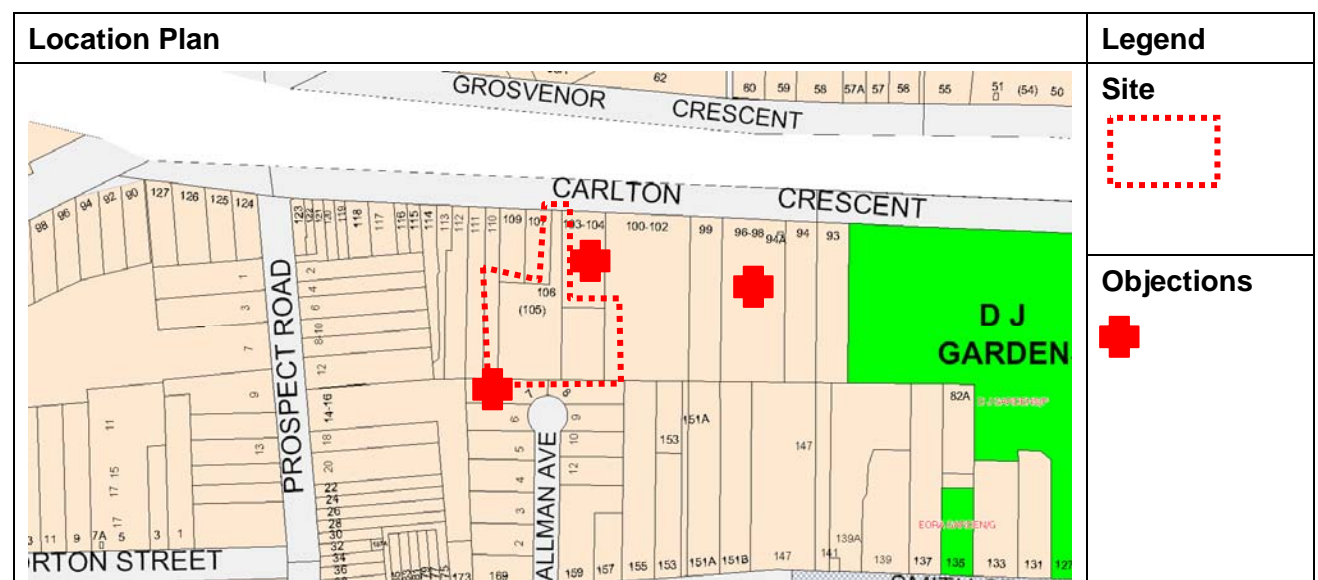




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2016.67.1
Address	106 Carlton Crescent SUMMER HILL
Proposal	Demolition of existing structures and construction of a 2 to 3 storey multi dwelling housing development consisting of 16 dwellings with basement car parking
Date of Lodgement	1 April 2016
Applicant	Mr A Harb
Owner	Carlton Crescent Development Pty Ltd
Number of Submissions	4 submissions
Value of works	\$5,898,335
Reason for determination at Planning Panel	Exceeds officer delegation
Main Issues	<ul style="list-style-type: none"> • Landscape area • Communal open space • Vehicular circulation • Privacy
Recommendation	Deferred commencement consent



1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures and construction of a two to three storey multi dwelling housing development consisting of 16 dwellings with basement car parking at 106 Carlton Crescent, Summer Hill.

This application was referred to Council at its meeting held on Tuesday, 27 September. Following representations at the meeting from the applicant, the administrator determined that:

The matter be deferred to allow Council to review the amended plans which have not been assessed, investigate the conditions around the walls and to consider the conditions the applicant would like to have reassessed.

The applicant submitted amended plans on 23 September 2016 to address various issues raised during assessment as follows:

- Landscape area:
The proposal was redesigned to provide 35% soft landscaping.
- Vehicular access:
A shared area was provided at the entry handle to the site.
- Privacy:
The rear boundary fence was modified to improve privacy for the properties to the rear.
- Disabled access:
All units have been modified to be accessible at ground level by a person in a wheelchair and to contain a ground level toilet useable by a person in a wheelchair.
- Side setbacks:
Further justification was provided for the proposed side setbacks.
- Materials and finishes:
More detail was provided regarding the materials and finishes.

2. Assessment

- a) Landscape area:
The total provision of landscape area is now compliant with Council's controls. The condition requiring the removal of Unit No. 5 is no longer necessary and will be deleted. Despite this, it is considered that the entry path adjacent Unit No. 5 is narrow and claustrophobic and that it would be beneficial to the proposal for it to be widened by at least 1m. This can be achieved by moving the eastern wall of Unit 5 by 1m to the west and incrementally adjusting the internal dimensions of Units 1-5 as necessary (theoretically this could be accommodated by reducing the width of each unit by 200mm). The plans have been examined and there is adequate flexibility in the design to permit this change without material impact on the functionality of the scheme.
- b) Vehicular access:
A shared area has now been provided at the entry handle to the site. The associated deferred commencement conditions will be retained, however, as there are a number of matters of detailed resolution that remain to be checked by Council's engineers.
- c) Privacy:
Although the detail at the rear boundary fence has been improved, it should be raised to 1.6m above the level of the courtyards to adequately protect the privacy of the adjacent properties. This will be addressed by way of deferred

commencement condition.

- d) Disabled access:
Disabled access to all units is now compliant with Council's policy. The previously recommended condition requiring compliance will be removed.
- e) Side setbacks:
The applicant has provided more justification of the non-compliant setbacks. This is that the existing side setbacks across the site are generally nil setback to the existing two storey high brickwork walls of the existing industrial buildings which cover almost the entire site. Given this, the proposal, which has side setbacks of between 695mm and 1.22m represents a significant increase over the prevailing circumstances. In addition to this, other part of the development (at the front and rear and the private open space area to the centre) have been provided with significantly greater setbacks.

This argument is considered valid and the setbacks proposed, which are only marginally smaller than the 1.5m which would ordinarily be preferred, are an improvement over the existing situation and are considered reasonable. The previously recommended condition requiring slightly increased side setbacks will be removed.

- f) Materials and finishes:
The amended materials and finishes proposed are generally satisfactory but include colorbond boundary fences. These are not considered appropriate for this type of development in the vicinity of heritage items and, in particular, in the vicinity of the highly prominent pedestrian entry, and conditions will be applied to any consent to ensure that the boundary fences are constructed from durable masonry materials.

3. 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 development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

4. Recommendation

That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant deferred commencement consent to Development Application No. 10.2015.264.1 for demolition of existing structures and construction of a 3 storey multi dwelling housing development above 1 level of basement car parking on Lot 3, DP: 345408 and Lot 1, DP 359745, known as 106 Carlton Crescent, Summer Hill, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent**CONDITIONS****DA 2016.67.1**

106 Carlton Crescent, SUMMER HILL 2130

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

Demolition of existing structures and construction of a two to three storey multi dwelling housing development consisting of 16 dwellings with basement car parking.

PART A**Deferred Commencement conditions to be satisfied prior to activation of consent:**

This consent shall not operate until such time as the following additional/revised information is provided to and approved by Council:

(1) Stormwater Drainage:

A stormwater Concept plan including any supporting documentation indicating the required Stormwater storage volume and all pit and pipe levels to obtain gravity fall to Sydney Water's pipe system located on this site. Storages shall not be located in overland flow paths which convey catchment flows through the site, and the depth and location of all services required to be relocated due to the connection into Sydney Water's pipe system shall be indicated on a plan.

(2) Remediation:

A Remediation Action Plan is to be prepared for the site which will ensure that the site is suitable for residential use.

(3) Design of car parking and driveways:

The design of the parking areas and vehicular access is to be modified as follows:

- a) The Driveway profile at the boundary line is not in compliance to AS2890.1:2004 section 3.2.2. Vehicles should be made to come off the road and wait and hold aside within the property whilst giving way for an opposing vehicle coming up the ramp. The driveway access off Carlton Crescent has to be designed to AS 2890.1:2004 Section 3.2 and site distance for pedestrians established and designed at driveway to Section 3.2.4. At least the first 6 metres in from the property line is to be designed to a maximum of 1:20 grade. The full 6.0 metre frontage is to be used for layback and driveway access and pedestrian sight view. This full frontage driveway width shall extend for a distance at least 6 metres in from the boundary line. The ramp access point and side pedestrian access (to the property) and mail box area will need to be set back at least 6 metres in from the boundary line. Vehicles exiting the driveway shall be made to exit at a point at least 2.0 metres away from corner walls if the corners cannot be treated for appropriate pedestrian splay view distances according to Section 3.2.4.
- b) Details of appropriate measures to be adopted to warn opposing vehicles approaching up and down the ramp (e.g. traffic lights, signs, mirrors) are to be provided.

- c) Visitor parking is of a 'short-term' use class 3 under AS 2890.1:2004 and widths for these spaces shall be made at least 2.6 metres in width. If adjacent to end walls, these spaces will need to be increased at least 300mm for one wall side and 600mm for two wall sides.
- d) The shared visitor/wash bay space should be made wider or relocated to an area of sufficient width for persons to effectively move around whilst the vehicle is being washed. The wash bay, being of wet area, is to be screened/walled off and any adjoining parking space shall be widened a minimum of 300mm on account of the side screen wall.
- e) The means of pedestrian and bicycle access to the site are to be addressed in a amended traffic report and shown on the plans.
- f) Two bicycle spaces and one motorcycle space are to be provided in the basement and shown on amended plans.

(4) Modifications to the Design:

The design is to be modified as follows:

- a) Garbage Storage: A garbage room capable of accommodating 16 x 240 litre bins and a minimum size of 8m x 5m is to be provided in the basement immediately to the west of the visitor parking and accessed from the shared zone by a door opening 1.5m wide. It is to be provided with a floor waste and hose cock. The bin storage area adjacent the main entry point of the site is to be maintained as a bin holding area for use on garbage collection days.
- b) Widening of front entry path: The eastern wall of Unit 5 is to be moved 1m to the west and a planter box 800mm in width is to be provided to its eastern side so that the main pedestrian entry path in this location is flanked by a planter box on either side. Units 1 – 4 are to be incrementally adjusted in width to accommodate this.
- c) Balconies: All balconies above ground level (ie first and second floor) are to be deleted except those that face towards the interior of the site.
- d) South Boundary Wall: The south boundary wall is to be a height of 1.6m above the courtyard level of units 9-16.
- e) Northern Boundary Wall: The portion of the existing northern boundary wall adjacent to 104 Carlton Crescent is to be retained to a minimum height of 2.5m as measured from the subject site.

The above deferred commencement conditions are to be satisfied within 12 month from the date of determination of this deferred commencement consent. Failure to satisfy those conditions within the specified time frame will cause this consent to lapse despite any other statement on this consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement conditions are to form part of this consent and the correspondence is to be provided to the Principal Certifying Authority with the Construction Certificate as applicable.

PART B

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
0000	TBA	Cover Sheet	Architecture Design Studio Pty Ltd	TBA
0301	TBA	Demolition Plan	Architecture Design Studio Pty Ltd	TBA
1001	TBA	Site Plan	Architecture Design Studio Pty Ltd	TBA
1101	TBA	Basement Plan	Architecture Design Studio Pty Ltd	TBA
1201	TBA	Ground Floor Plan	Architecture Design Studio Pty Ltd	TBA
1301	TBA	First Floor Plan	Architecture Design Studio Pty Ltd	TBA
1302	TBA	Second Floor Plan	Architecture Design Studio Pty Ltd	TBA
1401	TBA	Roof Plan	Architecture Design Studio Pty Ltd	TBA
1405	TBA	Waste Storage Details	Architecture Design Studio Pty Ltd	TBA
1501	TBA	Elevations 01	Architecture Design Studio Pty Ltd	TBA
1502	TBA	Elevations 02	Architecture Design Studio Pty Ltd	TBA
1503	TBA	Elevations 03	Architecture Design Studio Pty Ltd	TBA
1504	TBA	Elevations 04	Architecture Design Studio Pty Ltd	TBA
1601	TBA	Sections 1/4	Architecture Design Studio Pty Ltd	TBA
1602	TBA	Sections 2/4	Architecture Design Studio Pty Ltd	TBA
1603	TBA	Sections 3/4	Architecture Design Studio Pty Ltd	TBA
1604	TBA	Sections 4/4	Architecture Design Studio Pty Ltd	TBA
1605	TBA	Ramp Section	Architecture Design Studio Pty Ltd	TBA
3101	TBA	Accessible Unit Configuration	Architecture Design Studio Pty Ltd	TBA
TBA	TBA	Schedule of Materials and Finishes	Architecture Design Studio Pty Ltd	TBA
1517-1/5	TBA	Stormwater Drainage/Sediment Control Details: Basement Drainage Plan	John Romanous & Associates Pty Ltd	TBA

1517-2/5	TBA	Stormwater Drainage/Sediment Control Details: Ground Floor Drainage Plan	John Romanous & Associates Pty Ltd	TBA
1517-3/5	TBA	Stormwater Drainage/Sediment Control Details: First Floor Drainage Plan	John Romanous & Associates Pty Ltd	TBA
1517-4/5	TBA	Stormwater Drainage/Sediment Control Details: Second Floor/Roof Drainage Plan	John Romanous & Associates Pty Ltd	TBA
1517-5/5	TBA	Stormwater Drainage/Sediment Control Details: Details	John Romanous & Associates Pty Ltd	TBA
000	TBA	Landscape Cover Sheet	Site Image Landscape Architects	TBA
101	TBA	Landscape Plan Ground Floor	Site Image Landscape Architects	TBA
000	TBA	Landscape Plan Level 1 & 2	Site Image Landscape Architects	TBA
000	TBA	Landscape Details	Site Image Landscape Architects	TBA

Notes:

1. 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.
2. Drawing amendment numbers and dates will be finalised upon satisfaction of the deferred commencement conditions.

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

N/A

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**(1) Consolidation of allotments**

The following properties are to be consolidated into one: Lot 3, DP: 345408, Lot 1, DP 359745. A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of a Construction Certificate.

(2) Landscaping plan

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

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

- (e) **Maintenance/Embellishment Strategy** - to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.
- (f) Landscaping details are to be provided for approval with the Construction Certificate. All site works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

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

(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:

Community Infrastructure Type	Contribution
Local Roads	\$6,414.39
Local Public Transport Facilities	\$14,496.08
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$233,332.59
Local Community Facilities	\$12,286.08
Plan Preparation and Administration	\$11,582.49
TOTAL	\$278,111.63

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 or a copy may be inspected at Council's Administration Centre.

(4) Remediation

a) Unconditional Remediation

The site shall be appropriately remediated to be suitable for the purposes of residential use. The proposed remediation works shall be unconditional and details shall be submitted to Council prior to release of the Construction Certificate.

b) Remedial works

The remedial works recommended in the submitted Remediation Action Plan, shall be completed under the supervision of the consultant who prepared the Remediation Action Plan. Validation reporting from an appropriately qualified person verifying that the site has been fully remediated in accordance with the Remediation Action Plan, must be completed and submitted to Council within 30 days of completion of remediation works.

c) Disposal of site soils

All soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2008). Testing is required prior to offsite disposal. All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC (2008) Waste Classification Guidelines. Details of soil excavation, transportation and disposal works must be reported to Council by a suitably qualified consultant. This is to be submitted as part of the validation reporting for the development.

d) Soils to be used on site

Any soil to be reused on site must be tested for contaminants by a suitably qualified consultant. Soils imported onto the subject site for the purpose of backfilling excavation, must be of a standard that is suitable for the receiving site. Documentation indicating the

suitability of these soils must be provided to Council as part of the validation reporting for the development.

e) Removal and disposal of storage tanks

Storage tanks removed from the site must be removed and disposed of in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and Australian Standard 4897- 2008: The design, installation and operation of underground petroleum storage.

systems. Documentation will be required in order to demonstrate compliance with the above documents and must be included in the validation reporting as part of the proposal.

f) Validation

Validation reporting from an appropriately qualified person verifying that the site has been fully remediated in accordance with the recommendations of the Remediation Action Plan, must be completed and submitted to Council within 30 days of completion of the remediation works.

(5) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

(6) 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).

(7) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

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

(8) Home Building Act 1989 Insurance

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

(9) 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.

(10) Access and services for people with a disability – flats/mixed development

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of AS4299 and AS 1428 Part 1 and the provisions of Ashfield Development Control Plan for Access and Mobility (tel. 9716 1800 for a free copy) prior to the issue of a Construction Certificate, showing a minimum of adaptable and accessible units within the development and details of complying levels, ramp slopes, door widths, circulation spaces within the development as follows.

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

A Damage Deposit of \$7,400 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.

(12) 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.

(13) 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.

(14) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

(15) Direct discharge into Sydney Water pipe network needs approval of Sydney Water

As it is proposed to discharge stormwater directly into a drainage system under the control of Sydney Water, Documentary evidence from Sydney Water confirming that it has no objection to the proposed method of discharge and that all their requirements have been satisfied shall be submitted to Council.

(16) Pumpout system specifications

A pumpout system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturer's specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pumpout arrangement will be necessary, these pumps will be required to be connected in parallel and alternate automatically, with each pump being capable of emptying the holding tank or holding area at the permissible site discharge rate. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pumpouts are to be included in the permissible amount of stormwater discharged from the site as stated in other relevant conditions.

(17) Stormwater disposal-calculations

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council or Certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) All garbage and waste areas must drain to the sewer and not the stormwater system.

(18) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council or Certifier prior to the release of the Construction Certificate.
- (c) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:

- where the storage and silt arrestor pits are located
- which parts of the system need to be accessed for cleaning and how access is obtained
- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Inner West Council prior to the release of the Occupation Certificate.

(19) Flood levels for Finished Floor Levels (FFL)

The Finished Floor Levels (FFL) of all rooms shall be a minimum of 500mm above the 1:100 ARI flood level. As such the following shall apply:

- Finished Floor Level of 27.5 mAHD for Units 1 to 5 at the north-western part of the property (1% AEP Level of 27.0 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 26.4 mAHD for Units 6 to 8 at the north-eastern part of the property (1% AEP Level of 25.9 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 26.0 mAHD for Units 9 to 12 at the south-eastern part of the property (1% AEP Level of 25.5 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 26.8 mAHD for Units 13 to 17 at the south-western part of the property (1% AEP Level of 26.3 mAHD plus 0.5 m freeboard as per Council Development Control 2.0)
- Finished Floor Level of 27.2 mAHD for the internal driveway before the downhill slope into the basement carpark (1% AEP Level of 26.7 mAHD plus 0.5 m freeboard as per Council Development Control 11.0)

(20) Building Component

A Construction Certificate will not be issued until a detailed report from an Engineer, having qualifications acceptable for membership of the Institution of Engineers Australia, certifying that the building has been designed to be capable of withstanding all flooding conditions, including impact of standing water on foundation, forces of flowing water during a 1% AEP flood, debris, loading and buoyancy forces has been submitted to Council/ Certifier.

(21) Building Foundations

The building footings are to be constructed of concrete and piered to existing ground. Details are to be submitted to Council/ Certifier prior to the issue of a Construction Certificate. If the building footings are not piered to the existing ground, a report from an engineer whose qualifications are acceptable for the membership of the Institution of Engineers Australia, certifying that the building foundation has been designed to withstand a 1% AEP flooding conditions is to be provided. The report is to include an analysis of the soil characteristics of the ground and its impact on foundation during flooding.

(22) Electrical Installations

All electrical installations are to comply with the relevant Australian Standards. In this regard, prior to the issue of a Construction Certificate, the applicant is to submit to Council/ Certifier documentary evidence indicating that the proposed electrical installations comply with Council's Draft Interim Development Assessment Policy 2014 Part E8 Interim Flood

Development Control Policy and that all electrical installations will be located above the standard flood level for this site.

(23) Exhaust fumes from car park

Any exhaust ventilation from the carpark is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

(24) 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) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 7 & 8 Allman Avenue and 104, 107, 109 & 110 Carlton Crescent must be prepared by a practicing

structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

(4) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

(5) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(6) 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.

(7) Site Controls

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

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

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

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

(8) Building location – check survey certificate

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

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

(9) 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.

(10) Site fencing/security

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

(11) 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.

(12) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

(13) Traffic Management Plan

A Construction Traffic Management Plan (CTMP) shall be submitted to and approved by Council prior to the commencement of any works on site, including demolition. The report shall include details on truck and haulage routes, the type of vehicles that will be using the road, the duration for which the road will be used by the trucks, appropriate measures that will be taken to control traffic and truck movement in and out of the site etc.

It should address how all vehicles associated with development-construction activity (which includes demolition, excavation and construction) shall be accommodated on-site. An on-street work zone facility cannot be considered for this development.

(14) 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.

(15) Sanitary facilities - demolition/construction sites

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

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

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) 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.

(3) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the *NSW EPA Environmental Noise Control Manual*.

(4) Dust control

Adequate measures are to be implemented, including, for example, water spraying/mesh barriers, to prevent dust from causing any nuisance.

(5) Paving colour

Concrete paving is to be dark coloured clay pavers, stone, bitumen or reconstituted stone. Bright white concrete is not permitted.

(6) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

(7) 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.

(8) 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.

(9) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.

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

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

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

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

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials

are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(11) Safety Glazing - BCA

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

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

(12) 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

(13) Vehicle access driveway

The existing vehicular access driveway shall be reconstructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing 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.

(14) 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.

(15) 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.

(16) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

- (vi) After excavation.
- (vii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (viii) After placement of road base course.
- (ix) After pipes have been laid and prior to backfilling.
- (x) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(17) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(18) Spoil and building materials on road and footpath

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

(19) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate drainage line at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge of a 1:100 ARI event.

NOTE: If approval is given from Sydney Water to discharge stormwater directly into its drainage system, the above Council stormwater discharge rate from the site will not be enforced. However Sydney Water may require a stormwater discharge rate which may increase the proposed on-site detention storage for this development.

(20) Stormwater runoff

Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties

(21) Vehicular Circulation

The car park must be laid out such that all vehicles must enter and exit the site in a forward direction.

(22) Visitor Parking

The design of the car park must enable visitors, via appropriate means, to not be directed to dead end aisles of the car park.

(23) Entry control - safety

At the entry to the resident basement car park, the following shall be provided:

- a security gate or shutter; and
- an intercom system between visitors and residents to enter and exit from the car park.

Each ground level entry area to the building shall have an intercom system whose purpose is to contact residents or the manager/caretaker to allow entry to visitors. Details to be shown on the application with the construction certificate.

(24) Lighting to basement/pedestrian routes-safety

Lighting which meets the relevant Australian Standard of 40 lux, spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the

evenings. The proposed lighting shall be at the highest energy efficient rating. Details to be shown on the construction certificate.

(25) Vehicle wash bays

All vehicle wash bays shall be provided with a tap connected to a continuous supply of water and the wash bays shall be bunded and graded to a floor waste connected to the sewer.

(26) Ausgrid Requirements

Ausgrid shall be consulted and its requirements be met in the construction of the development. Details to be provided.

(27) Building location - check survey certificate

To ensure that the height of the building complies with ALEP 2013 and satisfies the provision of the approval, a check survey certificate shall be submitted to Council prior to the pouring of the ground floor slab including:-

- (i) The RL and height of the top most level ensuring that no GFA is located above Xm at any point; and
- (ii) The overall height of the building does not exceed Xm at any point

(28) Noise transmission - stair shaft - BCA

The walls of the stair shaft to have a Sound Transmission Class of not less than 45 and to be constructed in accordance with the relevant provisions of Part F5 of the *Building Code of Australia*.

(29) Noise transmission - dividing walls - BCA

The walls dividing bathrooms, laundries and kitchens in one flat from habitable rooms in an adjoining flat having a Sound Transmission Class of not less than 50 and being constructed in accordance with the provisions of Part F5 of the *Building Code of Australia*.

(30) Noise transmission - soil/waste pipes - BCA

Soil and waste pipes, including those that pass through a floor shall be separated from the rooms of any flat immediately adjacent thereto by construction having a Sound Transmission Class in accordance with Part F5 of the *Building Code of Australia*.

(31) Materials and finishes

The materials and finishes are to be consistent with those in the approved plans except as follows:

- a) All boundary walls and fences, dwarf retaining walls and garden bed or planter box walls are to be constructed from and finished in face brick, stone, or stone cladding. Painted render, metal or timber is not to be used.
- b) The first 6 metres of pavement inside the front property boundary is to be finished in a dark muted colour stone, reconstituted stone or clay brick paver pavement material which distinguishes the shared area from the driveway area by way of both texture and/or colour (the shared area is to be smooth paved and the driveway area rough).
- c) The basement driveway is to be constructed from a dark coloured pavement material (eg: dark grey, dark brown or charcoal).

- d) The side walls of the basement ramp (in front of the basement security door) are to be constructed from a dark coloured face brick material (eg: dark grey, dark brown, liver or charcoal).

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) Landscaping completion

All site works and landscaping are to be carried out in accordance with the approved landscaping plans prior to the issue of the occupation certificate.

(2) 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.

(3) Street Number

A street number appropriately designed to complement the character of the must be displayed in a position clearly visible from the street, in numbers having a height of not less than 75 mm. The number must be in place before the premises can be occupied.

(4) Boundary fencing replacement

The existing boundary fencing along the boundaries is to be replaced with fencing at the applicant's/owner's cost and is to be constructed from the materials nominated in these conditions.

(5) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice

- all buildings (including floor levels) and finished ground and pavement surface levels

(b) *Engineer's Certificate*

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

- * the soundness of the storage structure;
- * the capacity of the detention storage;
- * the emergency overflow system being in place;
- * the works being constructed in accordance with the Council approved plans; and
- * the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.

(c) *Restriction-As-To-User*

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(6) Stormwater drainage – compliance with approved plans

Prior to the issue of an Occupation Certificate, written verification from a suitably qualified professional civil engineer shall certify that the new building works have been designed and built in accordance with Ashfield Interim Development Policy 2013, Part E the "Interim Flood Development Policy", which would include building materials and electrical works.

(7) Positive Covenant-stormwater detention/surface flow paths-occupation certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (e) surface flow path
- (f) finished pavement and ground levels
- (g) prevent the erection of any structures or fencing
- (h) on-site stormwater detention system
- (i) stormwater culvert

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

(8) Waste caretaker

The applicant/building management shall appoint a waste caretaker (assisted by maintenance personnel/cleaners) who will carry the overall responsibility for managing all waste generated by the building. All equipment movement in the waste room shall be managed by the building manager / cleaners at all times.

The applicant shall incorporate the building manager / cleaner duties in the bylaws and Strata Title which include:-

- (a) Organising, maintaining and cleaning the general and recycled waste holding areas on a regular basis;
- (b) Organising both garbage and recycled waste pick-ups;
- (c) Cleaning and exchanging all bins;
- (d) The waste caretaker shall store the bins once emptied back in the waste room.

Details shall be provided prior to release of any occupation certificate.

(9) Residential car park

All residents shall be provided with minimum of one (1) car parking space and be indicated on the plans with the construction certificate.

(10) Surveillance

A surveillance system, for the building, open space, site link and basement car park is to be designed by a professionally recognised security firm, which include the following:

- a closed circuit television (surveillance cameras);
- A room having the relevant control panels; and
- Digital data 'on disc' or similar to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(11) Tree Planting

The site is to be provided with a minimum of 22 medium sized deciduous canopy trees growing to a minimum mature height of 8 metres. These are to be a minimum height of 2m at planting and are to be planted prior to the issue of any occupation certificate:

H Conditions that are ongoing requirements of development consents

(1) Garbage bin storage/placement for collection - strata title plan

All garbage/recycling bins are to be kept in the garbage bin storage area in the basement. Bins are only to be placed in the designated holding bay adjacent the front entry gate on the day of garbage collection and are to be returned to the basement storage area immediately after collection. This requirement is to be incorporated into the Strata Title of the property.

(2) Landscape Maintenance

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

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 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 action in the Land and Environment Court and orders for demolition.

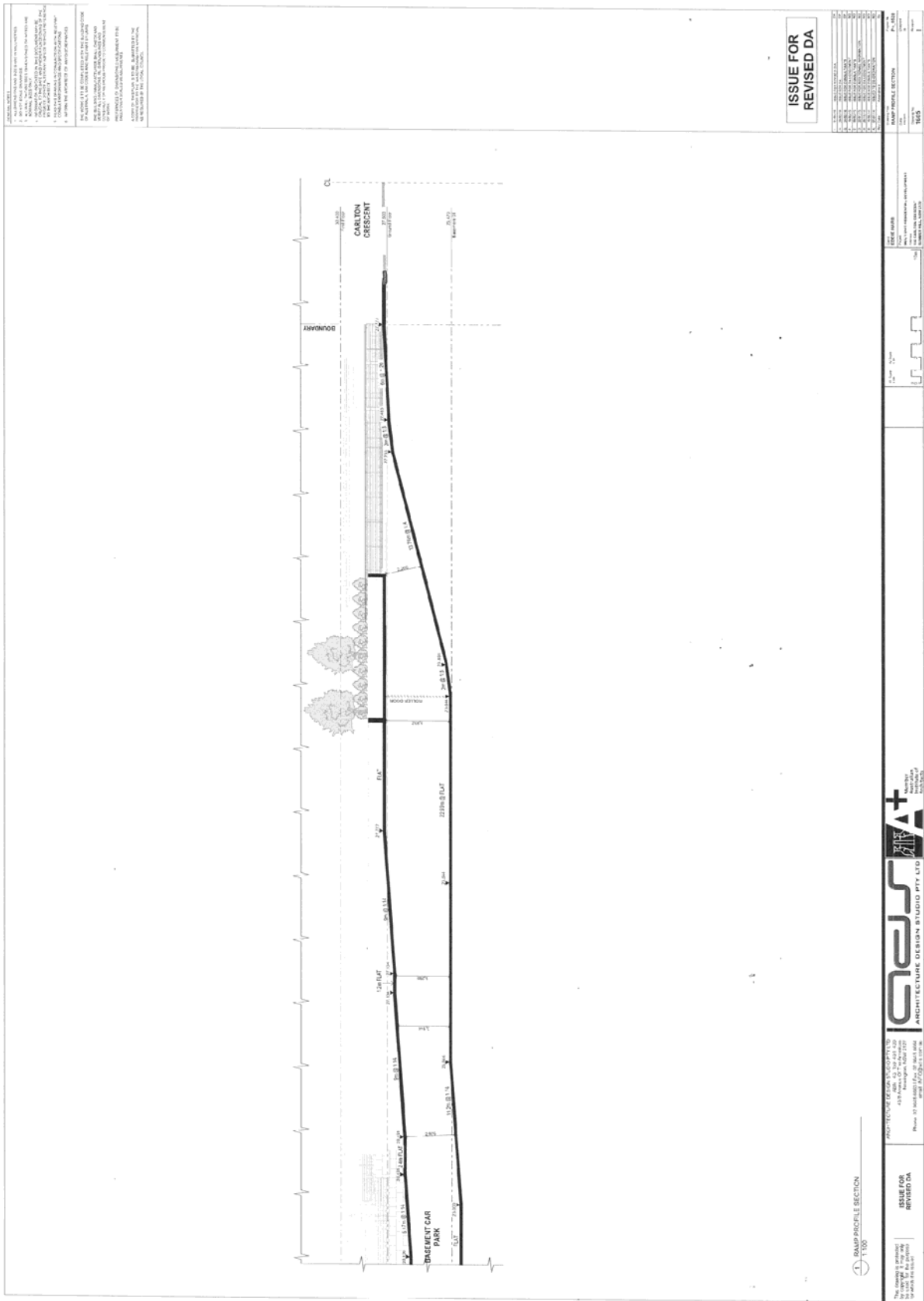
(4) Modifications to your consent - prior approval required

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.





ISSUE FOR
REVISED DA

NO.	DESCRIPTION	DATE
1	ISSUE FOR REVISED DA	10/10/2023
2	ISSUE FOR REVISED DA	10/10/2023
3	ISSUE FOR REVISED DA	10/10/2023
4	ISSUE FOR REVISED DA	10/10/2023
5	ISSUE FOR REVISED DA	10/10/2023
6	ISSUE FOR REVISED DA	10/10/2023
7	ISSUE FOR REVISED DA	10/10/2023
8	ISSUE FOR REVISED DA	10/10/2023
9	ISSUE FOR REVISED DA	10/10/2023
10	ISSUE FOR REVISED DA	10/10/2023



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Attachment C – Previous Report



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Item 6

Item No: C0916 Item 6
Subject: DEVELOPMENT APPLICATION - 106 CARLTON CRESCENT, SUMMER HILL
File Ref: 16/4718/106715.16

Prepared By: Philip North - Specialist Planner, Ashfield
Authorised By: Phil Sarin - Director, Planning and Environment

SUMMARY

This development application involves the demolition of existing buildings and construction of a part two and three storey building containing 17 dwellings. The proposal complies with the provisions of Ashfield LEP 2013, in particular in respect of height and floor space ratio, and achieves general compliance with the planning provisions applicable to the site. Despite this, a number of issues remain unresolved including an inadequate communal open space (under the SEPP 65 requirements), landscaped area and car parking, privacy issues due to first floor balconies, and some technical traffic circulation issues.

These issues, however, can be readily addressed by modifications to the design including the deletion of one unit (to increase communal open space and arrive at compliant car parking) and the deletion of the first floor balconies (to mitigate privacy impacts).

To address these matters, the recommendation includes suitable deferred commencement conditions.

RECOMMENDATION

THAT the development application be granted deferred commencement consent.

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for demolition of existing structures and construction of a two to three storey multi dwelling housing development consisting of 17 dwellings with basement car parking.

2.0 Application Details

Applicant	:	Mr A Harb
Owner	:	Carlton Crescent Development Pty Ltd
Value of work	:	\$5,898,335
Lot/DP	:	Lot 3, DP: 345408, Lot 1, DP 359745
Date lodged	:	1/04/2016
Date of last amendment	:	N/A
Application Type	:	Local
Construction Certificate	:	No

3.0 Site and Surrounding Development

The subject site is located on the southern side of Carlton Crescent, bounded by Prospect Road to the West and Lackey Street to the East. An existing warehouse building is located on the site. Surrounding development comprises residential flat buildings and detached dwellings. Refer to **Attachment 1** for a locality map. The site consists of the following individual lots:



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Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
106 Carlton Crescent	3	345408	Torrens	1,631m ²
106 Carlton Crescent	1	359745	Torrens	708.2m ²
TOTAL AREA				2,339.2m ²

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4.0 Development History

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

No.	Determination Date	Proposal	Determination
06.1985.277	15.10.1985	Alterations to office	Approved
06.1986.439	28.11.1986	Amendment to BA 277/85	Approved
05.1994.87	02.05.1994	Advertising sign above roller shutter in front wall by Sydney Anglican Home Mission	Approved
06.1994.324	27.03.1995	New Awning for Anglican Home Mission	Refused
16.2001.11	06.12.2001	Fire upgrade	Approved
10.0215.70	14.07.2015	Multi-dwelling housing	Refused

The following table summarizes the background to the current application:

Application Milestones		
Date	Event	File no
14.07.2015	<p>A previous similar DA for the site was refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development represents an overdevelopment of the site and is excessive in bulk and scale. 2. The proposed development does not comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, as follows: <ol style="list-style-type: none"> a. cl. 30(2)(b), Design Quality Principles: The proposal does not comply with: <ol style="list-style-type: none"> i. Principle 1: Context: The form and colours and materials do not relate satisfactorily to the surrounding context. ii. Principle 3: Built form: The built form is unsatisfactory. iii. Principle 4: Density: The proposed density is excessive. iv. Principle 6: Landscape: <ul style="list-style-type: none"> • There is inadequate landscaping on the site including deep soil and communal open space. v. Principle 7: Amenity: The courtyards are undersized. vi. Principle 9: Social Dimensions and housing affordability: Most units are 3 bedroom and do not provide an adequate housing mix which includes smaller units. 	10.0215.70

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	<p>vii. Principle 10: Aesthetics: The aesthetic resolution is poor including in respect of:</p> <ul style="list-style-type: none"> • Roof forms; • Strongly expressed masonry divisions between each unit which protrude above the roof surface; • Bland walls facing the side boundaries; • Fenestration patterns; • Boundary walls; and • Finishes and materials selection. <p>b. cl. 30(2)(c), Residential Flat Design Code: The proposal does not comply with :</p> <ul style="list-style-type: none"> i. Part 1, Local Context – Building Separation; ii. Part 1, Local Context – Street setbacks; iii. Part 2, Site Design – Deep soil zones; iv. Part 2, Site Design - Open Space: The proposal only provides 6% of the site area as communal open space, whereas the RFDC nominates at least 25%. v. Part 2, Site Design - Open Space: The proposed private courtyard areas are undersized. vi. Part 3, Building Design – Minimum apartment sizes: Units 6 and 8 are undersized. vii. Part 3, Building Design – Ceiling heights: The ceiling heights are inadequate. <p>3. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:</p> <ul style="list-style-type: none"> a. cl. 4.4, Floor space ratio: The proposal significantly exceeds the maximum floor space ratio permitted on the site; b. cl. 4.6, Exceptions to development standards: the request regarding contravention of clause 4.4 in respect of floor space ratio is not well founded and cannot be supported. c. cl. 5.10, Heritage conservation: The relationship with nearby heritage items is not considered satisfactory; <p>4. The proposed development does not comply with Ashfield Local Interim Development Assessment Policy 2013, as follows:</p> <ul style="list-style-type: none"> a. Part C1, Access and Mobility: The provision of disabled access within the development is unsatisfactory; b. Part C5, Multi-unit Development in Residential Flat Zones, Part 3: Preferred Development: The form of the proposal is not appropriate in the context; c. Part C5, Multi-unit Development in Residential Flat Zones, Part 4: Housing Density: The density is excessive; d. Part C5, Multi-unit Development in Residential Flat Zones, Part 5: Siting, Building Height and Solar Access: The northern courtyards of the southern units receive inadequate solar access; e. Part C5, Multi-unit Development in Residential Flat Zones, Part 6: Privacy, Views and Outlook: Elevated courtyards on south and side boundaries result in unacceptable overlooking of the adjacent properties; f. Part C5, Multi-unit Development in Residential Flat Zones, Part 8: Open Space and Landscaping: Not all 	
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	<p>courtyards meet the minimum area requirements;</p> <p>g. Part C5, Multi-unit Development in Residential Flat Zones, Part 8: Open Space and Landscaping: The area of communal open space is inadequate;</p> <p>h. Part C5, Multi-unit Development in Residential Flat Zones, Part 8: Open Space and Landscaping: The landscape area is inadequate;</p> <p>i. Part C5, Multi-unit Development in Residential Flat Zones, Part 11: Stormwater drainage: The stormwater drainage has not been satisfactorily resolved;</p> <p>j. Part C5, Multi-unit Development in Residential Flat Zones, Part 12: Site Facilities: Inadequate detail has been provided in respect of site facilities including letterboxes and clothes drying;</p> <p>k. Part D1, Planning for Less Waste, Bin presentation: Bin presentation has not been adequately addressed given that the proposal has almost no street frontage.</p>	
04.03.2016	Provisional DA submitted	17.2016.52
15.03.2016	<p>Letter sent to applicant raising the following issues:</p> <ul style="list-style-type: none"> The floor space ratio appears to be compliant with the requirements of Ashfield LEP 2013, please provide 1:100 plans to enable Council to undertake its own calculations Council's Heritage Advisor has reviewed the proposal and has raised the following concerns. Please address these issues by way of amended plans. <p><i>I refer to my previous comments on an earlier version of the proposal for this site which I prepared on 13 April 2015. Substantial revisions have been made to this scheme and these appear to promise a more acceptable character in the development than had previously been the case. While some concerns about materials (the predominance of masonry, apparently concrete, in blocks, walling and paving, might be met through an agreed change to the schedule of materials, colours and finishes, the apparently serious overshadowing of heritage listed properties to the south appears to require some substantial change in block massing for an improvement to be secured.</i></p> <p><i>The small separation of the new development from the heritage listed properties is reliant upon landscaping for the achievement of reasonable mutual privacy. Screening devices are also shown on the upper level balconies and these would be necessary to prevent overlooking. The situation is further exacerbated by the need to elevate floor levels for prevention of flooding.</i></p> <p><i>It would seem that this is a situation in which the heritage concerns closely parallel the planning concerns, including amenity of the neighbouring heritage items, which underpins their future.</i></p> <ul style="list-style-type: none"> The proposal fails to comply with the minimum landscaped area requirement of Ashfield Interim Development Assessment Policy 2013 and this variation will not be supported. 	17.2016.52

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	<ul style="list-style-type: none"> • The submitted SEPP 65 Design Verification Statement should also include a report which explains the compliance of the proposal with the nine Design Quality Principles and the Apartment Design Guide. • The upper level balconies facing towards the adjoining properties to the north and south of the site are likely to result in adverse privacy impacts and should be removed. • The building separation between the southern side of the development and the adjoining properties is inadequate in respect of SEPP 65. • The side setbacks are inadequate to provide sufficient amenity to the adjoining properties. • A professionally prepared landscape plan nominating species and pot sizes be submitted. It is also suggested that the landscape concept should include more canopy trees in the communal open space area. • The applicant proposes direct connection into Sydney Water pipe and must refer the application to Sydney Water to obtain their permission to drain to the pipe. Sydney Water will provide feedback on the required storage volume for the OSD tank and the required stormwater discharge rate. • Please consult with Sydney Water regarding the location of the proposal in relation to their existing pipe. Not that the Sydney Water may require a setback from the pipe which would affect the overall site layout and design. • The configuration of the bin presentation area is not compatible with collection by Council waste collection truck. Please note that Council collection staff will not enter the property to wheel the bin to the truck as suggested in the waste management plan submitted with the documentation. Furthermore, it is not possible for the number of bins required to be presented on the verge in front of the property. As a result the applicant would need to commit to private waste collection for this site. 	
01.04.2016	Development Application lodged "As-is" with no change to the above.	10.2016.67.1
03.08.2016	<p>Letter sent to applicant identifying the following issues:</p> <p>1. SEPP 65:</p> <p>Although SEPP 65 applies to the proposal, it has not been accompanied by a design verification statement or a design explanation. In addition, SEPP 65 has not been addressed in the SEE.</p> <p>2. Landscape area:</p> <p>The landscape area is significantly deficient and should be amended to comply. It is suggested that deletion of units 5 and 13 and their replacement with deep soil and canopy tree planting along with any other necessary measures would produce a better site planning result which could provide:</p> <p>a) safer and less claustrophobic pedestrian access from</p>	17.2015.70



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	<p>the front of the site;</p> <ul style="list-style-type: none"> b) a better landscaped presentation when viewed from Allman Avenue; and c) a suitably proportioned area of communal open space (12m x 10m as a minimum). <p>3. Stormwater Drainage: (1) Sydney water may require a set back from their pipe – please provide written advice from Sydney Water that the proposed arrangement is satisfactory; and (2) Sydney water will need to determine OSD requirements: Please provide a copy of the advice from Sydney Water.</p> <p>4. Traffic: Council's traffic engineer has provided the following comments: <i>"The Driveway profile at the boundary line is not in compliance to AS2890.1:2004 section 3.2.2. Carlton Crescent is a (sub-arterial) regional road. Vehicles should be made to come off the road and wait and hold aside within the property whilst giving way for an opposing vehicle coming up the ramp. The driveway access off Carlton Crescent has to be designed to AS 2890.1:2004 Section 3.2 and site distance for pedestrians established and designed at driveway to Section 3.2.4. At least the first 6 metres in from the property line is to be designed to a maximum of 1:20 grade. It is considered that the full 6.0 metre frontage should be used for layback and driveway access and pedestrian sight view. This full frontage driveway width shall extend for a distance at least 6 metres in from the boundary line. The ramp access point and side pedestrian access (to the property) and mail box area will need to be set back at least 6 metres in from the boundary line. Vehicles exiting the driveway shall be made to exit at a point at least 2.0 metres away from corner walls if the corners cannot be treated for appropriate pedestrian splay view distances according to Section 3.2.4."</i> <i>The applicant is to demonstrate what appropriate measures would be adopted to warn opposing vehicles approaching up and down the ramp (e.g. traffic lights, signs, mirrors).</i></p> <p>5. Privacy: a) The balconies and planters on level 3 should be deleted. b) The planter boxes along the rear boundary are too low to protect the property to the rear from overlooking. An alternative design should be provided which maintains a masonry boundary fence of 1.8-2m yet an adequate height wall to avoid overlooking from the courtyards. It may be possible to step up gradually to a higher wall from the boundary.</p> <p>6. Disabled Access: All ground floor of all units should be visitable by a person with a disability and should provide at least one bathroom on the ground floor that is useable by a person in a wheelchair. Only a few of the units comply with these requirements.</p> <p>7. Waste Management:</p>	<p>Item 6</p>
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	<p>a) The bin storage area along the pedestrian entry path is not appropriate and should be replaced with a garbage room in the basement.</p> <p>b) Council's waste collection service will not enter the site to collect bins nor is there space available in front of the property to place bins for collection. As a result, the development must rely on private bin collection service and this must occur on the site. This will require access and manoeuvring in the basement by a small truck.</p> <p>8. Floor Space Ratio: The shading on the FSR diagrams provided suggests that some areas have been excluded from the gross floor area calculations that should not have been. This may result in a non-compliant FSR and should be checked. Please note that stairs should be included on all levels (except the basement).</p> <p>9. Side Setbacks: The side setbacks should generally be increased to at least 1.5m (some minor variations may be acceptable).</p> <p>10. Scale of Drawings: The plans lodged with the application appear to have been reduced slightly in the printing process and consequently do not scale correctly. Please correct this in any amended plans.</p> <p>11. Materials and Finishes: The proposal relies excessively on painted render, especially on lower levels where it is more subject to wear and tear. It is recommended that lower levels adopt a greater use of face brick, especially boundary walls and the bases of garden beds and planter boxes. Due to the location of the heritage item to the rear of the site, the materials and finishes should make some reference to this structure and adopt a dark or muted face brick, especially where the proposal is visible adjacent to the item (i.e. from Allman Avenue). In particular, it is suggested that the masonry wall on the rear boundary be finished in a suitable dark red toned face brick.</p>	
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5.0 Zoning/Permissibility/Heritage

The site is zoned R3-Medium Density Residential under the provisions of Ashfield LEP 2013. The property is located within the vicinity of heritage item No. I-469 at 7 Allman Avenue.

The proposed works are permissible with Council consent.

6.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

6.1 The provisions of any Environmental Planning Instrument

6.1.1 Local Environmental Plans



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Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

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Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
2.3	Zone objectives and land use table	Zone R3 Medium density residential	Multi-dwelling housing	Yes
4.1	Minimum subdivision lot size	500m ²	2,339.2m ²	N/A
4.3	Height of buildings	12.5m	10.9m	Yes
4.4	Floor space ratio	0.7:1	0.7:1	Yes
5.10	Heritage Conservation	Located in the vicinity of: • Heritage Item No. 1 – 469 (7 Allman Avenue, Summer Hill) C42		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This sub-clause applies regardless of whether a heritage management document is prepared under sub-clause (5) or a heritage conservation management plan is submitted under sub-clause (6).	The matter has been reviewed by Council's heritage advisor and is considered satisfactory. See attached comments.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land	A heritage management document has been submitted.	Yes

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		referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.		
6.2(3)	Flood Planning	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(a)		is compatible with the flood hazard of the land, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(b)		will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(c)		incorporates appropriate measures to manage risk to life from flood, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(d)		will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river banks of waterways, and	Flood affectation assessed as satisfactory by Council's engineer.	Yes
6.2(3)(e)		is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	Flood affectation assessed as satisfactory by Council's engineer.	Yes

As demonstrated in the above table above table, the proposed development satisfies the provisions of ALEP 2013.



6.1.2 Regional Environmental Plans

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 consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

6.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

The applicant has provided a Stage 2 Environmental Site Assessment which concludes that:

The risk posed to the receptors is moderate and will require remediation and/or management.

The site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to minimise the risks:

1. Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site;
2. Prepare a Validation Assessment (VA) report on completion of remediation; and Stage 2 Environmental Site Assessment
3. Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work.

Should the application be approved, these recommendations would be included as conditions of development consent.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The proposed development includes a residential flat building as defined by the SEPP in that it comprises 3 or more storeys and 4 or more self-contained dwellings. The proposal is therefore subject to the provisions of the SEPP. The proposal is accompanied by a suitable Design Verification Statement as required by The Regulations.

State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development			
Clause	Standard	Proposed	Complies
28	Determination of Development Applications		
28(1)	After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	The application has been referred to Council's SEPP 65 review officer for comment.	Yes

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28(2)	<p>In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):</p> <p>(a) the advice (if any) obtained from the design review panel, and</p> <p>(b) the design quality of the development when evaluated in accordance with the design quality principles, and</p> <p>(c) the Apartment Design Guide.</p>	Yes	
28(2)(b)	The design quality principles		
1.	<p>Principle 1: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposal responds appropriately to the character of the locality in that it is of a low discrete scale which is sympathetic to the character of adjacent buildings.</p>	Yes
2.	<p>Principle 2: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The scale is consistent with the LEP and DCP controls for the site and generally appropriate for the context.</p>	Yes



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3.	<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The density is consistent with the FSR nominated for the site by ALEP 2013.</p>	Yes
4.	<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal has been accompanied by a BASIX certificate demonstrating compliance with fundamental sustainability requirements.</p>	Yes
5.	<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>The landscaping satisfactorily addresses the following:</p> <ul style="list-style-type: none"> • A large central communal landscaped area is provided; • Provision for deep soil planting is provided around the perimeter of the site; <p>Despite this, the landscape area fails to meet Council's requirements by 3.5% (82m²). This is approximately the area occupied by the footprint of Unit 5. It's deletion from the scheme would result in adequate landscaped area and also a less claustrophobic entry path as well as opportunity for the planting of several large canopy trees. Amendment recommended by way of deferred commencement</p>	No - Condition

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	<p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>condition of consent.</p>	
6.	<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Residential amenity is adequate:</p> <ul style="list-style-type: none"> • Suitable internal layouts; • Adequate solar access and cross ventilation; • Adequate visual and acoustic privacy; • Suitable site layout. 	<p>Yes</p>
7.	<p>Principle 7: Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Safety and security is adequate due to good passive surveillance of internal circulation spaces.</p>	<p>Yes</p>
8.	<p>Principle 8: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and</p>	<p>A suitable range of units sizes is provided from 2 to 3 bedrooms.</p>	<p>Yes</p>



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	future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.			
9.	Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.		The aesthetic resolution is satisfactory in the context of the site.	Yes
28(2)(c) Apartment Design Guide				
Part 3 Siting the development				
3B	Orientation	On merit.	Orientation to the street is appropriate in the context.	Yes
3C	Public domain interface	On merit.	Appropriate in the context.	Yes
3D-1	Communal open space	Communal open space: min. 25% site area: 585m ²	19% (452m ²) Deletion of Unit 5 would result in an additional 143m ² of communal space and a total area of 595m ² and a compliant area of 25%.	Condition
		Solar access to communal open space	Excellent solar access to communal open space.	Yes
3D-3	Communal open space is designed to maximise safety	Safety	Ground level communal open space is well observed by surrounding units.	Yes
3E-1	Deep soil zones	7% min dimension 3m: 164m ²	16% (380m ²)	Yes
3F1	Building Separation (up to four storeys)	6 metres between habitable rooms/balconies and side boundaries 3 metres between	<ul style="list-style-type: none"> Side boundaries: 0.7m This is considered inadequate by Internal separation: 9-11m Rear boundary: 4-7m North boundary: 1.5-6m 	Condition

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		habitable rooms/balconies or blank walls and side boundaries	Generally these distances are considered adequate to provide adequate privacy given that the proposal is generally of a two storey townhouse form (it only falls under SEPP 65 by virtue of a small three storey element). Suitable location of courtyard walls and planting assist in this regard. The only unsatisfactory elements are the upper level balconies which would result in an unnecessary intrusion upon adjacent properties and are recommended for deleted by way of deferred commencement condition.	
3F-2	Privacy		Satisfactory apart from first floor balconies which will be deleted by way of deferred commencement condition.	Condition
3J-1	Car parking <ul style="list-style-type: none"> • 88m of railway or light rail station; or • In or within 400m of B3/B4 land 	Refer to calculations under AIDAP 2013	Refer to calculations under AIDAP 2013	Yes
Part 4 Designing the Building				
4A-1(1)	Solar & daylight access	70% of living rooms and private open spaces: min. 2 hours solar access between 9am and 3pm in mid-winter.	100%	Yes
4A-1(3)	Solar & daylight access	No direct sunlight at the above time: max. 15%	0%	Yes
4B-3(1)	Natural ventilation	Natural cross ventilation: min. 60% of apartments	100%	Yes
4B-3(2)	Natural ventilation	Maximum depth of cross through apartments: 18m glass to glass	12m	Yes
4C-1	Ceiling heights	<ul style="list-style-type: none"> • Habitable rooms: 2.7m • Non-habitable: 2.4m • 2 storey: 2.4m 2nd storey 	2.7m	Yes



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		<ul style="list-style-type: none"> • Attics: 1.8m at edge of room with 30 deg slope • Commercial: 3.3m ground and first floor. 		
4D-1(1)	Apartment size and layout	Minimum internal areas: <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² 	All units exceed the minimum areas.	Yes
4D-1(2)	Apartment size and layout	All habitable rooms to have window in external wall min. 10% floor area.	All units exceed the minimum areas.	Yes
4D-2	Apartment size and layout	Max. Habitable room depth: 8m	All units comply.	Yes
4D-3(1)	Apartment size and layout	Min areas: <ul style="list-style-type: none"> • Master bedroom: 10m² • Other bedrooms: 9m² 	All units comply.	Yes
4D-3(2)	Apartment size and layout	Min. Bedroom dimension (excl. Robe): 3m	All units comply.	Yes
4D-3(3)	Apartment size and layout	Min. Living room dimension: <ul style="list-style-type: none"> • 1 Bed Unit: 3.6m • 2 Bed Unit: 4.0m 	All units comply.	Yes
4E-1(1)	Private open space & balconies	Min. Balcony size/depth: <ul style="list-style-type: none"> • Studio: 4m²/- • 1 Bed: 8m²/2m • 2 Bed: 10m²/2m • 3 Bed: 12m²/2.4m 	All units have ground floor courtyards.	N/A
4E-1(2)	Private open space & balconies	Min. Courtyard size/depth: <ul style="list-style-type: none"> • 15m²/3m 	All units comply.	Yes
4F-1(1)	Common circulation spaces	Max. apartments off a single core: 8	N/A – All apartments are accessible at ground level	N/A
4F-1(2)	Common circulation spaces	Max. apartments sharing single lift: 40 (10 storeys and over)	N/A – All apartments are accessible at ground level	N/A
4G-1(1)	Storage	Minimum storage: <ul style="list-style-type: none"> • Studio: 4m³ • 1 Bed: 6m³ • 2 Bed: 8m³ • 3 Bed: 10m³ 50% to be in	All units comply.	Yes

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		apartment (not bedroom/kitchen)		
4H-1	Acoustic privacy	Noise transfer is minimised through the siting of buildings and building layout.	Layout is considered appropriate to address acoustic privacy issues.	Yes
4H-2	Acoustic privacy	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Layout is considered appropriate to address acoustic privacy issues.	Yes
4J-1	Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Layout is considered appropriate to address acoustic privacy issues.	Yes
4J-2	Noise and pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	The site is well separated from road and traffic noise.	Yes
4K-1	Apartment mix	A range of apartment types and sizes is provided to cater for different household types now and into the future.	A variety of apartment types is provided.	Yes
4L-1	Ground floor apartments	Street frontage activity is maximised.	The configuration of the site does not permit any apartments to directly address the street. This is acceptable given the site circumstances.	Acceptable
4L-2	Ground floor apartments	Private courtyards elevated above the street by 1m-1.5m	No courtyards have a street interface.	N/A
4M-1	Facades	Building facades provide visual interest and respect character of local area.	The building façade provides a variety of materials and finishes which provides good articulation and a visual character suitable to the existing and evolving context of the locality.	Yes
4M-1	Facades	Building functions are expressed on the facade.	The building functions are suitably expressed on the façade.	Yes



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4N-1	Roof design	Roof treatments are integrated into the building design and positively respond to the street.	The roof is appropriate to the context.	Yes
4N-2	Roof design	Opportunities to use roof space for residential accommodation and open space are maximised.	Use of roof space is not considered appropriate in this medium density zone.	Yes
4N-3	Roof design	Roof design incorporates sustainability features.	The roof will be appropriately insulated.	Yes
4O	Landscape design		The landscape area and design is considered of inadequate size with inadequate provision of canopy trees. Conditions will be applied requiring: <ul style="list-style-type: none"> • 4 canopy trees in the location of Unit 5; and • 2 canopy trees in the western central courtyard. 	Condition
4P-1	Planting on structures	Min. Soil depths: <ul style="list-style-type: none"> • 12-18m trees: 1.2m deep & 10m x 10m • 8-12m trees: 1.0m deep & 6m x 6m • 6-8m trees: 0.8m deep & 3.5m x 3.5m • Shrubs: 0.5m – 0.6m deep • Ground cover: 0.3m – 0.45m deep • Turf: 0.2m deep 	Soil depths are generally 1m which is adequate for the type of planting proposed.	Yes
4Q-2	Universal design	Adaptable housing in accordance with Council policy.	Only 2 of the units are adaptable whereas Council's policy requires all units to be accessible at ground level and have visitable bathrooms. A deferred commencement condition of consent will be applied.	Condition
4R-1	Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	New construction - not applicable.	N/A

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4S-2	Mixed use	Residential uses of the building are integrated within the development, and safety and amenity is maximised for residents.	Residential use only – not applicable.	N/A
4T-1	Awnings and signage	Awnings are well located and complement and integrate with the building design.	No awnings proposed – not applicable.	N/A
4T-2	Awnings and signage	Signage responds to the context and desired streetscape character.	No signage proposed – not applicable.	N/A
4U	Energy efficiency		A BASIX certificate has been submitted which demonstrates compliance with this provision.	Yes
4V	Water management		A BASIX certificate has been submitted which demonstrates compliance with this provision.	Yes
4W	Waste management		The garbage room is of adequate size to accommodate the number of bins required; and The waste management and collection arrangements would be satisfactory.	Yes
4X-3	Building maintenance	Material selection reduces ongoing maintenance costs.	Much of the proposal is painted render. To increase durability, low maintenance materials (e.g. dark coloured face brick) will be proposed at ground level and for fences and dwarf walls.	Condition

As identified in the above table, the proposal generally satisfies the requirements of the SEPP except as noted above where the impacts would be acceptable.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is not located on a classified road and does not propose excavation within 25m of a rail corridor. As such, it is not subject to the provisions of the SEPP.

6.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

No draft environmental planning instruments apply to the site.



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6.3 The provisions of any Development Control Plan.

The Ashfield Interim Development Assessment Policy IDAP applies to the site. Please see Section 6.8 below.

6.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered as part of the assessment of the development application.

6.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

The proposed development is generally acceptable and with recommended modifications to reduce the number of units, deletion of balconies and other changes will ensure that its impact on the locality is acceptable.

6.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development.

6.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 7 April 2016 until 2 May 2016. Notification was checked during site inspection and was acceptable.

6.7.1 Summary of submissions

4 submissions (**Attachment 3**) were received during the notification of the development application.

Submission
Owners' Corporation - Summer Hill NSW 2130
J. Carreno - Summer Hill NSW 2130
S. Ho - Summer Hill NSW 2130
K. Tong - Summer Hill NSW 2130

Submission Issue	Assessing Officer's Comment
The boundary wall with units 3 and 4 of 104 Carlton Crescent provides excellent privacy and protection and should be retained.	There is no purpose served by the removal of this wall and a condition will be added requiring its retention.
Potential damage to the landscaping or structure of adjacent properties.	Conditions will be applied requiring the preparation by the developer of a dilapidation report and rectification of any damage to adjacent properties resulting from construction.
Proposal is more satisfactory than previous scheme.	Agreed.
Concern about damage to trees near boundary with 104 Carlton Crescent.	There should be no need for any structures on adjacent properties to be moved or damaged



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	during the construction process. Conditions will be applied requiring the preparation by the developer of a dilapidation report and rectification of any damage to adjacent properties resulting from construction.
Over development in Summer Hill.	The proposal, along with other development in the vicinity, is generally consistent with the density of development envisaged by Ashfield Local Environmental Plan 2013.
Loss of "small village vibe".	This development is unlikely to have a material impact on the specific character of the locality.
Excessive through traffic.	The proposal has been reviewed by Council's traffic engineer and the traffic generation is within the capacity of the local road network.
Exacerbation of on-street parking shortages.	The proposal is deficient in car parking spaces and a condition will be applied to reduce the size of the development so that compliance is achieved.
Strain on local infrastructure.	Should the proposal be approved, the developer will be required to pay development contributions which help fund new community infrastructure.
Stormwater drainage issues.	Conditions will be applied to ensure that the development applies best practice in storm water drainage design which should result in the correction or improvement of any existing storm water issues.
Height of buildings is greater than the existing warehouse.	Although the buildings are greater in height than the existing warehouse, they are considerably lower than the maximum height limit for the site and the height is considered acceptable.
Loss of privacy to properties at the rear in Allman Avenue.	Conditions will be applied to: <ul style="list-style-type: none"> • Delete first floor balconies; • Preserve of the rear boundary walls to a height capable of preserving privacy to the Allman Avenue properties.
Overshadowing to adjacent Allman Avenue properties.	The proposal involves the lowering of an existing high masonry boundary wall adjacent to properties on Allman Avenue. This will significantly increase the amount of solar access to these buildings notwithstanding the provision of some planting along the boundary.
Balconies facing Allman Avenue should be removed.	Conditions will be applied requiring the removal of any upper level balconies.
Large first floor bedroom windows could impact on privacy of adjacent properties in Allman Avenue.	Bedroom windows are not generally considered to present an unacceptable privacy impact due to the low intensity use of these rooms.
Any new boundary fence should be constructed and maintained by the developer.	Conditions will be applied requiring the construction of low maintenance face brick fences on all boundaries of the site at the developer's cost.
The colour of any new buildings should be conservative.	Given the isolated nature of the site and its lack of visibility from the street, the proposed



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	contemporary character is considered acceptable.
Lawn and trees to southern boundary should be common property.	These elements are part of the required private open space of the adjacent units. Communal area is provided in the centre of the development.
Construction will be noisy and disruptive for surrounding residents.	Standard conditions will be applied setting construction hours and noise restrictions.

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6.8 The public interest

Matters of the public interest have been considered in the assessment of the application.

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy 2013. A summary compliance table follows below:

Ashfield Interim Development Assessment Policy 2013 Part C1: Access, Adaptability and Mobility Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C1 Access, Adaptability and Mobility				
2.3(i)	Universal Accessible Design	Villas and Townhouses, being dwellings which are one, two or three storeys, within R3 Medium Density Residential Zone where each dwelling has its own ground level entry and private open space: All ground level apartments must comply with universal accessible design principles in design checklist 1.	Townhouse style	Noted
2.4	Adaptable Housing	10%	12% Units 1 and 17 have been nominated as adaptable.	Yes
2.5	Variations to Universal Accessible Design Requirements	Site conditions	The site conditions are complicated by flood affectation. The height limit, however, is ample and would not preclude modification of the proposal to provide compliant access.	No
6.2	Universal Accessible Design	All buildings referred to in clause 6.1 of this Part, shall be "accessible" as required in the Building	Only 2 of the 17 units comply with this requirement.	No - Deferred commencement

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		Code of Australia and in addition have a universal accessible design for the interior design of the dwellings that meets the requirements of Section 6 of this Part.	This can be resolved by way of deferred commencement condition.	condition
6.3	Construction	In order to achieve an "implementation principle", that considers design issues at Development Application stage in sufficient detail to ensure that at construction certificate stage and during construction compliance is achieved	Inadequate detail provided. This can be addressed by way of condition.	No – Condition
6.4	Access from street to dwelling entry	Access from the street into the entry area of each townhouse by a person with a disability.	Only 2 of the 17 units comply with this requirement. This can be resolved by way of deferred commencement condition.	No - Deferred commencement condition
6.5	Interior dwelling design	The interior elements of all apartments shall be adequately sized to allow wheelchair circulation to all necessary areas (f) All ground floor levels of townhouses must contain an area which contains a toilet and which is visitable by a person with disabilities.	Only 2 of the 17 units comply with this requirement. This can be resolved by way of deferred commencement condition.	No
6.6	Access to private open space	(a) Private open space garden dimensions shall be wide enough to be able to accommodate a path accessible by wheelchair users. (b) Garden dimensions shall be wide enough to allow tree planting and also meet the requirements of clause (a). (c) Any balconies or verandahs shall be accessible.	The ground level private open spaces are accessible.	Yes
6.7	Access to car parking	Access to and from the car parking area for people with a disability by lift.	Lift has been provided.	Yes



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6.8	Access to communal garden space	Where there is communal open space on the site, it must be accessible from all dwellings required to have a universal accessible design, and by all visitors to the site.	The communal open space is accessible.	Yes
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Ashfield Interim Development Assessment Policy 2013 Part C5: Multi-unit Development in Residential Flat Zones Summary Compliance Table				
Clause No.	Standard	Required	Proposed	Complies
3	Preferred Development			
3.2	Ashfield's Housing Character	Developments must meet the following criteria: a) the defining characteristics of the site, its streetscape, community, and neighbourhood locality are understood; b) the proposed architectural style is suitable for the site; c) the proposed development has the potential to contribute to Ashfield's housing heritage.	The form and character of the proposal is generally satisfactory in scale and appearance.	Yes
3.5(a)	Building Appearance and Neighbourhood Character	Buildings at the front must be orientated to the principal street frontage, and dwellings adjacent to a public street must address the street by having a front door or living room or kitchen windows facing the street;	The character of the lychgate is acceptable in the streetscape but its setback is not consistent with adjacent development. Conditions will be applied to increase its setback to 4.4m.	Condition
3.5(b)		The building generally conforms with the building line on adjoining land and in the immediate locality;	The lychgate is not adequately set back. Conditions will be applied to any consent to increase its setback to 4.4m.	Condition
3.5(c)		Building facades are to have: • a clearly defined base-middle-top; • well-balanced vertical	The buildings are adequately articulated.	Yes

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		<p>and horizontal proportions;</p> <ul style="list-style-type: none"> • modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building; • architectural features which give human scale at street level, such as entry porches, pergolas and fences. 		
3.5(d)		<p>Building design, roof form, detailing and materials visible from public areas and adjoining properties should not be in strong visual contrast with any positive and characteristic features of neighbouring properties. Generally the materials and finishes of the building to be similar to the traditional finishes predominating in Ashfield. Buildings to usually be in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roof forms with no reflective materials that may cause glare.</p>	<p>The built form is appropriate.</p>	<p>Yes</p>
3.5(e)		<p>Building design enables individual dwellings to be identified from public streets.</p>	<p>Not applicable due to the hatchet style form of the site.</p>	<p>N/A</p>
3.5(f)		<p>Carports and garages to be compatible with the building design and not dominate the street frontage.</p>	<p>All parking located in basement garage.</p>	<p>N/A</p>
3.5(g)		<p>Entries to underground parking not to be visible from the street front.</p>	<p>The basement ramp is well screened from the street.</p>	<p>Yes</p>
3.6	Fences and walls			
3.6(a)		<p>Front fences and walls to be compatible with the streetscape.</p>	<p>The lychgate is set too far forward but this can be addressed by way of condition.</p>	<p>Condition</p>



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3.6(b)		Front fences and walls to be no more than 1.2m high if solid and forward of the building line. Height may be increased to 1.8m if the fence has openings which make it not less than 50% transparent;	The lychgate is set too far forward but this can be addressed by way of condition.	Condition
4	Housing Density			
4.3	Floor Space Ratios	0.7:1	0.7:1	Yes
4.10	Subdivision	Strata subdivision size will be considered on its merits	Satisfactory.	Yes
4.11	Maximum dwelling size	Maximum gross floor area of a dwelling should not exceed 125m ² . Smaller apartments are encouraged.	No dwellings exceed this size.	Yes
5	Siting, Building Height and Solar Access			
5.4	Front Setback	To be consistent with the predominant setback of the buildings in the street.	The lychgate is set too far forward but this can be addressed by way of condition.	Condition
5.6	Orientation and Siting	Side and rear setbacks to be determined by amenity and urban design. Development should not significantly affect adjoining property or resident amenity by: a) increased overshadowing, b) reduction in the level of privacy, c) obstruction of views, d) reduction in levels of daylight and ventilation.	Generally satisfactory.	Yes
5.8		Rear setbacks to allow adequate provision of green space between adjoining properties	Generally consistent with surrounding properties.	Yes
5.9	Building Height	12.5m as per height for R3 Medium Density Residential Zones, Code M in Ashfield LEP 2013.	9.5m	Yes
5.9(a)		3 storeys maximum height	3 storeys	Yes
5.9(b)		Maximum roof pitch of 30 degrees may contain a 4th attic storey,	No fourth storey proposed.	N/A

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5.11		Height of the first floor no to exceed 3.4m.	Up to 4.2m. Unavoidable due to required flood levels.	Satisfactory
5.12		Additional 4 th storey in roof space permitted subject to: a) consistent with any conservation area listing; b) space wholly contained within a roof not exceeding 30° (excepting dormer windows); no lower than 22d and roof ridge does not exceed the maximum building height. c) sunlight, privacy, views and ventilation protected; and d) compliant with LEP height limit.	No fourth storey proposed.	N/A
5.13		No increased wall heights or larger than average dormer windows permitted to achieve the additional level permitted under cl. 5.12.	N/A	N/A
5.15	Solar Access	80% of units to have at least one living room window with a northerly aspect	100%	Yes
5.16		<i>Maximum</i> amount of overshadowing:		
5.16(a)		Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser area) of the principal private area of ground level private open space of adjacent properties not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20% at any one time.	No principal areas of private open space on adjacent properties would be overshadowed unacceptably by the development.	Yes
5.16(b)		Private courtyards within a development to receive 3 hours of sunlight over 50% of area, between 9am and 3pm on 21 June.	All courtyards will receive adequate solar access.	Yes



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5.16(c)		Existing solar access should be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows, for at least 3 hours between 9am and 3pm in mid-winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced by more than 20% at any time.	Solar access will be significantly increased to the buildings to the south.	Yes
5.16(d)		North facing windows within a new development should achieve the same standard of solar access.	All north facing windows would receive excellent solar access.	Yes
6	Privacy, Views and Outlook			
6.3	Visual privacy	Visual privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.3(a)		Ground level direct facing windows to be a minimum of 9 metres apart or, where screening devices or planting is used, 6 metres apart. Direct facing includes an arc of 45° on either side of a window. If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond an angle of 45° from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.	All windows comply.	Yes
6.3(b)		As an alternative to 6.3 (a), windows to have minimum sill heights of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level.	N/A	N/A
6.3(c)		Balconies, terraces and decks to be placed a minimum 12 metres away from any facing window or other balcony.	Balconies are proposed at first and second floor level and are unacceptable. A deferred commencement condition will be applied requiring their deletion.	Condition

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6.3(d)		Windows and balconies not to overlook adjoining areas of private open space. An outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development to be obscured or screened where a direct view is available into adjoining areas of private open space.	Balconies are proposed at first and second floor level and are unacceptable as they would overlook the private open space of adjacent properties. A deferred commencement condition will be applied requiring their deletion.	Condition
6.3(e)		no screening is required where: <ul style="list-style-type: none"> • windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.7m; • windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level. 	These measures are not required.	N/A
6.4		these standards must be achieved within developments, as well as across boundaries.	Elevated courtyards on south and side boundaries result in unacceptable overlooking of the adjacent properties which has not been adequately addressed by way of detailed design. These can be addressed by way of condition.	Condition
6.5	Acoustic Privacy	The level of acoustic privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.5(a)		bedroom windows are to be at least 3 metres from shared streets, driveways and parking areas of other dwellings.	Complies.	Yes
6.5(b)		bedrooms of one dwelling are not to share walls with living rooms or garages of adjacent dwellings.	Complies.	Yes



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6.8	Views and outlook	Distant views available from neighbouring properties should be maintained where possible, in keeping with principles of view sharing.	Complies.	Yes
6.9		High walls in close proximity to neighbours' windows or open space should be reasonably set back, <i>irrespective</i> of shadowing or privacy impacts.	Walls adjacent side boundaries are excessively high – will be lowered by the proposal.	No
6.10		All dwellings should have an open outlook to an area of landscaping or open space not compromised by privacy measures.	Complies.	Yes
8	Open Space and Landscaping			
8.6	Private and Communal Open Space	Each dwelling to have a private outdoor area which: a) does not encroach upon the front setback; b) is directly related to a main living area; c) is private and protected from overlooking; d) meets solar access standards; e) minimises overlooking of neighbours; f) accommodates various uses; g) is accessible by someone with a disability.	Complies.	Yes
8.7		If at ground level, • Minimum area: 35m ² • Minimum width 3m:	All courtyards meet the minimum area requirements.	Yes
8.8	Balcony Size	If no private outdoor area at ground level, to be provided by a balcony or deck, with a minimum area of 10m ² , and a minimum dimension of 2m.	N/A	N/A
8.9	Communal Open Space	Communal open space exclusive of any drying or service areas to include a single open area with minimum dimensions of 10 metres by 12 metres. If more than 6 units, the area to be increased by	452m ²	Yes

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		5m ² per unit. Area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Required: 175m ²		
8.10	Landscaping Standards	Minimum landscaped area: 35% of the site area. To be at finished ground level with a minimum width of 2 metres.	The landscaped area is deficient.	No
8.11	Tree Preservation	A Tree Preservation Order covers all trees over 5 metres in height with a trunk girth of 350mm at ground level, (excluding Leyland Cypress Pine, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees.	No significant tree removal proposed.	Yes
8.13		Retain sufficient curtilage around existing trees to ensure their retention.	No significant tree removal proposed.	N/A
8.14		Avoid removal or significant modification of any existing street tree along the frontage of the site.	No significant tree removal proposed.	N/A
9	Safety and Security			
9.2	Security	Buildings adjacent to public or communal streets or open space to have at least one habitable room window with an outlook to that area.	All buildings overlook all communal circulation areas.	Yes
9.3		Visitors should be visible without the need to open the front door.	Complies.	Yes
9.4		Shared entries to serve a maximum of eight dwellings and be lockable.	No shared entries proposed.	N/A
10	Design for Climate			
10.1	Energy Conservation	BASIX Certificate must be provided.	BASIX Certificate has been provided.	Yes
10.2 – 10.7	Water Conservation	BASIX Certificate must be provided.	BASIX Certificate has been provided.	Yes



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10.8	Air movement	Harness breezes and provide fresh air indoors	All units have excellent cross ventilation.	Yes
10.11	Services, lighting and appliances	Dwelling design should encourage energy efficiency.	All units face north and have excellent exposure to northern winter sunlight.	Yes
10.16	Noise on rail/traffic routes	Where road or rail noise is an issue, buildings to be sited to: minimise the infiltration of noise into the buildings and the lot; · provide an acoustic barrier for private and communal open space; · reduces reflection of noise on to other buildings; · ensure affected windows are acoustically treated from road or rail noise.	The development is well separated from the road and rail line and as such should experience minimal road or rail noise.	Yes
11	Stormwater Drainage			
11.1	Objectives	a) to provide safety for the public in major storm events, & protect property from damage by flooding; b) to ensure adequate stormwater detention and run-off controls are provided for site drainage; c) to improve urban amenity through maintenance of natural drainage lines; d) to protect and maintain existing infrastructure of the LGA.	Council's engineer has reviewed the proposal and has assessed it as acceptable subject to conditions.	Yes
12	Site Facilities			
12.8	Storage	Must be adequately screened from frontage.	All storage is well concealed in basement.	Yes
12.9	Mailboxes	To be located close to each ground-floor dwelling entry or close to the major pedestrian entrance to the site.	Mailbox location has been nominated.	Yes
12.10	Clothes drying	Communal clothes drying facilities to be easily accessible to all residents and screened from streets and communal recreational areas.	No communal clothes drying facilities are proposed.	N/A
12.11		External clothes-drying area shall to be provided at the rate of 1.5 square metres per unit.	Location of clothes drying facilities has not been nominated.	No

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12.12	Television aerials	Only one television reception device per strata title development screened from public view.	Not nominated but can be included via a condition.	Condi tion
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**Ashfield Interim Development Assessment Policy 2013
Part C11: Parking
Summary Compliance Table**

No.	Standard	Required	Proposed	Complies
3.3	Parking Credits	Do not apply if more than 50% of the building is being demolished.	100% of the existing buildings are to be demolished and as such no parking credits are applicable.	N/A
4.1	Car Parking for People with Disabilities	5% of required parking spaces to be accessible. TOTAL = 1 space	3 spaces	Yes
4.2	Bicycle and Motor Cycle Parking	Bicycle spaces: • 1 space per 10 units = 2 Motor cycle spaces: • 1 space per 25 spaces = 1	Bicycle spaces: • 0 Motor cycle spaces: • 0 (note: could be easily located in each unit's ample basement storage area).	No Condition
4.3	Parking Rates for Specific Land Uses	Residential spaces: • 1 space per unit , + 1 for every 5 two bed units + 1 per every 2 three bedroom units = 24 Visitor spaces: • 1 space per 5 units = 3 Car wash bay: • 1 space = 1 TOTAL: 29	Residential spaces: • 22 Visitor spaces: • 3 Car wash bay: 1 space = 1 Car parking is deficient by: • 2 resident spaces • 1 visitor spaces: Total deficiency: 2 spaces This is indicative of overdevelopment. It could, however, be rectified by the deletion of unit 5 which would result in a requirement for 22 resident spaces which is the number provided.	No Deferred commenc ement condition to delete unit 5
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	Satisfactory or capable of compliance.	Yes



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Ashfield Interim Development Assessment Policy 2013 Part C12: Public Notification Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Section 2	Notification Process		The application was notified in accordance with this part.	Yes

Ashfield Interim Development Assessment Policy 2013 PartD1: Planning for Less Waste Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
	Bin Numbers	Residential (17 dwellings): <ul style="list-style-type: none"> • 1 x 240L garbage bin/2 dwellings=9 bins • 1 x 240L recycling bin/2 dwellings=9 bins • TOTAL: 18 bins 	Residential: TOTAL: 20 bins	Yes
	Bin Presentation		Bins cannot be presented on the street for collection by Council but this has been reviewed by Council's waste services & determined to be acceptable in this instance.	Yes

It is considered the application, subject to appropriate conditions, will achieve acceptable compliance with the aims and objectives of the AIDAP 2013.

7.0 Referrals

Internal Referrals		
Officer	Comments	Support
Building Surveyor	Supported subject to conditions.	Yes
Traffic Engineer	Supported subject to conditions.	Yes
Drainage Engineer	Supported subject to conditions.	Yes
Heritage Advisor	No objection.	Yes
Environmental Health Officer	Supported subject to conditions.	Yes
SEPP 65 Advisor	Supported subject to conditions.	Yes
Waste Management	Supported.	Yes

External Referrals		
Referral Body	Comments	Support
NSW Police	Supported subject to conditions.	Yes



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8.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

See 8.0

PUBLIC CONSULTATION

See 7.7

CONCLUSION

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal complies with the provisions of Ashfield LEP 2013, in particular in respect of height and floor space ratio, and achieves general compliance with the planning provisions applicable to the site. Despite this, a number of issues remain including inadequate communal open space (under the SEPP 65 requirements), landscaped area and car parking, privacy issues due to first floor balconies, and some technical traffic circulation issues.

These issues, however, could be readily addressed by modifications to the design including the deletion of one unit (to increase communal open space and arrive at compliant car parking) and the deletion of the first floor balconies (to improve privacy impacts).

To address these matters, suitable deferred commencement conditions have been recommended and with the required modifications will result in an acceptable development.

ATTACHMENTS

1. [Heritage Advice](#)
2. [Plans of Proposal](#)
3. [Submissions](#)
4. [Conditions](#)