





# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2017.71.1
<b>Address</b>	6 - 8 Parramatta Road SUMMER HILL
<b>Proposal</b>	Addition of 4 <sup>th</sup> storey consisting of 8 motel rooms.
<b>Date of Lodgement</b>	9 May 2017
<b>Applicant</b>	Nino Urban Planning and Development
<b>Owner</b>	Kent Sydney Pty Ltd
<b>Number of Submissions</b>	13
<b>Value of works</b>	\$250,000
<b>Reason for determination at Planning Panel</b>	Significant resident objection
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Height and scale</li> <li>• Privacy</li> </ul>
<b>Recommendation</b>	Conditional approval

Location Plan	Legend
	<p><b>Site</b></p>  <p><b>Objections</b></p> 

## 1. Executive Summary

This report is an assessment of the application submitted to Council for additions to an three storey motel building currently under construction to provide 8 additional individual motel rooms.

The main issues that have arisen from the application include:

- Height: The development proposes a variation to the maximum 10m height limit of Ashfield LEP 2013 of up to 2.7m. A review of the submitted clause 4.6 request has found it to be well founded and that the variation is acceptable.
- Privacy: The additional level, as with the levels below, orientates any openings to face either towards Parramatta Road or into the internal courtyard with only acute views towards nearby residential properties. The resultant impacts upon privacy are minimal and considered reasonable under the circumstances.
- Parking: The original development exceeded the minimum number of car parking spaces and continues to exceed them notwithstanding the addition of 8 more rooms.

Aside from the above, the proposal is generally compliant with the applicable controls and the application is recommended for approval by way of deferred commencement consent.

## 2. Proposal

The DA proposes the addition of a fourth level with 8 motel rooms to the existing building to produce a four storey motel building.

## 3. Site Description

The subject site is located on the south western side of Parramatta Road near its western corner with Dover Street in Summer Hill. Two existing dwelling houses are located on the site. Surrounding development comprises commercial and low density residential uses.

Refer to **Attachment 1** for a locality map.

The site consists of the following five individual lots which are proposed to be amalgamated into a single lot: -

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area
6 Parramatta Road	8	4648	Torrens	531.1m <sup>2</sup> (by title)
8 Parramatta Road	7	4648	Torrens	594.4m <sup>2</sup> (by title)
<b>TOTAL AREA</b>				<b>1129.4m<sup>2</sup></b> (by survey)

## 4. Background

### 4(a) Site history

Previous building and development applications submitted to Council for the subject site include:

No.	Determination Date	Proposal	Determination
10.2015.103	24.11.2015	Motel	Withdrawn
10.2016.32	12.04.2016	Motel	Approved

### 4(b) Application history

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
09.05.2017	Development Application lodged "as-is"	10.2017.71.1

## 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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following provides further discussion of the relevant issues:

- **State Environmental Planning Policy No 55—Remediation of Land**

This issue was addressed in the assessment of DA 10.2016.32 which has now been activated and largely completed.

- **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally inconsistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

- State Environmental Planning Policy (Infrastructure) 2007**

The proposal is located on a site with frontage to classified road and is subject to the provisions of the SEPP:-

<b>State Environmental Planning Policy (Infrastructure) 2007 Summary Compliance Table</b>				
<b>Clause No.</b>	<b>Standard</b>	<b>Proposed</b>		<b>Complies</b>
<b>101</b>	<b>Development with frontage to classified road</b>			
101(2)	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:			
101(2)(a)	where practicable, vehicular access to the land is provided by a road other than the classified road, and	There are not other opportunities for vehicular access other than Parramatta Road. The proposal utilises the existing crossing.		Yes
101(2)(b)	the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:			
(i)	the design of the vehicular access to the land, or	Council's traffic engineer has reviewed the proposal and does not raise objection on this basis.		Yes
(ii)	the emission of smoke or dust from the development, or	No dust or smoke is likely to result from the development.		Yes
(iii)	the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	Council's engineer has not raised concerns with the volume of traffic.		Yes
101(2)(c)	the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	An acoustic report has been provided which provides construction recommendations to achieve a satisfactory internal acoustic environment.		Yes

The proposal satisfies the requirements of the SEPP.

- Ashfield Local Environment Plan 2013 (ALEP 2013)**

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

<b>Ashfield Local Environmental Plan 2013 Summary Compliance Table</b>				
<b>Clause No.</b>	<b>Clause</b>	<b>Standard</b>	<b>Proposed</b>	<b>Complies</b>
2.3	Zone objectives and land use table	Zone B6 Enterprise Corridor  Permitted: Hotel or motel accommodation	Motel	Yes
4.3(2)	Height of buildings	10m	13m	No (see cl. 4.6)
4.4	Floor space ratio	2:1	1.89:1	Yes
4.6(3)	Exceptions to	Development consent must	Written requests submitted	Yes

	development standards	not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	for variations to cl. 4.3(2).	
4.6(3)(a)	“	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Demonstrated. • Cl. 4.3(2) (height): The applicant’s submission that the proposal is consistent with the objectives of the standard is supported (see applicant’s justification).	Yes
4.6(3)(b)	“	That there are sufficient environmental planning grounds to justify contravening the development standard.	Demonstrated. • Cl. 4.3(2) (height): The applicant’s submission that the proposal provides a better environmental planning outcome is supported (see applicant’s justification).	Yes
4.6(4)	“	Development consent must not be granted for development that contravenes a development standard unless:		
4.6(4)(a)	“	The consent authority is satisfied that:		
4.6(4)(a)(ii)	“	The applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and	Demonstrated.	Yes
4.6(4)(a)(iii)	“	The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	The proposed development is consistent with the objectives of the standard or of the zone.	Yes
4.6(4)(b)	“	The concurrence of the Director-General has been obtained.	Concurrence has been granted to Council by the Director-General.	Yes

As demonstrated in the above table, the proposed development satisfies all the provisions of ALEP 2013 except for the following:

- Clause 4.3(2), Height of buildings: The application proposes a height of 13m whereas the maximum building height permitted by the ALEP 2013 on this site is 10m. The non-compliance varies between 2.7m at the front boundary to 1.2m at the rear face of the front building. The applicant has submitted a clause 4.6 variation request to address this non-compliance.

Review of the request has determined the following:

- 5(a)(i) Objectives of the zone:  
The objectives of the zone are:

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

It is considered that the proposal is consistent with these objectives.

5(a)(ii) The objectives of the building height development standard:

The objectives are as follows:

- *to achieve high quality built form for all buildings.*  
The low density zones to the rear and side/rear of the site have a height limit of 8.5m while the directly adjacent site to the east has a height limit of 10m and the site to the west (10 Parramatta Road) has a height limit of 15m. The proposal effectively provides a transition between the differencing heights of these sites by retaining a compliant height of up to 10m to the east and rear and increasing it to 13m at the western side of the front portion of the site to transition to the 15m height limit of the adjacent site to the west. This will provide a gradual transition to the higher built forms of the adjacent site while protecting the amenity of the lower built forms to the rear.
- *to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes.*  
The proposal would not impact negatively on sky exposure.
- *to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings.*  
The proposed additional storey is located to the front of the site so that the development as a whole steps down gradually to the lower density zone to the side and the heritage conservation area/lower density zone to the rear.
- *to maintain satisfactory solar access to existing buildings and public areas.*  
The proposal would not unacceptably impact solar access to surrounding buildings or land.

5(a)(iii) Sufficient environmental planning grounds :

The proposal would create a high quality built form to Parramatta Road which would reinforce its urban design through the three dimensional definition of the road reserve. Further, it provides a better transition to the likely form of any future development on the adjacent site at 10 Parramatta Road which is likely to take full advantage of its 15m height limit.

Given these considerations, it is considered that the clause 4.6 variation request provided is well founded and that the variation to the development standard in respect of height can be supported.

Given the above, it is considered that the proposal satisfies the requirements of Ashfield LEP 2013.

#### **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 Inner West Development Control Plan 2016 as follows.

Inner West Development Control Plan 2016 Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
<b>A</b>				
<b>Miscellaneous</b>				
<b>A-2</b>				
<b>Good Design</b>				
PC1	Good design principles	Development must satisfy the good design principles elaborated in this clause.	Building is of a contemporary aesthetic but follows traditional architectural compositional practice.	Yes
<b>A-4</b>				
<b>Solar Access and Overshadowing</b>				
		<ul style="list-style-type: none"> <li>- To achieve adequate levels of amenity for existing residents.</li> <li>- To ensure appropriate levels of solar access to adjoining and nearby properties.</li> </ul>	The proposed additional level is set to the northern side of the site with a step back from the southern side and has minimal and compliant impact upon adjacent residential properties.	Yes
<b>A-5</b>				
<b>Landscaping</b>				
		<ul style="list-style-type: none"> <li>- To maintain and enhance the landscape character of the LGA.</li> <li>- To reinforce the visual landscape character of streets with distinct planting patterns.</li> <li>- To create attractive, functional and safe environments, in particular within the public domain.</li> <li>- To provide robust, low maintenance landscaping.</li> <li>- To enhance the environmental performance of the LGA by increasing on-site stormwater infiltration, increasing tree cover and providing additional habitat for urban wildlife.</li> <li>- To reduce the visual dominance of the built form in suburban, garden settings.</li> <li>- To retain, protect and integrate significant vegetation within development.</li> </ul>	The proposal would not impact the existing approved landscaping on the site.	N/A
<b>A-6</b>				
<b>Safer by Design</b>				
PC1		Development is sited and designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED), including consideration of: <ul style="list-style-type: none"> <li>- surveillance</li> <li>- legibility</li> <li>- territoriality</li> <li>- vulnerability</li> </ul>	The proposal would not impact the existing approved security features on the site.	N/A
<b>A-8</b>				
<b>Parking</b>				
	Parking Rates for Specific Land Uses	Motel (56 rooms): <ul style="list-style-type: none"> <li>• 1 space per room =</li> </ul>	Parking Spaces: <ul style="list-style-type: none"> <li>• 59 spaces (incl. 8</li> </ul>	Yes

		56 • 1 per 2 staff = 1 TOTAL: 57	disabled) Exceeds minimum requirements	
<b>C</b>	<b>Sustainability</b>			
<b>C-1</b>	<b>Building Sustainability</b>			
	Non-residential Development	Development must comply with BCA requirements.	Compliance with the BCA will be conditioned in any consent.	Condition
<b>C-3</b>	<b>Waste &amp; Recycling Design and Management Standards</b>			
C-3.6	Commercial Waste			
	Bin Numbers	Waste management plan analysis	Waste management plan: • 2 x 1100L garbage bin • 1 x 1100L recycling bin <b>TOTAL: 3 bins</b>	Yes
<b>C-4</b>	<b>Tree Preservation and Management</b>			
			No trees are impacted by the proposal.	N/A
<b>D</b>	<b>Precinct Guidelines</b>			
<b>D-6</b>	<b>Enterprise Zone (B6) – Parramatta Road</b>			
DS2.1	Frontage	Min. 25m	Site is less than this but the existing building approved under consent 10.2016.32.1 is already under construction and nearly complete.	N/A
DS3.2	Setbacks	Front: 0m – 3m	0m	Yes
		Rear: 3m	No change	N/A
	Rear height plane	Rear: 3.5m + 22.5 degrees	No change	N/A
	Height	3 storeys	4 storeys Despite the non-compliance, the proposal satisfies the objectives of the control and does not have adverse impacts on the amenity of adjacent properties and is considered satisfactory.	No
DS3.5	Active frontages	All sites are to have where practical active frontages, except in situations where this is not practical	Frontage remains active.	Yes
DS3.9	Side setbacks	Zero side setbacks are permitted, except where that boundary is directly adjacent to an existing residential flat building or dwelling within the corridor, or adjacent to a residential dwelling adjoining the corridor.	Zero side setback proposed to the north west which is consistent with the existing building and the desired future character.	Yes
DS3.10	Rear setbacks	3m	No Change	N/A
DS3.12		External roller shutters, facing the Parramatta Road frontage are not permitted.	No external shutters proposed.	Yes
DS3.13		The design of buildings is to	Additional storey is massed	Yes



		be predominantly massed towards the street frontage and away from residential properties to the rear. The upper levels of buildings are to be built to the Parramatta Road street setback and generally not stepped back.	towards the street to reinforce the street wall which is the desired future character for the zone.	
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It is considered the application complies with the parts of the Inner West Development Control Plan 2016 as indicated. Despite the non-compliance with the height in storeys control, it ultimately achieves the aims and objectives of the IWDCP 2016.

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

**5(f) Any submissions**

The application was notified for a period of 21 days to surrounding properties from 17 May 2017 to 9 June 2017. A total of 13 submissions were received.

Submission from	
▪	G. & G. Calabrese 24 Dover Street Summer Hill NSW 2130
▪	S. Crawshaw 17 Kensington Road Summer Hill NSW 2130
▪	H. Ding & K. Law 7 Kensington Road Summer Hill NSW 2130
▪	J. Doughty-Roberts & N. Roberts 22 Dover Street Summer Hill NSW 2130
▪	J. Herrick 18 Kensington Road Summer Hill NSW 2130
▪	The Hon. Gregory James & Barbara Ramjan 12 Dover Street Summer Hill NSW 2130
▪	M. Johnson 15 Kensington Road Summer Hill NSW 2130
▪	T. Klempfner 5 Kensington Road Summer Hill NSW 2130
▪	A. & E. Origlio 20 Dover Street

	Summer Hill NSW 2130
▪	C. & S. Tryfonopoulos 9 Kensington Road Summer Hill NSW 2130
▪	J. & P. Tryfonopoulos 22 Linda Street Belfield NSW 2191
▪	P. & C. Tryfonopoulos 9 Kensington Road Summer Hill NSW 2130
▪	C. & V. Wierum 13 Kensington Road Summer Hill NSW 2130

Submission Issue	Assessing Officer's Comment
Height and scale relative to existing nearby dwellings is excessive.	The proposal is located in a different zone from the low density dwellings and a greater height is anticipated by the controls. Furthermore, the proposal steps down towards the zone interface and focusses the additional scale upon Parramatta Road and the adjacent B6 site rather than towards the residentially zoned land.
Privacy of low density residential sites further compromised.	The proposal has been designed so that the windows look directly across the internal courtyard to the rear building on the same site and not towards the neighboring residential properties. Although there is some overlooking possible, this is at an acute angle and minimal. The additional level would not materially alter the situation.
Overshadowing.	The proposal is stepped back on the southern side and would consequently have negligible and complaint shadow impact on the adjacent dwellings.
Increased traffic.	The additional traffic generation is well within the road capacity.
Increased requirement for parking.	The proposal provides in excess of the minimum amount of required parking for the proposed use and no adverse impacts upon on-street parking are likely.
Construction process of the original building has created inconvenience for adjacent residents.	Any unacceptable construction impacts will be addressed by way of conditions of consent.
Only 3 additional car spaces for 8 additional rooms.	The original approved application already provided well in excess of the minimum amount of parking. With the addition of 8 rooms, the proposal is still compliant with minimum parking requirements although the excess number of spaces is lesser.
The proposal will overlook the back yard of properties in Kensington Road.	It will not be possible for the proposed motel rooms to overlook this property as the sight lines would be blocked by the existing rear building.
Strangers may assault and kill children living in nearby properties.	This is not a likely result of the proposed addition and is not a matter specifically addressed in the planning controls.
The proposal is sneaky.	It is the applicant's right to lodge whatever application they wish and Council must consider it on its merits however it may not receive an approval.

The proposal has blocked views of the nature reserve.	The addition would not further impact on views which are already impacted.
The workers on the current project are very noisy.	This is a matter which is controlled by conditions of consent and is subject to regulatory action if the noise is excessive.
The height of the proposal will be out of place with the existing buildings on Parramatta Road.	It is noted that Parramatta Road is undergoing a transition in urban form. The proposed scale is more in keeping with the anticipated future character and is considered generally appropriate.
Too many motels in the locality.	This is a commercial consideration for the developer and not a matter for consideration as part of this assessment.
The proposal exceeds the floor space ratios for the area.	The proposal with an FSR of 1.89:1, is well within the maximum FSR for the site of 2:1.
The additional storey would loom over nearby residential buildings.	The proposed additional storey is set towards the Parramatta Road side of the site only and stepped back from the side boundary to minimize impact upon residential properties in Dover Street.
Kensington Road is located in a conservation area and the proposal would adversely impact upon the heritage values of the area.	The proposal is not located in the conservation area and is located well away from it on the Parramatta Road side of the site. There would be negligible impact upon the conservation area.
Proposal does not comply with the zoning for the site.	The proposal is consistent with the zoning.
Proposal may be for more than an additional level.	The proposal involves only one additional level.
The roof is already a concrete slab in anticipation of approval of this application.	It is not unusual to construct the roofs of commercial buildings in concrete and this is consistent with the original development consent.
Approval may set a precedent for development at 10 Parramatta Road.	The adjacent site at 10 Parramatta Road has a height limit of 15 metres and can accommodate 4 storeys. Any future applications, however, would be required to set the upper levels to the front of the site and well away from low density residential properties.
Negative impact upon real estate values.	This is not a valid consideration in the assessment of the application.

### 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

<b>Internal Referrals</b>		
<b>Officer</b>	<b>Comments</b>	<b>Support</b>
Building Surveyor	Satisfactory subject to conditions.	Yes
Traffic Engineer	Satisfactory subject to conditions.	Yes
Drainage Engineer	Satisfactory subject to conditions.	Yes
Environmental Health Officer	Satisfactory subject to conditions.	Yes
Waste Management	Satisfactory subject to conditions.	Yes

## 6(b) External

N/A

## 7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of **\$6,696.92** would be required for the development under the applicable Section 94 Contributions Plan. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Ashfield Interim Development Assessment Policy 2013. The additional height is considered to be generally consistent with the objectives of both the development standard and the B6 Enterprise Zone. The development will not result in any significant impacts on the amenity of adjoining premises or the streetscape. The application is considered suitable for the issue of consent subject to the imposition of appropriate terms and conditions.

## 9. Recommendation

- That the variation request pursuant to clause 4.6 of Ashfield Local Environmental Plan 2013 regarding clause 4.3 of Ashfield Local Environmental Plan 2013 in respect of height of buildings be supported.
- That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2017.71.1 for addition of an additional level consisting of eight motel rooms above the already approved three storey building on Lots 7 & 8, DP 4648, known as 6-8 Parramatta Road, Summer Hill, subject to conditions.:

## Attachment A – Recommended conditions of consent

DA 2017.711.1  
6-8 Parramatta Road SUMMER HILL 2130

**Description of Work as it is to appear on the determination:**

Additions to an approved three storey motel building to include an additional fourth level accommodating eight motel rooms.

**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 in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
SU-DA-02		Site Plan	Alex Richter Architect	28.04.2017
SU-DA-03		Proposed Third Floor	Alex Richter Architect	28.04.2017
SU-DA-04		Section BB	Alex Richter Architect	28.04.2017
SU-DA-05		Elevations 1	Alex Richter Architect	28.04.2017
SU-DA-06		Elevations 2	Alex Richter Architect	28.04.2017
SU-DA-07		Basement 1	Alex Richter Architect	28.04.2017

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

**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 prior to release of the Construction Certificate.*

**B Design Changes**

NIL

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

**(1) 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
- 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).

**(2) 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.

**(3) Section 94 Development Contributions**

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$1,817.53
Local Public Transport Facilities	\$2,712.27
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$0.00

Local Community Facilities	\$0.00
Plan Preparation and Administration	\$2,167.12
<b>TOTAL</b>	<b>\$6,696.92</b>

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$C_P \times CPI_C}{CPI_P}$$

Where:

$\$C_C$  is the amount of the contribution for the current financial quarter

$\$C_P$  is the amount of the original contribution as set out in this development consent

$CPI_C$  is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

$CPI_P$  is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at [www.ashfield.nsw.gov.au](http://www.ashfield.nsw.gov.au) or a copy may be inspected at Council's Administration Centre.

**(4) Damage deposit/footpath, road, kerb and gutter**

A Damage Deposit of \$20,000 is to be submitted prior to any of the following:

- commencement of works or
- demolition or
- excavation upon the site or
- the release of the **Construction Certificate**

whichever may come first, 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 on-charged 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.

**(5) Footpath/laneway- photographs to be submitted**

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath 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 will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

**(6) 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.

This shall include but not be limited to the following design aspects being included prior to the release of the Construction Certificate:

- (1) All vehicles must enter and exit the site in a forward direction.
- (2) Service vehicles are to be retained to Basement 1
- (3) Appropriate traffic signal treatment supplemented with mirrors and signage/line marking shall be implemented to guide vehicular movement through the basement ramp system.
- (4) The driveway entrance/exit at Council's footpath is to be kept visually clear of vegetation and walls are to be splayed to view pedestrians in accordance to "Minimum Sight Lines for Pedestrian Safety" AS2890.1:2004 Section 3.2.4.

**(7) No external service ducts**

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**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 Notification in Writing to Council 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:

- (a) 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) 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);

**(5) Crane permit**

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee of is payable for the permit. The approval of other authorities (eg Police Department, RTA) may be required for the use of a crane.

**(6) 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.

**(7) Acoustic Assessment**

An acoustic assessment shall be undertaken by a noise and vibration consultant and a copy of the report **shall** be submitted to Council for consideration prior to construction.

**(8) Public liability insurance – Works on Council/public lands**

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

**(9) Traffic Management Plan**

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access arrangements and traffic control will be submitted to Council, for approval, prior to the commencement of any works on site.

**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 materials and equipment - storage/placement on footpath/roadway - Council approval**

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

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

**(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.

**(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) 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.

**(6) 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.

**(7) Footpath, kerb and gutter protection**

The applicant is to 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 must 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

**(8) Vehicle access driveways**

A new vehicular access driveway shall be constructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing or proposed stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

**(9) Road opening permit- Council controlled lands**

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

Note: Council will also require RMS approval for works on Parramatta Road.

**(10) Traffic control on public roads**

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

**(11) Spoil and building materials on road and footpath**

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

**(12) Stormwater runoff-collection/discharge**

Stormwater is to be discharged into the site stormwater system as approved and constructed for the existing motel building.

**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.

**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. a motel, without the prior consent of the Council.

**(2) Hours of operation**

The hours of operation are 24 hours a day, seven days a week.

**(3) 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*.

**(4) Protection of the Environment Operations Act 1997 - noise attenuation details**

Details of any noise control equipment or noise attenuation measures or methods to be installed or effected in respect of any trade, industry or process on premises other than schedule premises as defined in the *Protection of the Environment Operations Act 1997* are required to be submitted to the Principal Certifying Authority.

**(5) Security gates - noise attenuation**

The security gate operation shall not emit any offensive noise as defined in the *Protection of the Environment Operations Act 1997*.

**(6) Discharge of condensate from air conditioning units**

Any condensate, moisture, etc shall not be permitted to be discharged onto the ground surface of the premises or into stormwater drainage systems in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.

All such wastes must be discharged to sewers of the Sydney Water.

**(7) Air conditioning unit operation-noise**

The air conditioning unit(s) must be maintained and function, so as to be inaudible in your neighbour's home during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays

**(8) Loading/unloading on site**

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

**(9) Garbage bin storage/placement for collection**

All garbage/recycling bins are to be kept in the garbage bin storage area in the main block. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection.

**(10) 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*.

**(11) Stormwater drainage system - clean discharges**

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

**(12) Lighting overspill – amenity**

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

**(13) Landscape Maintenance**

The landscaping approved as part of this application is to be maintained to the satisfaction of Council.

**(14) Garbage collection**

No garbage collection is to take place between the hours of **7.00pm and 6.00am** the following day.

**(15) On-site Manager**

A **concierge/on-site manager** is required to be present on the premises 24 hours a day, 7 days per week with a designated manager's sleeping room and facilities.

**(16) Shop-front appearance**

To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail premises

**(17) Air conditioners**

To preserve the streetscape, air conditioners or any plant equipment shall not be placed along the street façade or any place/part of the building that is visible from the public domain.

**I Advisory Notes****(1) Other approvals**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an Application for Approval under Section 68 of the *Local Government Act 1993* for a Place of Public Entertainment if proposed. Further building work may also be required for this use in order to comply with the *Building Code of Australia*. If there is any doubt as to what constitutes "Public Entertainment" do not hesitate to contact Council's Fire Officer.
- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.  
**Note:** An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.
- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

**(2) Works and requirements of other authorities**

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.

- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

**(3) Application for a Construction Certificate**

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

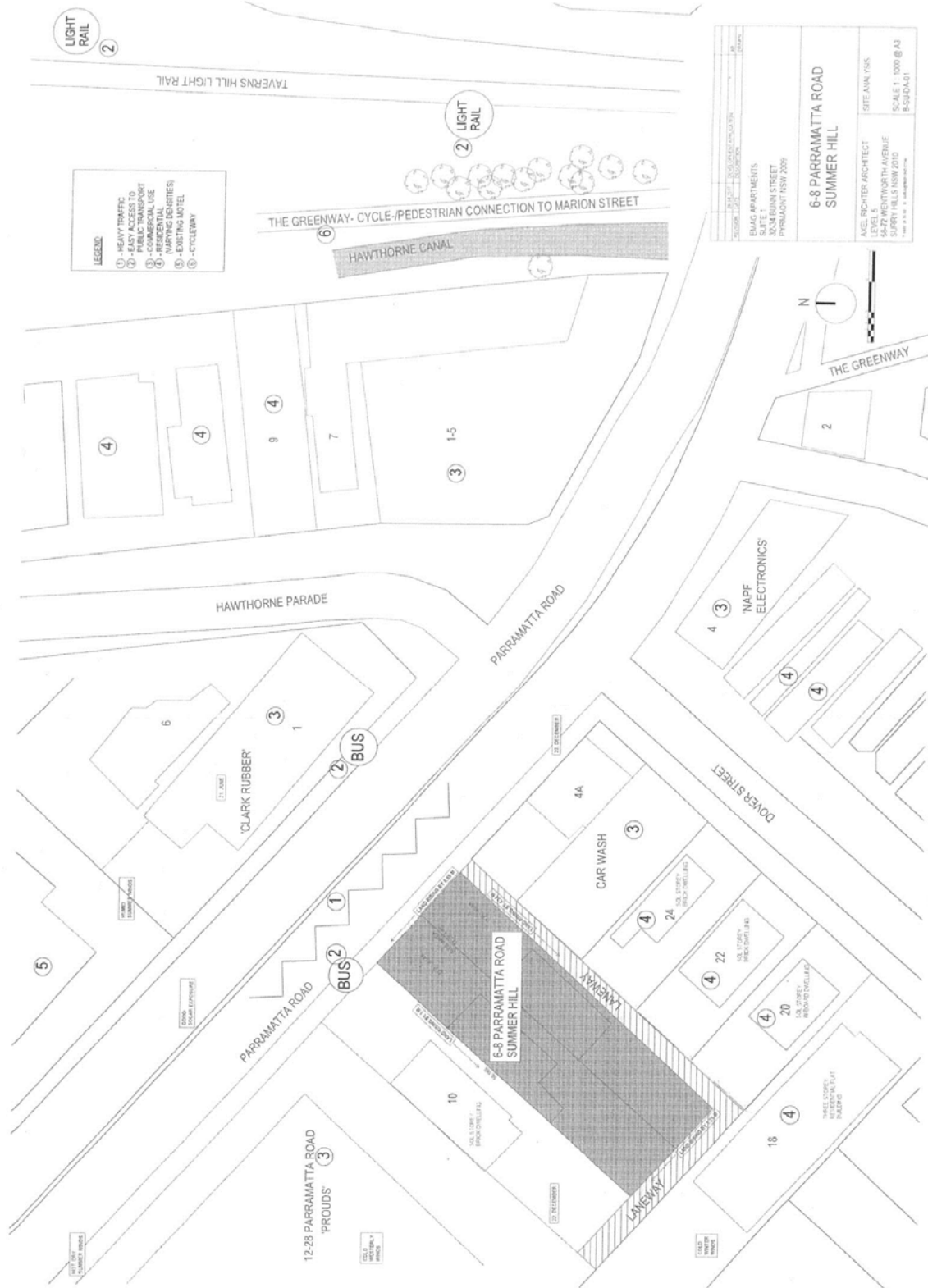
**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result in action in the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

**(4) Modifications to your consent - prior approval required**

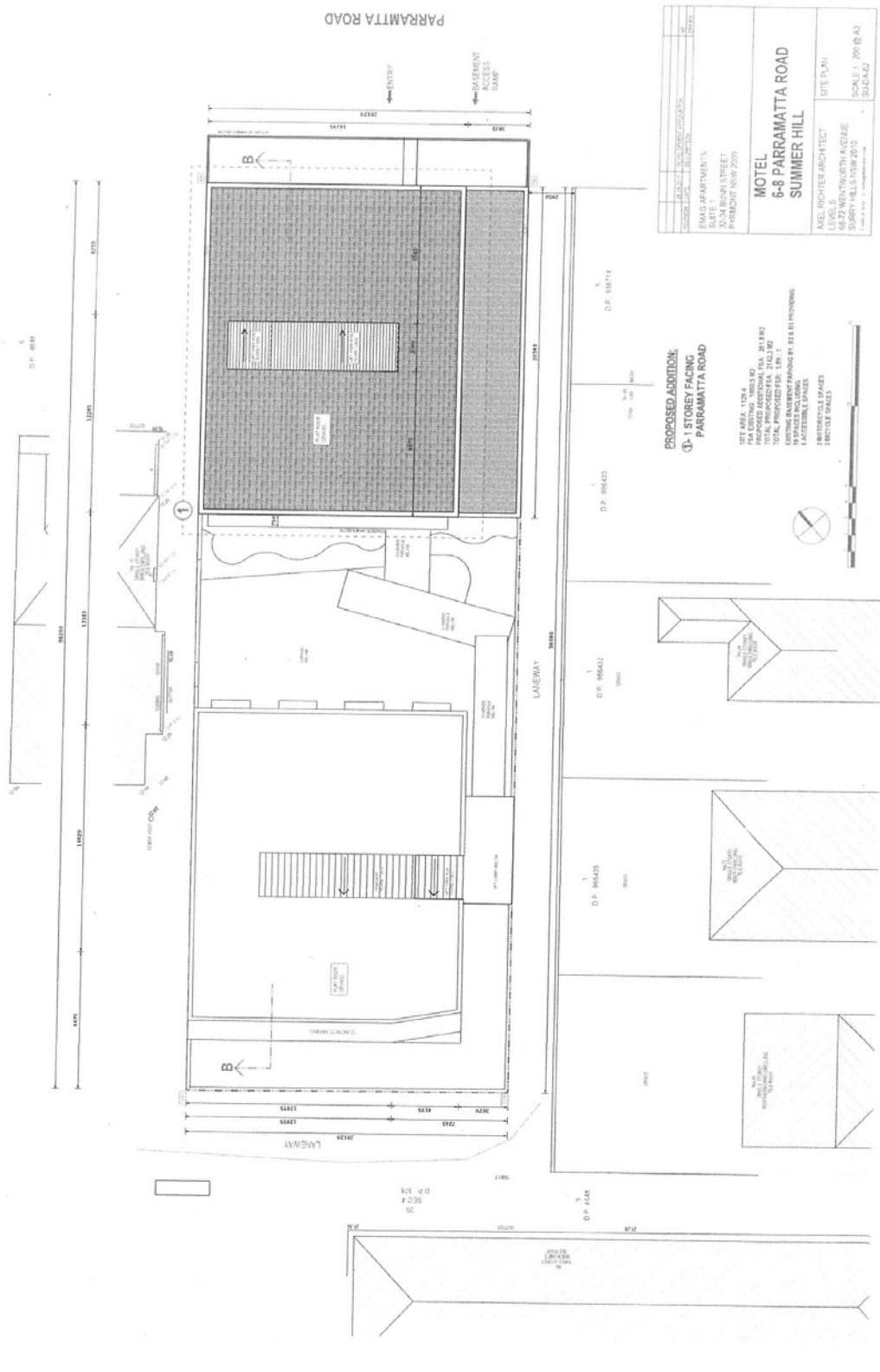
Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council 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.

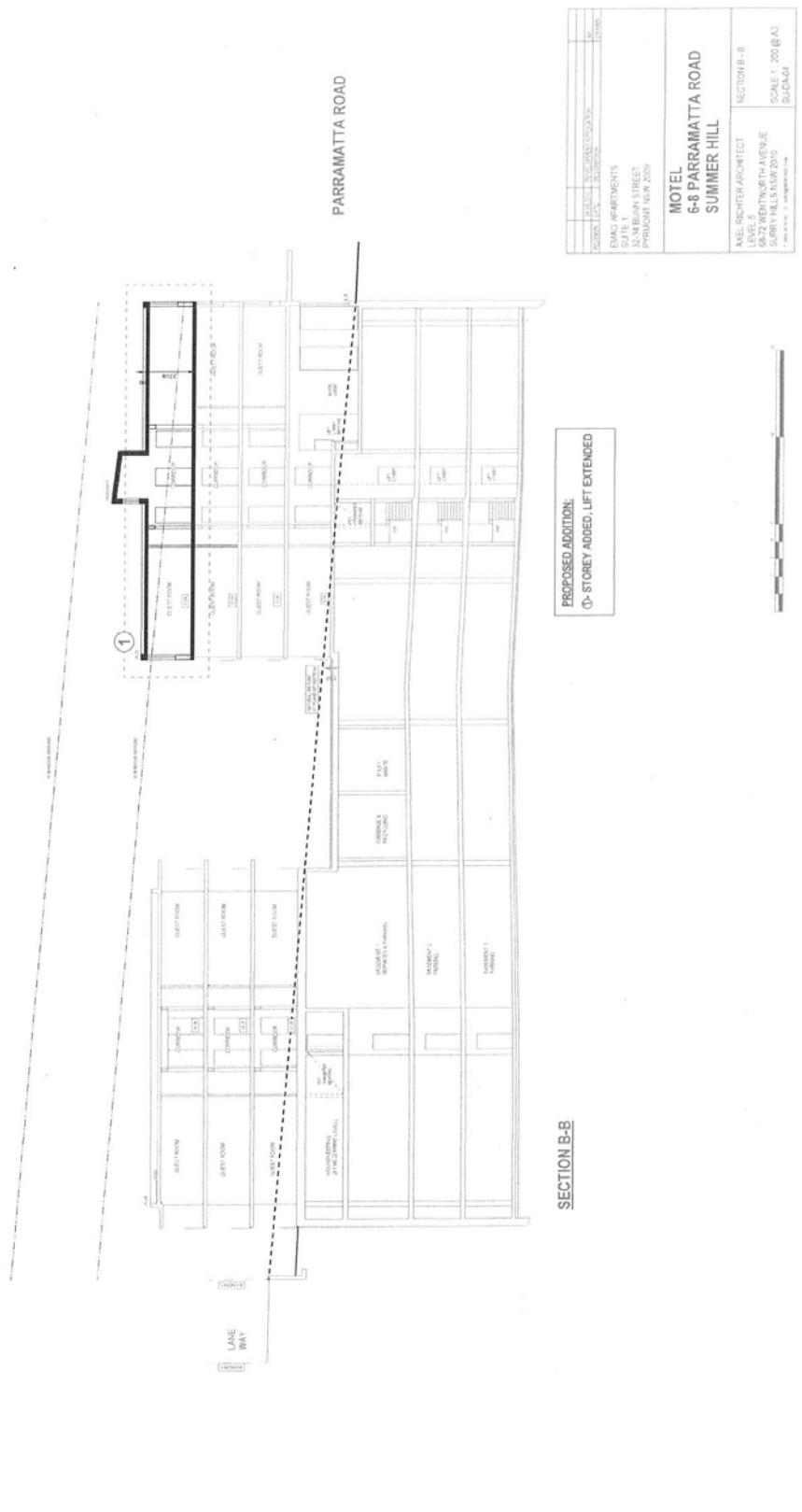
Attachment B – Plans of proposed development







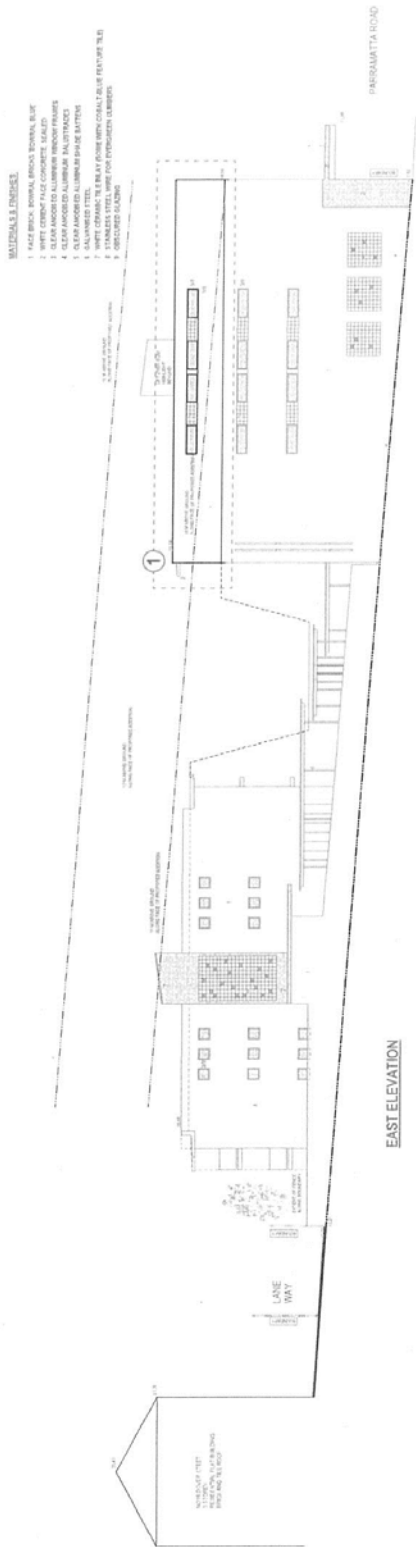




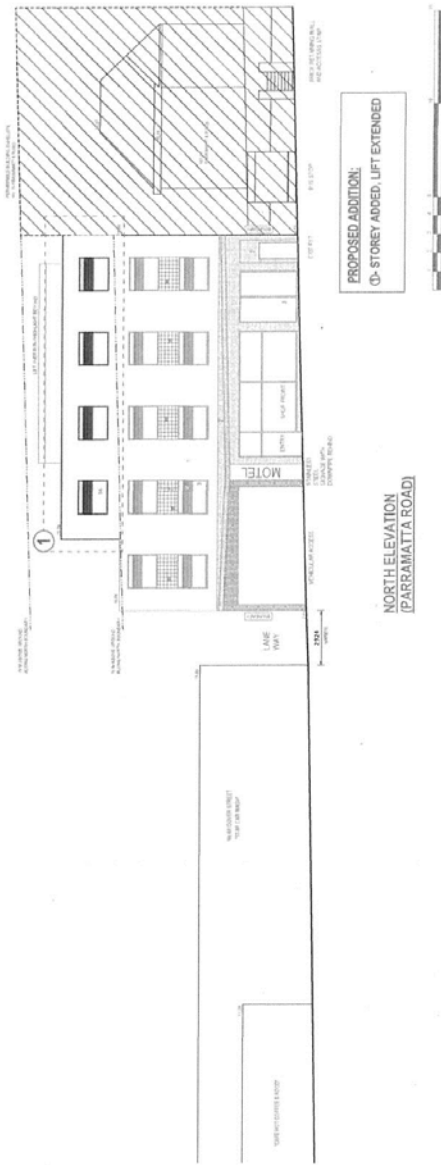
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0- STOREY ADDED, LEFT EXTENDED

SECTION B-B

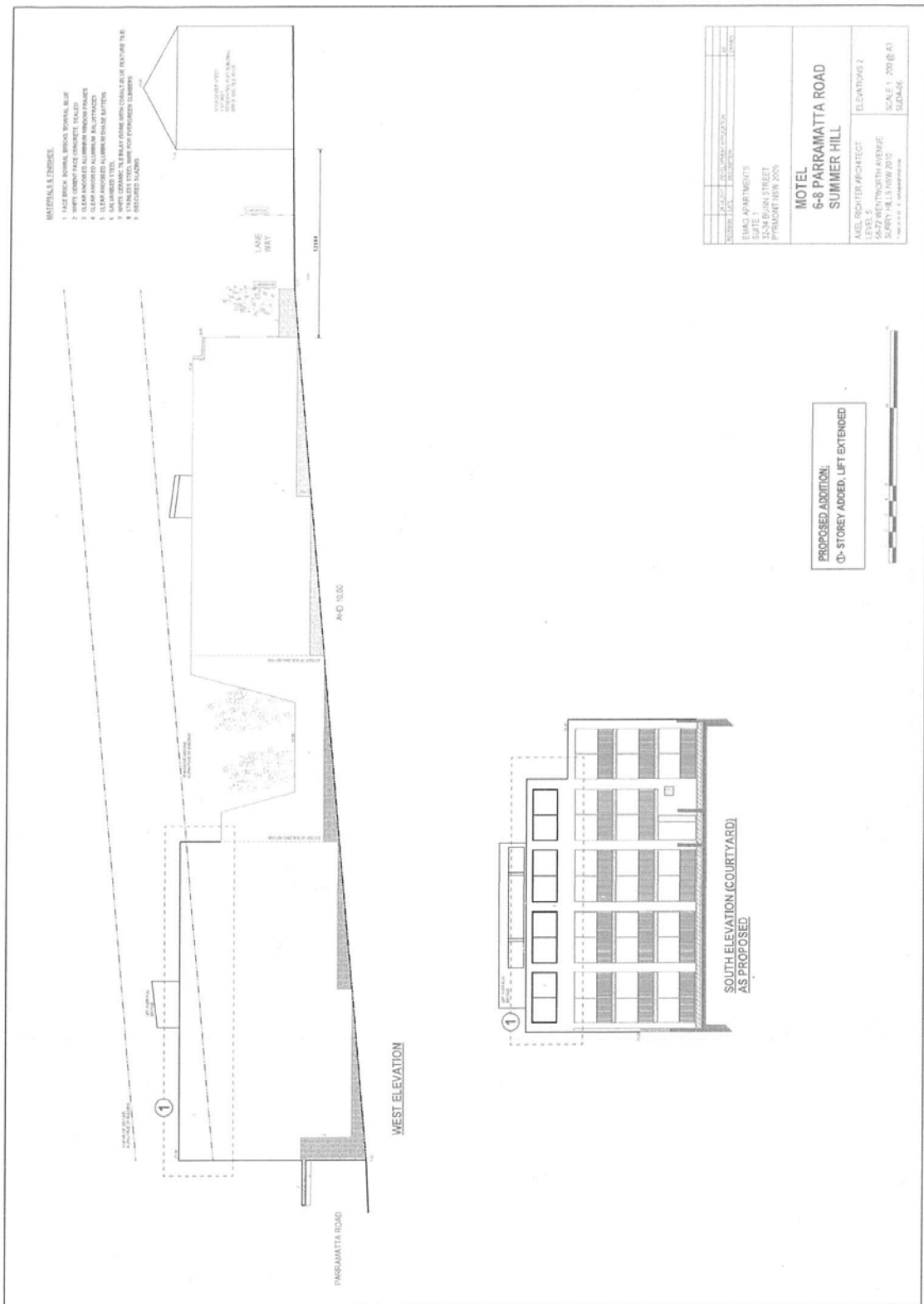
PROJECT NO.	2019/00000000000000000000
DATE	12/01/2019
DESIGNER	ENMAC ARCHITECTS
CLIENT	ENMAC APARTMENTS
ADDRESS	32-34 BURN STREET PARRAMATTA NSW 2150
SECTION	SECTION B-B
SCALE	SCALE 1 : 200 (B-A)
DATE	12/01/2019
PROJECT NAME	MOTEL 6-8 PARRAMATTA ROAD SUMMER HILL
ARCHITECT	ENMAC ARCHITECTS 15/27 WENTWORTH AVENUE SUNSHINE HILLS NSW 2150
CONTACT	02 9638 1111   enmacarchitects.com
PROJECT NO.	2019/00000000000000000000



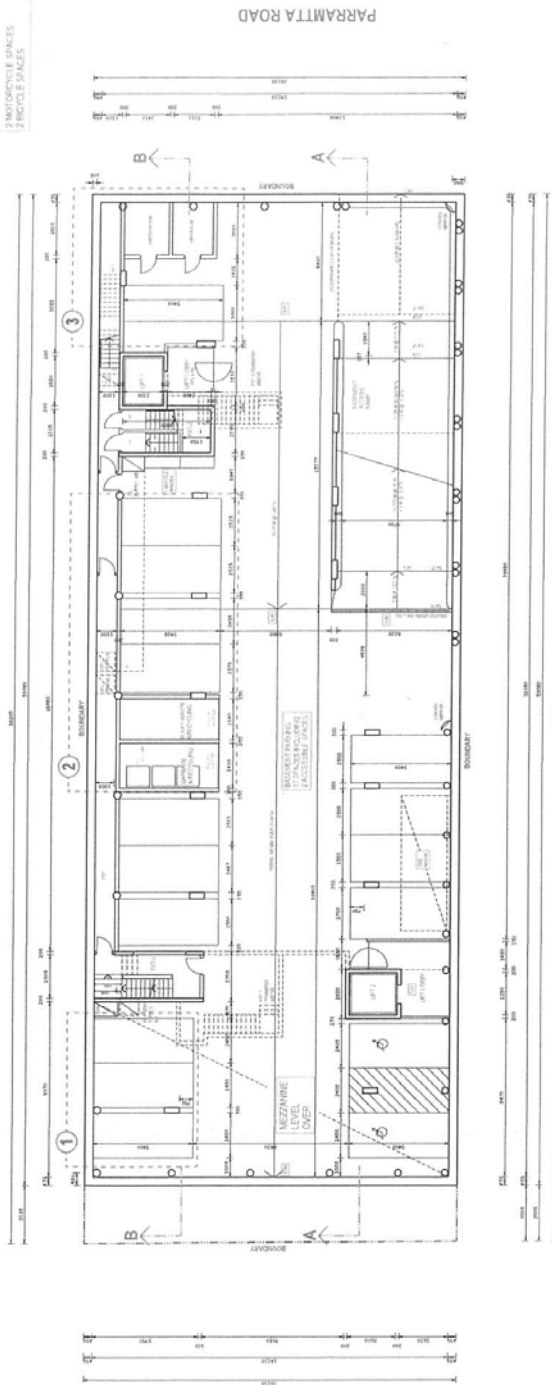
EAST ELEVATION



PROJECT NAME	MOTEL 6-8 PARRAMATTA ROAD SUMMER HILL
CLIENT	EMMS APARTMENTS
ARCHITECT	AXEL RICHTER ARCHITECT
ADDRESS	32-34 BUNIA STREET PARRAMATTA NSW 2015
DATE	10/01/2015
SCALE	SCALE 1:100 (A3)
DATE	10/01/2015



BASEMENT PARKING (D, E1 & E2)  
 59 SPACES INCLUDING:  
 6 ACCESSIBLE SPACES  
 2 MOTORCYCLE SPACES  
 2 BICYCLE SPACES



LOCATION OF 3 ADDITIONAL CAR SPACES FOR PROPOSED ADDITION TO BUILDING:  
 (D)- 2 ACCESSIBLE SPACES CONVERTED INTO 1 STANDARD CAR SPACE, 1 ADDITIONAL CAR SPACE  
 (E)- GARBAGE/BULKY WASTE STORAGE AREA REDUCED, 1 ADDITIONAL CAR SPACE  
 (D)- PLANT ROOM AREA REDUCED, 1 ADDITIONAL CAR SPACE

PROJECT NO.	20/21/00000000000000000000	DATE	10/2021
CLIENT	ENMAG APARTMENTS	PROJECT NO.	20/21/00000000000000000000
ADDRESS	3324 BIAN STREET PYRMONT NSW 2009	PROJECT NAME	MOTEL 6-8 PARRAMATTA ROAD SUMMER HILL
ARCHITECT	AVEL TROCHER ARCHITECT	SCALE	SCALE 1:200 (B-A) (ROUND)
LEVEL	LEVEL 5	DATE	
PROJECT ADDRESS	68-72 WERTHOFT AVENUE BARRY HILLS NSW 2018		

