:

The application was reviewed by Council's Development Engineer who has included various conditions of consent addressing the management of stormwater including the requirement for adequate drainage and bunding to be installed. Those conditions have been incorporated into the recommendation.

- (iii) The proposed development will lead to decreased property values

Comment:

There is no evidence presented to support this assertion.

- (iv) Damage to cars parked in Union Street

Comment:

Whilst this is considered to be a civil matter and there is no evidence to suggest that scratched cars in the street are attributed to the use of the subject premises, various restrictions are recommended to be imposed which will effectively limit the use of Union Street by users of the subject site.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

## **5(g) The Public Interest**

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

The proposal is not contrary to the public interest.

## **6 Referrals**

### **6(a) Internal**

The application was referred to Council's Development Engineer. The issues raised in that referral have been discussed in section 5 above and the suggested conditions have been included in the recommendation.

### **6(b) External**

The application was not required to be referred to any external bodies.

## 7. Conclusion

This report relates to an application to carry out alterations and additions to the existing premises to be used as a 24 hour taxi changeover base 7 days a week for 25 taxis; a vehicle body repair workshop; and vehicle repair station. The application was notified to surrounding properties and 14 submissions were received.

The proposal generally satisfies the controls and objectives within Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011. However, given the nature of the development, the hours of operation sought and the adjoining low density residential area, the application is supportable on the basis of a 12 month trial period which is also subject to the imposition of various conditions of consent to ensure that amenity impacts for neighbouring properties are minimised.

A deferred commencement condition of consent is also recommended that requires amended plans to be submitted to and approved by Council indicating the one way operation of the vehicle body repair workshop being reversed with all vehicles to enter that building via the roller door at the northern (rear) end of the building (having entered the site from Union Street) and exit via the southern (front) end of the building onto the Princes Highway. This will require the portable spray booth to be relocated to receive vehicles entering from the north.

## 8. Recommendation

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant deferred commencement consent to Development Application No: 201700187 to carry out alterations and additions to the existing premises to be used as a 24 hour taxi changeover base 7 days a week for 25 taxi's; a vehicle body repair workshop; and vehicle repair station subject to the conditions listed in Attachment A below.

**Attachment A – Recommended conditions of consent**

**PART A - DEFERRED COMMENCEMENT CONSENT**

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. Amended plans are to be submitted to and approved by Council indicating the one way operation of the vehicle body repair workshop being reversed with all vehicles to enter via the roller door at the northern (rear) end of the building (having entered the site from Union Street) and exit via the southern (front) end of the building onto the Princes Highway. This will require the portable spray booth to be relocated to receive vehicles entering from the north.

The amended plans must indicate directional line marking to be installed within the confines of site to ensure the restricted vehicle movements are clear to users of the site.

2. Amended plans are to be submitted to and approved by Council indicating the masonry block wall at the rear of the site being extended across the entire length of the Brooklyn Lane property boundary.

Evidence of the above matter(s) must be produced to the Council or its delegate within 3 months of the date of this Determination otherwise the Consent will lapse.

**PART B - CONDITIONS OF CONSENT**

Once operative the consent is subject to the following conditions:

**GENERAL**

1. The development must be carried out in accordance with plans and details listed below:

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
A.104, Issue C	Parking Plan	4/8/17	Grand View Projects	4/8/17
A.103, Issue C	Ground Floor Plan	4/8/17	Grand View Projects	4/8/17
A.104, Issue C	First Floor Plan	4/8/17	Grand View Projects	4/8/17
A.100, Issue C	Site Plan	4/8/17	Grand View Projects	4/8/17
-	Spray Booth Information	-	Setal Spray booth	14/7/17
A106 Rev A	Exhaust section	-	Grand View Projects	4/8/17

Version 2.0	Annexure A – Plan of Management	March 2017	Smyth Planning	24/4/17
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and details submitted to Council on 24 April 2017, 12 July 2017, 14 July 2017 , 17 July 2017 and 4 August 2017 with the application for development consent as amended by the matter referred to in Part A of the Determination and as amended by the following conditions.

2. This consent is limited to a period of 12 months only. The approved uses may only operate for a period of not more than twelve (12) months from the date of issue of this Determination. A continuation of the uses will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.
3. The hours of operation are limited to the following:
  - Taxi changeover base**
  - 24 hours, 7 days a week
  - Vehicle body repair workshop**
  - Monday to Friday: 8am to 6pm  
Saturday: 9am to 4pm
  - Vehicle repair station**
  - Monday to Friday: 8am to 6pm  
Saturday: 9am to 4pm
4. The following traffic and parking measures shall be implemented in relation to the use of the property:
  - i. All traffic associated with the site shall ingress via Union Street and egress from the Princes Highway;
  - ii. Access spikes must be installed at the Union Street entry to prevent egress from Union Street. The spikes to be used shall be approved by Council before installation;
  - iii. All vehicles associated with the use of the site shall be parked on the property and not the adjacent local road network; and
  - iv. A maximum of 25 taxis only shall be associated with the use of the site.
5. The operation of all uses on the site complying at all times with the approved Plan of Management. The Plan of Management as approved is not to be amended without the prior written approval of Inner West 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.

6. The approved Plan of Management must be updated to reflect the provisions of condition 4 as well as the following:
  - i. Time restrictions concerning use of vacuum cleaner and car wash facilities. The vacuum and car wash facilities are only permitted to be used between the hours of 7:00am until 5:00pm 7 days a week and within the designated area identified on the approved plans; and
  - ii. A hotline phone number to be maintained for the operation of the taxi changeover base. The hotline number is to be circulated to any residence within 250m of the premises so surrounding residents can contact the premises to report any disturbances to the neighbourhood in relation to the operation of the taxi changeover base.
7. All stormwater drainage must be designed in accordance with the provisions of the 1987 Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths must be designed to cater for the one hundred (100) year A.R.I. storm.
8. A complaints register is to be maintained and shall detail the following:
  - a) All complaints made to the premises are to be recorded in an incident book and note the: date and time of incident, nature of complaint, address and contact details, and any actions proposed to deal with the complaint, and whether it has been or needs to be followed up;
  - b) The incident register is to be reviewed by the operator to ensure that complaints are being dealt with; and
  - c) That a copy of the complaint/incident register be available to Council at their request.
9. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
10. The LA10 noise level emitted from the premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises.

The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises.



Notwithstanding compliance with the above clauses, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

11. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
12. The entire premises must be used as a single occupancy for the use approved in this development consent with the first floor area being used exclusively in association with the approved use and not being sublet or used for any other purpose.
13. All vehicles associated with the use (including staff vehicles) must be accommodated wholly within the property and must not be parked on the adjoining roads or footpaths.
14. No vehicle awaiting repair must be stored in the street.
15. All vehicle repairs must be carried out exclusively from the workbays within the building with no repairs to vehicles being carried out elsewhere on the property.
16. No tow truck vehicles or operations must be carried out from the premises.
17. 39 off-street car parking spaces must be provided, paved, linemarked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 – Parking and stacked parking for the storage of taxi driver personal vehicles is to be maintained on-site.
18. All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
19. The design and construction of air venting systems for spray booths must conform with: AS4114.1:2003 Spray painting booths - Design, construction and testing and AS4114.2: 2003 Spray painting booths - Installation and maintenance; and the Environment Protection Authority's Environment Protection Manual - Spray Painting and Surface Coating, WorkCover requirements and The Protection of the Environment Operations Act 1997 (NSW) Regulations. A copy of the Environment Protection Authority's guideline, Spray Painting and Surface Coating must be located on site.
20. Exhaust gases must be discharged via a ventilation system installed in accordance with AS 1668.2-1991 - The Use of Mechanical Ventilation and Air-conditioning in Buildings.
21. Air emissions from any trade, industry or process and any fuel burning equipment or industrial plant must not exceed levels as specified by Part 4 or the Protection of the Environment Operations (Clean Air) Regulation 2002 within The Protection of the Environment Operations Act 1997 (NSW). A report certifying the operation meets the required Regulations must be prepared by an appropriately qualified person and must be submitted to the Principal Certifying Authority as well as being lodged with Council.

22. All spray painting must be carried out in a spray booth, approved by WorkCover NSW and ventilated and operated in accordance AS 1668.2-1991 - The use of Mechanical Ventilation and Air-conditioning in Buildings. Air emissions must not exceed levels as specified by Protection of the Environment Operations (Clean Air) Regulation 2002 within The Protection of the Environment Operations Act 1997 (NSW).
23. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent.
24. All machinery must be installed in accordance with the manufacturer's specifications and must be maintained at all times if in use.
25. All loading and unloading in connection with the use must be carried out wholly within the property.
26. No storage of goods or equipment external to any building on the site being permitted.
27. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

28. No work shall commence until:
  - a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
  - b) A minimum of two (2) days written notice given to Council of the intention to commence work.
29. A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
30. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.  
  
Facilities are to be located so that they will not cause a nuisance.
31. A rigid and durable sign shall be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign is to include:
  - a) The name, address and telephone number of the PCA;

- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
32. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
33. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
34. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
35. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.
36. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
37. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings as provided for in Council's adopted fees and charges.

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.**

38. Evidence of payment of the building and construction industry Long Service Leave Scheme shall be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.**

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.  
[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

39. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the applicable requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
40. The person acting on this consent shall provide to Council a bond in the amount of \$5,200.00 and pay the related Section 138 (Roads Act) inspection fee of \$157.50 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.
41. Plans detailing the existing and proposed site drainage network including plans and longitudinal sections of pipeline, the location of pits, pipe invert and pit surface levels, junction details, size and class of pipes, trench conditions and details of surface flow paths together with hydrologic and hydraulic calculations that detail the drainage network and the capacities of the various surface flow regimes being submitted to and accepted by Council before the issue of a Construction Certificate. Where flows are in excess of 100 litres/second, then a hydraulic grade line analysis will be required.
42. Before the issue of a Construction Certificate, amended plans must be submitted to Council's satisfaction indicating continuous grated box drains of minimum dimensions 200mm wide by 150mm deep being constructed across the full width of all driveway entrances on the property boundary.
43. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

#### SITE WORKS

44. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.
45. All demolition work being carried out in accordance with the following:
  - a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
  - b) all works involving the demolition, removal, transport and disposal of asbestos cement is to be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
  - c) all building materials arising from the demolition are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Recycling and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;

- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications are to be disconnected in accordance with the requirements of the responsible authorities;
  - e) the generation of dust and noise on the site must be controlled;
  - f) the site must be secured to prohibit unauthorised entry;
  - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
  - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;
  - i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
  - j) no waste collection skips, spoil, excavation or demolition material from the site being deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
  - k) the person acting on this consent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
46. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stage inspections are:
- a) After excavation for, and before the placement of, any footings;
  - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
  - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
  - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- You are advised to liaise with your PCA to establish if any additional inspections are required.
47. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.
48. A clear unobstructed path of travel of not less than 1,000mm is to be provided to all exits and paths of travel to exits.

#### **BEFORE OCCUPATION OF THE BUILDING**

49. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
- a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;

- c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections; and
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
50. Occupation of the building shall not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
  - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
  - c) An Occupation Certificate has been issued.
51. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, shall:
- 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 twelve (12) months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

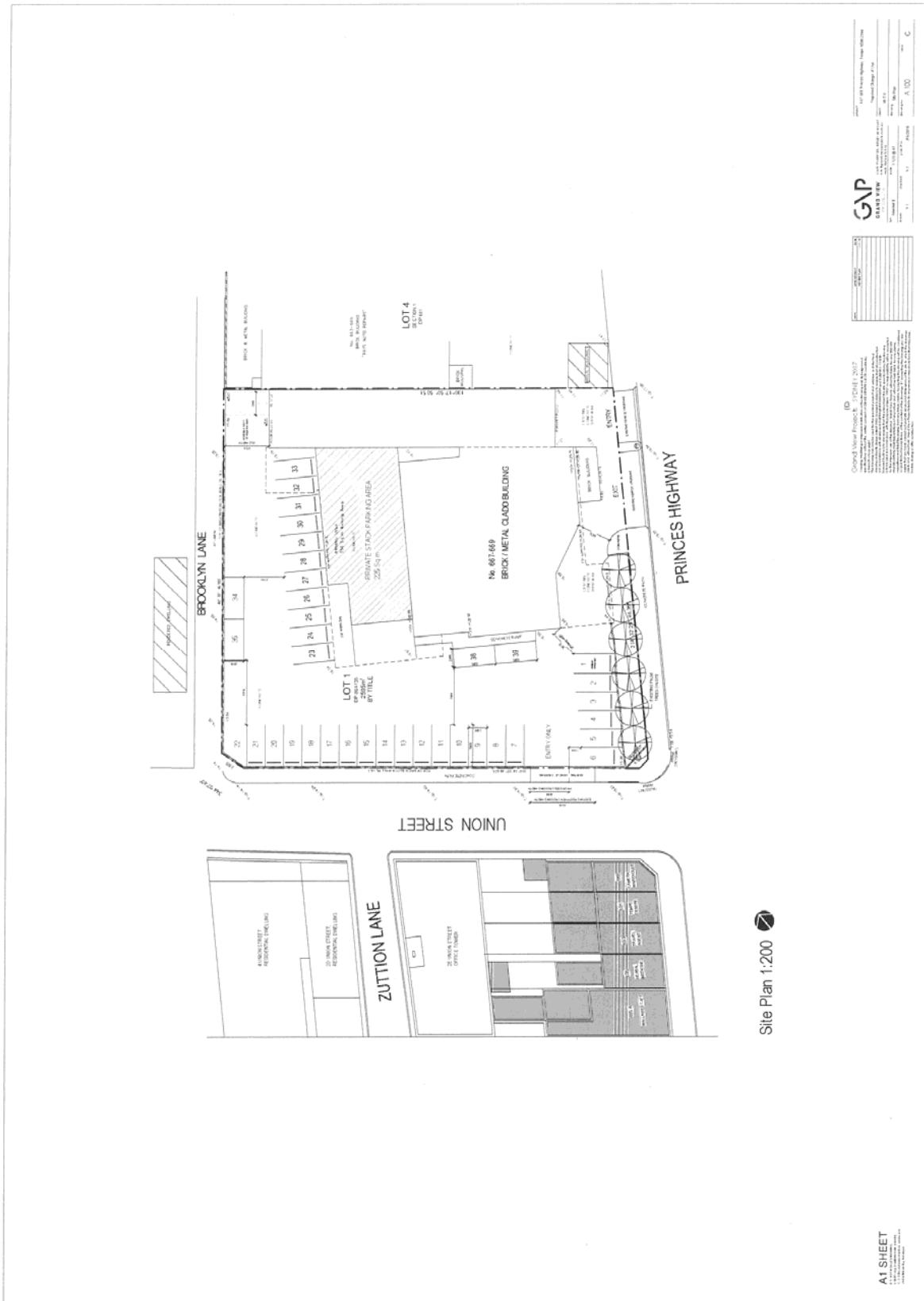
52. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
53. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
54. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
55. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.

56. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
57. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" 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.
58. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
59. Before the issue of the Occupation Certificate written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels. In addition certification shall be provided for the carwash bay and oil separator/grease trap confirming that they comply with Sydney Water's Trade Waste requirements.
60. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

#### ADVISORY NOTES

- A complete Building Code of Australia assessment of the application has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- 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, before commencement of works.

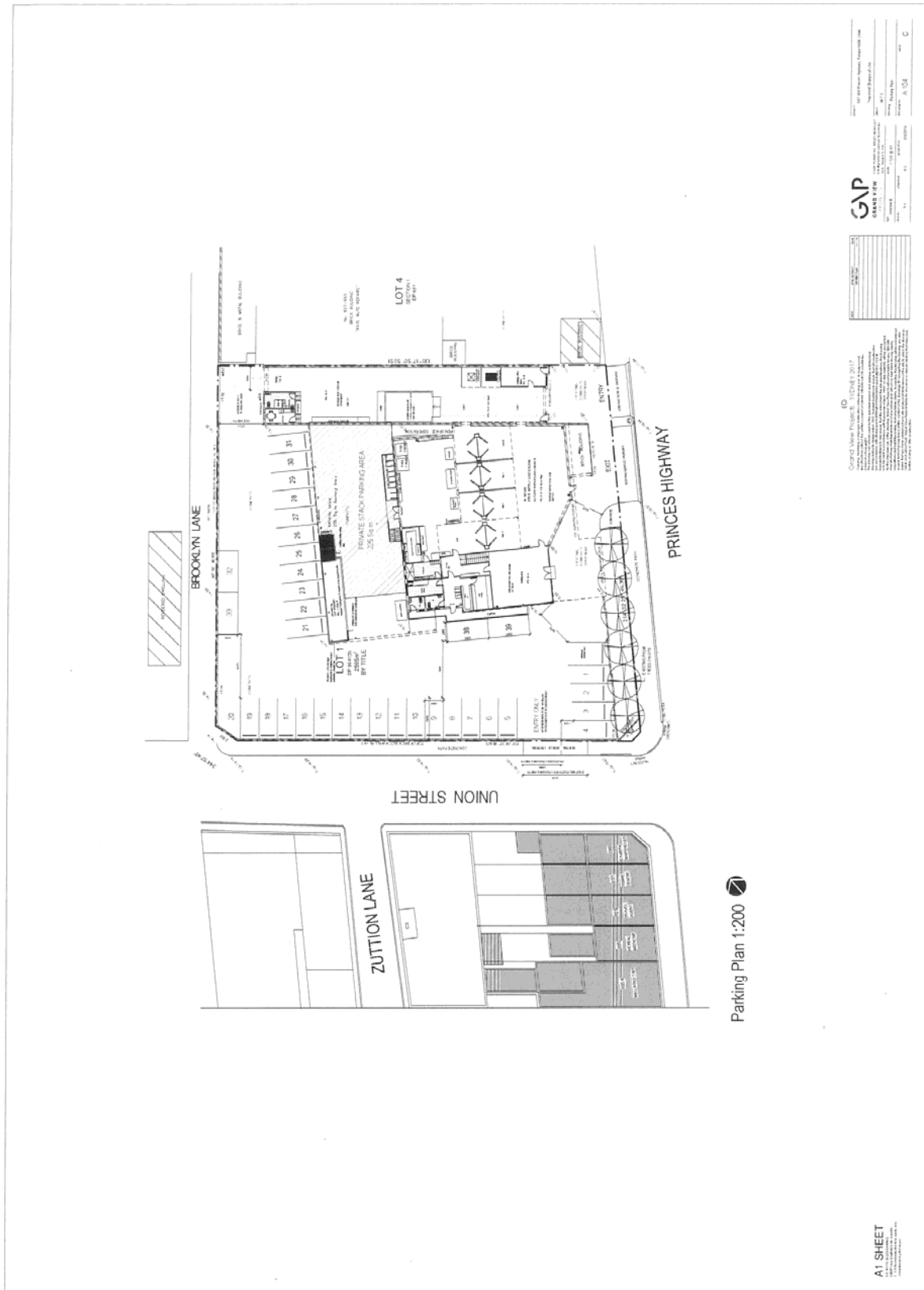
Attachment B – Plans of proposed development

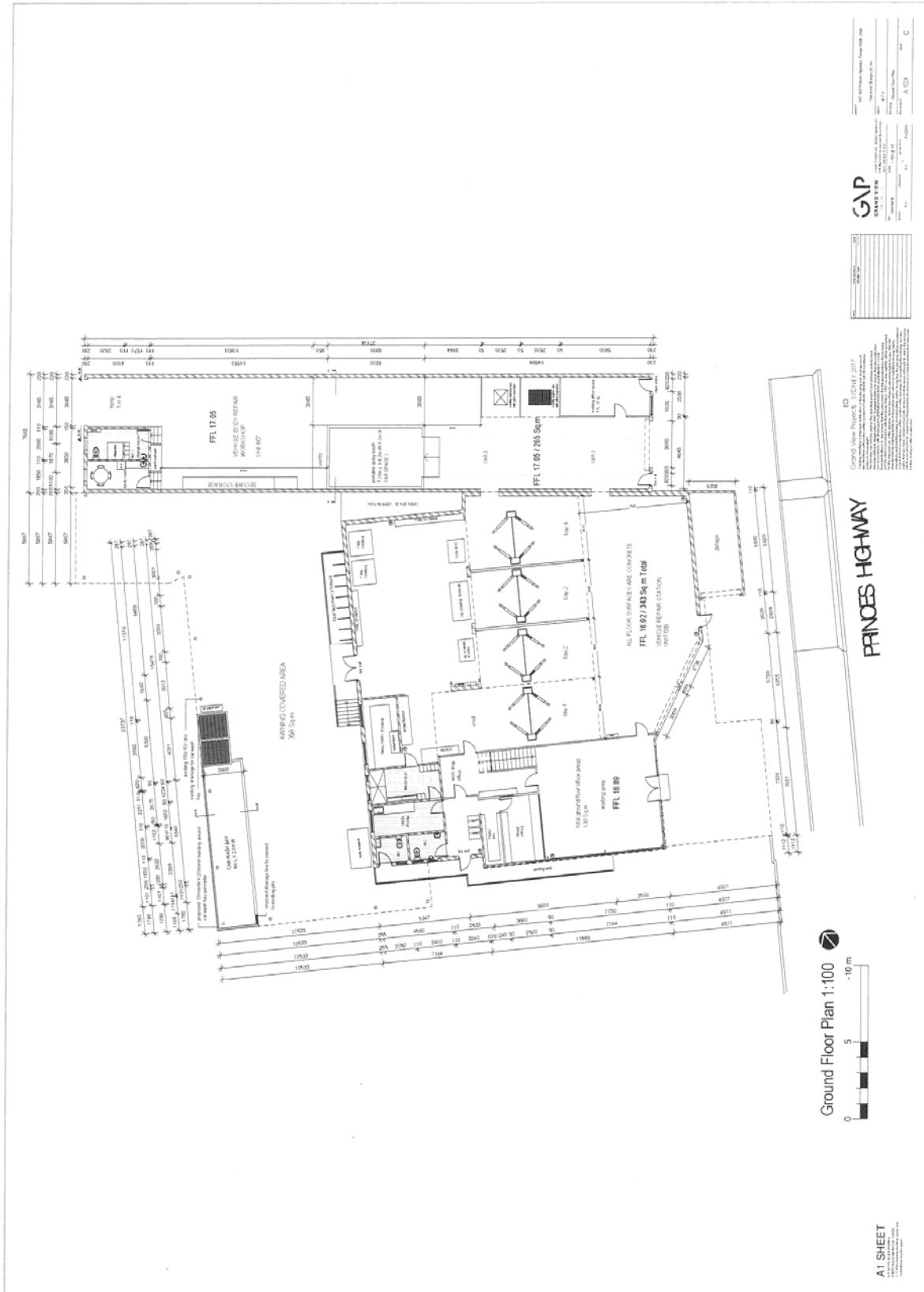


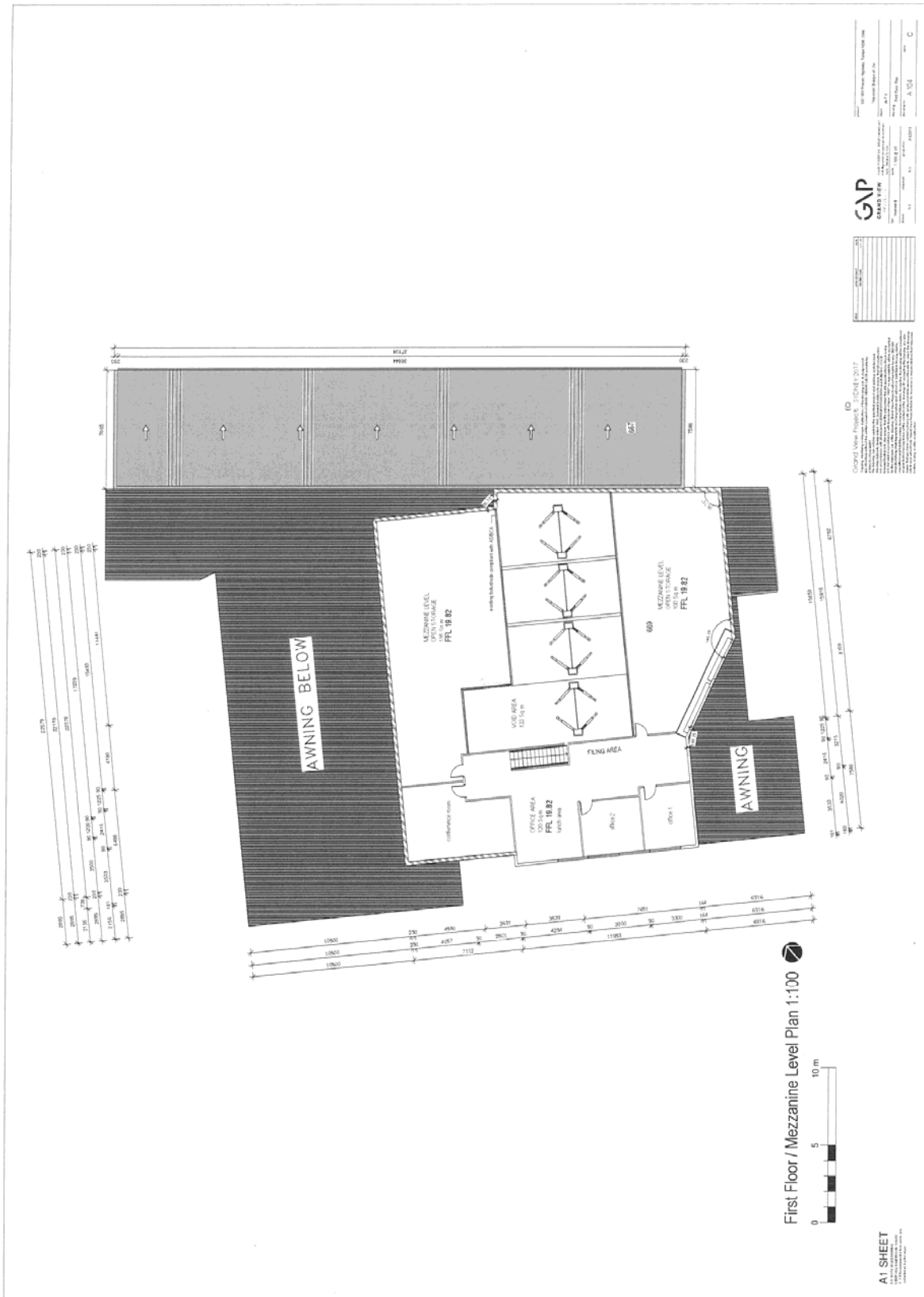
Site Plan 1:200

A1 SHEET









First Floor / Mezzanine Level Plan 1:100



A1 SHEET  
 Scale: 1:100  
 Drawing No.: A105  
 Date: 22/07/2017

