

4 February 2016

Dear Councillor/Sir/Madam

You are invited to attend an **ORDINARY MEETING** of Ashfield Council, to be held in the Council Chambers, Level 6, Civic Centre, 260 Liverpool Road, Ashfield on **TUESDAY 9 FEBRUARY 2016** at **6:30 PM**.

SEE ATTACHED AGENDA

ORDINARY MEETING - 9 FEBRUARY 2016

AGENDA

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy and Personal Information Protection Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting.

By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of Ashfield Council.

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3	APOLOGIES/REQUEST FOR LEAVE OF ABSENCE	
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6	DISCLOSURES OF INTEREST Disclosures to be made by any Councillors who have a pecuniary / non-pecuniary interest in respect of matters that are before Council at this meeting. (09/02/2016)	
7	CONFIRMATION OF MINUTES OF COUNCIL/COMMITTEES EXTRAORDINARY MEETING – 27/01/2016 COUNCIL MEETING – 15/12/2015 RESUMED COUNCIL MEETING – 24/11/2015 ASHFIELD ACCESS COMMITTEE MEETING – 09/11/2015 ASHFIELD YOUTH COMMITTEE MEETING – 02/11/2015	
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12	CLOSE	

MAYORAL MINUTE

SUDDEN PASSING OF SYDNEY DEPUTY LORD MAYOR ROBYN KEMMIS

It is with deep regret that I advise Councillors of the sudden passing of Deputy Lord Mayor Robyn Kemmis on Tuesday 26 December 2015 while on holidays with family in Queensland.

Robyn was a dedicated and skilled elected representative very committed to her role and was well respected by the community.

She was awarded an honorary doctorate by UTS in recognition of her tremendous contribution to the University's mission and in 2003 was awarded a Centenary Medal for service to Australian society in business leadership.

A Memorial Service will be held at the Sydney Town Hall in February.

She will be sadly missed by family, friends & colleagues and the Sydney Communities.

ATTACHMENTS

There are no supporting documents for this report.

RECOMMENDATION

That a letter of condolence be sent to her partner Lynne expressing Council's sympathy.



COUNCILLOR L MCKENNA OAM
Mayor

MAYORAL MINUTE

AUSTRALIA DAY HONOURS

It gives me great pleasure to advise Councillors that Armando Gardiman AM a lawyer and long term resident of Haberfield was honoured with the Order of Australia in the 2016 Australia Day Awards.

Mr Gardiman was recognised for his work with mesothelioma victims and their families and in local sport.

He has been a strong advocate for the victims of asbestos diseases, prosecuting in their interests for the incredible injustice that resulted in severe health and social issues, many losing their lives. His pro bono work for the victims of asbestosis has been outstanding.

He was also instrumental in lobbying the NSW Government and preparing a submission to the NSW State Parliament which resulted in legislative reforms and more recently the establishment of the Asbestos Diseases Research Centre at Concord Hospital,

The Australia Day Honour also recognised Mr Gardiman's long association and voluntary work with Canterbury District Soccer Football Association.

ATTACHMENTS

There are no supporting documents for this report.

RECOMMENDATION

That a letter of congratulations be sent to Armando Gardiman AM on his Australia Day honour.



COUNCILLOR L MCKENNA OAM
Mayor

MAYORAL MINUTE

CELEBRATIONS HELD IN ASHFIELD FOR AUSTRALIA DAY

I am pleased to advise of the very successful Australia Day events held on Tuesday 26 January 2016 .

Commencing the day with the Citizenship Ceremony and Australia Day awards where I was joined by Councillors, Lofts, Cassidy, Drury, Stott, Passas, Wang along with The Hon Anthony Albanese Member for Grayndler and Ms Jo Haylen Member for Summer Hill

Our Australia Day ambassador Dr Benjamin Law spoke from the heart on his family and their journey to Australia and was presented with the Ambassador Pin by William Shanthikumar from Woolworths at Ashfield.

There were 50 conferees who received their Certificate of Australia Citizenship at the ceremony and 17 members awarded for their contributions and achievements in our community.

This was a great event with 260 people attending.

I then attended Ashfield Aquatic Centre which had free entry for the day with many activities including games, aerobic sessions, inflatable sessions for the children and dive in movie which was great fun, also celebrating with a BBQ.

It was attended by 1500 members of our local community gathering together on this important day of our National celebration.

ATTACHMENTS

There are no supporting documents for this report.

RECOMMENDATION

That all council staff who worked on the various programs throughout Australia Day be congratulated on their work, and for giving up their Australia Day to ensure a great Australia Day celebration for our community.



COUNCILLOR L MCKENNA OAM
Mayor

NOTICE OF RESCISSION BY

COUNCILLORS EDWARD CASSIDY PSM, JULIE PASSAS AND VITTORIA RACITI

NOTICE OF RESCISSION -
TENDER 15/54672 - Heritage and Urban Design Advisory Panel Members

That Council rescind the previous resolution in relation to Item CM10.16 – Tender 15/54672 – Heritage and Urban Design Advisory Panel Members, passed at the Ordinary meeting of Council held on 15 December 2015, namely:

- 1/2 *That, under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accepts the tenderers that are recommended as the most meritorious in the Confidential attachment.*
- 2/2 *That Council inform the unsuccessful tenderers that their tenders have been declined.*

ATTACHMENTS

There are no supporting documents for this report.

Accordingly, we move

That the resolution of Item CM10.16, Tender 15/54672 – Heritage and Urban Design Advisory Panel Members, passed at the Ordinary meeting of Council held on 15 December 2015, be rescinded.

**NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY
COUNCILLORS JULIE PASSAS, MAX RAIOLA, ADRIANO RAIOLA AND VITTORIA
RACITI**

PEDESTRIAN SAFETY

To move Notice of Motion No. NM5/2016

This Council is aware of a pedestrian safety issue in the vicinity of Holden, Clissold and Armstrong streets Ashfield. For over two years residents have requested action from Council, to date nothing has happened, where the issue of pedestrian safety is concerned. We find it unacceptable that a Notice of Motion was required.

Officers Comments

This specific issue, Holden, Clissold and Armstrong, has been covered in our analysis and consultation on the Draft Pedestrian Access Management Plan (PAMP)

The Draft PAMP is scheduled for February Traffic Committee and, with the benefit of that consideration, is expected to come to Council 23 February.

The residents concerned have been advised that their comments are noted and considered in the PAMP.

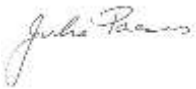
ATTACHMENTS

There are no supporting documents for this report.

Accordingly, we move:-

1/2 That the appropriate safety measures at the above location be implemented as a matter of urgency and as Council is aware of the issue there is no need for delay.


2/2 That residents who have raised this with Council be contacted and informed that Council is taking action.



Julie Passas



Vittoria Raciti



Max Raiola



Adriano Raiola

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

COUNCILLORS JULIE PASSAS, ADRIANO RAIOLA, MAX RAIOLA AND VITTORIA RACITI

TREE REMOVAL

To move Notice of Motion No. NM6/2016

This motion seeks endorsement from Council for the removal of a Council tree in front of 28 Beatrice St Ashfield.

The tree is causing damage to the above property walls, fence and steps, also the public footpath is a tripping hazard.

It is physically impossible for the resident to keep her home clean from the mess the tree is causing, and the resident should not be responsible for the expensive repairs to her home steps and fence.

There is a consistent build up of debris from the tree that causes the retention of water and rubbish that is a health hazard.

It is accepted that the mess from the many trees in the vicinity of the above property is the price to pay for the greening of the area however it is not acceptable for a ratepayer to have their home damaged.

Officer's Comments

Staff are aware of this issue. We have undertaken an inspection of the tree in question and have assessed it to be in good health and an important part of the streetscape character. Our management of this tree is in line with the adopted Street Tree Strategy. The tree is causing minor damage to the kerb & gutter and footpath, which is considered acceptable given the overall streetscape benefit provided by the tree. The tree is not causing damage to private property.

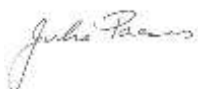
ATTACHMENTS

There are no supporting documents for this report.

Accordingly, we move:-

- 1/3 That the tree in front of 28 Beatrice Street Ashfield be removed.**
- 2/3 That the resident be compensated for damage to the above property.**
- 3/3 That there be more frequent cleaning of the area.**

TREE REMOVAL



_____**Julie Passas**



_____**Vittoria Raciti**



_____**Max Raiola**



_____**Adriano Raiola**

Subject **DEVELOPMENT APPLICATION: 10.2015.239.1**
23 PROSPECT ROAD SUMMER HILL

File Ref DA 10.2015.239.1

Prepared by Philip North - Specialist Planner

Reasons Matter requires Council determination

Objective For Council to determine the application

Overview of Report

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 an existing boarding house and construction of a four storey 25 (including manager) room boarding house accommodating 50 persons (including manager), car parking and associated works.

It is proposed to demolish all structures existing on the site and construct a three to four storey boarding house, comprising 24 double boarding rooms, a manager's room and a common room. Each room will contain a bathroom with laundry facilities, kitchenette, wardrobe and living/dining area. The common area and outdoor terrace are located centrally on the ground floor. Rooms are between 28.9m² and 34.6m² in area (including bathroom and kitchen as GFA) and each room has a small balcony. The development will be capable of accommodating 48 boarders and two people in the manager's room. Two of the boarding rooms within the development are accessible units and compliant in their layout and design.

Lower Ground Level

Vehicular access is proposed from Prospect Road to a lower ground level parking area. There are five parking spaces, five motorbike and five bicycle spaces. Also provided in the lower ground level is a garbage room and lift access to the floors above. Two accessible rooms are provided at this level with courtyards adjoining the landscaped front setback area. Pedestrian access to the lift lobby is provided from Prospect Road and access into the parking area and garbage room.

Ground Floor

At ground floor level, there is a Manager's office, common room and open space area located centrally within the building. There are three (3) rooms facing the rear of the site and three facing Prospect Road. The common room is located on the northern side of the building with direct access to the main shared recreational balcony and courtyard. The common room has an area of 30.9m² adjoining the communal open space area of 42.4m².

DEVELOPMENT APPLICATION: 10.2015.239.1

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Levels 1 and 2

Levels 1 and 2 are identical in layout and provide two central rooms with north facing balconies overlooking the common open space area, three rooms facing the rear of the site and three facing Prospect Road.

Background

2.0 Summary Recommendation

The proposal presents an excessive scale to the street which is inconsistent with the character of the locality. Its site planning would result in unacceptable overshadowing of the building to the south and unacceptable privacy impacts upon the building to the north. Its height and massing would result in the loss of iconic views of the Sydney Harbour Bridge from some residential flats to the rear of the site. Finally, the demolition of the existing Victorian cottage is not supported by Council's heritage adviser.

The development is therefore recommended for refusal.

3.0 Application Details

Applicant	:	Prospect Rd Pty Ltd
Owner	:	Mr A C Chang
Value of work	:	\$2,450,000
Lot/DP	:	LOT: 50 DP: 883
Date lodged	:	23/11/2015
Building classification	:	3
Application Type	:	Local
Construction Certificate	:	No

4.0 Site and Surrounding Development

The subject site is located on the western side of Prospect Road, bounded by Norton Street to the north and Robert Street to the south. The site area is approximately 707 square metres. An existing 14 room boarding house is located on the site. Surrounding development comprises residential flat buildings and detached dwelling houses. Refer to **Attachment 2** for a locality map.

The site consists of the following individual lot:

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
23 Prospect Road	50	883	Torrens	707m ²
TOTAL AREA				707m ²

DEVELOPMENT APPLICATION: 10.2015.239.1

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5.0 Development History

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

No.	Date	Proposal	Determination
6.1951.790	Unknown	Unknown	Unknown
5.1993.1	1993	Unknown	Approved
6.1993.176	03.08.1993	Boarding house	Approved
10.2003.290.1	05.09.2003	Alterations and additions to existing boarding house	Approved
10.2003.290.2	28.01.2004	Amendments to boarding house	Approved

The existing building appears to have been first approved for use as a boarding house in 1993.

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
27.10.2015	Provisional Development Application submitted	17.2015.322
05.11.2015	<p>Letter sent to applicant raising the following issues:</p> <ol style="list-style-type: none"> The proposal is not consider to satisfy the character test due to the following: <ol style="list-style-type: none"> The apparent 4 storey scale presenting to Prospect Road is inconstant with the existing 2 and 3 storey buildings with pitched roof form. It is also inconsistent with the three storeys plus 30 degree roof pitch attic scale permitted in this locality under Part C5 of Ashfield IDAP 2013. The rear setback is inconsistent with the predominant rear setback and should be reconsidered. The proposed balconies and along the northern facade would result in a privacy concern for the adjoining residential flat building to the north. It is required that the balconies be deleted and suitable privacy measures implemented. The size of some of the boarding rooms appears to be greater than that permitted under the SEPP. It is required to submit a cross hatch drawing demonstrating compliance with the maximum permitted floor area. It appears that all rooms are double, please nominate the person occupancy you are seeking. Stormwater concept plan showing onsite detention and direct connection into Council pipe drainage system is required. Council records indicate a different ownership of the property than is shown on the DA application form. The written consent of all owners of the property is required As the development involves demolition of an existing dwelling, the proposal is to be reviewed by Council's Heritage Adviser on Monday 9 November, 2015. Any comments received will be forwarded to you under separate cover. The number of garbage bins is inadequate. It is required that an area capable of accommodating one garbage bin and one recycling bin per two rooms be provided. 	17.2015.322

DEVELOPMENT APPLICATION: 10.2015.239.1

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12.10.2015	Development Application lodged "As-is".	10.2015.197.1
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6.0 Zoning/Permissibility/Heritage

The site is zoned R3 Medium Density Residential under the provisions of Ashfield LEP 2013.

The property is located in the vicinity of heritage items I-591 (27 Prospect Road), I-200 (200 Smith Street) and within the vicinity of conservation area C50.

The proposed works are permissible with Council consent.

7.0 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.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

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.

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	Boarding House	Yes
4.3	Height of buildings	12.5m	11.4m	Yes
4.4	Floor space ratio	0.7:1 Note: 0.5:1 bonus applicable by virtue of application of SEPP (Affordable Rental Housing) 2009: Total Permissible FSR: 1.2:1	1.15:1	Yes
5.10	Heritage Conservation	Located in the vicinity of: <ul style="list-style-type: none"> Heritage item I-591 (27 Prospect Road); Heritage item I-200 (200 Smith Street); and conservation area C50 		
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	Council's heritage adviser has reviewed the proposal and advised as follows:	No

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		<p>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).</p>	<p><i>It is indeed unfortunate that a proposal for the demolition of this house should come forward.</i></p> <p><i>This is a fine late Victorian Italianate villa which contributes to the streetscape and is an example of the rich collection of buildings of this period which Ashfield displays and in which Prospect Road is particularly rich.</i></p> <p><i>In my opinion, it should be considered a contributory building in the area, and should be retained within such development of the rear of the site, behind the house, as should be possible.</i></p> <p><i>The house presents as very intact to the street, apart from the terracotta tile roof which may have replaced an earlier slate roof. Notable intact features are the asymmetric bay window with half hexagonal roof; elaborate fretted gable bargeboards; verandah with ironwork; entry steps with piers and tessellated tile entry path; and the intact iron palisade front fence.</i></p> <p><i>While late 20th Century walk up flats have been built to each side, these do not diminish the interest of this house, and its potential to be retained and restored as part of adaptive development on the site. A driveway exists on the northern side to allow access to the rear.</i></p> <p><i>Perhaps discussions could be invited with the proponents to explore the possibilities of an alternative design, retaining the house.</i></p>	
5.10(5)	Heritage assessment	<p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to</p>	<p>Heritage management document has not been submitted.</p>	N/A

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		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.		
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As demonstrated in the above table above table, the proposed development generally satisfies the provisions of ALEP 2013, however, issues are raised in relation to heritage conservation and the proposed demolition of the existing building.

7.1.2 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.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

Due to the long established residential use of the site, it is not considered that the site is contaminated and remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is subject to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The following table summarises the compliance of the application with the policy.

State Environmental Planning Policy (Affordable rental housing) 2009 Division 3: Boarding Houses Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
26	Land to which policy applies	This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (a) Zone R1 General Residential,	R3 Medium Density Residential.	Yes

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		(b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.		
27	Development to which Division applies	(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. (2) Despite sub-clause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area. (3) Despite sub-clause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.	Boarding house proposed in R3 Medium Density Residential zone.	Yes
28	Development may be carried out with consent	Development to which this Division applies may be carried out with consent.	Development consent is sought.	Yes
29	Standards that cannot be used to refuse consent			
29(1)		A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:		
29(1)(a)	“	the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or Max. FSR: 0.7:1	N/A	N/A
29(1)(b)	“	if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or	N/A	
29(1)(c)	“	if the development is on land within a zone in which	Boarding house proposed in R3 Medium Density	

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		residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:	Residential zone (residential flat buildings permitted).	
29(1)(c)(i)	“	0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or Max. FSR: 1.2:1	1.15:1	Yes
29(1)(c)(ii)	“	20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1	N/A	N/A
29(2)		A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
29(2)(a)	Building Height	if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land, 12.5m Maximum height	11.4m.	Yes
29(2)(b)	Landscaped Area	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	The landscape treatment is satisfactory.	Yes
29(2)(c)	Solar Access	where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The communal living area would receive minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	Yes
29(2)(d)	Private Open Space	if at least the following private open space areas are provided (other than the front setback area):		
		(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,	42.4m ² min dimension 5m.	Yes
		(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to	Minimum dimension is only 2m.	No

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		that accommodation,		
29(2)(e)	Parking	if:(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site, Required: 5 spaces	5 (including 1 accessible).	Yes
29(2)(f)	Accommodation Size	if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	Complies.	Yes
29(3)		A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Each boarding room has private kitchen and bathroom facilities.	Yes
30	Standards for Boarding Houses			
30(1)		A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
30(1)(a)		if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	One communal living room is provided.	Yes
30(1)(b)		no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	No boarding room exceeds 25m ² .	Yes
30(1)(c)		no boarding room will be occupied by more than 2 adult lodgers,	No boarding room is proposed to be occupied by more than two lodgers.	Yes
30(1)(d)		adequate bathroom and kitchen facilities will be	Each boarding room has private kitchen and bathroom	Yes

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		available within the boarding house for the use of each lodger,	facilities.	
30(1)(e)		if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	One room has been provided for a manager.	Yes
30(1)(f)		(Repealed)		
30(1)(g)		if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	N/A
30(1)(h)		at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	5 bicycle spaces provided and 5 motor cycle spaces provided.	Yes
30(2)		Sub-clause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	N/A	N/A
30A	Character of Local Area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	Due to the elevated podium level and excavation below natural ground level at the front facade, the building has an apparent scale of a full four stories rather than the three storeys plus attic which is the desired built form in the zone.	No
52	No Subdivision of Boarding Houses	A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	No subdivision is proposed.	Yes

As demonstrated in the above table above table, the proposed development satisfies all the provisions of Draft ALEP 2012 except:

- cl. 29(2)(d) - Private open space.
- cl. 30A - Character of local area.

7.2 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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7.3 The provisions of any Development Control Plan.

Please see Section 7.8 below.

7.4 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.

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

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have adverse impacts upon the adjacent properties in respect of privacy, overshadowing and overbearing bulk and scale and view loss. It will also impact adversely upon the character of the locality.

7.6 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. The proposed development, however, is considered unsuitable in the context of the locality due to its incompatible character and adverse privacy impacts on adjacent properties.

7.7 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 27 November 2015 until 22 December 2015. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

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

Submission from	Address
Aileen	4/155 Smith Street Summer Hill NSW 2131
H. Aliferis	9/8 Tintern Road Ashfield NSW 2131
S. Aliferis	19 Robert Street Ashfield NSW 2131
P. Allison	5/8 Tintern Road Ashfield NSW 2131
S. Andreadis	Sophie.andreadis11@gmail.com
O. Aroney	181 Smith Street Summer Hill NSW 2131

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A. Barclay	10/8 Tintern Road Ashfield NSW 2131
C. Barrett (x 2)	4/8 Tintern Road Ashfield NSW 2131
S. Bates	5/4-6 Tintern Road Ashfield NSW 2131
A. Boulougouris	Angela.Kasimis@det.nsw.edu.au
B. Brennan	1/21 Prospect Road Summer Hill NSW 2131
S. Burke	1/4-6 Tintern Road Ashfield NSW 2131
J. Cairns	8/12-14 Tintern Road Ashfield NSW 2131
M. Cowans	3/8 Tintern Road Ashfield NSW 2131
J. Dalton	23/25 Ormond Street Ashfield NSW 2131
C. Dunn	15/4-6 Tintern Road Ashfield NSW 2131
C. Edwards	12/10 Tintern Road Ashfield NSW 2131
S. Foster	2 Harney Street Marrickville NSW
P. Freeman-Sanderson	36 Prospect Road Summer Hill NSW 2131
S. Gal	6/21 Prospect Road Summer Hill NSW 2131
S. Hombsch	PO Box 702 Tamworth NSW 2340
F. Hribar	3/8 Tintern Road Ashfield NSW 2131
C. Hutch	12/8 Tintern Road Ashfield NSW 2131
J. Huang	3/12 Tintern Road Ashfield NSW 2131
K. Imran	3/4-6 Tintern Road Ashfield NSW 2131
M. Janas	1/19 Prospect Road Summer Hill NSW 2131
L. Jennings	44 Prospect Road Summer Hill NSW 2131
K. Kenny	12/10 Tintern Road Ashfield NSW 2131
A. Lai	3 Price Street Ryde NSW 2112
K. Litsuka	6/4-6 Tintern Road Ashfield NSW 2131
J. Loughnan	15/4-6 Tintern Road Ashfield NSW 2131
P. Lewis	4/25 Prospect Road Summer Hill NSW 2131

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T. Mangente	2/25 Prospect Road Summer Hill NSW 2131
J. Paudel	7/10 Tintern Road Ashfield NSW 2131
R. McCormack	2/19 Prospect Road Summer Hill NSW 2131
M. Martin	18/4-6 Tintern Road Ashfield NSW 2131
G. Misuraca	2/19 Prospect Road Summer Hill NSW 2131
B. O'Reilly	26 Asquith Street Silverwater NSW 2128
M. O'Reilly	26 Asquith Street Silverwater NSW 2128
J. Paudel	7/10 Tintern Road Ashfield NSW 2131
B. Pearce	5/8 Tintern Road Ashfield NSW 2131
C. Pratten	39 Prospect Road Summer Hill NSW 2131
D. Reid	15/8 Tintern Road Ashfield NSW 2131
D. Reyes	7/2 Tintern Road Ashfield NSW 2131
P. Ruxton	4/8 Tintern Road Ashfield NSW 2131
A. Ryan	2 Ness Avenue Dulwich Hill NSW
A. Samra	200 Smith Street Summer Hill NSW 2131
S. Srinivasaiah	2/8 Tintern Road Ashfield NSW 2131
A. Sullivan	6/25 Prospect Road Summer Hill NSW 2131
L. Sundstrom	22 Prospect Road Summer Hill NSW 2131
P. Thomas	7/19 Prospect Road Summer Hill NSW 2131
A. Thorpe	38 Prospect Road Summer Hill NSW 2131
P. Tuckerman	37 Prospect Road Summer Hill NSW 2131
D. Unterwurzacher	2/21 Prospect Road Summer Hill NSW 2131
M. Ward	3/8 Tintern Road Ashfield NSW 2131
J. Yuen	7/4 Tintern Road Ashfield NSW 2131

Submission Issue	Assessing Officer's Comment
Style is too different from surrounding buildings.	This is not necessarily an issue though the scale

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	of the proposal as presented to the street is an issue.
Height is greater than surrounding residences.	The height at the street frontage is out of character with the locality.
Too large for the land.	The overall size of the development is generally satisfactory though its distribution across the site and its amenity impacts are not.
High density living due to number of residents.	The number of residents is consistent with the applicable planning controls.
Destruction of heritage building.	Although the existing dwelling on the site is not heritage listed, it is considered a quality example of its building type and its demolition is not supported.
Loss of privacy.	Agreed. There would be adverse privacy impacts upon the units to the north.
View loss.	It is likely that some units to the rear, particularly at 8 Tintern Road, would lose views to the city skyline and an iconic view of the Sydney Harbour Bridge. This is considered unacceptable.
Adverse impacts upon heritage items in the vicinity of the site.	Agreed.
Overshadowing of property to the south.	Agreed.
Excess noise.	Acoustic impacts would be within acceptable limits subject to application of conditions.
Increase in anti-social behaviour.	No evidence has been provided to substantiate this claim.
Excess rubbish.	The rubbish receptacle arrangements proposed are adequate.
Parking impact on the street.	The parking provision is consistent with the applicable planning controls.
Loss of property value.	This is not a matter for planning consideration.
Excess traffic generation.	The parking provision is consistent with the applicable planning controls.
Inadequate private open space.	The private open space and landscaping provided are generally adequate.
Inadequate stormwater drainage.	This has not yet been assessed by Council's engineer.
Inappropriate building style.	The architectural style is not inappropriate.
Existing building is associated with historically important Ashfield resident, John Paton, V.C.	This has been noted by Council's heritage adviser. Although the building is not heritage listed, it may be possible to mount an argument for its listing. This would be a separate process to the assessment of this application.

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7.8 The public interest

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 Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C11 Parking				
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	Acceptable.	Yes
Part C12 Public Notification				
Section 2	Notification Process		The application was notified in accordance with this part.	Yes
Part C18 Boarding Houses				
2.2	Site Planning	Good site planning is required for all new development, and is particularly useful for Boarding Houses to avoid negative impacts on the amenity of adjoining neighbours and ensure a sympathetic relationship with adjoining development, which is important to their long-term success.	Site planning is inadequate. It results in excessive overshadowing of 25 Prospect Road and adverse privacy impacts on 21 Prospect Road. It is also likely to block views to the Sydney Harbour Bridge from the residential flat buildings to the rear at 8 Tintern Road.	No
2.2 Objective (a)		Enable improved residential amenity for future occupants through careful building layout and design.	The Internal amenity is satisfactory.	Yes
2.3 Objective (a)	Building form and appearance	All developments, including alterations and additions to boarding houses are to maintain consistency with the character of the locality and design objectives contained in Ashfield LEP2013 and, the relevant Parts of Ashfield Interim Development Assessment Policy	Due to the elevated podium level and excavation below natural ground level at the front facade, the building has an apparent scale of a full four stories rather than the three storeys plus attic which is the desired built form in the zone.	No
2.3 Objective (b)	Building form and appearance	Must not adversely impact on adjoining properties through loss of privacy, overshadowing, noise and view loss.	The proposal is unacceptable in respect of: a. Overshadowing: • The proposal would severely overshadow the north facing living room window of the residential property to the south of the site at 25 Prospect	No

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			<p>Road. It would not receive sunlight to a minimum of 50% of its ground level area for a minimum of 3 hours between 9am and 3pm on June 21.</p> <p>b. Privacy:</p> <ul style="list-style-type: none"> Rooms 104, 105, 204 & 205 would overlook the southern windows of the residential property to the south of the site at 21 Prospect Road. <p>c. View Loss:</p> <ul style="list-style-type: none"> The proposal is likely to block views to the Sydney Harbour Bridge from the residential flat buildings to the rear, in particular from 8 Tintern Road. 	
2.4	Room Sizes, Indoor Recreation Areas & Facilities	Compliance is required by the relevant provisions of the Affordable Rental Housing SEPP, 'BASIX' SEPP and/or the Building Code of Australia as applicable.	A BASIX certificate has been submitted.	Yes
2.5	Access for people with disabilities	<p>Access for people with disabilities is to be provided as required under the Building Code of Australia.</p> <p>Vol. 1, cl. D3.1: 2 accessible sole occupancy units</p> <p>2 dwellings required</p>	2	Yes
2.6	Car Parking	<p>Car parking shall be provided as required in the ARH SEPP as follows:</p> <p>In the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(i) In the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and:</p> <p>(ii) In the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	Provided.	Yes
2.7(a)	Operational Plan of Management / On-	The Operational Plan of Management shall address		

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	site Management and Registration	the following as a minimum:		
		a) Proposed management and supervision through a live-in on-site manager (see below)	Addressed.	Yes
		b) Maintenance and fire safety in the building;	Addressed.	Yes
		c) A schedule providing proof of compliance with the accommodation standards of this Part including the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities;	The Plan describes all rooms as double rooms.	Yes
		d) Measures to ensure that guest numbers do not exceed those proposed should development consent be granted;	Access measures are stipulated.	Yes
		e) Measures to minimise unreasonable impact to the habitable areas of adjoining premises;	Measures have been proposed to minimise nuisance to adjoining properties.	Yes
		f) Proposed staffing arrangements, including location and contact details of the site manager or resident caretaker;	The proposal would have an on-site resident manager.	Yes
		g) Prominent display of appropriate house rules e.g. access to rooms, keeping shared facilities clean and tidy, visitors, pets, quiet enjoyment guest behaviour, activities and noise, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs. These displayed rules must be adhered to by residents and are the minimum standard required of all occupants. Alcohol and drug policies for the boarding house must be clearly displayed ;	Addressed.	Yes
		h) Waste minimisation and recycling;	This is addressed.	Condition
		i) Professional cleaning details and vermin	This is addressed.	Condition

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		control (as a minimum, shared facilities such as kitchens and bathrooms shall be cleaned/disinfected to a professional standard at least once a week.)		
		j) Provision of safety and security measures for all residents - this must include but not be limited to such things as: internal signage indicating the live-in on-site manager or and contact number, emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and secure gates, all residents to have own room keys, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency and suitable provision be provided for residents to ring emergency services in the event of an emergency, i.e. provide access to a landline telephone. safety and security measures must be clearly stated in detail in the Operational Plan of Management;	These matters have been addressed but no sample of the display notice has been provided.	Condition
		k) Guidelines for use of external communal open space or common areas for Class 3 boarding houses to minimise noise impacts to residential uses if adjacent;	Rules for outdoor spaces have been clearly articulated.	Yes
		l) Records of rent receipts issued to boarders;	Addressed.	Yes
		m) Complaints register available for inspection by Council;	Addressed.	Yes
		n) Fees for residency.	Not addressed.	Condition
2.7(b)	On-site Management and Registration	a) All boarding houses must be registered annually with Council.	Conditions will be imposed on any consent requiring compliance.	Condition

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		Properties located adjacent to the boarding house premise are to be provided with a 24 hour telephone number for the live-in on-site manager. a bedroom needs to be provided specifically for the live-in on-site manager;		
		b) All new boarding houses are to have a live-in, on-site manager. Details must be provided to Council and the nominated person must be contactable 24 hours per day, 7 days a week. Any changes are to be notified to Council immediately;	Condition.	Condition
		c) The on-site live-in manager may be one of the occupants or tenants who reside on the premises;		Noted
		d) A clearly visible sign with the name and telephone number of the on-site, live – in manager must be displayed externally at the front entrance of the boarding house and internally in the common area;	Conditions will be imposed on any consent requiring compliance.	Condition
		e) On-site, live-in managers must be over 18 years of age;	Conditions will be imposed on any consent requiring compliance.	Condition
		f) The on-site, live-in manager must be responsible for the efficient operation, administration, cleanliness and fire safety of the premises, including compliance with all aspects of the Operational Plan of Management annual registration annual Fire safety Certification as well as the Emergency Management and Evacuation Plan.	Conditions will be imposed on any consent requiring compliance.	Condition
2.8	Waste	Class 3 Boarding Houses may make private contracting arrangements for garbage disposal or alternatively Council can collect waste. Class 1b Boarding Houses are subject	Applicant has indicated use of Council's waste collection services.	Noted

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		to Council's collection service, details of which can be obtained from Council's Customer Service Centre.		
2.8	Waste Objectives	Ensure that appropriate waste and recycling facilities are provided which meet Council and Environmental Protection Authority (EPA) requirements	Satisfactory.	Yes
2.8	Waste Controls	Garbage and recycling facilities on the premises shall be provided in accordance with the requirements of Part D1 of Ashfield DCP 2007- Waste Minimisation, and the specific requirements of any other Part of this DCP applicable to the development.	Satisfactory.	Yes
2.9(a)	Fire Safety: Controls	A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the boarding house entry/reception area.	Conditions will be imposed on any consent requiring compliance.	Condition
2.9(b)		A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.	Conditions will be imposed on any consent requiring compliance.	Condition
2.9(c)		Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority. Staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.	Conditions will be imposed on any consent requiring compliance.	Condition
2.9(d)		Premises providing shared accommodation must provide annual certification for the following: <ul style="list-style-type: none"> Essential fire safety measures to comply with the <i>Environmental Planning and Assessment Regulation 2000</i> Compliance with the Operational Plan of Management approved 	Conditions will be imposed on any consent requiring compliance.	Condition

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		<p>for the premises</p> <ul style="list-style-type: none"> • Maintenance registers required by this plan; and • Compliance with Emergency Management and Evacuation Plans required by the Building Code of Australia. • A floor plan must be permanently fixed to the inside of the door of each bedroom and that indicates the available emergency egress routes from the respective sleeping room. <p>Council requires new premises to comply with the provisions of the Building Code of Australia (BCA). Where a development application proposes alterations and additions or upgrade to an existing premises it is expected that the whole of the building will be upgraded in respect of Fire Safety as required under applicable legislation.</p>		
2.10	Additional safety measures	Additional safety and security measures for all residents may include, but are not limited to such things as emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing, secure gates and all residents to have own keys to rooms and personal storage areas.	Conditions will be imposed on any consent requiring compliance.	Condition
Part D1	Planning for Less Waste			
	Bin Numbers	<p>Boarding House (50 beds):</p> <ul style="list-style-type: none"> • Garbage: 50 x 60L/week = 13 bins • Recycle: 50 x 20L/week = 4 bins • TOTAL: 17 bins 	<p>Residential:</p> <p>Adequate garbage room space for:</p> <ul style="list-style-type: none"> • garbage bin=13 bins • recycling bin=4 bins <p>TOTAL: 17 bins</p>	Yes
	Bin Presentation		Adequate space for linear bin presentation along property frontage.	Yes

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It is considered the application fails to comply with multiple parts of the Ashfield Interim Development Assessment Policy 2013 as indicated and ultimately fails to achieve the aims and objectives of the AIDP 2013.

8.0 Referrals

Referrals		
Referral	Comments	Support
Building Surveyor	Supported subject to conditions	Yes
Heritage Adviser	Does not support. See attached comments.	No
Environmental Health Officer	Supported subject to conditions	Yes
NSW Police (Ashfield)	No comments received at date of writing.	N/A

9.0 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 presents an excessive and scale to the street which is inconsistent with the character of the locality. Its site planning would result in unacceptable overshadowing of the building to the south and unacceptable privacy impacts upon the building to the north. Its height and massing would result in the loss of iconic views of the Sydney Harbour Bridge from some residential flats to the rear of the site. Finally, the demolition of the existing Victorian cottage is not supported by Council's heritage adviser.

The development is therefore recommended for refusal.

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ATTACHMENTS

Attachment 1	Plans of Proposal	10 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advice	1 Page
Attachment 4	Submissions	90 Pages

RECOMMENDATION

- A. That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. 10.2015.239.1 for demolition of existing structures of a four storey 25 room (including manager) boarding house accommodating 50 persons (including manager), car parking and associated works on Lot 50, DP 883, known as 23 Prospect Road, Summer Hill, for the following reasons:**
- 1. The proposed development does not comply with State Environmental Planning Policy (Affordable rental housing) 2009, as follows:**
 - a. cl. 29(2)(d)(ii), Private open space: The manager's private open space is not an adequate minimum dimension.**
 - b. cl. 30A, Character of local area: The proposal is inconsistent with the character of the local area as follows:**
 - i. Scale: The four storey scale of the proposal (due to the excavation of the front elevation below natural ground level) is unsympathetic to the character of the medium density residential zone within which the Ashfield Interim Development Assessment Policy 2013 nominates a scale of 3 storeys with any fourth storey comprising an attic located entirely within the roof structure;**
 - ii. Heritage: The four storey scale of the proposal is unsympathetic to the context of the heritage items located adjacent to and in the vicinity of the site;**
 - 2. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:**
 - a. cl. 5.10(4), Heritage Conservation: The scale of the proposal would have an unacceptable impact upon the heritage items in the vicinity of the site.**
 - b. cl. 5.10(4), Heritage Conservation: The demolition of the existing Victorian building is not supported.**
 - c. cl. 5.10(5), Heritage Conservation: A heritage impact statement has not been submitted addressing the impact of the proposal upon the nearby heritage items.**
 - 3. The proposed development does not comply with Ashfield Interim Development Assessment Policy 2013, as follows:**

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a. Part C18, Boarding Houses:

- i. cl. 2.2, Site planning: The site planning results in excessive overshadowing of 25 Prospect Road;
- ii. cl. 2.2, Site planning: The site planning and in particular the side facing balconies of rooms 104, 105, 204 & 205 results in adverse privacy impacts upon the side facing windows of 21 Prospect Road;
- iii. cl. 2.3(a), Building form and appearance: The proposal is excessive in scale and consequently not consistent with the character of adjacent properties and the streetscape as follows:
 - a. The built form is excessively bulky in the context of the heritage listed buildings in the vicinity of the site.
 - b. It is also excessive in the context of the R3 medium density residential zone where the maximum height limit as guided by Part C5 of AIDAP is three storeys with an additional level possibly contained within an attic space.
- iv. cl. 2.3(b), Building form and appearance: The proposal adversely impacts on adjoining properties:
 - a. The proposal would unacceptably overshadow the residential property to the south of the site at 25 Prospect Road.
 - b. The side facing balconies of rooms 104, 105, 204 & 205 results in adverse privacy impacts upon the side facing windows of 21 Prospect Road;
 - c. The proposal is likely to block views to the Sydney Harbour Bridge from the residential flat buildings to the rear, in particular from 8 Tintern Road.

4. The proposal is not in the public interest.

PHIL SARIN
Director Planning and Environment

NOTE

1. Contractors to verify all dimensions on the below site plan.
2. All dimensions are to be taken from the centre of the road.
3. All dimensions to be taken from the centre of the road.
4. All dimensions to be taken from the centre of the road.
5. All dimensions to be taken from the centre of the road.
6. All dimensions to be taken from the centre of the road.
7. All dimensions to be taken from the centre of the road.
8. All dimensions to be taken from the centre of the road.
9. All dimensions to be taken from the centre of the road.
10. All dimensions to be taken from the centre of the road.

The following is the proposed site plan for the proposed development. The site plan is to be used to determine the location of the proposed development on the site. The site plan is to be used to determine the location of the proposed development on the site. The site plan is to be used to determine the location of the proposed development on the site.

REVISIONS

REV	DESCRIPTION	DATE	BY
1	PROPOSED DEVELOPMENT	10/11/14	PTI

PROSPECT ROAD PTY LTD

BOARDING HOUSE DEVELOPMENT
23 PROSPECT RD, SUMMER HILL

3D VIEWS

ASHFIELD COUNCIL
23 NOV 2015
Application Number
10.2015.236.1

1. FRONT PERSPECTIVE

2. REAR PERSPECTIVE

3. CENTRAL VIEW

PROSPECT ROAD PTY LTD

BOARDING HOUSE DEVELOPMENT
23 PROSPECT RD, SUMMER HILL

3D VIEWS

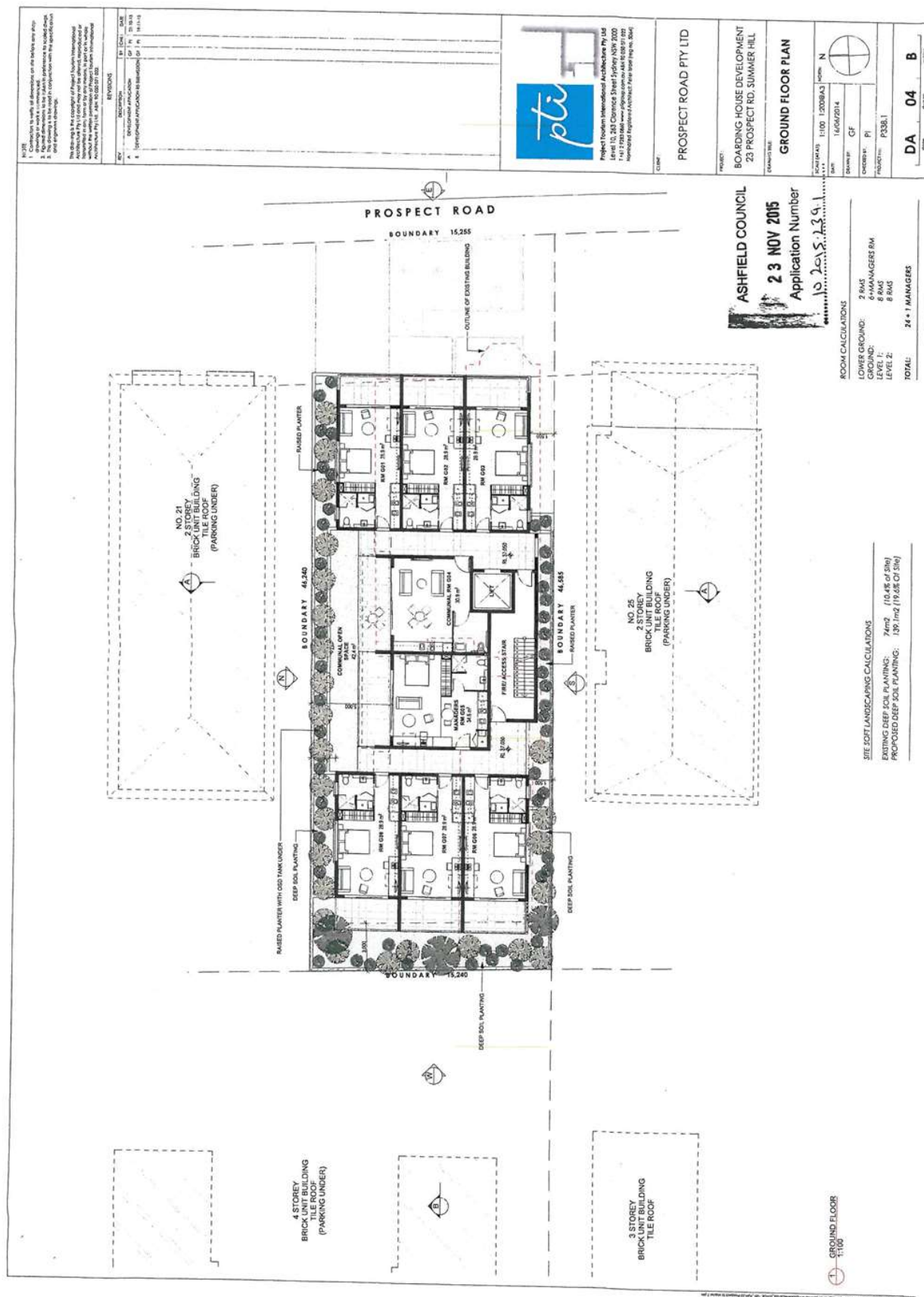
ASHFIELD COUNCIL
23 NOV 2015
Application Number
10.2015.236.1

1. FRONT PERSPECTIVE

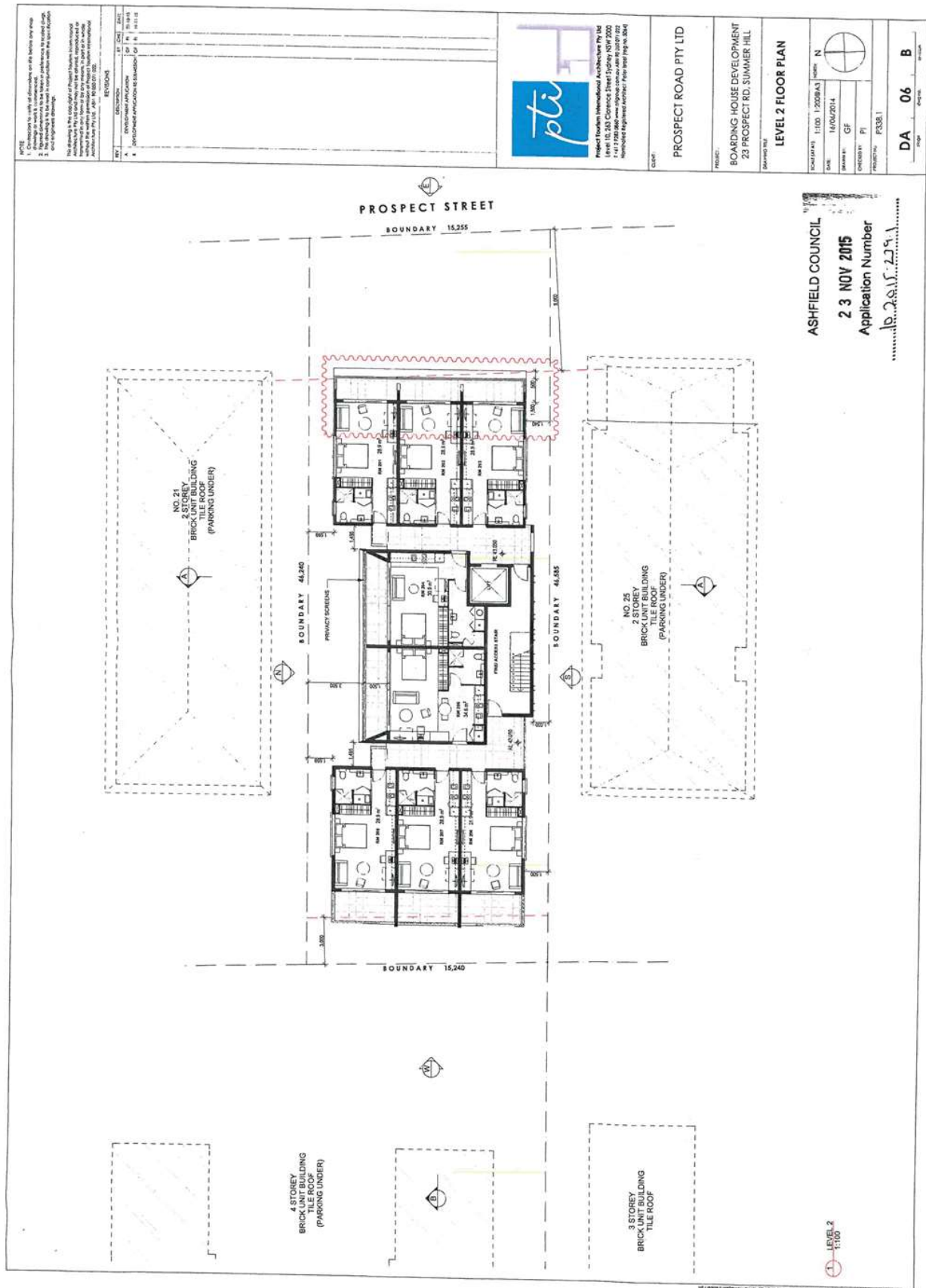
2. REAR PERSPECTIVE

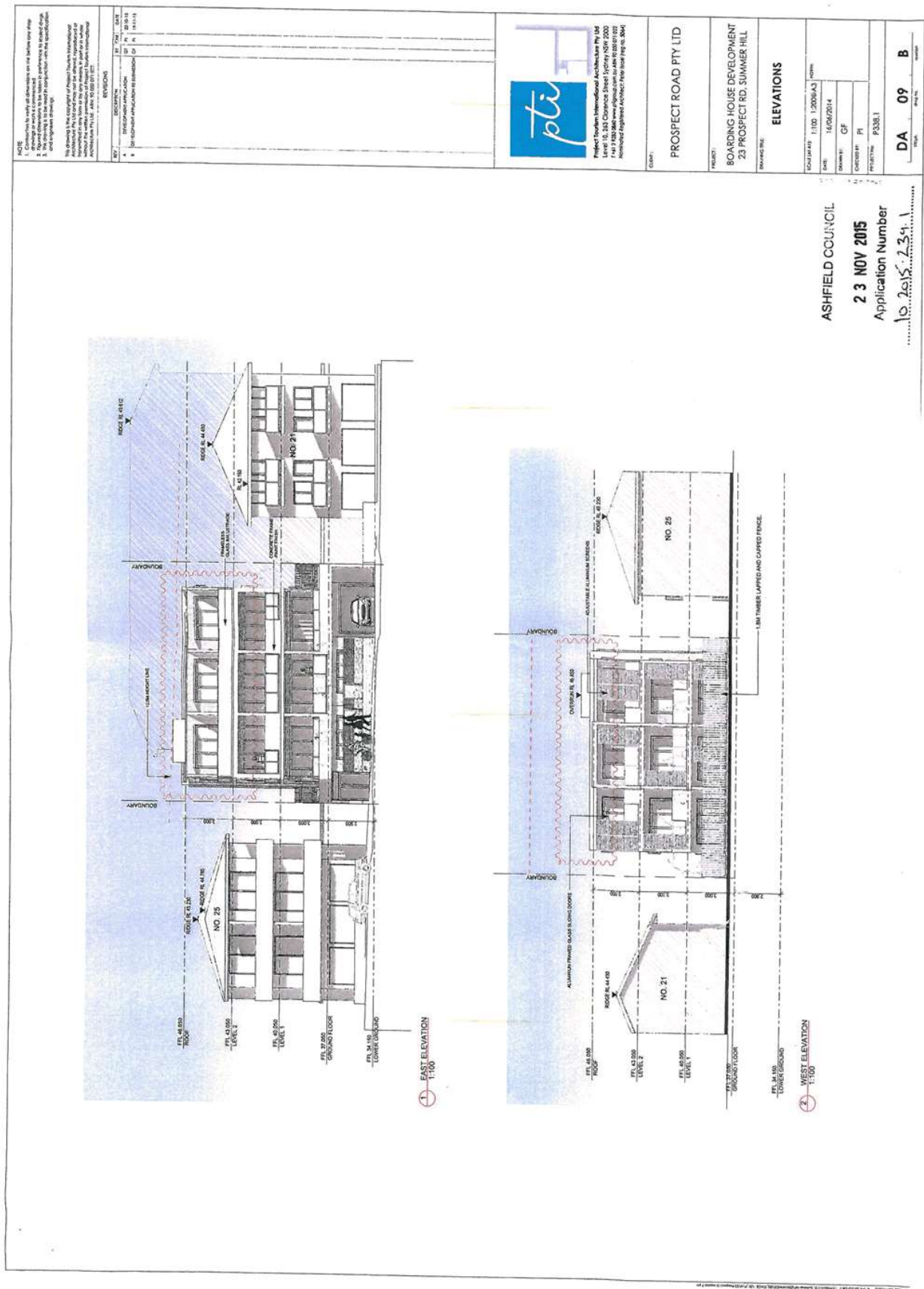
3. CENTRAL VIEW





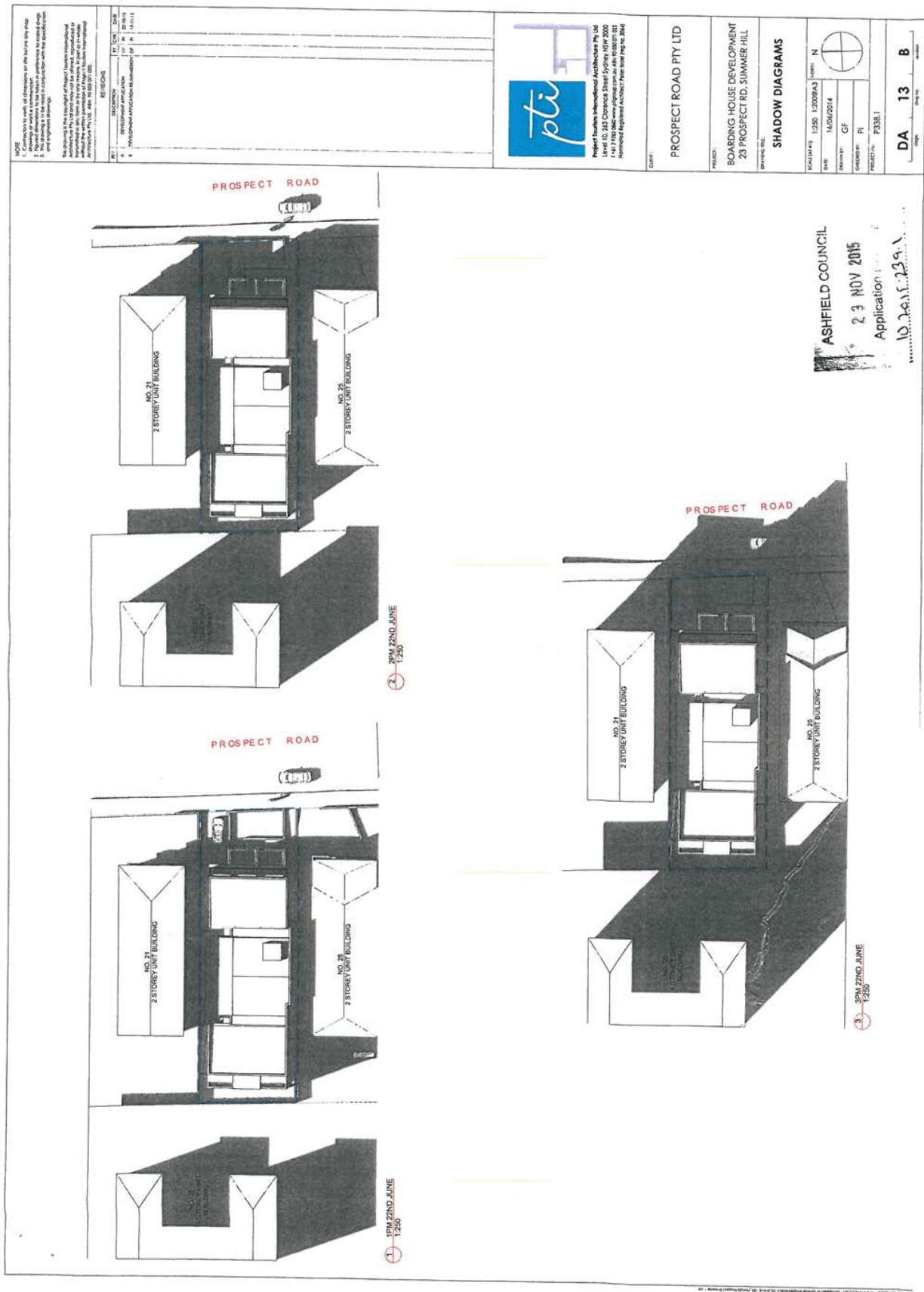




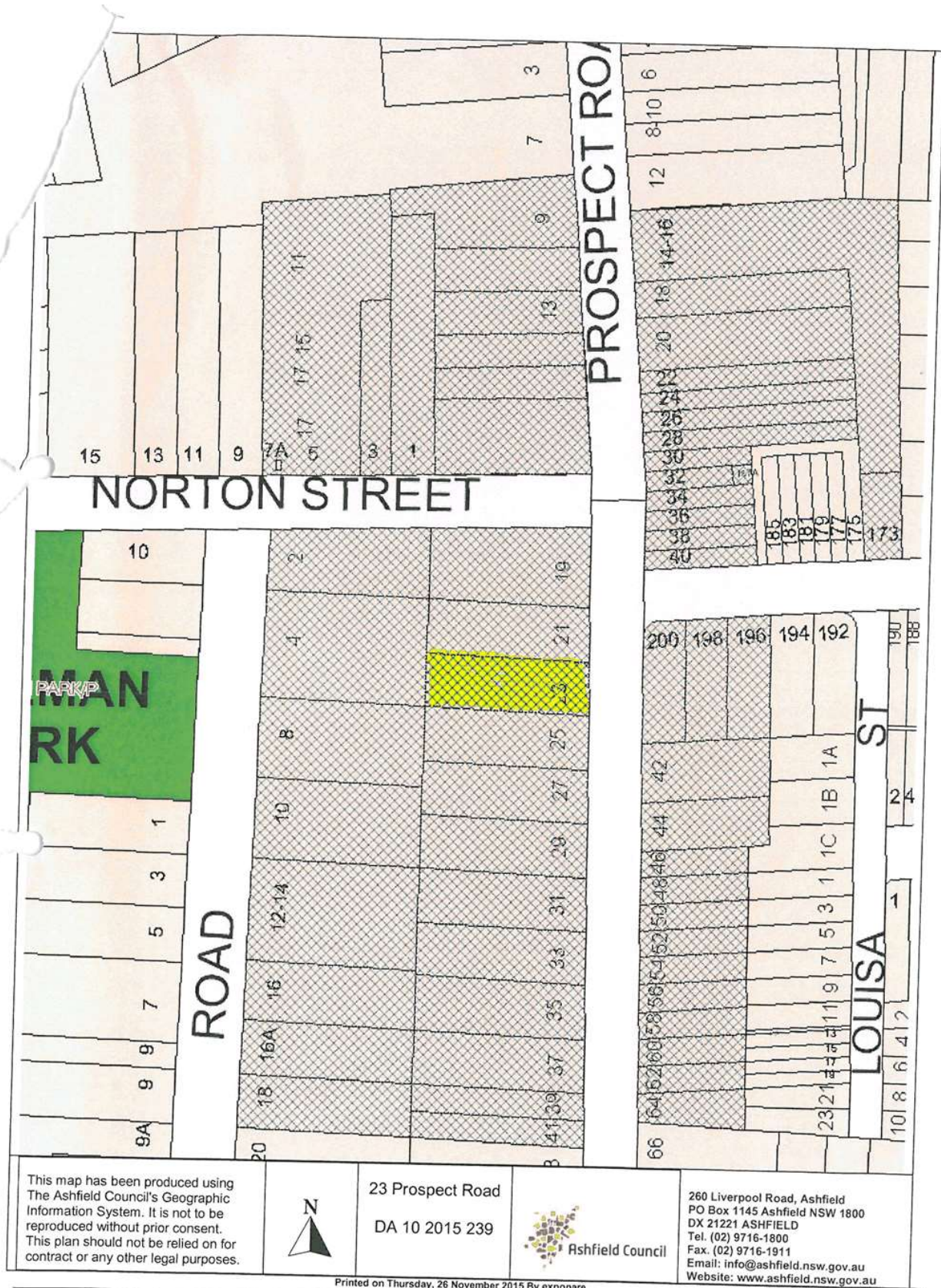








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DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	23 Prospect Road SUMMER HILL	File No: 10.2015.239.1
ADVISOR	Robert Moore	
DATE	19.01.2016	
STATUS	Vicinity of Heritage Item & Heritage Conservation Area & Demolition of Cottage	
DESCRIPTION	Demolition of cottage and construction of new boarding house	
PREVIOUS COMMENTS		
Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.		

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input checked="" type="checkbox"/> Not acceptable
<p>Discussion:</p> <p>It is indeed unfortunate that a proposal for the demolition of this house should come forward.</p> <p>This is a fine late Victorian Italianate villa which contributes to the streetscape and is an example of the rich collection of buildings of this period which Ashfield displays and in which Prospect Road is particularly rich.</p> <p>In my opinion, it should be considered a contributory building in the area, and should be retained within such development of the rear of the site, behind the house, as should be possible.</p> <p>The house presents as very intact to the street, apart from the terracotta tile roof which may have replaced an earlier slate roof. Notable intact features are the asymmetric bay window with half hexagonal roof, elaborate fretted gable bargeboards, verandah with ironwork, entry steps with piers and tessellated tile entry path, and the intact iron palisade front fence</p> <p>While late 20th Century walk up flats have been built to each side, these do not diminish the interest of this house, and its potential to be retained and restored as part of adaptive development on the site. A driveway exists on the northern side to allow access to the rear.</p> <p>Perhaps discussions could be invited with the proponents to explore the possibilities of an alternative design, retaining the house. This may be a situation wherein the heritage incentives clause of the LEP may have some relevance. The retained house would also lend appeal to a development which could be advantageously different to others of this kind within Ashfield, offering greater amenity to residents and to the neighbourhood.</p>

15169775

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12/2015 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature) Aileen

Name: Aileen

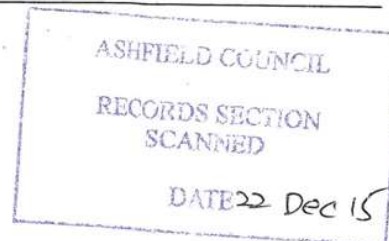
Address:

4/115 Smith St Summer Hill

Phone:

Email:

0951 242 023





15/62131.

9/8 Tintern Road
ASHFIELD NSW 2131

General Manager
Ashfield Council

8th December 2015

Dear Sir/Madam,

I strongly opposed the development application for 23 Prospect Road Summer Hill
Application No: 10.2015.239

The development will distract from the appeal of surrounding residences as the style is so vastly different. The construction will be higher than the other dwellings.

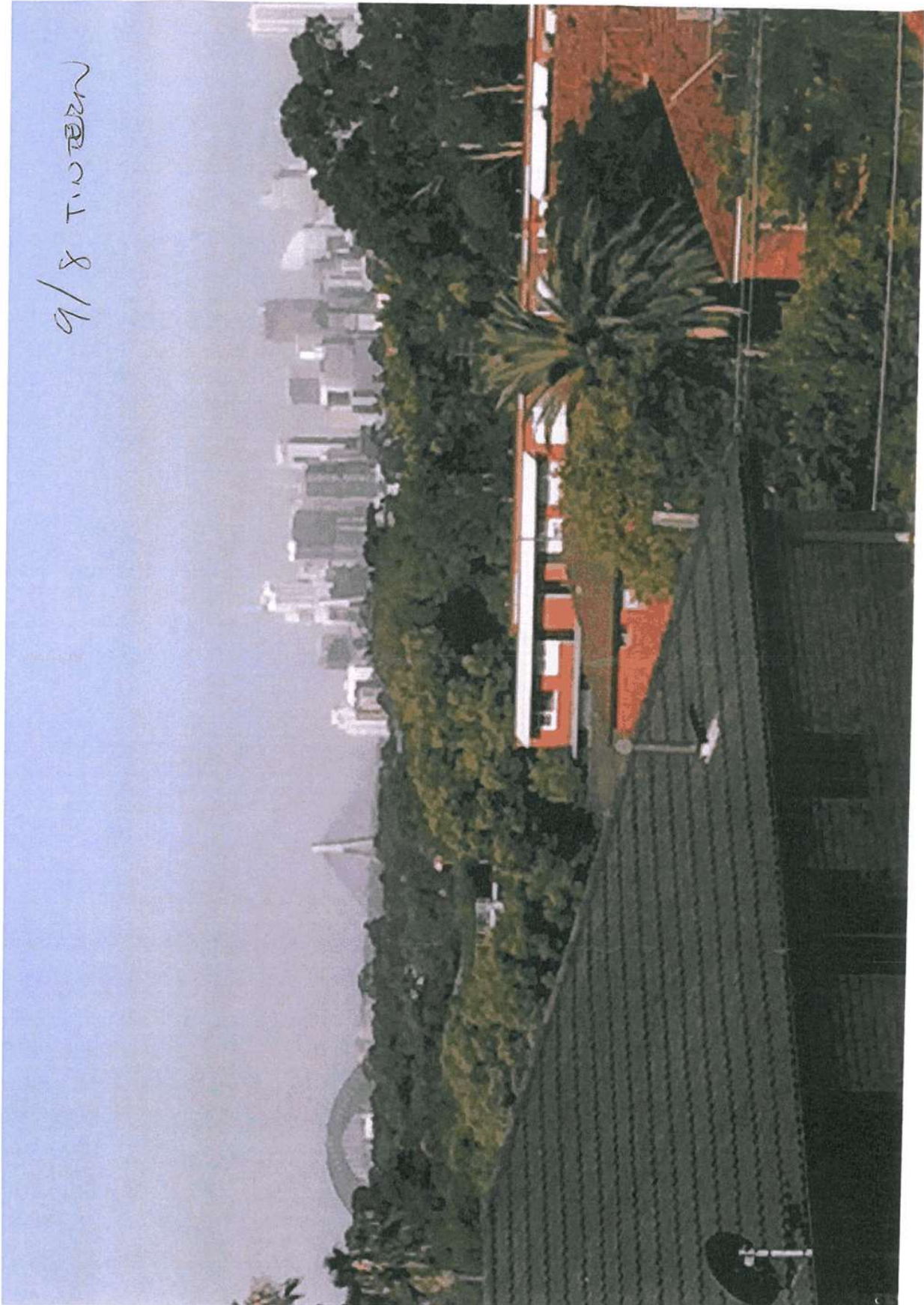
The size and height of the building is of concern as it is a large construction for the size of the land.
The number of residents is also of concern as it will be such a high density construction.
Of concern is the destruction of another Heritage building.

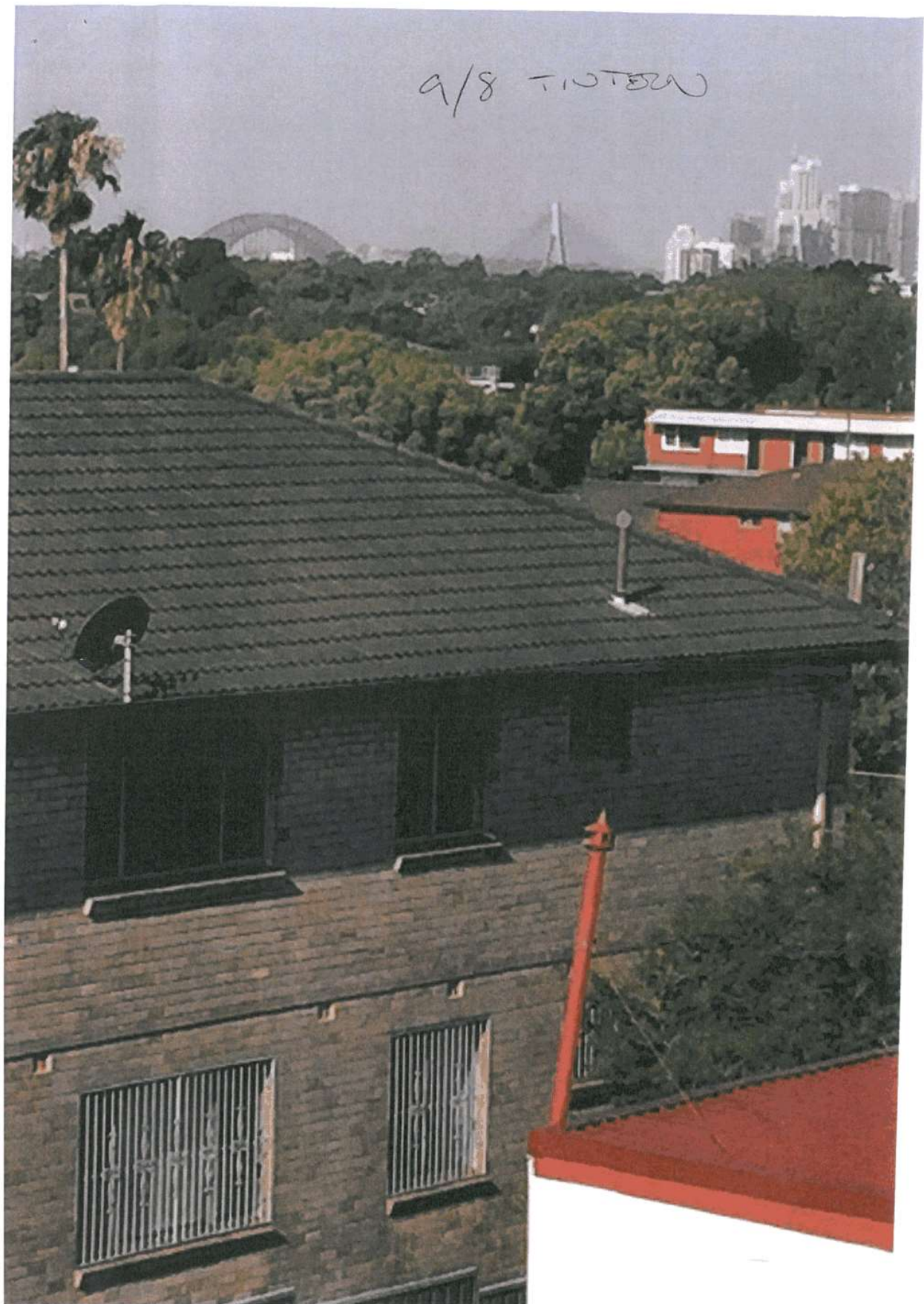
The loss of privacy to all surrounding residences as the construction goes virtually to every boundary.

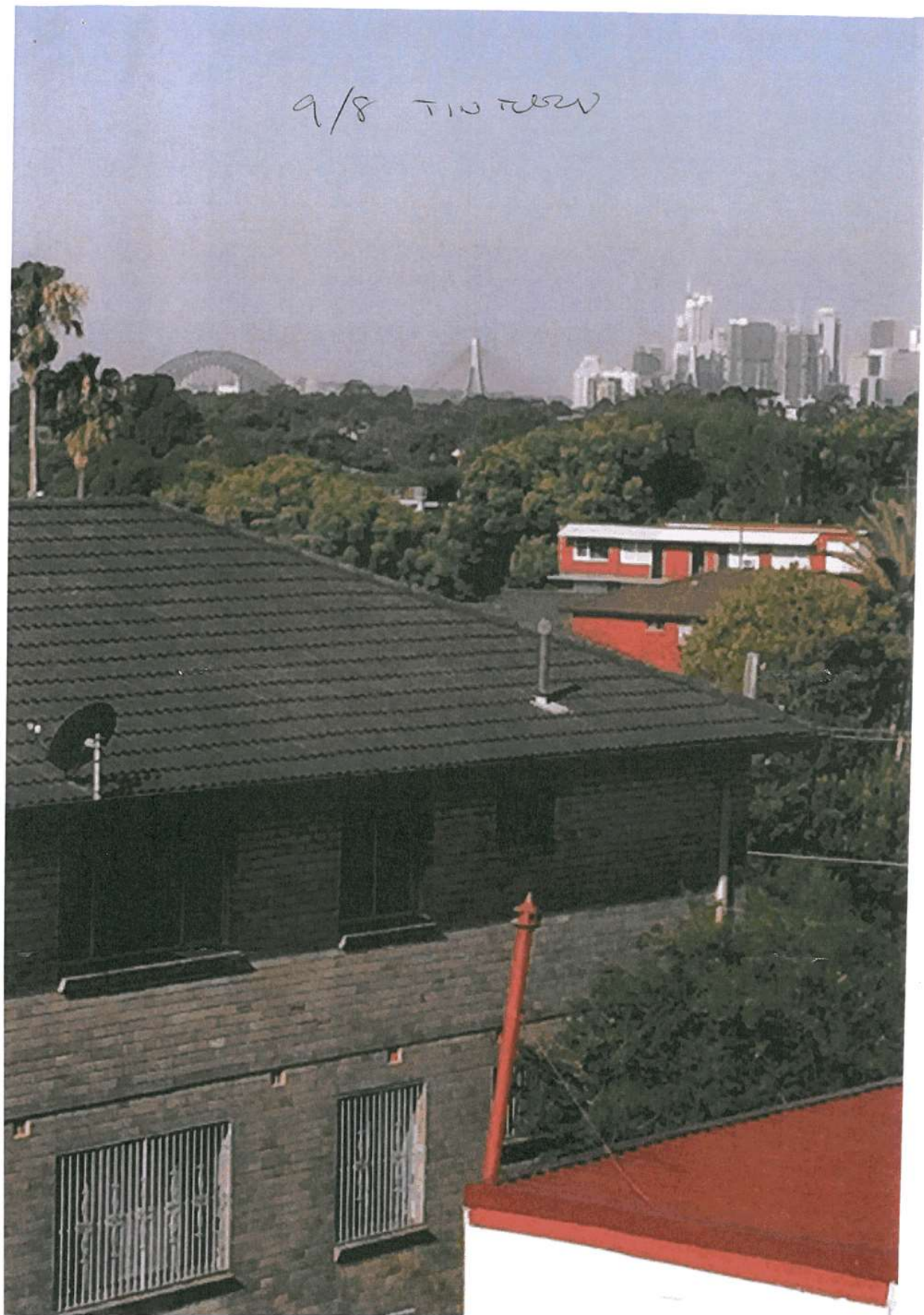
Kind Regards

Helen Aliferis

A handwritten signature in black ink, appearing to be 'Helen Aliferis'.







15/64818

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16-12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature) S. Aliferis

Name: SAM ALIFERIS Address: 19 ROBERT ST ASHFIELD 2131

Phone: 97995618 Email: _____





The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: Dec. 20 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
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- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

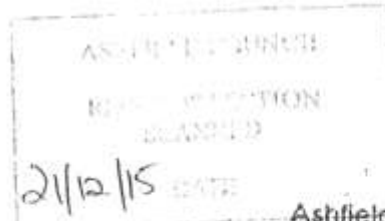
A handwritten signature in dark ink, appearing to read "Philip Allison".

(Signature)

Name: Philip Allison Address: 5/8 Tintern Road Ashfield

Phone: 9799 8242 Email: phil_allison@capt.net.au

The General Manager
Ashfield Council



RE: Application No: 10.2015.239
23 Prospect Rd Summer Hill

Ashfield Council
1 DEC 2015

16 December 2015

Dear General Manager,

I am writing to express my concern about this proposal. I have been sent a notification about this proposal and I object to it for the following reasons:

- A boarding house of this size is unacceptable in a residential area that is mainly houses and units. A more appropriate development would be to provide a unit block of a similar size as the existing one. If the Council/State government wishes to provide more affordable accommodation in the area it should require the developer to provide a mix of 2 bedroom, 1 bedroom and studio apartment options that have reasonable and/or subsidised rent. This type of accommodation is not good for residents or renters of the boarding house accommodation itself but only benefits developers and landowners. It encourages short stay residents who will not be able to assist in building and fostering a safe neighbourhood community.
- This type and size of accommodation is more similar to a hotel, which would have restrictions on the length of stay of residents.
- Is this type of development (a large boarding house) allowed under the Council and State government regulations?

I would appreciate a response to my concerns. Please email me on sophie.andreadis11@gmail.com My phone number is 0411 443 132.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sophia Andreadis'.

Sophia Andreadis

15164508



The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19.12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

ASHFIELD COUNCIL

RECORDS SECTION
SCANNED

DATE 22 Dec 15

(Signature)

O. Aroney

SUMMER HILL

Name:

ORSOLINA

Address:

181 SMITH ST,

Phone:

ARONEY

Email:

ORSOLINAARONEY@HOTMAIL.

0410668270 COM.



15/62135

10/8 Tintern Road
ASHFIELD NSW 2131

General Manager
Ashfield Council

8th December 2015

Dear Sir/Madam,

I strongly opposed the development application for 23 Prospect Road Summer Hill
Application No: 10.2015.239

The development will distract from the appeal of surrounding residences as the style is so vastly different. The construction will be higher than the other dwellings.

The size and height of the building is of concern as it is a large construction for the size of the land.
The number of residents is also of concern as it will be such a high density construction.
Of concern is the destruction of another Heritage building.

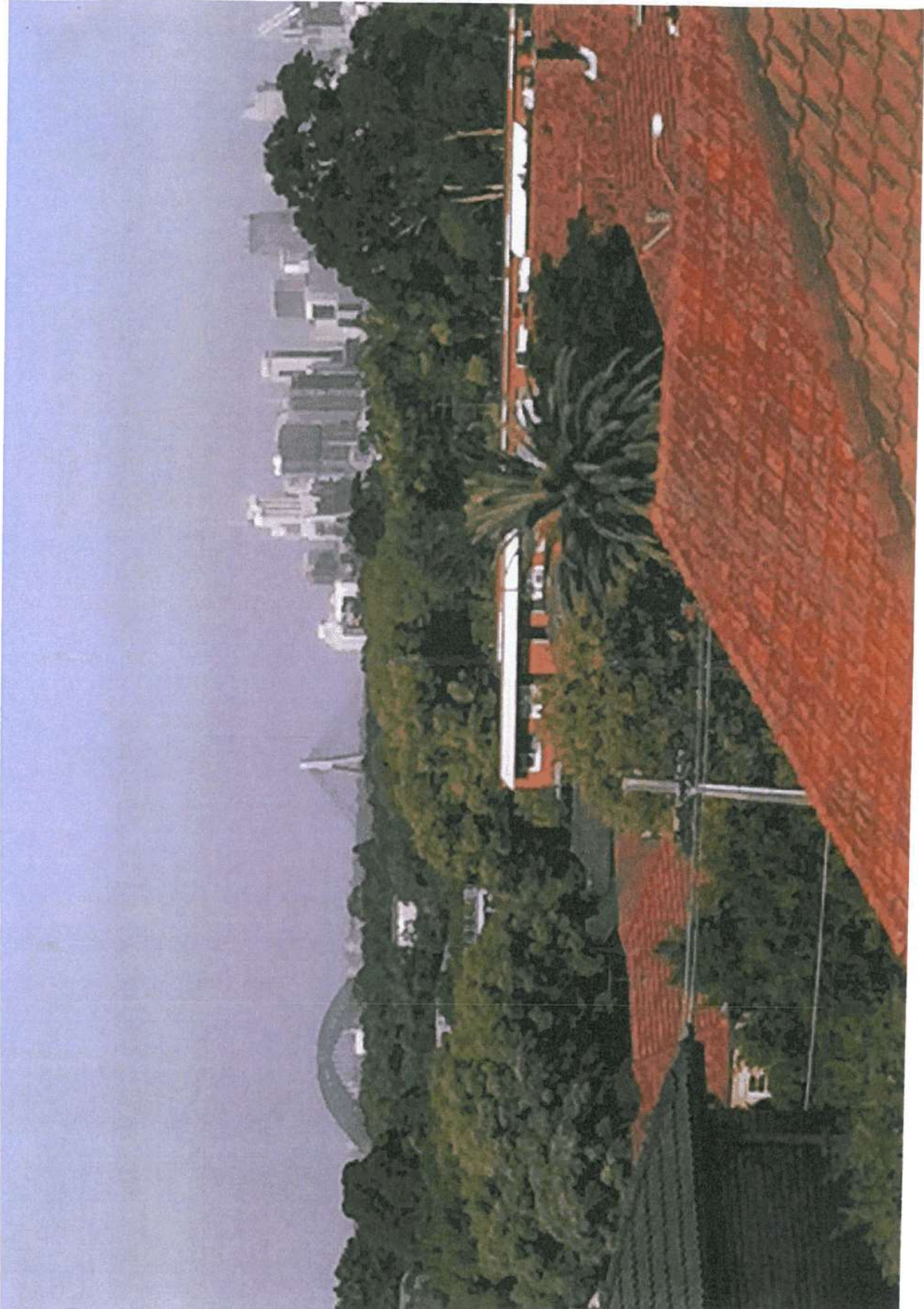
The loss of privacy to all surrounding residences as the construction goes virtually to every boundary.

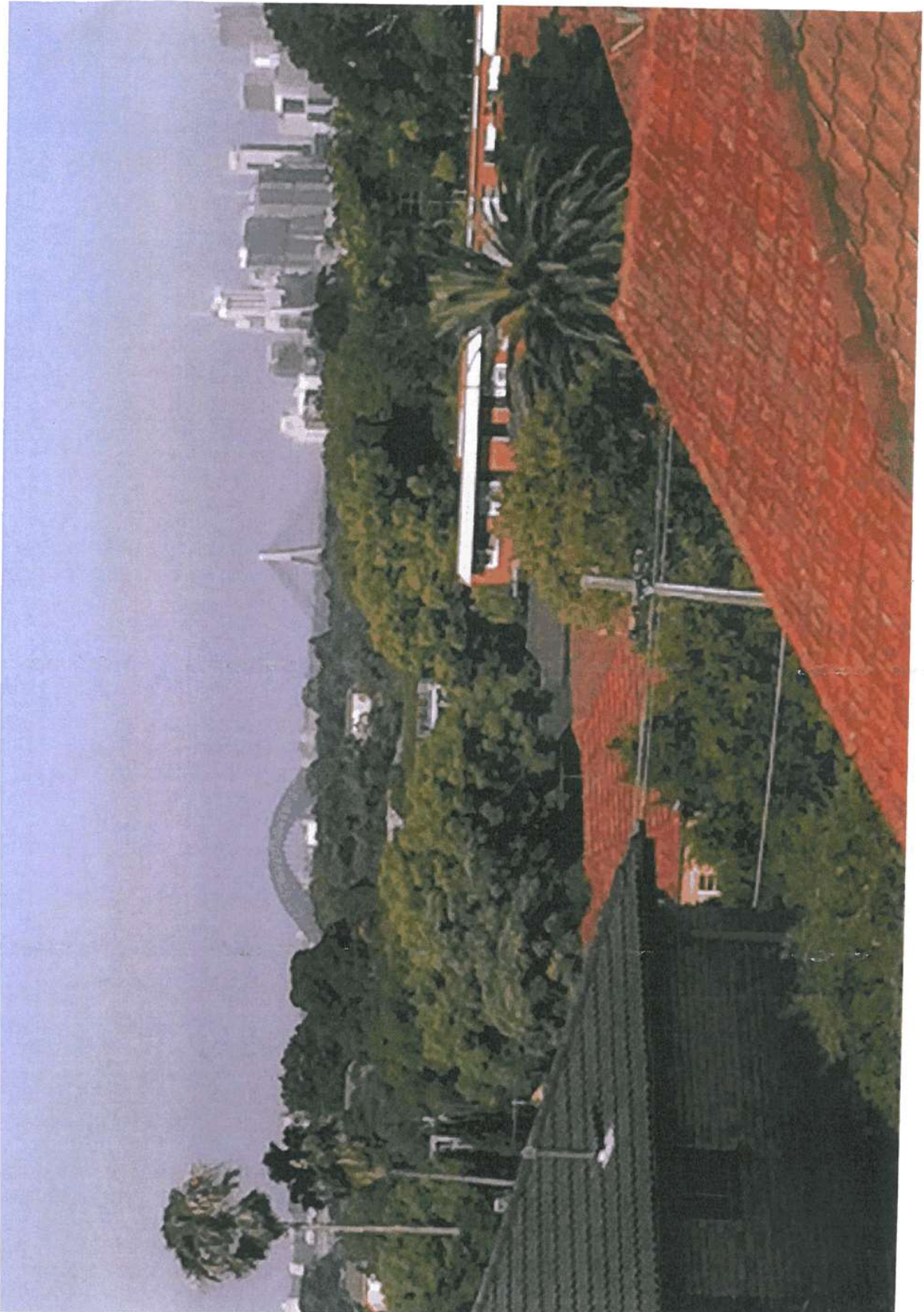
Kind Regards

A handwritten signature in black ink, appearing to read 'Ann-Maree Barclay'.

Ann-Maree Barclay







15164721

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19.12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: Catherine Barrett Address: 14/8 Tintern Rd, Ashfield 2131
Phone: 0408 339 785 Email: catherine_a_barrett@hotmail.com





DA No. 10.2015.239 - 23 Prospect Rd, Summer Hill
catherine_a_barrett
to:
info
21/12/2015 04:38 PM
Hide Details
From: catherine_a_barrett <catherine_a_barrett@hotmail.com>
To: info@ashfield.nsw.gov.au,

15/05254

To the General Manager

Dear Sir/Madam,

I wish to submit an objection to Development Application No. 10.2015.239 on the site of 23 Prospect Road, Summer Hill NSW 2130.

The proposed development is not in keeping with the streetscape.

At four storeys it is too high for the site and will overshadow existing buildings on either side.

A building this size will have a significant impact on the privacy of neighbouring properties.

The number of people living in such a building, that is 48 people in 24 rooms, has the potential to increase noise levels.

Prospect Road, Norton Street and Tintern Road are quiet locations and as a long term resident I recognise how fortunate it is to have this in the inner west.

The proposal to house 48 people has the potential for increased traffic and parking problems.

The surrounding streets in Summer Hill and Ashfield are regularly filled with parked cars. The proposed development does not appear to provide enough parking to support the number of proposed residents.

The height of the building and the number of rooms is not desirable on this site and it will be an eyesore.

Boarding houses have always been an important part of the Summer Hill community, but this proposal appears to be a greedy cash grab by the owners, with no care or consideration for the residents or the environment.

I can be contacted at catherine_a_barrett@hotmail.com or on 0401 339 785.

Yours sincerely,
Catherine Barrett
14/8 Tintern Road, Ashfield 2131

Sent from my Samsung Galaxy smartphone.

151 64574

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: _____ 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

Sonja Bates 17/12/15

(Signature)



Name: SONJA BATES Address: 5/4-6 TINTERN RD
Phone: 0402 114 168 Email: Sonjab22@hotmail.com



Application 10.2015.239
Kasimis, Angela
to:
info@ashfield.nsw.gov.au
21/12/2015 06:27 PM
Hide Details
From: "Kasimis, Angela" <Angela.Kasimis@det.nsw.edu.au>
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,

Pnor

15/6/18

To the General Manager

I am writing to object to Application 10.2015.239 for 23 Prospect Rd Summer Hill. I am the owner of 41 Prospect Rd Summer Hill.

I would like to object to the demolition of this house.

Please consider the following reasons:

Although this house is not heritage listed or in a conservation area it is of particular significance to the area. Not only is it of significance to Summer Hill and the Ashfield Council area it is of particular heritage value to Prospect rd. There are houses of similar look in the same strip and across the road. The whole block maintains a historical look apart from a few 1970s built unit blocks. There are no modern additions of the whole block or even the entire street. The newest development on the corner of Prospect and Robert street incorporated a heritage look and maintain a maximum two level height. A complete demolition of this property would mean its loss forever and possibly setting a precedent for the demolition of other historically significant houses in the area.

I have noticed that over the last few months the owners of this property have slowly begun to remove historical features of the house including the front fence and the lacework of the balcony. Although this has already started to diminish the houses historical value, these features can be restored. There will never be an opportunity to restore such a property once it is demolished. There are many other areas of the council that have plans for higher density housing but this is not characteristic of this strip. Other historical properties that have transformed to higher density in the area have worked around the heritage value of the original property e.g Buckle factory.

The design of the proposed building is out of scale of the neighbouring buildings. It is an entire floor higher than the next door units. There is nothing of this scale on the whole of Prospect Rd. It is a much bigger scale than the 1970s units and does not even look in keeping with the look or scale of these units. It is much bulkier and modern. It simply does not fit into Prospect Rd.

As a single dwelling originally, I am not sure why floor space ratios would not apply. There is no recreation or green space/soft landscaping on the land and seems to be almost built to 100 percent. It is hard to tell from the drawings but it also seems to be forward of the other units. This would again look heavy for the streetscape.

Finally the owner has not displayed the notice of the DA on the property during the consultation period. For a while the folder was there but there was no notice inside. Now the sign is completely removed. I think that this is a deliberate attempt to conceal the nature of the development from passers by and I believe is a breach of the conditions of submitting a DA.

I think that the historical significance of this property should be considered. Any proposed development should incorporate the historical value of the original property e.g. maintain the façade of the building. Although it is operating as a boarding house any expansion of the use of this property for the use of rooms the cost of losing this significant property for more rooms should be carefully considered and should not be

151 64756

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19.12.2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: JBrennan Address: 1/21 Prospect RD Summer Hill
Phone: 0410720116 Email: johnbrennan1970@gmail.com



151 64821



1/4-6 Tintern Road
Ashfield NSW 2131
Ph: 0421 988 123

Attention: General Manager
Planning and Development
Ashfield Council
Email: info@ashfield.nsw.gov.au

E-MAILED
21-12-2015

21 December 2015

Philip North

Objection to Planning Application D/2015/239

**Construction of 4-Storey Boarding House accommodation at 23 Prospect Road,
Summer Hill Lot 50 DP:883**

I object to the planning application (D/2015/239) for the construction of a 4-storey boarding house at 23 Prospect Road, Summer Hill.

I live in (and own) a unit in a block of units that backs on to 23 Prospect Road Summer Hill.

I object to the development proposal on the grounds that:

- The written proposal is wholly inadequate and does not address key planning issues: the building diagram is not to scale, the height of the proposed 4 storey development is lower than the existing one storey dwelling, the application does not include a shadow diagram so doesn't address the impact of the development on surrounding residence and the proposal does not cover the potential dilapidation of adjoining sites from evacuation
- Assuming (contrary to drawing attached to the proposal) that the development is higher than the existing one storey dwelling, then the development would look directly into the bedrooms of 12 units at 4-6 Tintern Road and would significantly reduce the amenity of those units caused by over shadowing, the loss of light and privacy
- As a community we have to provide affordable housing for socially and economically disadvantaged people and the existing one storey dwelling achieves that end. At the same time the smaller sized boarding house (14 rooms) limits the impact on surrounding residences. The police have regularly been asked to attend to antisocial behaviour that occurs at the rear of the current dwelling, to attend to bonfires and burning of rubbish bins and to address intimidating and antisocial behaviour by boarding house residence either out the front on Prospect road or at the rear adjoining fence
- The proposal to create a 4 storey, 48 bed boarding house raises issues of safety. As mentioned, the existing one storey 14 room boarding house presents challenges for the adjoining residences and, to increase that impact by 4 fold will impact on the safety, security, amenity, noise, and enjoyment of adjoining residents
- The adjoining unit blocks have 18 units per block with an average of 36 residents, these dwellings are on significantly larger blocks of land and are designed to maximise the privacy of individual units, provide proper parking, laundry needs and

waste management. It is inconsistent to build a 24 unit boarding house on a significantly smaller block of land

- The buildings surrounding 23 Prospect Road Summer Hill are all 3 storeys or less and are predominately small scale unit blocks, the proposed dwelling is out of character for the area
- When looking at the impact of the proposed development it is important to look at the overall development in the area, we have large unit blocks being built close by in Victoria Street across from the police station and several large developments on Edwards St and Old Canterbury Road Summer Hill. These development will impact on the traffic in the area, the availability of parking and access to amenities, the area cannot absorb the proposed development is a step to far in the overall development of the area.
- Ashfield council offers one of the most generous rubbish collection policies of all inner city councils yet Ashfield is still called 'trashfield' because of the prevalence of lifestyle rubbish left on the verges. We need to keep a balance between high and low impact residential structures. The proposal for a high impact 48 bed boarding house in the existing area will unreasonably compromise the amenity of the area,

For the above reasons, I would like the development application (D/2015/239) for 23 Prospect Road Summer Hill rejected.

I would welcome the opportunity to make further submissions in the New Year or to meet with you on sight to discuss my objections.

Yours sincerely



Sarah Jane Burke

15164586

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12 / 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

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- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

I also feel that the below haven't been considered.

- *parking*
- *loss of aesthetic that contributes to the community.*
- *GreenSpace*
- *community consultation that's at convenient times & location, eg 7pm at West leagues club?? Saturday nights.*
- *community inclusion*

(Signature)

Name: JULIET CAIRNS Address: 8/12-14 Tintern Rd. Ashfield. 2151
Phone: 0422 990 576 Email: julietcairns123@gmail.com



15 / 64701

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 17th Dec 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: Michelle Cowans Address: 318 Tintern Rd Ashfield
Phone: 0421180739 Email: michellec@amepcityeast.com



The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800



Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Please reconsider the size of this proposed new dwelling. It will be an eyesore and affect the streetscape. Let's keep the charm that makes Summer Hill the unique suburb it is.

Yours sincerely

Johanna Dalton

(Signature)

Name: JOHANNA DALTON Address: 23/25 ORMOND ST ASHFIELD NSW 2131

Phone: 9799 4903 Email: johanna.dalton@hotmail.com

15/64829

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12/ 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Name: CLARE DUNN Address: Unit 15/4-6 Tiltam Rd, Ashfield.
Phone: 0401636577 Email: CDUNNPHYSIO@GMAIL.COM



15/64549

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: Claire Edmond Address: 12/10 Tintern Rd ASHFIELD
Phone: 0421982362 Email: edmondclare1981@gmail



15164626

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 20/12/15 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

PARKING ISSUES

Yours sincerely

(Signature)

Name: S. FOSTER Address: 2 HARNLEY ST MARRICKVILLE

Phone: 0429041733 Email: _____



15/64770

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Name: Paul Freeman - Sanders Address: 36 Prospect Rd, Summer Hill
Phone: 0402 506648 Email: _____

ASHFIELD COUNCIL

RECORDS SECTION
SCANNED

DATE 22 Dec 15

15/64846.

Page 1 of 3



Attention: General Manager
stephanie gal

to:
info@ashfield.nsw.gov.au
22/12/2015 04:03 PM

Cc:
"stefaniegal@yahoo.com"

Hide Details

From: stephanie gal <stefaniegal@yahoo.com>

To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>,

Cc: "stefaniegal@yahoo.com" <stefaniegal@yahoo.com>

Please respond to stephanie gal <stefaniegal@yahoo.com>

1 Attachment



DA objection 20151222.pdf



Stephanie Gal
Owner and Occupier
6/21 Prospect Road
Summer Hill
NSW 2130
stefaniegal@yahoo.com
0408 22 55 65

Submission to response to development notification for:
23 Prospect Road, Summer Hill: 50 DP: 883
Application no. 10.2015.239

"Demolition of dwelling and construction of a four storey 24 room boarding house accommodating 48 persons, car parking and associated works"

Attn: General Manager
Ashfield Council
260 Liverpool Road, Ashfield NSW 2131
info@ashfield.nsw.gov.au

Dear General Manager,

I am writing to lodge my strong objection to the above DA.

My name is Stephanie Gal and I have owned and resided at 6/21 Prospect Road, Summer Hill for over 11 years. I believe the DA if approved, will significantly impact on the quiet enjoyment of my home and surrounding neighbourhood.

Please find below the many grounds for my objection:

• Increase in social issues and anti-social behaviour

I have concerns for my safety and well-being due to the increase in the number of potential residents of the expanded boarding house and the subsequent increase in the continuing and unpleasant social consequences that this will bring.

I have had to call the police dozens times over the years due to the anti-social behaviour of the tenants: I have unfortunately been witness to numerous counts of domestic violence; many arguments amongst tenants that have on the majority of times turned into physical violence; seen and heard threats of physical violence as well as verbal abuse; and also destruction of property. There were also many uncontrollable late-night gatherings that have destroyed the peace and quiet of the area.

I have also had cause to call the fire brigade when one of the residents set a large fire that was only metres from my building.

The building and its tenants (previous and current) are known to police due to their prior and ongoing behavioural issues/criminal background. Police have also been called on to carry out a mass eviction of tenants when the management were clearly unable to control their tenants.

Although the building has changed ownership and presumably management several times since I have lived here, there has never been any sense of control or reasonable responsibility to ensure the comfort and quiet enjoyment of neighbours is not impacted. I have grave concerns regarding the exponential issues that a significantly expanded operation of a 48 resident boarding house would bring to our everyday lives and safety.

• Overlooking/Loss of privacy

The proposed building would severely compromise the privacy of my apartment and balcony. Currently my kitchen window has a clear view of the sky and surrounds, across to the building at no. 25 and its trees. With the proposal there will be a building only metres from my window, completely obliterating my current outlook and the only view will be of the balcony or directly into the boarding house's units, only metres away.

This loss of space and daylight is detrimental to my apartment and the existing use of my apartment, definitely impacting my right to continuing quiet enjoyment of my apartment and the balcony, and also the shared laundry washing lines and car park at the rear of my building which will be directly overlooked by residents of the proposed building.

• Visual bulk of building

The proposed large and bulky building will impact on the outlook of all neighbours and dominate private open space. The building has a huge land footprint and the sheer bulk volume of the bigger and higher building will compromise my apartment and balcony and all shared common space of our building- the clotheslines and carpark.

• Overdevelopment

The maximum site coverage of development was not provided but it seems to contravene all environmental guidelines and regulations. The amount of site coverage is a contributing factor to negatively impacting the neighbourhood character. The amount of hard surface will also impact on the amount of stormwater runoff and is a concern to me and my buildings grounds and there are already significant run-off issues down the current driveway of the south-side of the building, many times flooding my building's garbage bins area and driveways at the front of the property.

• Loss of property value

Understandably it is difficult to determine the loss of property value that this new development may cause but I know I would not have bought into the building if the proposed overwhelming building was located immediately next to mine.

I have had a real estate agent come on site to value my apartment recently and she expressed that the open space, outlook and distance from neighbouring buildings, were all selling points for my apartment. The proposed building would detract from all these advantages and therefore the value would definitely be impacted detrimentally.

• Traffic congestion

Prospect Road and surrounding streets have recently been reviewed by Council in regards to traffic and parking regulations. My street and adjoining streets are subject to significant traffic. Increasing the number of residents of a boarding house, especially given their transient nature, will significantly impact the existing street networks.

• Lack of car parking

As mentioned previously, my street and surrounds have significant parking issues and shortages. Although it seems from the proposed plans, that several car spaces will be added, the structure will not accommodate all the potential 48 residents' cars which will therefore overflow onto the street and compound the current congestion of street parking.

• Out of character

The Proposal does not respect nor reflect the neighbourhood character and is in fact incompatible with the character of the local area.

• Lot size and shape

The proposed building will have a significantly larger footprint and take up nearly all the land, the building being restrictively close to all boundaries.

• Streetscape

All neighbouring buildings are older style and consistent. This building would disrupt this local cohesion.

• Side and rear setbacks

The proposed building will significantly crowd all the neighbouring properties, and the driveway that currently

separates my building and no. 23 will be removed completely and the building will be only metres away mine.

• Architectural style

The style of the new building is not consistent with current

• Roof form and eaves

The proposed building would not have a peaked roof, and again be inconsistent with surrounding buildings and possibly pose environmental and physical (noise/water) issues

• Height

The proposed design is higher than both buildings on either side

• Location and size of private open space

The size of the open space is dramatically reduced as the building is dominating all the land

• Overshadowing

Shadow diagrams were not supplied but given the significant increase in building size and height, and the building being extended nearly the entire length of the property, there will be significant overshadowing and loss of daylight to my apartment and balcony.

• Loss of view/outlook

This bulky development will impact on the outlook from my neighbouring property. This is further discussed under visual bulk and overlooking/loss of privacy but to summarise- the loss of cross-breeze, view of the sky and trees on the adjacent property all impact on the amenity of my property.

• Increase in noise

Apart from the demolition noise and the construction noise generation over the long period of time, which will of course cause significant loss of amenity, the continual traffic both vehicular and pedestrian of the 48 potential residents will be disturbing.

• Inadequate storm water drainage

As mentioned above, there are current storm-water drainage issues as the water overflows onto our property. The proposed building will only exacerbate these issues and have potential long-term impact to our building's stability.

To summarise, I again strongly object to the development application for the building immediately next door to my property for the many substantiated issues listed above.

This DA has already caused me some emotional distress due to the thought of such an unwanted imposing and dominating building that is proposed so close to my building and am most concerned about the impact of safety and loss of privacy and disruption to my quiet enjoyment that this proposal, if approved, will bring.

As such, I respectfully request that the Council reject this DA.

If any further information is required, please feel free to contact me at stefaneigal@yahoo.com or 0408225565 at your convenience.

Kind regards,

Stephanie Gal

Owner and Occupier
6/21 Prospect Road
Summer Hill
NSW 2130
stefaneigal@yahoo.com
0408 22 55 65

N.B. a pdf version of this letter is attached in case of formatting issues. Thank you.

Stephanie Gal
Owner and Occupier
6/21 Prospect Road
Summer Hill
NSW 2130
stefaniegal@yahoo.com
0408 22 55 65

Submission to response to development notification for:
23 Prospect Road, Summer Hill: 50 DP: 883
Application no. 10.2015.239

“Demolition of dwelling and construction of a four storey 24 room boarding house
accommodating 48 persons, car parking and associated works”

Attn: General Manager
Ashfield Council
260 Liverpool Road, Ashfield NSW 2131
info@ashfield.nsw.gov.au

Dear General Manager,

I am writing to lodge my strong objection to the above DA.

My name is Stephanie Gal and I have owned and resided at 6/21 Prospect Road, Summer Hill for over 11 years. I believe the DA if approved, will significantly impact on the quiet enjoyment of my home and surrounding neighbourhood.

Please find below the many grounds for my objection:

- Increase in social issues and anti-social behaviour

I have concerns for my safety and well-being due to the increase in the number of potential residents of the expanded boarding house and the subsequent increase in the continuing and unpleasant social consequences that this will bring.

I have had to call the police dozens times over the years due to the anti-social behaviour of the tenants: I have unfortunately been witness to numerous counts of domestic violence; many arguments amongst tenants that have on the majority of times turned into physical violence; seen and heard threats of physical violence as well as verbal abuse; and also destruction of property. There were also many uncontrollable late-night gatherings that have destroyed the peace and quiet of the area.

I have also had cause to call the fire brigade when one of the residents set a large fire that was only metres from my building.

The building and its tenants (previous and current) are known to police due to their prior and ongoing behavioural issues/criminal background. Police have also been called on to carry out a mass eviction of tenants when the management were clearly unable to control their tenants.

Although the building has changed ownership and presumably management several times since I have lived here, there has never been any sense of control or reasonable responsibility to ensure the comfort and quiet enjoyment of neighbours is not impacted. I have grave concerns regarding the exponential issues that a significantly expanded operation of a 48 resident boarding house would bring to our everyday lives and safety.

- Overlooking/Loss of privacy

The proposed building would severely compromise the privacy of my apartment and balcony. Currently my kitchen window has a clear view of the sky and surrounds, across to the building at no. 25 and its trees. With the proposal there will be a building only metres from my window, completely obliterating my current outlook and the only view will be of the balcony or directly into the boarding house's units, only metres away.

This loss of space and daylight is detrimental to my apartment and the existing use of my apartment, definitely impacting my right to continuing quiet enjoyment of my apartment and the balcony, and also the shared laundry washing lines and car park at the rear of my building which will be directly overlooked by residents of the proposed building

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The proposed large and bulky building will impact on the outlook of all neighbours and dominate private open space. The building has a huge land footprint and the sheer bulk volume of the bigger and higher building will compromise my apartment and balcony and all shared common space of our building- the clotheslines and carpark.

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The maximum site coverage of development was not provided but it seems to contravene all environmental guidelines and regulations. The amount of site coverage is a contributing factor to negatively impacting the neighbourhood character. The amount of hard surface will also impact on the amount of stormwater runoff and is a concern to me and my buildings grounds and there are already significant run-off issues down the current driveway of the south-side of the building, many times flooding my building's garbage bins area and driveways at the front of the property.

- Loss of property value

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I have had a real estate agent come on site to value my apartment recently and she expressed that the open space, outlook and distance from neighbouring buildings, were all selling points for my apartment. The proposed building would detract from all these advantages and therefore the value would definitely be impacted detrimentally.

- Traffic congestion

Prospect Road and surrounding streets have recently been reviewed by Council in regards to traffic and parking regulations. My street and adjoining streets are subject to significant traffic. Increasing the number of residents of a boarding house, especially given their transient nature, will significantly impact the existing street networks.

- Lack of car parking

As mentioned previously, my street and surrounds have significant parking issues and shortages. Although it seems from the proposed plans, that several car spaces will be added, the structure will not accommodate all the potential 48 residents' cars which will therefore overflow onto the street and compound the current congestion of street parking.

- Out of character

The Proposal does not respect nor reflect the neighbourhood character and is in fact incompatible with the character of the local area.

- Lot size and shape

The proposed building will have a significantly larger footprint and take up nearly all the land, the building being restrictively close to all boundaries.

- Streetscape

All neighbouring buildings are older style and consistent. This building would disrupt this local cohesion

- Side and rear setbacks

The proposed building will significantly crowd all the neighbouring properties, and the driveway that currently separates my building and no. 23 will be removed completely and the building will be only metres away mine.

- Architectural style

The style of the new building is not consistent with current

- Roof form and eaves

The proposed building would not have a peaked roof, and again be inconsistent with surrounding buildings and possibly pose environmental and physical (noise/water) issues

- Height

The proposed design is higher than both buildings on either side

- Location and size of private open space

The size of the open space is dramatically reduced as the building is dominating all the land

- Overshadowing

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- Loss of view/outlook

This bulky development will impact on the outlook from my neighbouring property. This is further discussed under visual bulk and overlooking/loss of privacy but to summarise- the loss of cross-breeze, view of the sky and trees on the adjacent property all impact on the amenity of my property.

- Increase in noise

Apart from the demolition noise and the construction noise generation over the long period of time, which will of course cause significant loss of amenity, the continual traffic both vehicular and pedestrian of the 48 potential residents will be disturbing.

- Inadequate storm water drainage

As mentioned above, there are current storm-water drainage issues as the water overflows onto our property. The proposed building will only exacerbate these issues and have potential long-term impact to our building's stability.

To summarise, I again strongly object to the development application for the building immediately next door to my property for the many substantiated issues listed above.

This DA has already caused me some emotional distress due to the thought of such an unwanted imposing and dominating building that is proposed so close to my building and am most concerned about the impact of safety and loss of privacy and disruption to my quiet enjoyment that this proposal, if approved, will bring.

As such, I respectfully request that the Council reject this DA.

If any further information is required, please feel free to contact me at stefaneigal@yahoo.com or 0408225565 at your convenience.

Kind regards,

Stephanie Gal

Owner and Occupier
6/21 Prospect Road
Summer Hill
NSW 2130
stefaniegal@yahoo.com
0408 22 55 65

17 December 2015

Sue Hombsch
PO Box 702
Tamworth NSW 2340

General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir

RE: Development Application No: 10.2015.239
23 Prospect Street, Ashfield (Prospect Road, Summer Hill)

As a property owner of an adjoining property to 23 Prospect Road, I wish to submit my **extreme concern** in relation to the above development application. My concerns are as follows:

1. Demolition of a single storey older-style building (used as a boarding house) to be replaced by a 4-storey 24 room boarding house accommodating up to 48 persons.
2. Currently local residents are put in the position of ringing the Police on a semi-regular basis due to issues relating to the current boarding house residents. With the proposed new development, it can be assumed that there will expediently be an increased risk and occurrence of issues for local residents in relation to noise, arguments and safety issues.
3. It is likely that there will be increased vacancy rates for landlords in adjoining residential properties if a 4-storey boarding house is approved and erected.
4. Existing owners are likely to have increased difficulty selling their properties if a 4-storey boarding house is erected.
5. It is likely that real estate values for adjoining properties will decrease if the development application is approved.
6. A 4-storey building is likely to overshadow adjoining properties.
7. Privacy for residents in adjoining properties is likely to be reduced.
8. There is likely to be a negative impact on the social environment to the adjoining residential area and to the wider village and community members of Summer Hill.
9. As a landlord, I have a responsibility to represent my tenants in this matter and strongly object to this application.



RE: Development Application No: 10.2015.239
23 Prospect Street, Ashfield (Prospect Road, Summer Hill)

In summary, I **strongly object to this development application being approved.** The current boarding house presents negative issues for the local residents, however, there is a significant risk of increased social issues and disturbance for residents in adjoining properties and in the Summer Hill community if a larger boarding house is erected that accommodates an increased number of residents.

I urge you, your staff and Councillors to seriously consider all correspondence in relation to the objection of this application.

Please contact me on email shombsch@hotmail.com if further information is required.

Yours faithfully



Sue Hombsch

15/64780

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 14/12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Name: Frank Heibar Address: 13/8 Tintern Rd Ashfield
Phone: 0418434187 Email: _____



15/64650

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: _____ 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: CAROL Address: 12/8 TINTERRA RD
Phone: 0424846404 Email: _____



15164612

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 20/1/2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

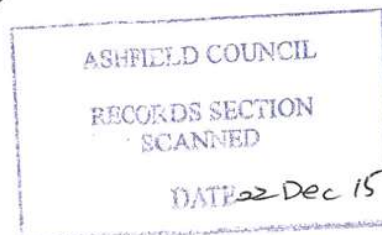
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- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Name: Jiali Hu Address: 3112 Tintern Road Ashfield
Phone: 0404881383 Email: hjkelly-acc@hotmail.com



15164938

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16-12- 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Name: Kanwal Imran Address: 3/4-6 Tintern Road Ashfield
Phone: _____ Email: kanwal.imran.mirza@gmail.com



15164729

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 18/12/2015

Dear Sir/Madam,

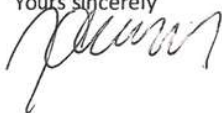
I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: MAGDA AVENA JANAS Address: 1/19 PROSPECT RD
Phone: 0413701890 Email: janas.magda@gmail.com





Fwd: re dev application
Lauren Jennings

to:
info

22/12/2015 05:07 PM

Hide Details

From: Lauren Jennings <jenningsllj@gmail.com>

To: info@ashfield.nsw.gov.au,



1 Attachment



objection to 23 prospect road summer hill..docx

PA 2015.000239

Dev applciacion see below. didn't send at first. orginal in the mail

----- Forwarded message -----

From: **Lauren Jennings** <jenningsllj@gmail.com>

Date: Tue, Dec 22, 2015 at 5:02 PM

Subject: re dev application

To: info@ashfieldnsw.gov.au

as attached. email not working properly. original in the post

22nd December 2015

General Manager
Ashfield Council
Box 1145
Ashfield NSW 1800

Dear General Manager,

Re: Notice of Development Application
Development Site 23 Prospect Road
Summer Hill Lot:50 DP:883
Application Number : 10.2015.239
Demolition of dwelling and construction of a four story 24 room Boarding House
Accommodating 48 persons, car parking and associated works.

Today I have viewed the development application.

I write to advise our family's strong opposition in total to the above development application; that is we are opposed to the demolition of the existing building and we are opposed to the construction of a boarding house accommodating 48 adults. We ask Council to take whatever action possible to support the interests of current residents by rejecting this application.

I doubt that the site of the proposed development is within the stated walking distance of 800 metres of an accessible area (re affordable rental). From my location across the road, the distance walking to Summer Hill Railway Station by the shortest route is just over 800 metres. Recently, our block was excluded from the Summer Hill Parking Scheme presumably due to distance from the railway station.

We object to the size of the development and to the four storeys fronting Prospect Road . This building will have little relationship to neighbouring properties. I don't consider the design to be compatible with the streetscape – it is a big square monstrosity, akin to a stack of containers. The adjacent buildings are of 3 storeys in total not four and this proposed development will dominate not just the site but the street. All other buildings have pitched roofs not another level of rooms.

From the plans, the building covers most of the site. I think that it will indeed be visually jarring and offensive to the streetscape. What has not gone unnoticed is the fervent activity of the current owners to denude the existing residence of the features that ensured the building did fit comfortably within the street scape. In very recent times, the original iron fence and gate have been sawn off to the sandstone, the verandah lacework and post has been removed, the original tessellated tile path has been concreted over and the leadlight front door surrounds and fan light appear to have been painted over. This combined with actions such as firstly the obscuring of the required development application sign and then the sign removable indicate that the applicant has no respect for the neighbours or the neighbourhood or council processes. This development application is based on opportunist avarice barely coated by arguments of affordable rental housing. I consider that boarding house accommodation is accommodation of last resort not a model to be promoted. In case Council has

missed the destruction being undertaken by the owners prior to DA submission here are some photos from 2014 and now:
Google maps 2014 and bottom, most recent sales brochure





For aural privacy and some respite for current Prospect Road residents if the proposal goes ahead then I want the two front courtyards to be disallowed.

I question the need for more affordable housing in Summer Hill. A search of the NSW General Registerable boarding house register indicates that Summer Hill and the adjacent suburb of Ashfield each have over twenty registered boarding houses; far more than Newtown, Stanmore or Annandale. Summer Hill has no tertiary education facilities thereby negating the affordable housing for students argument. In the time that I have lived in Summer Hill the council approved a development application at 47-49 Prospect Road that demolished two boarding houses (supported accommodation) and replaced by a townhouse development. It seems that only a few years ago the council concluded that the supply of boarding house accommodation was sufficient. What's changed?

I'm concerned that the building will accommodate too many persons. The application states 48 adults but what about children, are they an add on? Is it 48 persons, no more than two to a room or two adults to a room plus children?

I object to the application because consent will give a precedence for more redevelopment in the street as mooted in this current application. I laughed at the development application statement that the development will 'activate' the street and improve safety. The development will significantly increase noise & traffic, reduce resident privacy and be a visual blight – none of these outcomes are of benefit to current residents. I expect that if it proceeds the development will 'activate' the street by escalating the already frequent visits to the property by police and ambulances. The attached boarding house management policy provides little comfort, it's a document quickly garnered from some source, not purpose written – refers to a boarding house in Parnell Street?

I think that the interests of low income individuals, often suffering considerable disadvantage is best addressed by government and not by the proposer of this development.
I could write considerably more but time is running out.

Sincerely,
Lauren Jennings
44 Prospect Road, Sumner Hill

15164733

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19.12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: LAUREN JENNINGS Address: 44 PROSPECT ROAD
SUMMER HILL 280
Phone: 0402336727 Email: jenningslj@gmail.com.



15/ 64568

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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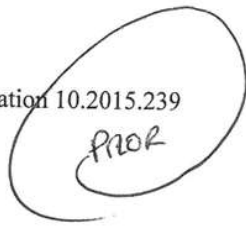
Yours sincerely



(Signature)

Name: Kim Kenny Address: 12/10 Tintern Rd, Ashfield NSW
Phone: 0410669431 Email: kimkenny@outlook.com 2/3/





Andrea Lai
Hide Details
From: Andrea Lai <andrealai313@gmail.com>
To: info@ashfield.nsw.gov.au,
Cc: Andrea Lai <andrealai313@gmail.com>



Yours sincerely,
Andrea Lai

Attention: General Manager
Planning and Development
Ashfield Council
Email: info@ashfield.nsw.gov.au

22 December 2015

SUBMISSION TO ASHFIELD COUNCIL

Objection against Planning Application D/2015/239 – Construction of 4-Storey Boarding House accommodation, car parking and associated works at 23 Prospect Road, Summer Hill Lot 50 DP:883

I, Andrea Lai of 3 Price Street, Ryde NSW 2112 (Phone: 0431 418 944 / Email: andrealai313@gmail.com) wish to strongly object to and raise my concerns regarding the planning application (referenced above) for the construction of a 4-storey Boarding House accommodation at 23 Prospect Road, Summer Hill.

As you are no doubt aware, the area directly around this site (a building currently operating as a Boarding House) is both a low-rise, 2 or 3-storey area and a quiet, suburban, family-friendly neighbourhood.

The development application submitted is inappropriate – it is not what this community area needs. It represents an attempt by a property developer to introduce a high-rise, high-yield, modern apartment block that will dwarf the existing streetscape and damage the quality of life for the local families around Ashfield/Summer Hill.

As a current owner and previous resident of this area, I wish to strongly object to the DA for the following reasons:

As background, I am the owner of an apartment 18/4-6 Tintern Road, Ashfield. This apartment is part of Strata Plan 1816 which shares the (eastern/western) common boundary with the proposed DA.

Impact that proposal will have on the amenity of 4-6 Tintern Road, Ashfield.

Context and Height – The height of the proposed DA is out of scale with the surrounding units and streetscape. At four storeys, this is one storey higher than surrounding unit blocks.

The proposed DA make little to no attempt to integrate with the surrounding architecture and at 4 storeys with a flat roof, is too high compared to the nearby apartments on Prospect Road. This height difference will cause over-shadowing and loss of light and privacy to the existing area's residents.

Density and effect on existing community – The density of proposed dwellings in this DA is too high for the existing area. There are 24 apartments proposed for this DA on a land area nearly half the size of the building (with less number of apartments) at 4-6 Tintern Road.

The large increase in tenants living in this DA dwelling will also lead to unacceptable levels of both noise and light pollution.

The proposed DA moves the main pedestrian entrance to be more central into the development which will cause further noise disturbance for existing residents.

Proximity to surrounding residences – The back boundary of the western wall of this DA is too close to the common boundary with 4-6 Tintern Road. The DA assumes that the latter property bears the responsibility for the maintenance of this space as there is little to no access from the proposed DA. If this DA in any form is approved, the council must request a dilapidation report for 4-6 Tintern Road Ashfield (SP 1816) and surrounding neighbours as part of the development consent conditions.

Page 1 of 3

and supplied to the council before the construction certificate is issued. This cost should be borne by the developer before the construction certificate is issued.

Retaining wall – The gradient of the land slopes down from west to east, so it is possible that the extent of excavation will cause possible damage to retaining walls and the driveway area of 4-6 Tintern Road. There is no information on controls and measures that the developer will take to ensure remediation or rectification on their part and cost, should damage occur.

Loss of light – The large increase in height and bulk will cause very large loss-of-privacy and overshadowing. There is no 'shadow diagram' to show the impact of shadowing on the properties situated to the west of the proposed DA, particularly in mid-winter in which units are to receive 3 hours sunlight between 9.00-15.00 in mid-Winter.

The height of the proposed development would remove natural light. The units at 4-6 Tintern Road have their bedrooms face directly east, and therefore some of them may receive none to minimal morning sun at any time. The proposed development takes away a lot of the natural sunlight received by the eastern-facing units at 4-6 Tintern Road, Ashfield.

Lighting – the proposed DA shows large floor-to-ceiling windows at the rear apartments in the West Elevation diagram. The light emanating from these balconies would shine into the bedrooms of 4-6 Tintern Road as most of the bedrooms of the latter are at the rear of the building. There is also no report on reflection from privacy screening (if any) and from any of the other surface materials of the proposed development into the units at the rear of 4-6 Tintern Road.

Noise – Similarly there is no report in the DA on whether there is additional noise by having air conditioners attached to the back balconies. There is no information on whether the construction allows for limited acoustic privacy based on materials used for the building (single or double brick).

Smoke – Similarly there is no report on the flow on effect of smoke from cigarettes and BBQs from the balconies of the proposed DA affecting the residents of surrounding buildings.

Loss of view – the eastern units at 4-6 Tintern Road have views from the north-east to south-east which allows for harbour, Summer Hill village and airport views and natural airflow. These units do not have any cross ventilation and rely on the natural airflow from the easterly breezes to reduce the internal temperature of these units. The proposed DA blocks these views from these units and also blocks the natural airflow and cooling of the easterly breezes at night, which help reduce the internal temperature of these units by the opening of balcony doors and windows.

Open space – The bulk and scale of the proposed development makes it unlikely there is sufficient open space in the development for 24 apartments.

Vehicle parking – Parking within the development is insufficient which will result in further pressure on existing limited numbers of car parking spaces in Prospect Road and surrounding streets. Also it is not clear whether there is sufficient bicycle parking which would be required, particularly by the residents and students in boarding accommodation.

Waste disposal – There is no information on bin spaces for 24 dwellings in the DA whether above or underground. There is no mention of recycling facilities for the increase in population.

Please note that I am in favour of community-friendly residential developments that are sympathetic to our local area, improve amenity and caters for Sydney's growth. I would point to the two-storey townhouses on 175-185 Norton Street, Ashfield and the redevelopment at 2 Victoria Square, Ashfield which uses the existing brick facade to create attractive new apartments in keeping with height and visual amenity of the streetscape.

However the proposed 4-storey boarding house DA is unsuited to this area.

I welcome discussion with Council's Planning and Environment Department, and would be happy to meet the Planners and Councillors onsite should you need more understanding of how this will affect the local residents.

In summary, the development is a gross overdevelopment of a relatively small site, in a style and manner inappropriate to its surroundings, and with insufficient account taken of important considerations such as transport, noise, privacy and light.

On this basis the DA should be Rejected based on the reasons highlighted above.

Yours sincerely,
Andrea Lai

###

15164808

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16/12/ 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Keiko Iitsuka

Name:

Keiko Iitsuka

Address:

6/4-6 Tintern Road

Phone:

Email:

Keiko8882@hotmail.com
Ashfield NSW 2131

ASHFIELD COUNCIL

RECORDS SECTION
SCANNED

DATE 22 Dec 15

15164837

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12/ 2015

Dear Sir/Madam,

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Yours sincerely



(Signature)

Name: JAMES LOUGHNAN Address: 15/4-6 TINTERN RD ASHFIELD
Phone: 0407 005 247 Email: jloughnan@gmail.com



15164741

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: _____ 2015

Dear Sir/Madam,

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: Peter John Lewis Address: 4/25 Prospect Rd Summer Hill
Phone: 0416 290604 Email: peter-john@stetcommunication.com ²¹³⁰



151 64945

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16-12- 2015

Dear Sir/Madam,

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Yours sincerely

(Signature)

Name: TOM MANGENTE Address: 2/25 PROSPECT RD. SUMMER HILL
Phone: _____ Email: _____



15/64925

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 20.12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Rhiannon

Name: R. McCormack Address: 219 Prospect Rd. Summer Hill
Phone: 0425324514 Email: rhiannonmcco@gmail.com



15164930

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16/12/2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

No more new development, support those in need

Yours sincerely

(Signature)

Name: Melissa Martin Address: 18/46 Winter Road, Ashfield
Phone: 8075 2755 Email:



15/64736

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19.12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

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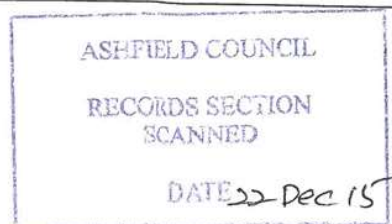
It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

Grazia Misuraca

(Signature)

Name: GRAZIA MISURACA Address: 46 PROSPECT RD - SUMMER HILL 2130
Phone: 02-9799 5685 Email: _____



15/64648

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 20 DECEMBER 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: BRIAN O'REILLY Address: 26 ASQUITH STREET SYDNEY NSW 2128
Phone: (02) 9648 4059 Email: _____



15164571

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19/12/2015 2015

Dear Sir/Madam,

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Yours sincerely



(Signature) ↗

Name: Jyoti Paudel Address: Jyoti.neupane121@gmail.com
Phone: 0451039223 Email: 7/10, Tintern Road, 2131

15164640

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date 20 DECEMBER 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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Yours sincerely

M. M. O'Reilly

(Signature)

Name: MARY O'REILLY Address: 26 ASSOUTH STREET SILVERWATER NSW 2128

Phone: (02) 9648 4059 Email: _____



The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800



Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

I object to this proposal's potential to alter significantly the life quality of my tenants of this area, whose privacy, & noise intrusion levels may be adversely affected.

• Where do all these boarders propose to park vehicles?
Yours sincerely *The area is already over parked on streets.*

• Is this property proposed for "undesirable" boarders, ie people in drug/alcohol treatment/rehabilitation, as with similar boarding houses? Such neighbours are a threat to others.
(Signature) *Owner*

Name: *Barbara Pearce* Address: *5/8 Tindern Rd, Ashfield,*
Phone: *02 4975 5420* Email: *attico21@tpg.com.au* *2131*

Thank you.

PS. "Boarding house" implies traditionally, itinerant boarders, including those supported by government for rehabilitation. Other areas have been seriously

15 / 65 / 98

From
CHRIS PRATTEN
39 Prospect Road Summer Hill 2130

10/12/2015

The Director Planning and Environment
Ashfield Council
PO Box 1145
Ashfield 1800

Dear Sir/Madam

Re: 23 Prospect Rd, Summer Hill
DA No 10.2015.239



Thank you for your letter of 2th November, 2015, notifying me of the above DA.
I wish to **OPPOSE** the proposed development for the following reasons.

My property, No 39 Prospect Road, is a heritage item, as are the neighbouring houses at Nos 41, 43 and 45 Prospect Road.

I believe that, if approved, the proposed development would have an adverse impact on the amenity of this part of Prospect Road, and would consequently have a detrimental effect on the ability of these properties, in particular, to be adequately conserved in the long term, which is surely the intention of listing properties as heritage items.

In the case of my own house, No 39 – I have owned and lived in this house continuously since 1984.

I have spent a great deal of effort, time and money in rescuing the house from the decay it was in when I bought it – the ground floor flat of the house was then uninhabitable – and conserving it so that it (the house) can continue its already long life – it was built in 1890 – well into the future. In April 1999, I won an 'Ashfield Heritage Award' for Best Long term Conservation Project.

Owners of other heritage listed properties near my own house (specifically Nos 43 and 45 Prospect Rd), have also carried out sensitive work on their own houses which has helped 'lift' the quality of the streetscape.

If the DA for No 23 was to be improved it would have a significant detrimental effect on the Prospect Road streetscape.

It would have a major adverse effect on parking availability. The number of parking spaces allowed for in the proposed development seems quite inadequate for the number of people the building is intended to cater for.

The section of Prospect Road between Norton and Robert Streets is already approaching a crisis point in regard to parking. I am partially incapacitated. Friends picking me up to take me shopping or to medical appointments often cannot park in the near vicinity of my home. Friends calling to check up on me or otherwise help me have the same difficulty in finding a parking spot.

Pratten to Ashfield Council, 10/12/2015, page 2

There is no point government at all three levels talking about the wisdom of keeping old people in their own homes, if friends and services cannot readily park when they call to help.

The proposed DA is clearly an overdevelopment of the site. It is especially objectionable in terms of the extent to which the building proposed obliterates the 'backyard', and equally offensive is the closeness its back wall would be to the back boundary of the property. Just because Ashfield Council years ago approved an overdevelopment of the site in Tintern Road backing onto the subject property there is no reason for Council treating Prospect Road in the same way.

The four-storey nature of the proposed development would result in a building of objectionable height in relation to other buildings in Prospect Road. To contemplate the erection of a four storey building in a street of predominately one and two storey buildings is ridiculous.

And last, but by no means least, is the fact that the existing house on the site, with sympathetic and imaginative treatment, could be once again returned so that it presented a pleasing façade to Prospect Road.

Whilst much ill-treated, this house has an interesting history. It is said to have been built in about 1893 by Ashfield builder Andrew Dunlop and it was once named *Verona*. Its most significant early owner/occupier was John Paton, V.C. (see attached article from *ADHS Journal* No 12, 1997). In recent years, the house has been allowed to fall into neglect. The front iron gates to the main central path have been removed since the enclosed photo was taken by Alderman Roy Helm c 1997. More recently, the original rusticated barge boards were stripped from the house, despite the verbal remonstrations I made at the time to the man removing them. And most recently the original Victorian iron palisade front fence has been sawn off at plinth level and removed. It seems almost as if the owner has been removing authentic detail from the property in the expectation that the house will be demolished.

I ask that Council **REFUSE** this DA and invite the applicant to re-submit a more sensitive proposal that retains and reconstructs the core of the old house *Verona* and provides a modest two-storeyed addition behind it.

I trust that these issues will be borne in mind by Council when it determines this application.

Yours faithfully

C H Pratten



BSc, MA, OAM
Historian and retired Heritage Consultant
Former Environment Director, the National Trust of Australia (NSW)

Copy to Cr C Stott
Cr A Lofts
Owners Nos 37, 41, 43, 45 Prospect Rd
Ashfield & District Historical Society

ASHFIELD & DISTRICT
HISTORICAL SOCIETY
JOURNAL



No. 12
1997

'Ashfield Remembers'

IMPERIAL SOLDIER IN SUMMER HILL

Sergeant John Paton, V.C., 93rd Highlanders

by Roy Helm

Ashfield councillor and Society member Roy Helm brings us an account of the life of John Paton, VC, and the story behind the renaming of a small park in Summer Hill.

Early years

John Paton was born in 1834 in Stirling, Scotland, the son of Matthew Paton, a professional soldier, and his wife Isabella Bell. There is little information on record of Paton's early years except a newspaper report of an interview in 1912. In this, under the heading "Man who relieved Lucknow – V. C. Hero in Sydney", Paton recounts events in his life. In referring to the famous Charge of the Light Brigade in the Crimea, which he actually witnessed, he makes the following comment on his family:



Sergeant John Paton, V.C.
(NSW Department of Corrective Services)

I had a younger brother at home and was always very fond of him. He was first to come into my mind when the guns began to play on us in my first engagement [at the Battle of Alma, 1854]. Then came mother, and it was marvellous the infinite detail of small events which had happened in my early boyhood that flashed through my mind. Early schoolday episodes – they must have been early, as we left school early in my schooldays – came flashing through my mind with the rapidity of lightning or of a cavalry charge of which I was soon to know something real; but outshining everything else was the memory of my young brother and my dear old mother.

Crimea

Paton enlisted in the Black Watch, probably after leaving school, and at the outbreak of the Crimean War in 1854 he volunteered for the Argyll and Sutherland Highlanders. He first saw active service in September, 1854, in the battle of the Alma, twelve days after arriving in the Crimea. He then fought at Balaclava and served for about a year before Sebastopol (at the siege). Paton said in the 1912 interview that

It was at Balaclava we suffered most hardship. We were badly fed, badly clothed and badly armed. We were given guns in the Crimea which would not punch a hole through a pound of butter at 50 yards, and the Russians used simply to laugh at us. Plenty of shells and other ammunition could be sent out to us, but when it came to the matter of food, clothing and proper equipment, we were badly served, indeed, and the matter became a War Office scandal.

Everyone is, I think, familiar with that great battle scene [at Balaclava] – 'the Thin Red Line'. Well, I was one who helped form that line. Instead of forming into a square, as had been usual in facing cavalry charges, the thought suggested itself to Commander Colin Campbell that our fire would be more effective if the men were drawn up in line two deep. You see, with a square only a fourth of our guns would be in action at the one time. How good our commander's suggestion was was proved effectively at the engagement which inspired the great picture to which I have referred.

8 JOHN PATON

In his interview, Paton shed some further light on conditions for British army soldiers in the mid-Victorian era and the ever-present class system of the day:

But matters generally were very unsatisfactory in my day. Our net earnings only came to 41/2d per day when I was soldiering and my gaining of the V.C. did not bring me any promotion. Of course, if an officer had won it there would have been a difference. There is another matter to which I would like to make reference. The much-vaunted V.C. carries with it a pension of 10 pounds per annum. Now it must be remembered that men who got the V.C. are generally pretty badly broken up in achieving it. I was not, but most of those gaining it have been left minus a leg or an arm, or have been in some way incapacitated. Ten pounds a year seems but a paltry sum to recompense men so badly smashed. My complaint is not a personal one. As I have already explained I came through without a scratch but my escapes were very narrow ones, and I have drawn this pension for 54 years.

In the 1912 interview, Paton made this comment about the legendary Charge of the Light Brigade:

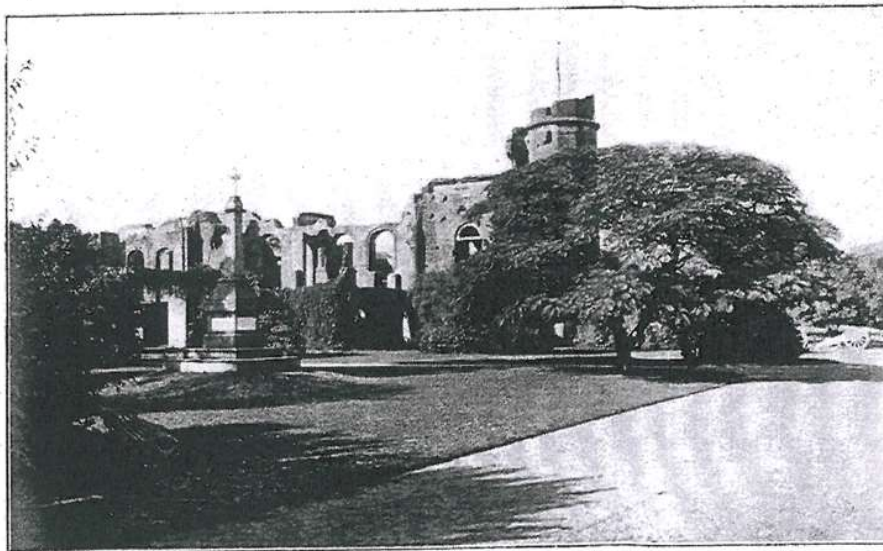
Yes, I was a witness of what is always referred to as the famous charge of the Light Brigade...The company I was in was ordered to cease fire while the cavalry galloped through and to me and my mates it looked a foolishly hopeless dash -- as it soon turned out to be.

India

At the end of the Crimean War Paton returned to Scotland. In 1857 his regiment was on its way to China when it was diverted to India to assist in quelling the mutiny which had only just broken out there. He was present at the capture of the Bunree Bridge and at the attack on the Palace of Ahim Bagh. Then came various stormings, including that of the Martiniere and of the Sekunder Bagh (the garden of Alexander the Great) at Lucknow.

Paton won his VC at the Relief of Lucknow. The following account of this event in the Mutiny is based on Paton's reminiscences and Christopher Hibbert's *The Great Mutiny -- India 1857*.

The British under General Havelock, together with a number of women and children, were besieged in the Residency in Lucknow by rebel sepoys. The relief took place in November, 1857, and involved the British in lifting the siege.



The Residency, Lucknow
(*Asiatic Impressions*, 1908)

JOHN PATON 9

Sir Colin Campbell, who led the relief forces, received "a better reception from the 93rd, the only complete regiment on parade, who cheered him briskly as he approached their ranks -- a solid mass of brawny limbed men over half of them wearing Crimean medals on their chests".

At the sign of them, the General's former 'worn and haggard expression' gave way to a broad and genial smile before he delivered a stirring address, in the manner of General Havelock, on their duty to rescue helpless women and children from a fate worse than death, ending with the words, carefully enunciated in a strong Scots accent: 'When we make an attack you must come to close quarters as quickly as possible. Keep well together and use the bayonet. Remember that the cowardly sepoys, who are eager to murder women and children, cannot look a European soldier in the face when it is accompanied by cold steel. 93rd! You are my own lads. I rely on you to do the work'.

Notwithstanding the environment of war the racist attitudes clearly defined here were typical of mid-Victorian Britain. The statement by Campbell also seems to be in conflict with a later comment made by Paton in an 1907 interview conducted by the paper the *Sydney Star*. In this, the sergeant claimed that the mutineers were "well-trained soldiers armed and drilled the same as we were".

Five VCs were earned by members of the 93rd Highlanders for action at Lucknow on November 16th, 1857. Paton won his medal, which was awarded on the recommendation of the Non-Commissioned Officers of the Regiment, for leading his troops to a breach in the defences of the Shah Najaf. The citation reads:

For distinguished gallantry at Lucknow in proceeding alone round the Shah Nujiff under an extremely heavy fire, discovering a breach on the opposite side, to which he afterwards conducted the Regiment, by which means that important position was taken.



MEDALS OF THE LATE SERGEANT JOHN PATON.
From left to right: VICTORIA CROSS (1857); RELIEF OF LUCKNOW (1857-1858); CRIMEA (1855); SEBASTOPOL, BALKLAVA, and ALMA (1854).
(*Daily Telegraph*, 30/12/1916).

Hibbert states that the Shah Najaf (a mosque built over the tomb of an old king of Oudh) was occupied by the enemy in great force, and commanded the route to the Residency.

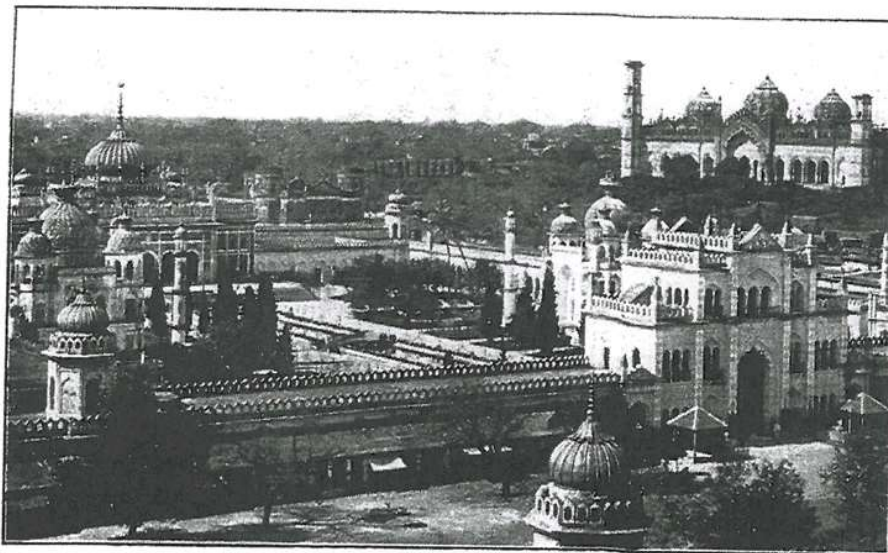
Sir Colin Campbell determined to take it before nightfall. So strong and well defended position was it, however, that neither artillery nor infantry could at first make much headway against it. So Sir Colin called up his Highlanders once more. He had not intended to use them again that day, he told them, but if the Lucknow garrison were not to perish the Shah Najaf must be taken.

10 JOHN PATON

One of the men called back, 'Will we get a medal for this, Sir Colin?' 'Well, my lads, Sir Colin replied. 'I can't say what Her Majesty's Government may do; but if you don't get a medal, all I can say is you have deserved one better than any troops I have ever seen under fire.'

...But the 93rd could not get at the enemy who, from loopholes, windows, trees and bushes, maintained their fierce fire and even shot arrows from the walls 'with great force and precision', piercing one soldier through the brain so that the shaft projected more than a foot out the back of his head, transfixing another through the heart and passing clean through his back.

'Boys, this is no joke,' a sergeant said. 'We must pay them off.' There seemed no hope of doing so. Men were falling on all sides. Several of the staff were hit. Peel was told to fire rockets to cover the withdrawal of the heavy guns. The infantry, too, were about to withdraw when a narrow gap was discovered in a distant corner of the wall surrounding the tomb. The infantry poured through it and rushed across the garden only to see the white figures of the sepoys running for their lives. They had been terrified by the rockets which had come hissing over the wall, veering to right and left, sinking and rising, as though guided by devils, before exploding with a shuddering roar against the wall. As the sepoys fled Sir Colin rode into the tomb.



PALACES OF THE KINGS OF OUDH, LUCKNOW.

(*Asiatic Impressions*, 1908)

The narrow gap was discovered by Sergeant Paton, who in 1907 described his part in the action: "My bonnet was shot away and my pouch, also a button from my coat, besides having the arm of my overall torn by a bullet". One of Paton's contemporaries from the 93rd Highlanders, Forbes Mitchell, tells the story in his *Reminiscences of the Great Mutiny*:

Just at this moment Sergeant John Paton, of my company, came running swiftly down the ravine that separated the Kiddum Russool from the Shah Nugeef, completely out of breath through exertion, but just able to tell Brigadier Hope that he had gone up the ravine at the moment the battalion of detachments had been ordered to storm, and had discovered a breach in the north-east corner of the rampart next to the river Goomtee. It appears as though one shot had gone over the first breach, and had blown out the wall on the other side in this particular spot. Paton told how he had climbed up to the top of the ramparts without difficulty, and seen right inside the place, as the whole defending force had been called forward to repulse the assault in front. Captain Lawson and his company were at once called out, and while the others opened fire on the breach in front of them, we dashed down the ravine, Sergeant Paton showing the way. As soon as the enemy saw that the breach behind had been discovered, and that their well-defended position was no longer tenable, they fled like sheep through the back gate.

In his 1912 interview, Paton elaborated a little on the events at Lucknow, when he referred to his only "insubordination":

Oh, it was not very much. We were using little six and nine pounders which would hardly put a hole through a tin can let alone the wall behind which the enemy was entrenched. There were only 2,500 on our side and it was estimated that the enemy numbered over 70,000 sepoys. And mark you they were not savages but well-trained soldiers armed and drilled the same as we were. They had even learned the British official orders. Well, as I said we were peppering away at the wall with but little effect and receiving a warm fire in return when I noticed a small breach hardly big enough for a man to squeeze through and I made for it. Colonel Hope called out to me to come back but for the first time in my life I was insubordinate and went on calling out to the others to follow.

The men answered my call and followed their sergeant. Other battalions followed and it was not long before we were in possession. Colin Campbell was good enough to say that if the small breach had not been discovered Havelock and his army would have been all butchered.

In his 1907 interview, Paton had stated that

the scenes of horror at the final relief of Lucknow I cannot even now dwell upon. Our joy at reunion with our comrades and the safety of the women and children, turned us into hysterical women. This mosque, known as the Shah Nugeef [see footnote], was among the largest and best-defended, and was crammed with rebel sepoys, who had converted it into an almost impregnable fortress.

From this distance it is easy to lightly dismiss violent events of the past, particularly having regard to the amount of violence we see today in the media. But to have been involved in the carriage of an engagement like Lucknow, an attack on a fortified position by attacking infantry (some 57 years before World War I) must have been horrific to say the least.

Return to Britain

Paton relates in his 1912 interview that, on the 93rd's return to Britain, "we were expected, notwithstanding our experiences in active warfare, to take our places and be drilled amongst raw recruits under officers wealthy enough to buy commissions, if not courageous enough to earn them. Many, including myself, rebelled at this and left the army".

It must be remembered that we are talking about the year 1859, well before Cardwell's reforms of the British Army late in the nineteenth century. Again, however, the Victorian class system rears its ugly head.

Prior to coming to Australia, Paton, according to his 1912 interview, was at Dover, and whilst still in the army, was a party to an interesting incident. The 1912 newspaper reporter asked Paton:

"What about that little incident at Dover when you gave the late King Edward (then Prince of Wales) a box on the ears?"

"Ah!", he replied with a chuckle, "It is quite true. Somebody must have been telling you something. It was this way. We were in barracks at the time and I was busy cleaning my accoutrements in readiness for a review. A young slip of a lad kept interfering first with this and then with that until I lost patience at the finish and gave him a lick under the ear".

"Do you know who that is", asked an officer standing by.

Note: Various contemporary and early-twentieth accounts of the Lucknow Mutiny spell the name of the mosque as Shah Nugeef, Nujeef, Nujaf, Nujif and Nujiff.

12 JOHN PATON

"I don't and I don't care either", I replied.

"Well", he said, "that is the Prince of Wales -- and, if he lives, the future King of England".

"I didn't have time to apologise but I learnt afterwards that Queen Victoria, when advised of the incident, said it served the young Prince right".

The exact date of this incident is not clear, but it very probably occurred after Paton returned to Britain from India, and before his journey to Australia.

Move to Australia

Paton obtained his discharge from the army in 1861 and emigrated to Australia, where he settled initially in Victoria. He is reported to have joined the New South Wales Prisons Department on May 28th 1861, and in September 1865 he was appointed Chief Warder at Port Macquarie, where he served for the next ten years. From 1875-88 he was Chief Gaoler at Deniliquin, where his wife acted as Matron, and on November 15th, 1888, he was appointed Governor of Berrima Gaol. On July 1st, 1890, he succeeded Peter Herbert as Governor of Goulburn Gaol at an annual salary of 388 pounds.

On February 29th, 1896, he retired from the prisons service with a pension, and moved to Sydney to live. From correspondence with a descendant of a prison officer of the time (Albert Seymour, HM Gaol, Deniliquin), it seems clear that Paton was a popular and well respected prison administrator.



The classical formal Victorian garden layout in the Chapel forecourt at Goulburn Gaol. The photo is believed to have been taken in 1896, the year in which Paton retired as Governor. The rear wing of the substantial two-storey Governor's Residence at the gaol can be seen in the centre background. The gaol, still in use and designed in the Colonial Architect's Office under the supervision of William Coles, was opened in 1884, replacing an earlier structure on another site which had been erected in the 1840s to the design of Mortimer Lewis.

(Department of Corrective Services)



After leaving Goulburn, John Paton took up residence in Verona, Prospect Road, Summer Hill, where he spent the rest of his life. Verona was built in about 1893 by Ashfield builder Andrew Dunlop. The title of the property was transferred to Amelia Paton in 1896.

Summer Hill

Very little is known about John Paton's life in Summer Hill, where he settled on his retirement in 1896. Paton lived in *Verona* in Prospect Road, a house that still stands today (now No 19). His upright figure is said to have been conspicuous at the turn-of-the-century when he walked the area "with soldierly bearing...modestly displaying under the lapel of his coat the ribbons of many historical battles..." He was a well-known worshipper at St Andrew's Church in Henson Street, and local resident William Lynne remembers that Paton always wore his VC, "complete with red ribbon pinned to his lapel", when attending church.

Paton died at *Verona* on April 1st, 1914, survived by twin daughters by his first wife Mary Miller (died 1869), whom he had married at Goulburn in 1866, and by his second wife Amelia (died 1923), whom he had married in Sydney in 1872. Paton was accorded military honours at the funeral, which commenced with a service conducted at his Prospect Road house by the Reverend Canon John Vaughan, the Rector of St Andrew's Church. The body was then conveyed on a gun carriage by a detachment of the Royal Australian Artillery to Summer Hill railway station, and entrained there for the Church of England Cemetery, Rookwood. The local newspaper, *The Advertiser*, reported that Paton's coffin "was covered with the colors of the Veterans' Association, the bells of St. Andrew's were tolled in honour of the dead hero, and Mrs. Hugh Dixon, President of the Veterans' Association, ever thoughtful of the Empire's old fighting stock, flew the flag at *Abergeldie* half mast".

Paton's estate was valued for probate at 900 pounds, a considerable sum in 1914.

Old Summer Hill residents today still remember Paton's daughters, Isabella and Christina, as active communicants at St Andrew's in the inter-war period. After the war, the sisters actually resided at the church. Their father's medals used to be located in a glass case on the western wall of St Andrew's, together with a memorial tablet placed by his family. However, in 1984 the original medals were handed over at Stirling Castle, Scotland, to Lieutenant Colonel Wood, of the Argyll and Sutherland Highlanders. No information has been found which gives the reasons why the medals finally left Australia. Replicas of Paton's decorations may now be seen in the church with his memorial.

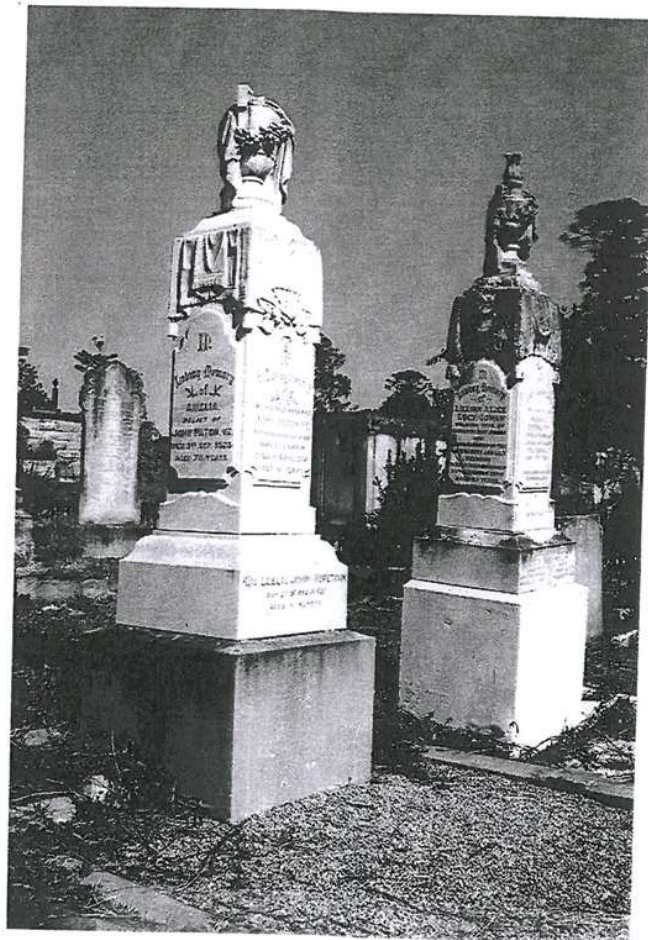
14 JOHN PATON

The John Paton Reserve

In May 1993, the author, along with a distant relative of John Paton, and veterans of Australian World War II navy and air force units, unofficially opened the John Paton Reserve, a small park located at the corner of Smith and Henson Streets, Summer Hill. The park had previously been named after former Ashfield alderman and developer John Crane, but earlier that year Ashfield Council had approved the renaming of the reserve. Council considered that John Paton was a person of significant physical and moral bravery and that he should be duly honored in this way.

It is interesting to note that the reserve named after Sergeant Paton is only a matter of metres from the church in which he worshipped and the Prospect Road house where he lived his last days.

Sources: *Australian Dictionary of Biography*
Christopher Hibbert, *The Great Mutiny -- India, 1857*
Obituary, *Sydney Morning Herald*, 2/4/1914
Obituary, *The Advertiser*, 4/4/1914
Undated cutting, *The Sydney Star*, ?/?/1907
Undated newspaper cutting, ?/?/1912
Reveille, May-June, 1993
St Andrew's Summer Hill, 1881-1981
Letter to author dated 12/6/1993 from L Seymour, Berkeley Vale
Reminiscences of William Lynne (1940), Mitchell Library MS 2755
James Semple Kerr, *Goulburn Correctional Centre*, Department of Corrective Services, Sydney, 1994



John Paton's grave in Rookwood Necropolis. On the right is the almost identical monument over the grave of Paton's friend and colleague, Albert Seymour, who died in 1930.

VERONA
23 PROSPECT RD
SUMMER HILL
ROY KILM PHOTO
C 1997



15/64793

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 14/12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
- It is a large development in both size and height for the size of the land.
- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)

Name: Darryl Reid Address: 15/8 Jentem Road, Ashfield
Phone: 9999815 Email: —



15/64935

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16/12/2015 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
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Yours sincerely

(Signature)

Name: Dannah Reys Address: 7/2 Tintern Rd. Ashfield
Phone: 0426281166 Email: Mhic16@yahoo.com



15164656

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 17 DISCAMBAR 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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Yours sincerely

P C Ruxton

(Signature)

Name: P C RUXTON Address: 4/8 TINTURN RD, HSNK1121
Phone: 9799-8764 Email: P.RUXTON@BIGPOND.COM



15164823

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 18/12/2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
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Yours sincerely



(Signature)

Name: Ashley Ryan Address: 2 NESS AVENUE, DULWICH HILL
Phone: 0913024976 Email: akjryan@gmail.com





Submission re DA No: 10.2015.239 - 23 Prospect Rd, Summer Hill
Alison Samra
to:
info
19/12/2015 03:16 PM
Cc:
devsamra
Hide Details
From: "Alison Samra" <alisamra@bigpond.net.au>
To: <info@ashfield.nsw.gov.au>,
Cc: <devsamra@bigpond.net.au>

19/64 604

1 Attachment



photographic comparison - 23 Propsect Rd, Summer Hill.docx

Attention: The General Manger, Ashfield Council
Reference: DA No: 10.2015.239, 23 Prospect Rd, Summer Hill Lot: 50 DP:883

From: Alison and Devindar Samra
Address: 200 Smith St, Summer Hill, NSW
Phone: 0414994383, 97999580
Email: alisamra@bigpond.net.au

Dear Sir/Madam,

We wish to provide a submission regarding the above reference DA for 23 Prospect Rd, Summer Hill. We are opposed to the DA for a Boarding House as it currently stands based on the following:

- The scale of the development is far greater than we deem necessary – 4 stories is excessive and inconsistent with all other properties in the immediate surrounds and the general streetscape of Summer Hill. The development will also place further pressure on street parking in Prospect Rd and Smith St which is already congested with residential cars and serves as busy thoroughfare.
- We will lose all privacy into our backyard based on the current height of the proposed development. It is noted the proposed property's balconies facing east will have direct view into our backyard, which is our only sanctuary and personal outdoor space.
- Demolition of the property will deprive Summer Hill of another former grand heritage property. Our understanding is Ashfield council prides itself on its heritage preservation policy. We believe this property should be preserved and maintained and certainly not demolished. It would be a tragedy if the property is replaced by an unnecessarily large development which does not fit with the current number of heritage properties in both Prospect Rd and Smith St.
- We are disappointed to observe that the current owners of 23 Prospect Rd have already removed some of the beautiful heritage features that existed on the property prior to its sale earlier this year. These features include wrought iron railings and fence work and the glorious tessellated tiles. We question the motives behind this removal and are saddened to see that the heritage architecture unique to Summer Hill appears to be lowly regarded by the owners of this property. Please see the attached document which provides a photographic comparison of the property both before and after the sale. These changes have occurred to the property only within the last 6 months.
- We note this DA comes at the same time as another DA for a Boarding House in Summer Hill seeking accommodation for up to 48 persons. In fact the two proposed boarding houses are only

several hundred metres apart (I refer to the DA for the property in Moonbie St, adjacent to the United Gardens clinic). While we in principle are supportive of low-cost housing options in the Ashfield council area, we feel that the two boarding houses in conjunction with the Flour Mill and Lewisham West projects represents an overdevelopment of housing in general in Summer Hill. We believe it will be the detriment of existing residents and businesses of the suburb.

We implore Ashfield council to critically assess the DA for 23 Prospect Rd and instead consider a scaled-back and heritage friendly option which would be best suited to the area.

Thank you.

Alison Samra
Devindar Samra

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800



16156
Date: 20/12/ 2015

P. North

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
- The height of the development is much higher than the surrounding residences.
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- The number of residents will make it high density living.
- The destruction of yet another heritage building in the area.
- The loss of privacy to all surrounding residences as the proposed development goes virtually to every boundary.

It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

A handwritten signature in blue ink that reads "Srilatha Srinivasan".

(Signature)

Name: SRILATHA SRINIVASAN Address: 2/8, TINTERN ROAD
Phone: _____ Email: ASHFIELD, NSW 2131

ASHFIELD COUNCIL

RECORDS SECTION
SCANNED

DATE 4 Jan 16

15164814

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16 December 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

Anne E. Sullivan

(Signature)

Name: ANNE SULLIVAN Address: 6/25 PROSPECT RD, SUMMER HILL
Phone: 0412 976 215 Email: annee-sullivan@hotmail.com



15164767

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19 Dec 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

There is already insufficient parking on Prospect Rd as it is. This development does not have sufficient parking for the number of residents.

Yours sincerely

(Signature)

LM

Name: Lauren Sundstrom Address: 22 Prospect Rd Summer Hill

Phone: 0432 060 253 Email: laurensundstrom@gmail.com



15/64802

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 16/12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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Yours sincerely

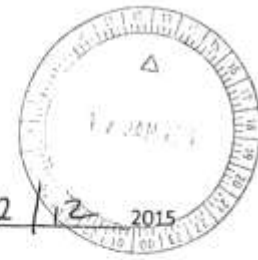
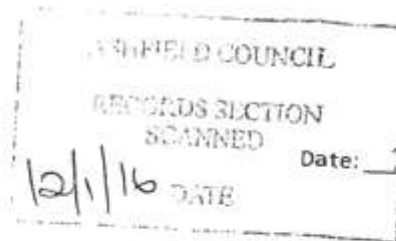


(Signature)

Name: PAUL THOMAS Address: 7/19 PROSPECT RD, SUMMER HILL
Phone: 0423769993 Email: pthomas@hih.com.au



The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800



Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

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Yours sincerely

Alison Thorpe

(Signature)

Name: ALISON THORPE Address: 38 Prospect Rd. Summer Hill
Phone: 47472119 Email: ali.thorpe74@gmail.com

15/62560 Page 1 of 1



Submission re Development Application 10.2015.239

Phillip Tuckerman

to:

info

13/12/2015 06:27 PM

Hide Details

From: Phillip Tuckerman <philt@jobsupport.org.au>

To: info@ashfield.nsw.gov.au,

Submission re Development Application
23 Prospect Rd, Summer Hill Lot: 50 DP: 883
Application 10.2015.239



We are concerned about some aspects of this application.

1. Overdevelopment - the application exceeds the maximum height allowed.
2. Inadequate off street parking - the proposed development contains 24 flats/ 48 persons plus Manager accommodation but only provides for 5 car spaces.

We would have no objection to a smaller boarding house with an adequate provision for off street car parking.

What safeguards will be in place to ensure that the proposed development is not used for short term holiday accommodation?

Phil Tuckerman
37 Prospect Rd
Summer Hill 2130
Mobile: 0418 220 485
Email: philt@jobsupport.org.au

15164748

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19.12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: Denise Unterwiesingh Address: 2/21 Prospect Rd Summer Hill
Phone: 0403210141 Email: deniseunt@gmail.com



15/64713

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 18/12 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

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It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely

(Signature)



Name: MATTHEW WARD Address: 3/8 TINTERN Rd. ASHFIELD

Phone: 0424952633 Email: matthewward@hotmail.com



15/64557

The General Manager
Ashfield Council
PO Box 1145 Ashfield NSW 1800

Date: 19 Dec 2015

Dear Sir/Madam,

I make the following submission in relation to the development application for 23 Prospect Road, Summer Hill, and Application No: 10.2015.239.

I strongly object to this application and request a reply to the following concerns:

- The development will distract from the appeal of the surrounding residences as the style is so vastly different.
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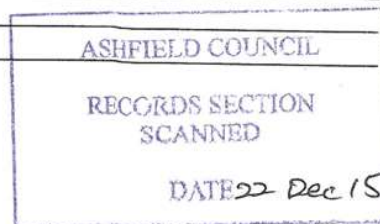
It is surprising that the proposed development is described as a boarding house as it does not resemble the existing ones in size or style in Summer Hill or the wider community.

Yours sincerely



(Signature)

Name: Jeffrey Yuen Address: 714 Tintern Road, Ashfield
Phone: _____ Email: yuenjeffrey@gmail.com



Subject **DEVELOPMENT APPLICATION: 10.2015.197.1**
30 CHANDOS STREET ASHFIELD

File Ref DA 10.2015.197.1

Prepared by Philip North - Specialist Planner

Reasons Matter requires Council determination

Objective For Council to determine the application

Overview of Report

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 partial demolition of existing boarding house and construction of a new four level extension to the rear to create a 27 room (incl. manager) and 49 bed (incl. 1 manager bed) boarding house above basement car parking.

Background

2.0 Summary Recommendation

Although nominally compliant with the maximum FSR, the proposal contains large areas of internal voids which exaggerate the scale of the building in conflict with the character of its immediate neighbours and also increase its impacts upon the amenity of adjacent properties. The height and scale in particular result in the unacceptable overshadowing of the detached dwelling to the south which had been carefully designed to achieve optimal solar access. In addition, the site layout orientating four levels of boarding rooms primarily towards the side boundaries results in unacceptable privacy impacts upon the properties to both the north and the south. The location of the communal open space is poor and, finally, the proposal is deficient in numerous detailed technical respects including access for people with disabilities, fire egress and internal ceiling height.

The development is therefore recommended for refusal.

As the applicant has already lodged a 'deemed refusal appeal' with the Land & Environment Court Council needs to form a view on the proposal so that officers can instruct solicitors on the matters to be addressed through the appeal process - i.e. a decision needs to be made on whether or not to support the proposal.

3.0 Application Details

Applicant : Glendinning Minto & Associates P/L
& Mr S Mckenzie & M/S K McKenzie

DEVELOPMENT APPLICATION: 10.2015.197.1
30 CHANDOS STREET ASHFIELD

Owner	:	Bligh House Pty Ltd
Value of work	:	\$2,250,000
Lot/DP	:	LOT: 1 DP: 169164
Date lodged	:	12/10/2015
Date of last amendment	:	N/A
Building classification	:	3
Application Type	:	Local
Construction Certificate	:	No

4.0 Site and Surrounding Development

The subject site is located on the western side of Chandos Street, bounded by Cecil Street to the south and Julia Street to the north-east. The site area is approximately 728 square metres. An existing boarding house is located on the site. Surrounding development comprises a single storey detached dwelling to the south and a multi-unit development to the north which is listed as a local heritage item under Council's LEP 2013. Refer to **Attachment 2** for a locality map.

The site consists of the following individual lots:

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
30 Chandos Street	1	169164	Torrens	728m ²
TOTAL AREA				728m ²

5.0 Development History

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

No.	Date	Proposal	Determination
10.2013.52/ LEC 10771/2013	06.03.2014	Boarding House – 19 rooms/19 residents	Approved
10.2013.52	13.10.2013	Boarding House – 16 rooms/18 residents	Approved
6.1985.184	13.06.1985	Garage	Approved
6.1972.8319	21.01.1972	Enclose first floor verandah and WC	Approved
6.1967.6327	11.07.1967	Not available	Approved

The existing building has been licensed as a boarding house since at least 15 July 1977 for a total of 12 boarders.

The following table shows the background to the current application:

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Application Milestones		
Date	Event	File no
12.10.2015	Development Application lodged "As-is"	10.2015.197.1
12.12.2015	Class 1 appeal lodged with the Land and Environment Court of NSW based upon a deemed refusal.	10.2015.197.1 LEC: 11044/2015

6.0 Zoning/Permissibility/Heritage

The site is zoned R3 Medium Density Residential under the provisions of Ashfield LEP 2013.

The property is located adjacent heritage item I-67 (49 Cecil Street) and within the vicinity of heritage item I-218 (10-12 Loftus Street).

The proposed works are permissible with Council consent.

7.0 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.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

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.

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	Boarding House	Yes
4.3	Height of buildings	12.5m	10.7m	Yes
4.4	Floor space ratio	0.7:1 Note: 0.5:1 bonus applicable by virtue of application of SEPP (Affordable Rental Housing) 2009: Total Permissible FSR: 1.2:1	1.198:1	Yes

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5.10	Heritage Conservation	Located adjacent to: <ul style="list-style-type: none"> Heritage item I-69 (32 Chandos Street); 		
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 proposal would have an unacceptable impact upon the heritage items in the vicinity of the site. See comments by Council's heritage adviser.	No
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 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.	Heritage management document has not been submitted. Assessed as unsatisfactory by Council's Heritage Adviser.	No

As demonstrated in the above table above table, the proposed development does not satisfy all the provisions of ALEP 2013, in particular with respect to heritage conservation.

7.1.2 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.

7.1.3 State Environmental Planning Policies

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State Environmental Planning Policy No. 55 - Remediation of land

Due to the long established residential use of the site, it is not considered that the site is contaminated and remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is subject to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The following table summarises the compliance of the application with the policy.

State Environmental Planning Policy (Affordable Rental Housing) 2009 Division 3: Boarding Houses Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
26	Land to which policy applies	This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	R3 Medium Density Residential	Yes
27	Development to which Division applies	(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. (2) Despite sub-clause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area. (3) Despite sub-clause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone	Boarding house proposed in R3 Medium Density Residential zone	Yes

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		B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.		
28	Development may be carried out with consent	Development to which this Division applies may be carried out with consent.	Development consent is sought	Yes
29	Standards that cannot be used to refuse consent			
29(1)		A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:		
29(1)(a)	“	the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or Max. FSR: 0.7:1	N/A	N/A
29(1)(b)	“	if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or	N/A	
29(1)(c)	“	if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:	Boarding house proposed in R3 Medium Density Residential Zone (residential flat buildings permitted)	
29(1)(c)(i)	“	0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or Max. FSR: 1.2:1	1.198:1	Yes
29(1)(c)(ii)	“	20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1	N/A	N/A
29(2)		A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
29(2)(a)	Building Height	if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land, 12.5m Maximum height	10.7m	Yes

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29(2)(b)	Landscaped Area	if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	The landscape treatment is satisfactory.	Yes
29(2)(c)	Solar Access	where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The communal living area would receive minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	Yes
29(2)(d)	Private Open Space	if at least the following private open space areas are provided (other than the front setback area):	28m ² min dimension 4.2m	
		(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,	The communal open space is not well located in relation to the internal areas, in particular the communal living area.	No
		(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,		Yes
29(2)(e)	Parking	if:(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site, Required: 6.8 spaces	6	Yes
29(2)(f)	Accommodation Size	if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	Complies	Yes
29(3)		A boarding house may have	Each boarding room has	Yes

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		private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	private kitchen and bathroom facilities.	
30	Standards for Boarding Houses			
30(1)		A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
30(1)(a)		if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	One communal living room is provided.	Yes
30(1)(b)		no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	No boarding room exceeds 25m ² .	Yes
30(1)(c)		no boarding room will be occupied by more than 2 adult lodgers,	No boarding room is proposed to be occupied by more than two lodgers.	Yes
30(1)(d)		adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Each boarding room has private kitchen and bathroom facilities.	Yes
30(1)(e)		if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	One room has been provided for a manager.	Yes
30(1)(f)		(Repealed)		
30(1)(g)		if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	N/A
30(1)(h)		at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	10 bicycle spaces provided 6 motor cycle spaces provided.	Yes
30(2)		Sub-clause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	N/A	N/A
30A	Character of Local	A consent authority must not	The scale to the rear of the	No

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	Area	consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	<p>proposal is considered excessive and out of character with the local area, particularly in consideration of the heritage items in the vicinity of the site.</p> <p>The four storey scale is considered excessive in this zone where the AIDAP 2013 would require any other residential development to be a maximum of three storeys with a fourth storey concealed fully in an attic roof no great than 30 degrees in pitch.</p> <p>The alteration to the roof form of the existing Victorian dwelling is considered out of character with its building type and the character of the locality generally.</p>	
52	No Subdivision of Boarding Houses	A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	No subdivision is proposed.	Yes

As demonstrated in the above table above table, the proposed development satisfies all the provisions of Draft ALEP 2012 except:

- cl. 29(2)(d) - Private open space.
- cl. 30A - Character of local area.

7.2 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.

7.3 The provisions of any Development Control Plan.

See Section 7.8 below.

7.4 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.

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

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These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have adverse impacts upon the adjacent properties in respect of privacy, overshadowing and overbearing bulk and scale. It will also impact adversely upon the character of the locality.

7.6 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. The proposed development, however, is considered unsuitable in the context of the locality due to its incompatible scale relationship with the adjacent heritage item and its inappropriate site planning which results in adverse privacy impacts on adjacent properties.

7.7 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 22 October 2015 until 12 November 2015. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

Ten submissions and two petitions - one of seventeen and one of eight signatures - (**Attachment 4**) were received during the notification of the development application.

Submission from	Address
Petition of 17 signatures. Head petitioner: H. McFarlane	2/32 Chandos Street Ashfield NSW 2131
Petition of 8 signatures. Head petitioner: M. Nguyen	13/32 Chandos Street Ashfield NSW 2131
C. Balsamo	3/26A Chandos Street Ashfield NSW 2131
K. Bergin	11/32 Chandos Street Ashfield NSW 2131
M. Cleaver	PO Box 428 Summer Hill NSW 2130
M. Foster	10/32 Chandos Street Ashfield NSW 2131
Name and Address withheld	Chandos Street Ashfield NSW 2131
T. Kovalyov	tkovalyov@bomborapublishing.com.au
M. Nguyen	13/32 Chandos Street Ashfield NSW 2131
D. Reed	30 Smith Street Surry Hills NSW 2010
B. & B. Stephenson	14/44 Chandos Street Ashfield NSW 2131
A. Woods	29/32 Chandos Street Ashfield NSW 2131

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Submission Issue	Assessing Officer's Comment
Management of front balcony not addressed in POM.	Agreed.
POM refers to Canterbury Council instead of Ashfield Council.	Agreed.
Smoking on front balcony should be prohibited.	Can be addressed by way of condition of consent.
Overshadowing of Chandos Street.	This is not a relevant planning issue.
Adverse acoustic impacts.	If operated in accordance with the acoustic report, the noise impacts should be acceptable.
Reduction in availability of on street parking.	The proposal provides the minimum number of car parking spaces required by the applicable planning legislation and cannot be refused on this basis.
Adverse privacy impacts.	Agreed that the proposal would have adverse privacy impacts on adjacent properties to the north and south.
Noise from air conditioning units.	If operated in accordance with the acoustic report, the noise impacts from the air conditioning units should be acceptable. This could be addressed by way of conditions of development consent but may be difficult to police.
Adverse privacy impacts from rear fire stair.	This stair is only intended for emergency use and is unlikely to be used on a regular basis.
New residents should go through rigorous background checks.	Rental is subject to operation of market forces and scrutiny by the rental agent or the like in the same manner as rental of units in a residential flat building. The plan of management and conditions of consent would apply an additional layer of regulation requiring acceptable standards of behaviour.
Smoking should not be permitted in outdoor communal areas due to the nuisance and fire risk it poses for neighbours.	This could be applied as a condition of development consent.
Reduction in vegetation will reduce birdlife.	The application proposes a significant increase in vegetation on the site. Conditions would be applied to any consent to ensure survival of any landscaping and the planting of advanced tree specimens.
Glare from extensive roof.	This is unlikely a cause for concern.
Views of heritage item blocked across the side boundary.	This is not a relevant planning issue.
Building is too long.	Agreed that the scale of the building generally is excessive. The length exacerbates privacy and overshadowing issues.
The proposal is unsympathetic to the original Victorian building on the site.	Agreed.
The scale is not consistent with the character of the adjacent properties.	Agreed.
Fixed glass block windows are out of character with the original Victorian building.	Agreed but this is an area of low visibility and the impact is minor.

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Ceiling heights are inadequate.	Agreed.
Wheelchairs cannot access the long corridor in the rear section.	This is correct, however, there is no requirement for wheelchair access to this part of the building.
Accessible bathrooms do not appear adequate.	Conditions would be applied to any consent ensuring compliance with the relevant Australian Standard.
Excessive number of tenants may result in community safety issues.	The number of tenants which can be achieved on the site is a factor of the permissible floor space ratio. The FSR proposed is compliant with the applicable planning controls and, as such, the level of occupancy is also consistent with them.
Gross overdevelopment of the site.	It is agreed that the scale of the proposed building is excessive, particularly due to the inclusion of large areas of void in the rooms, and results in adverse amenity impacts on adjacent properties, particularly in respect of overshadowing, privacy and overbearing scale.
The site has a history of antisocial behaviour which is only likely to increase.	It should be noted that if the site is redeveloped, it would be necessary for existing residents to vacate the premises. New residents are not necessarily likely to repeat the same behaviour patterns of previous residents, particularly given that the standard of accommodation is higher.
Traffic generation of the development would create safety issues.	The proposal complies with the required number car parking spaces and cannot be refused on the basis of parking.
New fence between site and 32 Chandos Street should be as high as existing privacy screen.	Although a 1.8m high boundary fence is proposed, it would be reasonable to require a new fence up to 2.1m high by way of condition of consent (as per the previous consent for the site) to protect neighbour privacy.
Gates and access along northern boundary would hinder planting of suitable privacy planting.	Agreed.
Loss of outlook.	The proposal complies with the overall height limit for the site and the impact upon outlook is not considered unreasonable.
Loss of daylight to 32 Chandos Street.	As 32 Chandos Street is located to the north of the development site, the proposal will not have any impact upon its daylight access.
Loss of breeze to adjacent properties.	It is unlikely that the proposal would impact upon ventilation to adjacent properties.
Adverse impact upon trees located on southern boundary of 32 Chandos Street.	The submitted arborist report concludes that no adverse impacts would result on these trees.
Plan of Management not an official part of the DA.	The Plan of Management would form an official part of any consent issued for the development by way of condition of consent.
Adverse impact on structure of adjacent buildings from basement excavation.	This issue would be addressed by way of condition of consent to protect any adjacent structures.
Stormwater issues not adequately addressed.	Agreed.
Outline of previous application not shown on plans.	This is a fresh application which should stand alone from any previous consents issued for the site which has not been acted upon.

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7.8 The public interest

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

Ashfield Interim Development Assessment Policy 2013 Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C11 Parking				
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	See comments by traffic engineer.	No
Part C12 Public Notification				
Section 2	Notification Process		The application was notified in accordance with this part.	Yes
Part C18 Boarding Houses				
2.2	Site Planning	Good site planning is required for all new development, and is particularly useful for Boarding Houses to avoid negative impacts on the amenity of adjoining neighbours and ensure a sympathetic relationship with adjoining development, which is important to their long-term success.	Site planning is inadequate and results in excessive overshadowing of 28 Chandos Street and adverse privacy impacts on both 28 and 32 Chandos Street.	No
2.2 Objective (a)		Enable improved residential amenity for future occupants through careful building layout and design.	<p>The Internal amenity of rooms 13-23 is poor due to the minimal outlook resulting from the screening required to address privacy impacts upon adjacent properties.</p> <p>The amenity of the communal room and communal open space is poor due to the lack of direct connection between the two and the poor siting of the communal open space generally.</p>	No
2.3 Objective (a)	Building form and appearance	All developments, including alterations and additions to boarding houses are to maintain consistency with the character of the locality and design objectives contained in Ashfield LEP2013 and, the relevant Parts of Ashfield Interim Development Assessment Policy	<p>The built form is excessively bulky in the context of the single storey dwelling to the south and the one and two storey heritage listed townhouse development to the north.</p> <p>It is also excessive in the context of the R3 medium density residential zone where the maximum height</p>	No

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			<p>limit as guided by Part C5 of AIDAP is three storeys with an additional level possibly contained within an attic space.</p> <p>The vertical extension of the roof of the existing Victorian building on the site to remove its transverse ridge is unsympathetic to its architectural proportions and inconsistent with the existing character of the locality to which the existing form of the building contributes.</p>	
2.3 Objective (b)	Building form and appearance	Must not adversely impact on adjoining properties through loss of privacy, overshadowing, noise and view loss.	<p>The proposal is unacceptable in respect of:</p> <p>a. Overshadowing:</p> <ul style="list-style-type: none"> The proposal would severely overshadow the principal private open space of the residential property to the south of the site at 28 Chandos Street. It would not receive sunlight to a minimum of 50% of its ground level area for a minimum of 3 hours between 9am and 3pm on June 21. The proposal would severely overshadow the glazed areas of north facing living rooms of the residential property to the south of the site at 28 Chandos Street including: <ul style="list-style-type: none"> The rear most living room; The dining room; and The TV room. These rooms would not have solar access maintained to at least 40% of their glazed areas for a minimum of 3 hours between 9am and 3pm on June 21. <p>b. Privacy:</p> <ul style="list-style-type: none"> The proposal would overlook the private open space of the residential property to the south of the site at 28 Chandos Street. The proposal would overlook the private open spaces of the 	No

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			<p>adjacent property to the north of the site at 32 Chandos Street.</p> <ul style="list-style-type: none"> Overlooking results from inappropriate site planning which directs the outlook of the majority of the boarding rooms to the north and south sides. The landscaping proposed along the northern boundary appears not to be viable given that it is in conflict with the multiple access gates in the same location intended to give side access between the front and rear of the site. 	
2.4	Room Sizes, Indoor Recreation Areas & Facilities	Compliance is required by the relevant provisions of the Affordable Rental Housing SEPP, 'BASIX' SEPP and/or the Building Code of Australia as applicable.	A BASIX certificate has been submitted.	Yes
2.5	Access for people with disabilities	<p>Access for people with disabilities is to be provided as required under the Building Code of Australia.</p> <p>Vol. 1, cl. D3.1: 2 accessible sole occupancy units</p> <p>2 dwellings required</p>	2	Yes
2.6	Car Parking	<p>Car parking shall be provided as required in the ARH SEPP as follows:</p> <p>In the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(i) In the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and:</p> <p>(ii) In the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	Provided	Yes
2.7(a)	Operational Plan of Management / On-site Management and Registration	The Operational Plan of Management shall address the following as a minimum:		

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		a) Proposed management and supervision through a live-in on-site manager (see below)	Addressed.	Yes
		b) Maintenance and fire safety in the building;		
		c) A schedule providing proof of compliance with the accommodation standards of this Part including the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities;	The Plan describes rooms 1 and 26 as single rooms whereas the plans show double rooms.	No
		d) Measures to ensure that guest numbers do not exceed those proposed should development consent be granted;	Access measures are stipulated.	Yes
		e) Measures to minimise unreasonable impact to the habitable areas of adjoining premises;	Measures have been proposed to minimise nuisance to adjoining properties.	Yes
		f) Proposed staffing arrangements, including location and contact details of the site manager or resident caretaker;	The proposal would have an on-site resident manager.	Yes
		g) Prominent display of appropriate house rules e.g. access to rooms, keeping shared facilities clean and tidy, visitors, pets, quiet enjoyment guest behaviour, activities and noise, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs. These displayed rules must be adhered to by residents and are the minimum standard required of all occupants. Alcohol and drug policies for the boarding house must be clearly displayed ;	The house rules are clearly stated but no sample of the display notice has been provided.	Condition
		h) Waste minimisation and recycling;	This is addressed but no sample of the display notice has been provided.	Condition
		i) Professional cleaning details and vermin control (as a minimum, shared facilities such as	This is addressed.	Condition

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		kitchens and bathrooms shall be cleaned/disinfected to a professional standard at least once a week.)		
		j) Provision of safety and security measures for all residents - this must include but not be limited to such things as: internal signage indicating the live-in on-site manager or and contact number, emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and secure gates, all residents to have own room keys, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency and suitable provision be provided for residents to ring emergency services in the event of an emergency, i.e. provide access to a landline telephone. safety and security measures must be clearly stated in detail in the Operational Plan of Management;	These matters have been addressed but no sample of the display notice has been provided.	Condition
		k) Guidelines for use of external communal open space or common areas for Class 3 boarding houses to minimise noise impacts to residential uses if adjacent;	Rules for outdoor spaces have been clearly articulated.	Yes
		l) Records of rent receipts issued to boarders;	Addressed.	Yes
		m) Complaints register available for inspection by Council;	Addressed.	Yes
		n) Fees for residency.	Not addressed.	Condition
2.7(b)	On-site Management and Registration	a) All boarding houses must be registered annually with Council. Properties located adjacent to the boarding	Conditions will be imposed on any consent requiring compliance.	Condition

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		house premise are to be provided with a 24 hour telephone number for the live-in on-site manager. a bedroom needs to be provided specifically for the live-in on-site manager;		
		b) All new boarding houses are to have a live-in, on-site manager Details must be provided to Council and the nominated person must be contactable 24 hours per day, 7 days a week. Any changes are to be notified to Council immediately;	Condition	Condition
		c) The on-site live-in manager may be one of the occupants or tenants who reside on the premises;		Noted
		d) A clearly visible sign with the name and telephone number of the on-site, live – in manager must be displayed externally at the front entrance of the boarding house and internally in the common area;	Conditions will be imposed on any consent requiring compliance.	Condition
		e) On-site, live-in managers must be over 18 years of age;	Conditions will be imposed on any consent requiring compliance.	Condition
		f) The on-site, live-in manager must be responsible for the efficient operation, administration, cleanliness and fire safety of the premises, including compliance with all aspects of the Operational Plan of Management annual registration annual Fire safety Certification as well as the Emergency Management and Evacuation Plan.	Conditions will be imposed on any consent requiring compliance.	Condition
2.8	Waste	Class 3 Boarding Houses may make private contracting arrangements for garbage disposal or alternatively Council can collect waste. Class 1b Boarding Houses are subject to Council's collection service, details of which can	Applicant has indicated use of Council's waste collection services.	Noted

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		be obtained from Council's Customer Service Centre.		
2.8	Waste Objectives	Ensure that appropriate waste and recycling facilities are provided which meet Council and Environmental Protection Authority (EPA) requirements	Inadequate waste storage facilities.	No
2.8	Waste Controls	Garbage and recycling facilities on the premises shall be provided in accordance with the requirements of Part D1 of Ashfield DCP 2007- Waste Minimisation, and the specific requirements of any other Part of this DCP applicable to the development.	Inadequate waste storage facilities.	No
2.9(a)	Fire Safety: Controls	A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the boarding house entry/reception area.	Conditions will be imposed on any consent requiring compliance.	Condition
2.9(b)		A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.	Conditions will be imposed on any consent requiring compliance.	Condition
2.9(c)		Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority. Staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.	Conditions will be imposed on any consent requiring compliance.	Condition
2.9(d)		Premises providing shared accommodation must provide annual certification for the following: <ul style="list-style-type: none"> • Essential fire safety measures to comply with the <i>Environmental Planning and Assessment Regulation 2000</i> • Compliance with the Operational Plan of Management approved for the premises • Maintenance registers 	Conditions will be imposed on any consent requiring compliance.	Condition

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		<p>required by this plan; and</p> <ul style="list-style-type: none"> • Compliance with Emergency Management and Evacuation Plans required by the Building Code of Australia. • A floor plan must be permanently fixed to the inside of the door of each bedroom and that indicates the available emergency egress routes from the respective sleeping room. <p>Council requires new premises to comply with the provisions of the Building Code of Australia (BCA). Where a development application proposes alterations and additions or upgrade to an existing premises it is expected that the whole of the building will be upgraded in respect of Fire Safety as required under applicable legislation.</p>		
2.10	Additional safety measures	Additional safety and security measures for all residents may include, but are not limited to such things as emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing, secure gates and all residents to have own keys to rooms and personal storage areas.	Conditions will be imposed on any consent requiring compliance.	Condition
Part D1	Planning for Less Waste			
	Bin Numbers	<p>Boarding House (49 beds):</p> <ul style="list-style-type: none"> • Garbage: 49 x 60L/week = 12 bins • Recycle: 49 x 20L/week = 4 bins • TOTAL: 16 bins 	<p>Residential:</p> <ul style="list-style-type: none"> • garbage bin=3 bins • recycling bin=3 bins <p>TOTAL: 6 bins</p>	No
	Bin Presentation		Not adequately resolved. Inadequate space for linear bin presentation along property frontage.	No

It is considered the application fails to comply with multiple parts of the Ashfield Interim Development Assessment Policy 2013 as indicated and ultimately fails to achieve the aims and objectives of the AIDP 2013.

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8.0 Referrals

Referrals		
Referral	Comments	Support
Building Surveyor	Supported subject to conditions	Yes
Traffic Engineer	<p>Does not support for following reasons:</p> <p>(1) It is noted that there is one accessible unit and that the car park has one accessible parking space to service that unit. The accessible parking space is sized in accordance with AS 2890.6, however, it must be marked and signposted in accordance with the requirements of AS2890.6. In particular, the space must be fitted with a bollard within the hatched unload area located as per Fig 2.2 of that standard to ensure this area remains free as an unload area for drivers/passengers with disabilities.</p> <p>(2) It is noted that visibility splays have been indicated on the plans at the junction of the driveway with the front property boundary. These areas must be kept clear of fences, walls or screening shrubs to ensure visibility is maintained to pedestrians on the footpath.</p>	No
Drainage Engineer	<p>Does not support for following reasons:</p> <p>(1) Council's Stormwater Management Code (SMC) Section 4.2 requires On-site Stormwater Detention Storage to be incorporated into the stormwater design, the designer has not included this requirement as part of this submission.</p> <p>(2) The site's stormwater discharge has not been addressed as outlined in SMC Section 4.9.</p> <p>(3) All drainage connections to Council's drainage systems is to be by gravity means (SMC) Section 4.5 as well submissions are required to demonstrate the feasibility (SMC) Section 4.7.</p> <p><u>Conclusion</u> The need for the inclusion of an On-site Stormwater Detention system within this site will physically impact on the amount of development, open space and setbacks of the development, and will probably necessitate a redesign of development.</p>	No
Heritage Adviser	Does not support – see attached comments.	No
Environmental Health Officer	<p>Supported subject to conditions</p> <p>Plans submitted to Council do not indicate any proposed mechanical exhaust plant, rainwater pumps to be installed on the premises. Council should request the applicant submit a drawing showing all the proposed location of mechanical exhaust and ventilation plants, pump and air conditioner units which may produce a noise impact to nearby residents for Council consideration. As mentioned in the acoustic reports, it is proposed to install air conditioner units and mechanical plants to be included in the building as stated in page 14 of the acoustic report dated 2 October 2015. There is no indication of providing a communal laundry room or private laundry facilities in each room.</p>	Yes

9.0 Building Code of Australia (BCA)

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

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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 development is recommended for refusal for reasons outlined in the report.

ATTACHMENTS

Attachment 1	Plans of Proposal	9 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advice	2 Pages
Attachment 4	Submissions	31 Pages

RECOMMENDATION

- A. That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. 10.2015.197.1 for partial demolition of existing boarding house and construction of a new four level extension to the rear to create a 27 room (incl. manager) and 49 bed (incl. 1 manager bed) boarding house above basement car parking on Lot 1, DP 169164, known as 30 Chandos Street, Ashfield, for the following reasons:**

Reasons for Refusal

- 1. The proposed development is excessive in bulk and scale, in particular as a result of the large areas of void contained within the building envelope which give the impression of a building larger than the nominal FSR would suggest.**
- 2. The proposed development does not comply with State Environmental Planning Policy (Affordable Rental Housing) 2009, as follows:**

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- a. cl. 29(2)(d)(i), Private open space: The communal open space is not functionally well located in relation to the internal areas, in particular the communal living area.
- b. cl. 30A, Character of local area: The proposal is inconsistent with the character of the local area as follows:
 - i. Scale: The four storey scale of the proposal (as emphasised by the large skillion dormer windows) is unsympathetic to the character of the medium density residential zone within which the Ashfield Interim Development Assessment Policy 2013 nominates a scale of 3 storeys with any fourth storey comprising an attic located entirely within the roof structure;
 - ii. Scale: The four storey scale of the proposal (as emphasised by the large skillion dormer windows) is unsympathetic to the character of the locality due to its contrast in scale between the one to two storey heritage item at 32 Chandos Street and the single storey federation dwelling at 28 Chandos Street;
 - iii. Heritage: The four storey scale of the proposal is unsympathetic to the context of the heritage items located adjacent to and in the vicinity of the site;
 - iv. Streetscape: The vertical extension of the roof of the existing Victorian dwelling is unsympathetic to its original character and its contribution to the streetscape.
- 3. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:
 - a. cl. 5.10(4), Heritage Conservation: The scale of the proposal would have an unacceptable impact upon the heritage items in the vicinity of the site.
 - b. cl. 5.10(4), Heritage Conservation: The vertical extension of the roof of the existing Victorian dwelling is unsympathetic to its original character.
 - c. cl. 5.10(5), Heritage Conservation: A heritage impact statement has not been submitted addressing the impact of the proposal upon the adjacent heritage item.
- 4. The proposed development does not comply with Ashfield Interim Development Assessment Policy 2013, as follows:
 - a. Part C11, Parking:
 - i. cl. 5.0, Design Requirements: The detailed design of the parking spaces is inadequate in that the proposal does not provide a basement driveway no steeper than 1 in 20 for the first 6m inside the property boundary
 - b. Part C18, Boarding Houses:

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- ii. cl. 2.2, Site planning: The site planning results in excessive overshadowing of 28 Chandos Street and adverse privacy impacts on both 28 and 32 Chandos Street.
- iii. cl. 2.2, Objective (a), Site planning: The Internal amenity of rooms 13-23 is poor due to the minimal outlook resulting from the screening required to address privacy impacts upon adjacent properties and the amenity of the communal room and communal open space is poor due to the lack of direct connection between the two and the poor siting of the communal open space generally.
- iv. cl. 2.3(a), Building form and appearance: The proposal is excessive in scale and consequently not consistent with the character of adjacent properties and the streetscape as follows:
 - a. The built form is excessively bulky in the context of the single storey dwelling to the south and the one and two storey heritage listed townhouse development to the north.
 - b. It is also excessive in the context of the R3 medium density residential zone where the maximum height limit as guided by Part C5 of AIDAP is three storeys with an additional level possibly contained within an attic space.
 - c. The vertical extension of the roof of the existing Victorian building on the site to remove its transverse ridge is unsympathetic to its architectural proportions and inconsistent with the existing character of the locality to which the existing form of the building contributes.
- v. cl. 2.3(a), Building form and appearance: The proposal adversely impacts on adjoining properties through overshadowing as follows:
 - a. The proposal would severely overshadow the principal private open space of the residential property to the south of the site at 28 Chandos Street. It would not receive sunlight to a minimum of 50% of its ground level area for a minimum of 3 hours between 9am and 3pm on June 21.
 - b. The proposal would severely overshadow the glazed areas of north facing living rooms of the residential property to the south of the site at 28 Chandos Street including:
 - i. The rear most living room;
 - ii. The dining room; and
 - iii. The TV room.

These rooms would not have solar access maintained to at least 40% of their glazed areas for a minimum of 3 hours between 9am and 3pm on June 21.

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- vi. cl. 2.3(a), Building form and appearance: The proposal adversely impacts on adjoining properties through loss of privacy as follows:
 - a. The proposal would overlook the private open space of the residential property to the south of the site at 28 Chandos Street.
 - b. The proposal would overlook the private open spaces of the adjacent property to the north of the site at 32 Chandos Street.
 - c. Overlooking results from inappropriate site planning which directs the outlook of the majority of the boarding rooms to the north and south sides.
 - d. The landscaping proposed along the northern boundary would not be viable given that it is in conflict with the multiple access gates in the same location intended to give side access between the front and rear of the site.
- vii. cl. 2.7(a)(c), Operation Plan of Management: The Plan describes rooms 1 and 26 as single rooms whereas the plans show double rooms.
- viii. cl. 2.8, Waste: Inadequate waste storage facilities are provided.
- c. Part D1, Planning for Less Waste:
 - i. Bin numbers: The proposal only provides adequate storage for 6 bins whereas space for a total of 16 is required (12 waste and 4 recycling).
 - ii. Bin presentation: The space available along the frontage is too narrow to accommodate the required 16 bins for collection.
- d. Part E4, Stormwater Management Policy:
 - i. cl. 4.2: On-site detention has not been provided.
 - ii. cl. 4.5 & 4.7: It has not been demonstrated that the connections to Council's drainage system are by gravity means.
 - iii. cl. 4.9: The stormwater discharge has not been addressed in accordance with this clause.
 - iv. Satisfaction of the on-site detention requirements may necessitate redesign of the development with a smaller footprint.
- 5. The proposed development does not comply with the Building Code of Australia, as follows:
 - a. The ceilings of the mezzanine bedrooms of rooms 3-12 are 2.2m in height and do not satisfy the minimum required height of 2.4m for habitable rooms.
 - b. A large area of the ceilings of the living areas of rooms 13-22 are 2.1m in height and do not satisfy the minimum required height of 2.4m for habitable rooms.

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- c. The basement requires an additional fire exit.
 - d. The path of egress from the rear fire stairs to the street is in conflict with the proposed boundary landscaping which is also required to reduce privacy impacts upon the adjacent property to the north.
 - e. The path of egress from the rear fire stairs to the street is interrupted by the multiple gates between courtyards which are liable to be blocked by resident's possessions and landscaping.
6. No laundry facilities are proposed.
7. The proposal is not in the public interest.

PHIL SARIN
Director Planning and Environment



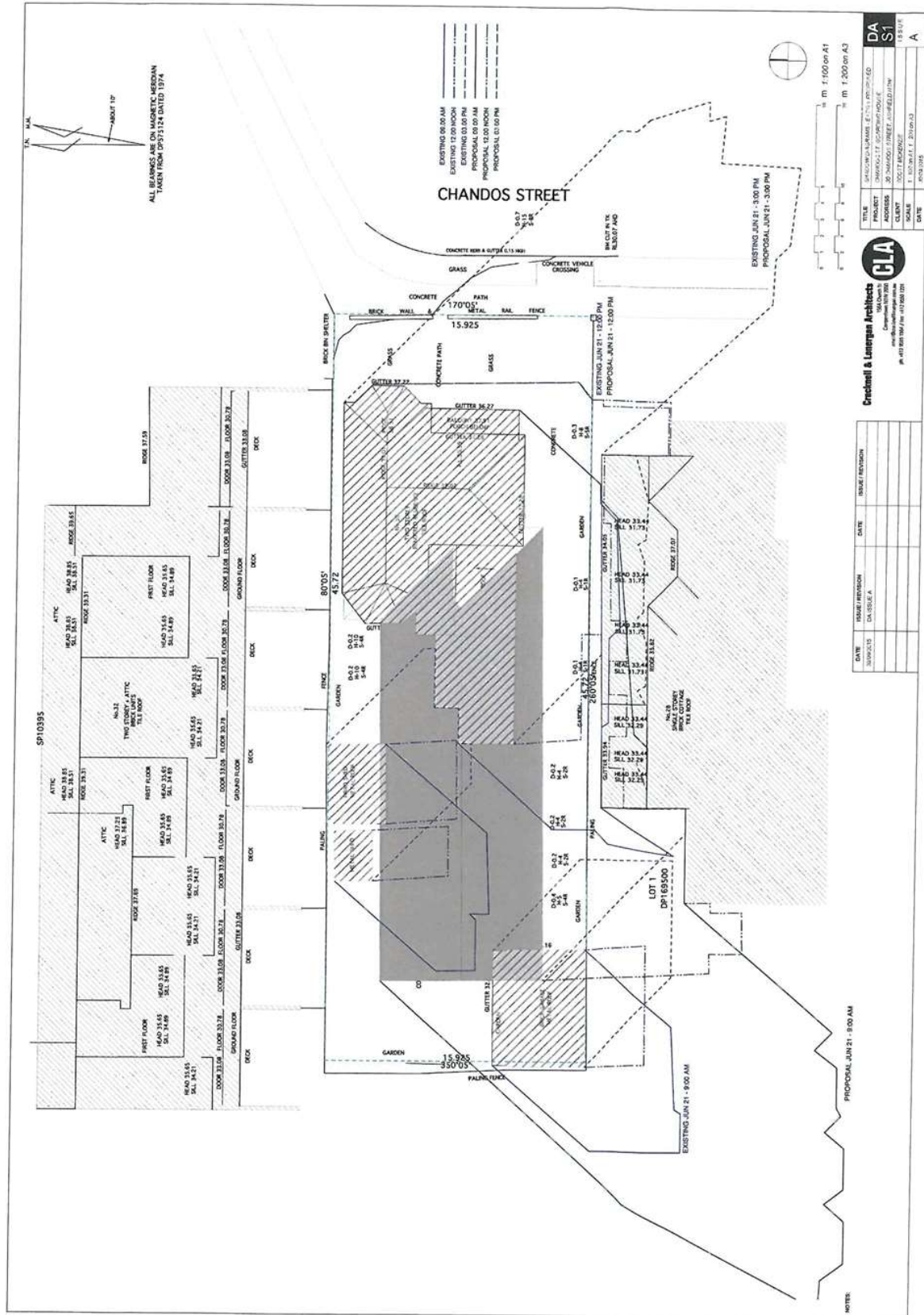






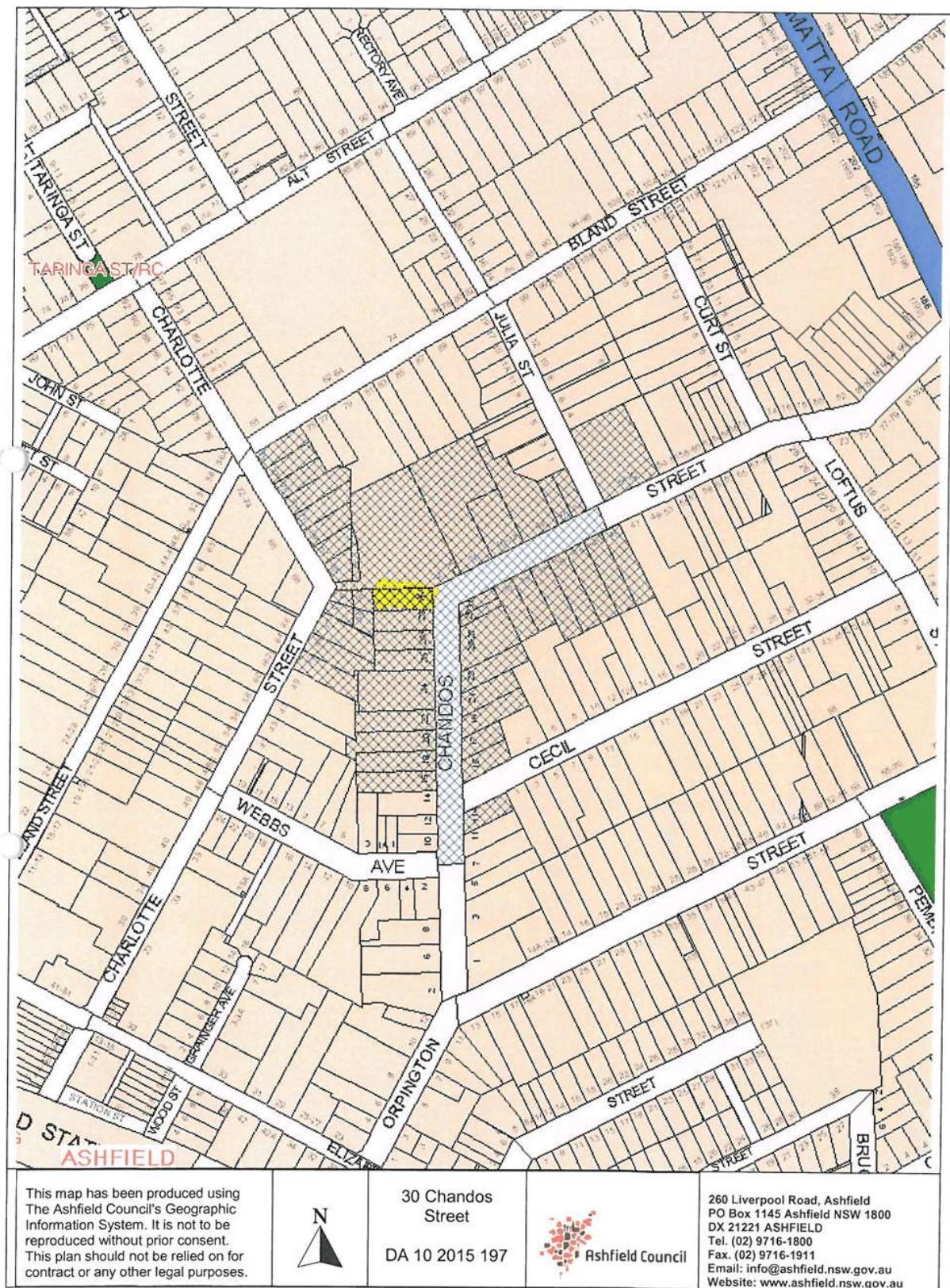














DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	30 Chandos Street ASHFIELD	File No: 10.2015.197.1
ADVISOR	Robert Moore	
DATE	11 January 2016	
STATUS	Adjacent Heritage Item	
DESCRIPTION	Boarding house	
PREVIOUS COMMENTS		
<input type="checkbox"/>	HIS/CMP recommended for archiving in library	
<small>Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.</small>		

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	<input type="checkbox"/> Application to be returned to Heritage Advisor for review after amendments <input type="checkbox"/> Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input checked="" type="checkbox"/>	Not acceptable
<input type="checkbox"/>	HIS/CMP recommended for archiving in library
Discussion: This proposal follows an earlier similar proposal for intensification of the development on this site as a boarding house, to the rear of the existing two storey substantial Victoria residence. An earlier consent was achieved through negotiation but conditions to that consent were appealed by the applicant. Having been on-sold the present application has come forward proposing the internal and external rearrangement of the existing two storey Victorian residence, and the attachment to its rear of a substantial four level block set over an excavated basement with its upper most level contrived as an attic featuring some five large skillion dormer window forms each side of the central axial ridge. The junction and connection of the new wing to the existing house is managed by altering the hipped roof form of the existing house to an enlarged hip altering and significantly increasing the height	

of the existing roof to the house. On its northern side, the proposed development would present the louvre screened windows, ground floor courtyards and attic level dormer windows to the neighbouring development – which is “Avondale”, the heritage listed townhouse complex designed by the noted architect the late Ian McKay. This juxtaposition gives rise to concerns of adverse impact upon the heritage values and amenity of Avondale. The scale and particularly the height and repetitive design character of the proposed development appear to present challenges to the heritage item which require some reconsideration of the proposed design.



Robert Moore

General Manager
Council of the Municipality of Ashfield

Dear Sir

CONCERNS REGARDING: DEVELOPMENT APPLICATION
DEVELOPMENT SITE: 30 CHANDOS STREET, ASHFIELD LOT: 1 DP: 169164
APPLICATION NO: 10.2015.197



Residents of Avondale
32 Chandos Street
ASHFIELD 2131,
12.11.2015.

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED

DATE 12/11/15

We the undersigned wish to submit concerns regarding aspects of the development application for the above property. The increase in residents to 47 is significant and will result in:

1. A loss of amenity to a safe neighborhood. Management of the first floor front balcony is not specified in the Management Plan. In the past this location has been a problem area for bad behavior. Residents have felt unsafe, been sworn at and been the target of verbal abuse.
2. The Complaints and Incident Register specifies Canterbury Council not Ashfield Council. We request this be amended.
3. Loss of amenity to a smoke free environment. Cigarette smoke from this area invades the common property including the post box and garbage area. The result is that the amenity to neighborly chats is truncated. The bedrooms, lounge rooms and kitchens of the town houses also need a smoke free healthy environment.
4. Overshadowing of Chandos Street. The development proposes an increase in height of the building by 1.9 metres.
5. Loss of amenity to a quiet neighborhood. The acoustic report states lower decibels for night noise, especially the roller door for the garage. However, at night, when background noise is less, sound is clearer and travels further. There will also be noise from cars and motorbikes entering and exiting the garage. Since sound travel easily and upwards this will affect the health and well being of neighbors.
6. The loss of amenity of on-street parking will be further stressed by the development. At present there is a marked lack of parking in Chandos Street at night and on weekends. An increase in the number of tenants places further pressure on a limited resource.

In conclusion the development will place pressure on already sensitive issues.

Yours faithfully

HELEN McFARLANE, 2/32 Chandos St, Ashfield 2131 *H McFarlane*

Alan Dixon 33/32 Chandos St Ashfield NSW

STUART DUBBIE 34/32 Chandos St Ashfield 2131 NSW *Stuart Dubbie*

GEOFF TURNBUK 21/32 CHANDOS ST, ASHFIELD *Geoff Turnbull*

MALCOLM LYCETT 6/32 CHANDOS ST, ASHFIELD *Malcolm Lycett*

Quasline Hughes 1/32 Chandos St Ashfield *Quasline Hughes*

MARGARET LYNDS 5/32 CHANDOS ST, ASHFIELD *Margaret Lyns*

JILL SIMMONS 14/32 CHANDOS ST ASHFIELD NSW *Jill Simmons*

KIM GEAHALL 14/32 CHANDOS ST ASHFIELD *Kim Geahall*

CHRIS GALLETT 15/32 CHANDOS ST, ASHFIELD 2131 *Chris Gallett*

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APPLICATION NO: 10.2015.197
From Residents of Avondale, Chandos St, Ashfield

BRENNAN ENGLADE 24/32 CHANDOS ST. ASHFIELD
ANTHONY WOODS 29/32 CHANDOS ST ASHFIELD

50129507
9797 60400 *afford*

FRIDA SHADNICK 18/32 CHANDOS ST ASHFIELD 9798 4004

KAREN LANGWORTHY 31/32 CHANDOS ST ASHFIELD
ALEX SHARPE 31/32 CHANDOS ST ASHFIELD

Headwick
97983171
Shay
R.

MICHAEL BAKER 22/32 CHANDOS ST ASHFIELD 97994951 *Bak*
DANIEL CASPARO 28/32 CHANDOS ST ASHFIELD 0425305336



11th October 2015

Michelle Nguyen (13/32 Chandos Street Owner)

phone: 02 9848 1032, mob: 0418 863 047

email: mngu0058@outlook.com

To The General Manager,

Response to application: 10.2015.197 (30 Chandos Street Ashfield 2131)

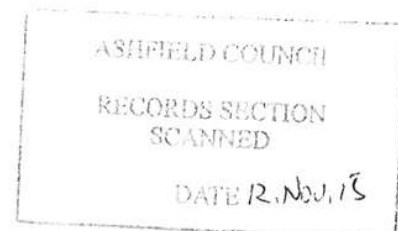
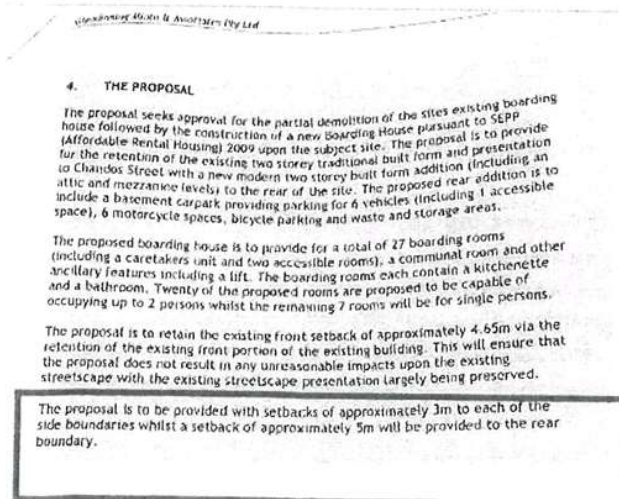
Proposal as per notification of development application: Partial demolition of existing boarding house and construction of a new four level extension to the rear to create a 27 room boarding house above basement car parking.

As a collective group of the south row of townhouses of 32 Chandos St Ashfield, we are writing to express our concerns regarding the expansion of the current neighbouring boarding house accommodation, 30 Chandos St.

The proposal has only acknowledged affecting 4 townhouses in fact all adjoining south side townhouses will be impacted.

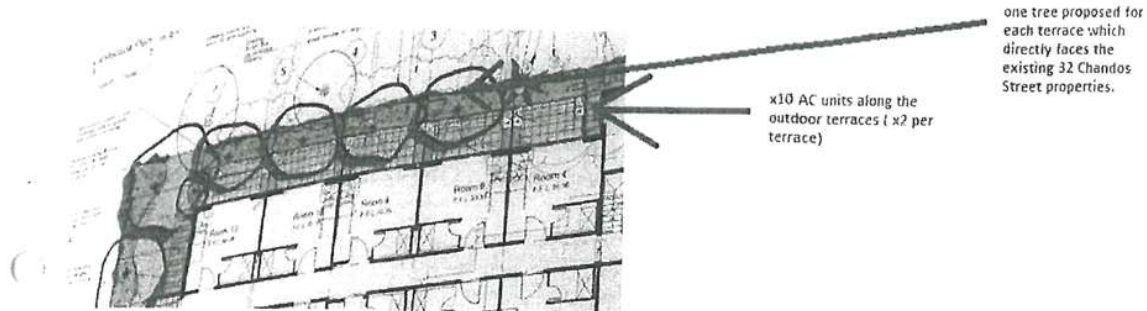
Please find below the following comments for your consideration.

In this extreme high density living proposal, for a potential of 47 boarders (excl visitors), we feel that noise and privacy will further be compromised by this influx of people. We currently already experience a significant amount of noise and interference. It would be detrimental and highly stressful if this disturbance escalates with more rooms and of course, subsequently more boarders. The proposed entry points to the building, especially access along the sides of the building are in very close proximity to neighbouring private living areas and will cause a lot of noise as people come and go. The influx of people may also place further stress on the limited street parking situation on Chandos St and surrounding streets. To maintain the safe and serene Ashfield lifestyle, we request you re-consider the number of rooms proposed and reduce to an appropriate scale to match to the size of the land and the capacity to safely house people, considering the need to have a sufficiently acceptable amount of space for daily living. The human traffic is already significant and with this high density proposal, we believe it will have negative implications to Ashfield's community.

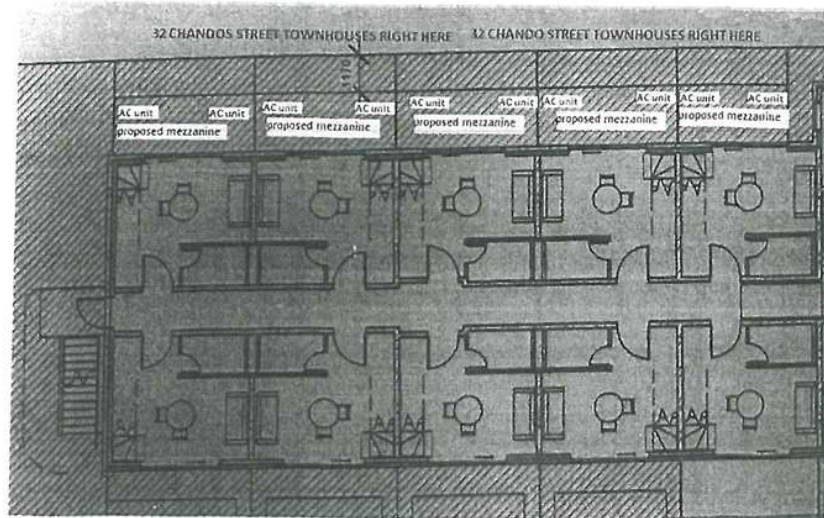


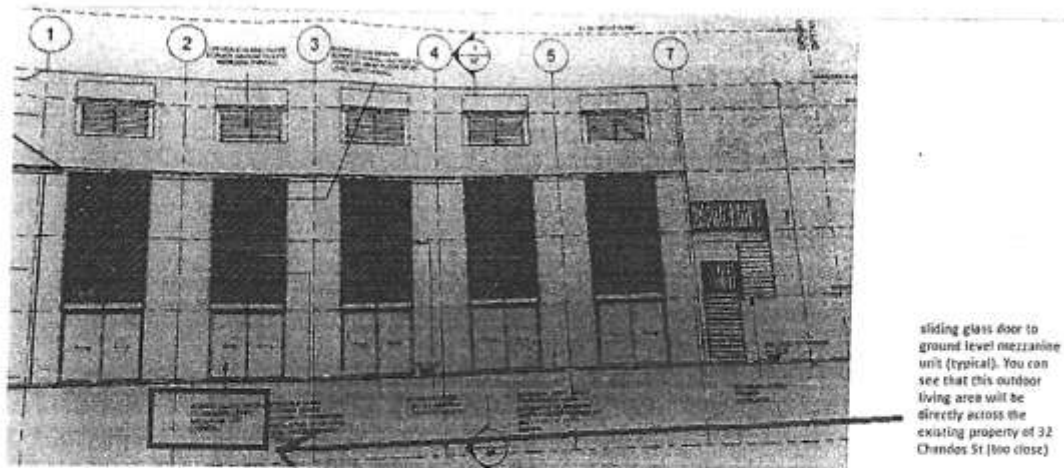
As you can see with the more detailed plans of the proposal, these perimeters are evidently not compliant with the proposal. The outdoor terrace, AC units and the rear staircase not considered within these setbacks. I.e once the outdoor terrace is in place there is only 1.170m to the side boundary and only 3.282m to the rear boundary once the staircase is in place

- Ten air-conditioning units are planned to be located along the edge to 32 Chandos St, in what is considered 5 sets of functional living spaces 'ground level mezzanines' with 5 sets of glass doors for outdoor access along the side of the building, directly facing the existing living areas of the townhouse row. As per the plans drawn, the edge of this outdoor mezzanine is 1.170m from the property boundary which faces directly into the existing townhouse courtyards. Even though one tree is proposed to be planted for each mezzanine area, we believe this is insufficient to block out the noise of people using the outdoor area as well as the AC units running.



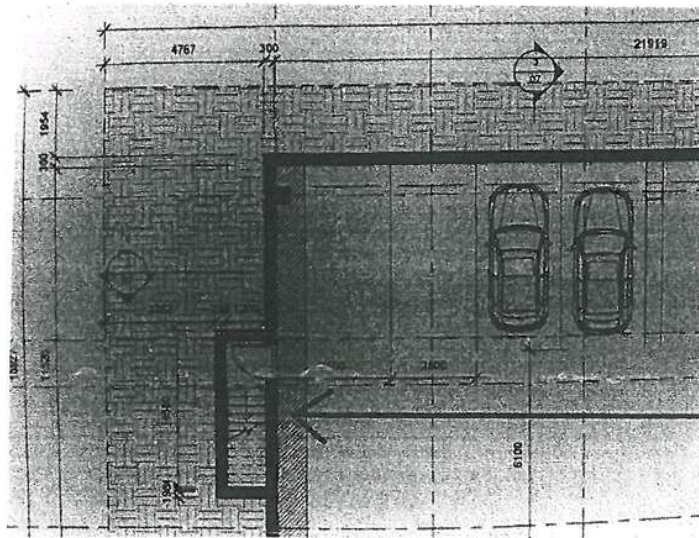
Schematic view of the same interface boundary between 30 Chandos St and 32 Chandos St. Also shows the measured distance of 1.170m from perimeter. We believe this is not enough distance to maintain privacy and noise considerations from both sides.





We believe the outdoor terrace/mezzanine and AC units are too close to the boundary, especially considering there are multiple glass doors (opening and closing, people coming and going) and ten AC units which may be simultaneously running day and night. Furthermore, the running noises and heat pollution produced by these AC machines will adversely affect the residence of 32 Chandos St and the surrounding areas. The synergistic heat dissipation with continual use of up to 10 AC units will affect the air and temperature quality of the surrounding environment; especially the outdoor living spaces of 32 Chandos St and the boarders in close proximity too. The natural fauna and plant life will also be exposed to this unrelenting heat. This congregation of heat may one day be a fire hazard and the fact it is so close to many dwellings is something to seriously consider for the safety of the people. We request the ground floor mezzanines and glass door entrances be removed from the plans and a window be placed there instead with the access to the property through the front and back entrance so there are no side entrances. Other means of cooling should be considered such as windows or fans for individual rooms etc. Many of us living in 32 Chandos Street have lived here for years and years without AC.

- The attic bedroom glass windows will need to be further scrutinised to ensure it does not have direct visuals into current windows of the townhouse row. Overshadowing, privacy and noise issues are of major concern. It is not acceptable to have a towering boarding house blocking the current natural sunlight access to existing buildings. A third level is offensive in many aspects. Maintaining current heights/ levels would be a consideration.
- The rear open stairwell is also of concern considering its height elevation and public access which will allow for direct visuals into the adjacent townhouses and other surrounding properties. We believe that privacy will be compromised to our bedrooms and multiple living spaces. A suggestion would be to have an enclosed stairwell that is secured by key only access for boarders.



This stairwell will be an area for congregation of house occupants. The edge of the stairwell is only 3.282m until the perimeter of the rear fencing. This is not enough space and too close to the edge, especially considering stairwell is across multiple levels and can peer into surrounding properties very easily so privacy will be violated. If there are less people, there will be less issues with this

Safety and Peacefulness is a major concern.

- We ask that when considering tenants in the boarding house, conditions are in place for the type of occupants approve to ensure suitable people reside in the dwelling to ensure the safety and community feel of the neighbourhood. We would hope that all occupants go through rigorous background checks and this is stipulated in the contract they sign with the boarding house. We feel the boarding house has a responsibility to the community to ensure ongoing safety and peacefulness in the street. In recent years of being situated adjacent to the boarding house, we have witnessed/experienced arguments, domestics, drug use, excessive alcohol consumption, swearing/inappropriate language and the disposal of rubbish and cigarette butts over the back fence and into our properties. This behaviour is not conducive to safe community living.
- It has also been noted that under the plan of management, there will be a non-smoking policy inside the boarding house and the private outdoor areas but we are concerned that the communal outdoor area does not mention non-smoking policy. Specifically it states on page 3, *"USE OF OUTDOOR COMMUNAL AREA the use of the outdoor communal area to the rear of the property shall be restricted to between the hours of 7.00am and 10.00pm daily. No amplified music and open bonfires are permitted at ANY time within the outdoor communal areas."* We request that the communal outdoor areas also carry the non-smoking policy. Due to the nature of this high density living proposal and lack of personal boarder ownership of the property, the boarding house owner needs to take responsibility for any potential fire hazards that can be caused by discarded cigarette butts. In the past, we have noticed that butts have been discarded over the fence and into vegetation.
- Sufficient privacy measures need to be put in place to protect the privacy of the boarders and the dwellers next door. Any existing plants that provide any form of privacy or noise reduction should remain or at least be replaced with something of equal or greater functional purpose of providing privacy and noise reduction. We believe that the proposed vegetation is insufficient to provide the required coverage. There has been no consultation with Avondale regarding disturbance/removal of our plants. The proposed removal of the long standing umbrella trees in our properties will significantly impact on the habitat of the native birds including lorikeets. This will affect the enjoyment of the birds by the townhouse residents.
- We feel the overall proposed dwelling is too close to the land perimeters to the south and we request the building be scaled back to an appropriate size so it does not encroach on the amenity of established properties.



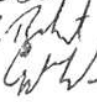



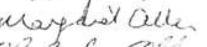
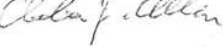
The overshadowing of existing buildings, excessive noise disturbances, heat pollution and invasion of privacy will be considerable issues if this building is developed as proposed. It is an invasive proposal, which will adversely affect the quality of life for the boarders, and current residents in surrounding buildings, such as 32 Chandos St.

We reject the current proposal and would like further considerations of the adverse effects to surrounding dwellings and their inhabitants.

Thank you for your consideration.

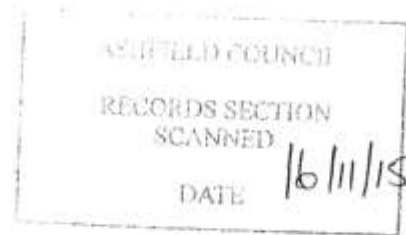
Yours Sincerely,

Residence and Owners of 32 Chandos Street Ashfield (South block)


MICHELLE NGUYEN, 13/32 Chandos Street Ashfield (owner) 0418 863 047
Rachael Fullston, 9/32 Chandos Street Ashfield 0412 590 880 
RILEY GABBER 8/32 CHANDOS ST. ASHFIELD 0478 012 146 
EIGHTON AACHEK 13/32 CHANDOS ST, ASHFIELD 0408 200 117 
Peter Wilkinson 13/32 Chandos St Ashfield 0451 262 761 
WISSELL MYSLIE 12/32 CHANDOS ST, ASHFIELD 0487 521 118 
MARGARET ALLEN 7/32 CHANDOS ST ASHFIELD 9798 466 3 
Larson Allen 7/32 Chandos St, Ashfield 9798 466 3 

3/26A Chandos Street
Ashfield NSW 2131

Home: 02 8959 3928
Mobile: 0415 428 258
Email: chiara1980@hotmail.com



12 November 2015

ATTENTION: General Manager

RE: Response to Notification of Development Application 10.2015.197
to 30 Chandos Street, Ashfield Lot: 1 DP: 169164

Dear Sir/Madam,

As an Interior Designer by profession and resident of 3/26A Chandos Street, Ashfield, I am writing to express my concerns regarding the proposed development application to 30 Chandos Street. My concerns are in relation to the following:

1. Size and Massing

1.1 Height

The proposed roof line adds almost 1600mm to the existing, and runs almost the full extent of the block. This removes precious sight lines from our apartment to the heritage listed Avondale (32 Chandos St) and its valued vegetation; it provides potential glare issues from our apartment due to the nature and extent of the proposed corrugated sheet metal finish; and it overwhelms the character and scale of the existing retained Victorian portion.

The proposed roof line should be lowered. This should be as a minimum to align with the existing, but ideally it should be lower than the existing Victorian roof so as to be less visible from the street front and create a differentiation between old and new, treating the existing building with sympathetic respect.

1.2 Length

The development uses almost the full extent of the block. This is a concern as it is too long and large compared to the two surrounding buildings – 28 Chandos is a single storey dwelling and 32 Chandos are townhouses setback and surrounded by vegetation.

Using the majority of the block for the building means that there will be little congregation area at the back for the (up-to) 47 residents. Given the small size of the internal common area (around 15sqm) it is reasonable to assume that larger tenant gatherings will spill onto the path and street front causing disturbance to people passing by and neighbours. There are already regular noise complaints and Police attendance and an increase in number of tenants and reduced meeting space would only increase this issue.

A reduction of the length of the building would increase the meeting area and decrease the number of tenants, easing this concern.

1.3 Width

The proposal increases the façade width. This changes the scale and character of the existing building in a heavy and bulky manner; it is unsympathetic with the character of the adjacent buildings and detracts character from the street front.

Although the retained Victorian house may not be of heritage value, its character and scale should be respected both for its own sake and the value it adds to the streetscape. Any new addition should be sympathetically scaled and detailed and clearly defined from the existing; ie smaller sized with less visual impact. Furthermore, although Chandos St may be considered a medium density area, the attraction of the street is that it has a variety of building types that are harmonious to those adjacent. This new development is adjacent a single storey house and garden area to Avondale. The size and mass of the proposed new development would be in stark and unsightly contrast with the surroundings. The anticipation of this development is that it must fit in and not create an eye sore by being scaled up too much.

2. Exterior (Façade and exterior elements and treatment)

2.1 Materials

The drawings indicate that corrugated metal roofing will be installed to part of the old roof to "marry" with the new. Once again, this is unsympathetic to the character of the existing building. It detracts from its charm and character. The existing terracotta tiles should be retained. The new treatment clearly delineated and defined. As state previously, there is also a concern that the corrugated metal roof at this height could be a glare issue as it is at eye level with our apartment.

2.2 A/C Units

I am concerned with the noise and aesthetics of the proposed A/C units, as it is unclear how these units will be integrated in the side elevation of the building. The plans show the A/C units are located next to the windows/sliding doors but no reference is made on the elevation drawings. More information should be provided.

2.3 Window treatment

The new proposed block fixed "window" opening to the original retained Victorian portion of the development is not in keeping with the style and character of the existing. As stated previously, this Victorian building currently provides a portion of the existing and desired character and charm to the street. It is important that it continue to do so by being altered in a minimal and sympathetic manner in the new development. For this portion of the building, please consider a window treatment more in keeping with the existing façade and windows.

3. Interior

I have concerns with whether we are addressing the DA as a true final design; as it appears that there are non-compliant elements in the interiors that will need readdressing and may impact on the final built form.

3.1 Ceiling Heights

The ceiling heights of the rooms are not compliant with the Building Code of Australia (2400mm for living areas). They appear to vary between 2100-2400mm at slab

dimensions. This implies that once any finish to flooring or ceiling is applied, the dimensions would decrease even further. A readdressing of the slab heights and hence the overall building would be required to comply.

3.2 Accessible circulation and access.

The first floor corridor indicates an allowance for wheelchair turning circle, but it is unclear how the wheelchair can access this corridor in the first place. Will the lift be operable on both sides of the stair on this level (between FFL 33.92 and FFL35.00)? The wheelchair user will not be able to access any of the rooms on this corridor due to the restricted circulation around the door ways. Although these rooms are not specifically for tenants with wheelchair disabilities (rooms 1 and 26 are nominated), the code requirements should also be for ambulant accessible users (such as vision impaired or people with broken limbs). It would seem unlikely that all tenants and their visitors will be able bodied at all times. A review of the door and circulation clearances may be advisable.

The size and arrangement of the bathroom in the accessible rooms (room 1 and 26) appear minimal. A review and redesign may be necessary to ensure compliance.

4. Social aspects

4.1 Number of occupants

This has already partly been addressed in point 1.2.

The nature of boarding houses and its tenants is that they can, and have for us at Chandos St, created noise, disruption, inconvenience and even some scary moments, which have required regular police involvement. The concern is that almost tripling the number of rooms (from 10 to 27) and with a potential of up-to 47 people on the one "chock a block" site, the issues would exponentially increase. I am concerned that the number of tenants is too high to be well integrated and absorbed in this area, and/or be well supported by the size of this development (too small for 47 people but too big for the surrounding neighbourhood). In order to retain the safe and family friendly nature of this neighbourhood, I kindly ask council to reconsider the number of potential tenants allowed on this site.

Given the issues raised in regards to the development's proposed building size, character and impact on the social and built fabric of the area, I ask that council reconsider the extent and design of this application. I am certain that with some considered reductive changes both the developer, council and residents will find a common ground.

Yours sincerely,



Chiara Balsamo



11/32 Chandos Street
ASHFIELD NSW 2131

12 November 2015

The General Manager
Ashfield Municipal Council
PO Box 1145
ASHFIELD NSW 1800

Development Application No. 10.2015.197 – 30 Chandos Street, Ashfield

Dear Madam

I wish to object to the subject development application.

In my opinion the proposal contemplates a gross overdevelopment of the site which would result in a significant adverse impact on its immediate environment. This area is predominately low to medium density in character and to propose constructing a facility which, in effect, covers the entire site, seems no more than an ambit claim.

Having lived here for over 30 years, I am well aware of the disadvantages of living in close proximity to an establishment such as is conducted at 30 Chandos Street. The prospect of the number of residents being increased from the present modest number to something potentially approaching 50 fills me with dismay. For this reason, I am supportive of the submission made on 11 October 2015 to Council by my neighbour from 13/32 Chandos Street.

I believe Council should reject the application in its present form so that the amenity of this area is not compromised. The well-being and social cohesion of residents must be paramount in Council's consideration of this matter. The interests of developers should not be advanced to the detriment of adjoining, rate-paying residents.

Yours faithfully


K J Bergin



PO Box 428
SUMMER HILL NSW 2130

Ashfield Council
PO Box 1145
ASHFIELD NSW 2131

Attention: Director, Planning and Environment

Subject: DA 10.2015.197 (30 Chandos Street, Ashfield - Lot 1 DP 169164)

I write in response to Council's notification of the subject DA dated 22 October 2015.

- In consideration of this proposal Council must consider the impact on the local community. The current site has, I understand, a history of antisocial occurrences. The residents to the north of the site, I understand, are often woken by the noise coming from the subject site. The escalation in the number of dwelling units on the site, I would imagine, would have a commensurate increase in the number of such incidents occurring on the site.
- The building is far too large for the site, in area as well as height. This is unacceptable.
- The traffic generation of the site may have safety implications for this location. This is in regard to the number of vehicles coming and going to the site as well as for the safety of pedestrians walking along Chandos Street.
- The increase in the number of residences on the site will increase the noise coming from the site. Already, the residents to the north and south are affected.
- The residents to the north must have their privacy protected. The oversight of "Avondale" residents (to the north) must not be permitted. The "Avondale" residents are entitled to quiet enjoyment of their homes and rear yards.

I urge Council to deny approval to this Development Application.

Thank you for your consideration of this matter.

Yours sincerely

M. A. Cleaves

29 October 2015

Ashfield Council
13 NOV 2015

10/32 Chandos Street
Ashfield 2131
11.11.15

General Manager
Council of the Municipality of Ashfield

Dear Sir

CONCERNS REGARDING: DEVELOPMENT APPLICATION

DEVELOPMENT SITE: 30 CHANDOS STREET, ASHFIELD LOT: 1 DP: 169164

APPLICATION NO: 10.2015.197

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED
DATE 16/11/15

I wish to submit concerns regarding aspects of the above development application for the following reasons as well as proposed solutions should the application be approved.

I request that council consider the envelope of the previous proposed development and consider the process leading to the agreement reached by the lawyers and the court. The development will have significant impact on all the townhouses on the Northern boundary, not just the 4 as per the DA. The development will also unreasonably impact on the amenity of adjoining properties and the character of the surrounding locality.

Loss of Amenity to Privacy

There will be a severe loss of privacy. All the adjacent townhouse windows on the northern side of the development look onto the development property. Our ground floor level is higher than the ground floor of the proposed development, therefore the view from the development ground floor sliding doors will look straight over the fence into my living and kitchen areas. The view from the top storey windows will look straight into my bedroom windows. I do not wish to live behind closed curtains. My main bedroom has narrow windows which already limits natural light.

Proposed solution if approved: Install translucent glass.

The fence/sound barrier to be a minimum of 2.2m, preferably as high as the existing laundry shed, 2.8m.

Demolition of an Existing Privacy Screen

At present the existing shed structures on the northern fence line adjacent to townhouses 10/11 affords privacy to part of my downstairs living room and blocks vision and partly blocks noise. This means I am only able to have half of the living room curtains open without being seen by the boarding house. Under the plans the shed is to be demolished. The proposed fence height is significantly shorter causing the loss of an existing privacy screen.

Proposed solution if approved: The fence to be as high as the existing privacy screen.

Privacy Screen Planting

The development plans have gated access along the fence line on the northern side. The opening of the gates will prevent continuous planting, causing gaps in any screen planting.

Proposed solution if approved: The landscape plan needs mature and continuous screen planting.

Move gate openings to allow for continuous planting.

Loss of Outlook

Seeing the sunny sky is important to alleviating the seasonal depression caused by lack of sunlight. The height of the development will cut my access to see the sky. This will cause distress in summer and winter. My townhouse faces south as it is, so in winter we are in shadow. Seeing the sky all year round is important as a source of light and comfort. It is also distressing to think of not being able to look outside to see what sort of day it is. To see the sun is important when it can't be felt.

Proposed solution if approved: Lower the height of the proposed extension from 4 levels to 3.

Loss of Daylight

Because we do not have direct sunlight, the building of 4 levels above ground will cause a significant impact to access to natural light. The loss will darken our townhouses. Moreover the roof line of the original building is to be raised 1.9m, worsening the situation.

Proposed solution if approved: Paint the walls of the extension the same shade as the northern walls of the present building or a shade of white to reflect light.

Retain the height of the present building and lower the height of the proposed extension from 4 levels to 3 in line with the existing building height.

Impact of Light Spill on Amenity to Sleep

There will be 10 separate apartments i.e. 10 separate households with 10 separate timetables, with 2 layers of windows overlooking the townhouse backyards. My townhouse will have 4 directly opposite. At night there is already light spill which comes from the existing kitchen, dining and bathroom areas. When any one of these lights is left on it spills into my bedrooms, past layers of curtains and venetian blinds and prevents the amenity of sleeping in a darkened room.

Proposed solution if approved: Fix curtains to all glass areas, reduce the size of the glass doors.

Impact of Noise on the Amenity of Sleep

The increase in the number of tenants will increase the likely hood of night time activity. In the quiet of the night sound is more penetrating due to lower levels of background noise. The activities of shift workers who arrive home or leave in the early hours of the morning are audible. At present the sound of activity is heard at all hours from the kitchen area when a door or window is open. Any social activity in the open areas at night penetrates my bedrooms.

In the past this noise was a problem when my child had a bedtime before 10pm. There was an educational impact caused by disturbed sleep. The management plan does not take into consideration children's needs present or future. This is of importance considering the close proximity of the development including the private outdoor terraces.

The Acoustic Report does not take into account how easily sound penetrates at night. Moreover a sound barrier of 2.1m is suggested. Since sound travels upwards, the sound barrier is insufficient for the bedrooms of the townhouses.

Proposed solution if approved: Ensure the Management Plan is part of the Development Plan and therefore binding.

Change the hours of item 8 of the Management Plan to 9.00pm to 7.00am.

Fit sound absorbing curtains to glass surfaces

Install 8mm glass

Install a sound barrier fence higher than 2.1m

Impact of the proximity of the terraces

The working set back of the apartments is 1.17m when usage of the private paved outdoor terraces is taken into account. This is too close and will be intrusive to neighbors.

Proposed solution if approved: Reduce pedestrian access in real terms.

Replace doors with windows.

Install translucent glass.

Impact of AC Units on the Enjoyment of Peace and Quiet

During the day there may not be any relief from the noise of Air Conditioning units used for cooling or heating. The units are located 2 per outdoor courtyard, adjacent to my property's lounge/dining room and under bedroom windows.

Proposed solution if approved: Place the Air Conditioning units in the basement with sound insulation.

Loss of Amenity to Wind

The size of the building will block the benefits of cooling winds in summer, especially the southerly winds. As well wind is important to freshen and aid the circulation of air. Stale, hot air built up by the AC units will not have a chance to escape. The building is too long and is an overdevelopment of the site.

The buildup of heat is a serious health risk to ail, including the very young and old.

Proposed solution if approved: Lower the height of the building in line with the original.

Shorten the length by removing rooms 11 and 12 and the corresponding rooms above.

Move the AC units to the basement

Health Risks of Passive Smoking

The Plan of Management bans smoking in the private outdoor courtyards, however, it does not cover smoking in the common outdoor areas. At present smoke from the boarding house permeates the townhouses on the Northern boundary, especially drifting up to the bedrooms and prevents sleeping with an open window.

Proposed solution if approved: Amend the Plan of Management to include a non-smoking policy in all outdoor areas.

Loss of the Visual Amenity of the Streetscape

At present the existing building is an attractive Victorian double fronted mansion. The original roof line will be raised and the front door widened. The extension will rise as high as the new roof and be seen when driving and walking down Chandos Street and Charlotte Street, dominating the streetscape and negatively impacting on the ambience of the street. The development will negatively impact on the character of the surrounding locality.

The proposed development is a gross overdevelopment of the site.

Proposed solution if approved: Lower the proposed roof line on the old house and on the extension in line with the present height of the existing house.

Impact of excavation on mature trees growing in Avondale, northern boundary

At present there are a number of mature trees in the courtyards of the townhouses. The trees are very important as existing privacy measures. In the event of development the excavation comes close to endangering the root systems and the health of the trees.

Proposed solution if approved: The council arborist to inspect the trees and advise on protective measures.

Access to a safe environment

There have been a number of unpleasant incidents emanating from the residents of the existing facility. Police have had to attend on numerous occasions. Added to those incidents, there has been an unpleasantly high incidence of crude and abusive language, audible to all neighbors, including children.

Proposed solution if approved: The Plan of Management to be included as part of the Development Application and be made binding to all owners, present and future.

I request council to impose restrictions on the development consistent with and in the spirit of, the previous judicial process.

I thank council for the opportunity to express my concerns,

Yours faithfully,

Mary Foster





Manner of Boarding House - 30 Chandos Street, Ashfield

tkovalyov@bomborapublishing.com.au

09/11/2015 04:40 PM

To:

Ashfield Council/Ashfield/AU

Hide Details

From: "tkovalyov@bomborapublishing.com.au"

<tkovalyov@bomborapublishing.com.au>

To: "Ashfield Council/Ashfield/AU" <info@ashfield.nsw.gov.au>,

1 Attachment



image001.jpg

To whom it may concern - Good Afternoon

After receiving the notice of development in the mail and taking a look at the plans I have a question to ask.
Can anyone please advise what manner of boarding house the development will serve?

I look forward to a reply soon.

Regards

Tatyana Kovalyov

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2014 Award Winner

Ms Vanessa Chan
General Manager
Ashfield Municipal Council
260 Liverpool Road
Ashfield NSW 2131

Thursday 12 November 2015

Dear Ms Chan,

RE: DEVELOPMENT APPLICATION FOR 30 CHANDOS STREET, ASHFIELD (10.2015.197)

30 Chandos Street is presently a licensed boarding house with 10 rooms, 10 car spaces and 4 bathrooms. I ***STRONGLY OBJECT*** to the proposed partial demolition of the existing boarding house and construction of a new four level extension to the rear to create a 27 room boarding house.

My concerns are as follows.

INCREASED SAFETY AND SECURITY RISKS AND LOSS OF AMENITY DUE TO OFFENSIVE NOISE AND ANTI-SOCIAL BEHAVIOUR

For several years, residents using the front verandah/garden and upper level balcony engaged in loud altercations and utilised inappropriate and offensive.

During this time, from street level and my own property, I saw and heard intimate domestic violence incidents (e.g. a severely drug man affected standing over and screaming at his fairly pregnant "partner" who was sitting on the front porch), witnessed a brawl between boarding house residents, heard violent threats made to neighbours and observed tenants that were severely affected by drugs and alcohol. Whilst reporting yet another incident of domestic violence over the phone, Police from Ashfield LAC informed me that they know the property well.

I also observed Police making numerous and lengthy visits to the property to investigate (presumably) domestic violence incidents, disturbances and drug related issues. I also know that Police have also sent unmarked cars to drive past the property and monitor the movement of tenants after particular incidents.

I remain wary of parking outside or walking past the boarding house, due to the potential for verbal abuse and physical attack.

While the management of anti-social behaviour currently seems to be under control, an increase in the number of residents (10 to 27 rooms) is likely to make this problem worse. In particular, the Plan of Management included within the Development Application seeks to limit such behaviour in the outdoor communal areas at the rear of the proposed building but zero mention is made of the front garden and upper front balcony.

INCREASED PRESSURE ON STREET PARKING WILL CAUSE LOSS OF AMENITY

Chandos Street already faces considerable pressure for on-street parking due to the large number of apartment blocks and town houses already in the street.

Any increase in the size of the boarding house will only exacerbate the problem.

ACCESS TO CARETAKER TO LODGE COMPLAINTS

Access to the building will only be by a key to the front door, according to the Plan of Management.

No mention is made of how I can lodge a complaint. Should any sort of issue arise, I will be forced to ring Ashfield Police Station as my first port of call.

Page 20 of Ashfield Council's Development Control Plan says:

- *"Properties located adjacent to the boarding house premise are to be provided with a 24 hour telephone number for the live-in on-site manager."*
- *"A clearly visible sign with the name and telephone number of the on-site, live-in manager must be displayed externally at the front entrance of the boarding house."*

PLAN OF MANAGEMENT NOT PART OF THE DEVELOPMENT APPLICATION ITSELF

It isn't clear whether the organisation listed on the Plan of Management is part of the Development Application itself.

If Council does grant a Development Application in any form, a legal and enforceable Plan of Management is critical to prevent a return and escalation of anti-social behaviour and the physical and verbal violence experienced in the past.

PRIVACY AND SECURITY

For privacy and security reasons, if my submission must be made publically available (particularly online), please completely block out ***ALL*** of my personal details.

THANKS

Lastly, I thank Ashfield Council for the opportunity to raise our concerns and hope that they will be taken into consideration when evaluating the proposed Development Application.

Yours faithfully,

11th October 2015

Michelle Nguyen (13/32 Chandos Street Owner)

phone: 02 9848 1032, mob: 0418 863 047

email: mngu0058@outlook.com

INDIVIDUAL RESPONSE to: **10.2015.197 (30 Chandos Street Ashfield 2131)**

To the General Manager,

I am writing on behalf of 13/32 Chandos Street Ashfield as I have concerns over the development proposal of 30 Chandos St, extension of boarding house.

I believe that my property has not been considered as being affected by the developers of 30 Chandos St. They have only acknowledged four townhouses in their report that is directly opposite the dwelling. In actual fact the entire south row of townhouses will be directly affected including my one at the end which shares an adjoining fence with 30 Chandos St. Due to the tall height elevation (3 above ground levels), rear outdoor communal space for social gatherings, rear open stairwell and multiple outdoor terraces along the side, I feel that my property is directly affected by the proposal.

Some of my concerns and suggestions are outlined below.



Concern	Suggestion
Proposed extension is now too close to the land boundaries, especially considering the protrusion of: outdoor terraces (social living spaces), AC units and the publically accessible rear stairwell which go beyond the perimeters of the actual proposed building extension. With these inclusions, there will be invasion of privacy, noise disturbances and light pollution on a daily basis for the residence of 32 Chandos St.	Remove the proposed outdoor terrace and AC units to the south side, to maintain a 3 metre space between boundary. Also do not allow for pedestrian traffic via the sides of the boarding house as this will mean excessive noise for neighbour's bedrooms and living rooms directly facing the boarding house.
Underground carpark plans to be directly under the building. Concerns over the excavation site and perimeters that will be required to dig out the car park will mean, yet again that the perimeters will be breached and I have specific concerns about how this digging will affect the structural foundations of the townhouses which are located in close vicinity.	Please provide specific assessment on the effects of the basement parking excavation to surrounding existing townhouses/properties. Also, to stipulate that if the foundations to 32 Chandos St are affected in any capacity by these works, owner/s of 30 Chandos St will take full responsibility for rectifying and resolving the damages.
As the proposed stairwell is elevated across 3 above ground levels, it will be an invasion of privacy into the x2 bedrooms of each townhouse which have large windows facing the boarding house.	Enclosed stairwell that is key accessed for boarder only. This will discourage social congregation on open air stairwell and also reduce noise disturbance as people enter and leave the building. It will give the townhouse bedrooms the deserved privacy too.
Height of proposed building means overshadowing will be a major issue. In the south block, there is already limited sunlight so to put a tall overbearing building in such close proximity will make it even worse and will make the	Keep the boarding house as a two level building with fewer rooms. The boarding house plans need to be scaled back to ensure it minimizes offense to EXISTING buildings...Avondale complex has been around for decades and there are long term

<p>townhouse residents feel closed in and trapped in their own home. Due to the further blockage of sunlight, mold issues may start to surface as the ability to evaporate moisture after the rain will be significantly hindered in the courtyard and decking area.</p>	<p>residents who are settled and proud of their homes so to have this business driven boarding house proposal come in will destroy this livelihood. There is a longstanding emotional attachment to our homes which should be considered.</p>
<p>I noticed that the non-smoking policy has only been stipulated for inside the boarding house and the private outdoor area but in the management plan, it states on page 3, "USE OF OUTDOOR COMMUNAL AREA the use of the outdoor communal area to the rear of the property shall be restricted to between the hours of 7.00am and 10.00pm daily. No amplified music and open bonfires are permitted at ANY time within the outdoor communal areas." It does not mention the non-smoking policy here.</p>	<p>Please confirm that boarders are not allowed to smoke in the rear outdoor communal area. This is already a problem as we have noticed garbage and cigarette butts being thrown over the fence and into the courtyards of south block 32 Chandos St. This is unacceptable behaviour which will be worsened with the significantly smaller rear outdoor communal space in conjunction with the increase in proposed boarders. Boarders will be forced right along the edge of the boundary and this is not acceptable. It is already noisy and this is with current space in the back. If the communal space is further reduced, the problem will be much worse. Also, the rear communal area needs to have tall, high density foliage to protect the perimeters for privacy and noise purposes, especially if there is an official outdoor communal area for up to 47 boarders (and not including their visitors). By reducing the size of the proposed building, the rear communal area could be expanded and would allow for sufficient perimeter of plants and fencing that is adequate for privacy and noise protection for/against existing homes.</p>

I look forward to receiving a response to this letter. I hope that this has given some insights into the concerns I have over this proposal.

Yours Sincerely,

 Michelle Nguyen 13/32 Chandos St (owner)

 Leighton Archer 13/32 Chandos St (Tenant)
 Peter Wilkinson 13/32 Chandos St (Tenant)

30 Smith Street • 2nd Floor • New York, NY 10003 • +1 212 675 3030 • +1 415 971 4110
d3@dundorfmediaarchitects.com • www.dundorfmediaarchitects.com

RECEIVED
RECORDS SECTION
SCANNED
DATE 11/07/06

Development Application – 10.2015.197
Objection to proposal for 30 Chandos Street, Ashfield

Unfortunately I again find myself writing on behalf of my parents who own and reside at no. 28 Chandos Street, Ashfield in response to yet another unreasonable proposal for 30 Chandos Street, Ashfield. My parent's property is the adjoining property to the south of the subject site and any development of 30 Chandos Street has the potential to have considerable impact on my parents' property, especially if the proposal is too large. I have been asked to prepare this objection on behalf of my parents due to my training as an architect (NSW Reg. No. 6898).

Bulk & Scale

It is important to note that the applicant's own documents refer to 4 storeys (BASIX, BCA report, Geotechnical Investigation). The zoning for this site only permits 3 storeys as a maximum. The proposal relies on mezzanine bedroom areas to squeeze in additional accommodation, however, it does this at the expense of acceptable scale and height. Furthermore, the amenity of the rooms is not adequate with unacceptably low headroom clearances for the majority of rooms. So not only is the bulk and scale unacceptable, the amenity for the future residents has also been sacrificed. (More detail is provided on this below in a section titled "Resident Amenity")

No consideration has been given to the overshadowing of the private open space or the main living areas of 28 Chandos Street. In fact it is staggering to consider how much more this current application proposes to overshadow 28 Chandos Street. The key aspects considered and ultimately resolved by the Land and Environment Court for the previous application have

been completely ignored in this current application. The current proposal represents the following significant impacts:

- Grossly excessive overshadowing of all the northern windows of 28 Chandos Street along the main line of the existing federation house in mid-winter. The previous approved scheme for 30 Chandos Street had a specific height defined by a 2100mm high upper floor ceiling height along the southern side of that proposal coupled with an appropriate southern setback in excess of the current proposal's setback. It is important that all parties remember why this particular level was defined. It was ultimately agreed by all parties (Council's lawyers, Previous Applicant's lawyers and the Court) that it was not reasonable to have zero solar access to these important northern windows throughout mid-winter. Even the level of overshadowing approved under the previous application is already significant, however, by ensuring that at least some solar access is achieved at midday in mid-winter there is the potential for a more reasonable level of solar access to be achieved in the extended winter months rather than specifically looking at just the mid-winter day. The current proposal looks likely to result in complete overshadowing of these windows throughout the whole of winter and into spring and autumn. The attic "dormers" are so substantial that the gaps between them do not provide relief from overshadowing at all. The proposal is completely excessive.
- Excessive overshadowing of the main living room windows of 28 Chandos Street. The shadow diagrams suggest that there is only about 1.5 hours of solar access to the window from 1.30pm to 3.00pm. This is well below a compliant minimum and completely unreasonable when considering how far this room has been setback from the boundary. This setback is to ensure solar access is to the whole of the window for an extended portion of the day; not just a small portion for a short period of the day. This level of overshadowing is absolutely unacceptable. The proposal in no way allows for passive solar heating in a house that has been specifically designed to achieve passive heating. My parents are retired and are doing as much as possible to limit their expenses and this proposal would represent a significant increase in their energy consumption, and therefore energy costs, every winter. The fact they are retired also means that they are in the house for extended periods throughout the year. This is not just an issue for the weekends. It represents a daily impact throughout winter. This impact is staggering.
- Excessive overshadowing of the private open space immediately outside the primary living areas of 28 Chandos Street. Just as the previous applicant initially ignored the need to provide adequate solar access to the private open space outside the main living areas of my parent's home, this applicant appears to consider that this space is a gift to them to allow for additional overshadowing. It also appears that the applicant is treating the previous approval as some kind of "existing condition" that can be progressively increased with every application. This space has always been a space set aside to capture sun in winter, not just inside the house, but also for their primary private open space for winter entertaining and general enjoyment. When the additions were designed for my parent's home we made sure that there was adequate setback to the boundary to ensure there would be adequate solar access to the living areas as well as this private open space. This is not a gift to the neighbour to allow them to increase the size of their building. We always knew the neighbour would develop at some stage and therefore adequate setback was allowed to reasonably account for an extended building at 30 Chandos Street. It is not reasonable that the applicant takes every bit of solar access and ignores what the Court agreed must be provided. The shadow diagrams suggest "Minor" additional overshadowing, however, they are not remotely minor and the additional overshadowing results in maximum impact. The current proposal also means zero sun to the rear deck and west facing kitchen sliding door glass that deliberately captures the afternoon sun in winter. The impact of the so-called "Minor" additional overshadowing is MASSIVE!

I would also like to highlight the inevitable qualitative impact the proposed overshadowing will have on my parents. The proportions of shade versus sunlight are not notional ideas of

entitlement; they represent the only opportunities my parents have to gain reasonable light levels and warmth in important rooms in their home.

My parents' purchased, extended and renovated 28 Chandos Street because of its spacious, light and airy rooms as they headed into their retirement. Both of my parents are now aged in their seventies and have chronic health issues. My father has serious heart disease and has had major surgery requiring long-term convalescence and continuing rehabilitation. My mother has several musculo-skeletal problems and a significant eye defect as a result of delayed diagnosis of glaucoma. Therefore, a significant impact on the solar access into key rooms within their home and their private open space will result in a significant impact on the quality of the latter years of their lives. They have always anticipated a development to occur at some stage but they have equally expected that Council and/or the Court would ensure that any approved structure would preserve reasonable solar access. This is all that we are seeking.

The overshadowing of 28 Chandos Street simply cannot be allowed to increase beyond that already approved under the previous application. That shadow outline must be preserved as a "line in the sand" that cannot be crossed without representing unacceptable impact.

Setbacks

The proposal extends further forward toward the street than any other development along the west side of Chandos Street by virtue of the existing Victorian structure, however, it also stretches further to the back than any other development along the west side of Chandos Street resulting in a proposal for the longest building and a structure which blocks an excessive amount of daylight from the properties to the north and south of the subject site.

The southern setback is not adequate to prevent severe overshadowing of the property at 28 Chandos Street. Coupled with the three/four storey height and the excessively long structure, the entire extent of the northern boundary of 28 Chandos Street is significantly overshadowed from the morning through to the late afternoon in winter. The applicant's own documentation clearly indicates that the private open space at the rear of the property will be in full shade between 9am and 3pm in direct conflict with Council's requirements.

There will be no ability for many of the northern neighbours to look around the proposed structure as it will extend too far east and too far west for this to be possible.

Documentation

The following aspects of the documentation require correction or further detail:

- The encroachment onto 28 Chandos Street by the existing garage at the rear of 30 Chandos Street is not shown correctly on any drawings.
- The documentation fails to clearly identify the outline of the approved previous proposal for the site. Given the significant local concern with the previous application and likely similar concern with this application, along with the use of shadow diagrams and modelling of this previous proposal in the applicant's own documentation, it seems prudent that the applicant should be clear in identifying how this application differs in scale from the previous application. All plans, sections and elevations must be required to indicate this critical information to allow neighbours, council officers and Councillors to make a reasonable comparison with the approved scheme.

Stormwater

The existing proposals do not address an existing problem with the stormwater directly in front of 30 Chandos Street and the proposal is likely to make the situation significantly worse if a detention system is not introduced. The driveway grate was introduced so that vehicles could

enter the site without negotiating flooding that occurs at the kerb, however, the grate catches leaves and blocks even more water flow. There have been occasions when the street has flooded and then backed-up through pipes extending from the rear of 28 Chandos Street. This has caused flooding to the rear of 28 Chandos Street and further into the property behind that fronts onto Charlotte Street and which now includes a secondary dwelling. The street cross-over and civil/drainage detailing must be addressed.

Although there is a huge amount of hard-paving on the existing site at 30 Chandos Street, the vast majority is currently not collected and directed into the street drainage. Therefore the proposed situation at 30 Chandos Street represents about a 3-fold increase in the amount of stormwater being directed to the street drainage which appears to already be at capacity in this area during large storm events. A detention system that reduces the flow rate to the street drainage is essential.

Local Character

The local character is largely a result of the mix of building types and their integration with the landscape. The character is not simply dictated by 'medium density' zoning. The character of the street would be significantly diminished if all buildings in this area and/or zone were to become three-storey (let alone 4 storey) flats or boarding houses. The following aspects are key to maintaining the character of the area:

- The scale of the development at 28 Chandos Street is likely to remain with significant, carefully considered additions completed approximately 20 years ago. A suitable setting at the street as well as along its northern boundary will always be necessary to prevent this attractive Federation house with passive-solar additions from becoming overwhelmed by its neighbours. The smaller setback of the original Federation house on the northern boundary makes this relationship particularly critical.
- The buildings to the north of the subject site have been retained as a heritage item under the current LEP. This indicates that the structures on the adjacent site to the north of the subject site are also likely to remain at their existing scale. An excessively large development at 30 Chandos Street will significantly diminish the setting of these important buildings which rely on the garden setting as an integral part of the period style.

The local character would be severely diminished if the proposal was approved in its current form. The proposal is too big for the site for the following reasons:

- There is excessive overshadowing of 28 Chandos Street.
- There is no modulation to the wall along the long northern and southern elevations of the proposal except where the original Victorian residence was already articulated.
- The scale of the roof to the retained Victorian terrace has essentially doubled in height. The existing proportions of the building are disturbed by this change and confuse the distinction between the older elements and the additions which ought to have a clear differentiation.

The proposal is poorly integrated into the context for the following reasons:

- Excessive scale in relation to its particular neighbours
- Excessively long building that provides no relief to the surrounding context.

Operational matters – Plan of Management

The proposal includes 11 private courtyards directly adjacent to the southern and northern neighbours. It is critical that the Plan of Management adequately addresses the control of noise in these courtyards in the early mornings, evenings and throughout the night. This building typology represents an intense level of occupation and therefore the potential for

excessive noise impacts. The Plan of Management must address this adequately to ensure reasonable living conditions for all residents in the area.

The balconies facing the street must not be used for smoking. In both cases the boarding rooms directly behind these spaces only have windows facing onto the respective balcony in front. This means that there will be unacceptable health risks to the occupants of these boarding rooms. The smoke that currently wafts from these areas into the main bedroom of my parents' house is unacceptable. With a massive proposed increase of residents this problem would seem likely to be significantly worse if a condition of consent was not imposed that would make this unlawful.

It is essential that all external areas where residents may gather in significant numbers such as the balconies or the northern courtyards are designated as areas where residents are unable to gather after 10pm.

Resident Amenity

The current proposal indicates 20 rooms that have inadequate ceiling heights to meet minimum requirements for headroom under the BCA. It is a well-known fact that low ceiling heights can cause psychological disorders and anti-social behaviour which is why the BCA mandates minimum ceiling heights for rooms. The ceiling height minimums are set higher for habitable rooms such as living areas and bedrooms. Only kitchens and bathrooms are afforded reduced ceiling heights. The rooms affected are:

- Rooms 3 to 12 – In each of these mezzanine units the ceiling height to the bedroom is just 2200mm. It is a BCA requirement (Clause F3.1 (iii)) that these be 2400mm height as a minimum.
- Rooms 13 to 22 – In each of these two storey units there is inadequate head height in the sitting and dining area. In these units the ceiling height is only 2.1m high for the majority of the space. BCA clause F3.1 (iv)(A)(bb) requires a minimum of 2400mm for at least two thirds of the room. At best probably only one third of the room is likely to have a ceiling height in excess of this minimum requirement.

So not only is the proposal too tall, the applicant is trying to squeeze in so much accommodation into the proposal that adequate amenity for future residents is not provided.

Compliance with Regulations

In addition to the BCA non-compliance highlighted above, the applicants own documentation in the form of the "Assessment Report/Building Code of Australia" indicated a significant number of issues that need to be rectified. These include:

- Lack of compliance with fire regulations;
- Inadequate access for people with disabilities;
- Need for an additional exit from the basement.

The Access (Disability) DA Report also indicated a number of areas of non-compliance.

The Environmental Noise Assessment and Acoustical Design Report (p14) recommends that a 2.1m sound barrier be installed on the southern boundary. This must be detailed and agreed with my parents prior to approval as they will share this fence. To be clear, a Colorbond fence will not be acceptable.

This report also stipulated that air-conditioning must NOT operate at night (10pm – 7am weeknights; 10pm – 8am weekends and public holidays). It is noted that each unit has its own air-conditioning unit on the façade of the building. These units are currently not shown on the elevations. The elevations must indicate how these units are to be integrated as they will become a significant element on the facades and are likely to have a negative impact on the appearance of the building.

These items must be addressed before the application can be properly considered.

Conclusion

The current proposal is unacceptable. It must not be approved without the following changes:

- The whole scheme needs to be significantly reconsidered and reduced in size to prevent excessive overshadowing of 28 Chandos Street.
- The rear setback must be significantly increased to at least 11 metres.
- Adequate landscaping that provides suitable buffering to neighbours must be provided.
- Adequate acoustic and visual privacy elements and Plan of Management controls must be provided.
- The additions must integrate appropriately with the retained Victorian residence
- A stormwater detention system must be provided.
- Appropriate amenity for future residents in the form of adequate ceiling heights must be provided.
- Acceptable fence details including heights must be provided and agreed with respective neighbours.

In addition to the above, any approved scheme must be conditioned to address the following:

- Smoking areas must not include the existing balconies facing the street
- External gathering spaces must not be operational after 10pm
- The street cross-over and drainage arrangements must be fixed.
- No large pets allowed.
- Planting along the southern boundary adjacent to 28 Chandos Street must be provided in a significant form.

If you have any queries about any aspect of the above, please give me a call.

Yours sincerely,



Duncan Reed BSc.Arch B.Arch
(NSW Registration No. 6898)

For:

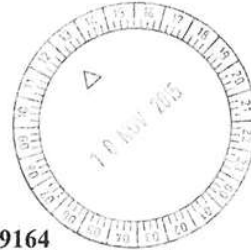
Geoff & Rosslyn Reed, 28 Chandos Street, Ashfield.

14/44 Chandos Street
Ashfield NSW 2131
9 November 2015

The General Manager
Ms Vanessa Chan
Ashfield Council
260 Liverpool Road
ASHFIELD NSW 2131

Dear Ms Chan,

Re: DA 10.2015.197, 30 Chandos St. 1DP Lot 169164



We are not immediately adjacent to the above property but nonetheless oppose the DA plan as currently submitted. We do not object to boarding houses since we do recognise the need for affordable housing and boarding houses meet that particular need for some people. However, the number of 27 rooms proposed for this development is excessive. The designated area in the plan appears limited for so many rooms, despite the proposal of spreading them over four levels.

No doubt, the commercial imperative is strong for the DA applicant. However, Ashfield Council should not allow that to be an over-riding consideration. Please also take into account the psycho-social implications of cramming so many tenants into that small area. Please look at this DA beyond the mere consideration of maximising accommodation in a limited space. The likely overcrowding in this boarding house would not enhance the wellbeing of the occupants or occupants of neighbouring properties. What about noise levels from such density, the increased comings and goings of inevitably a rather transient boarding house population, and other problems usually associated with overcrowding?

We therefore urge Ashfield Council to please modify the DA by reducing the density. Please give priority to amenity and psycho-social health considerations, for we are talking about human dwellings.

Thanking you,

Yours truly,

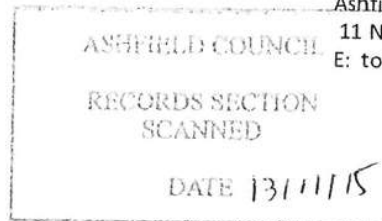
Brian Stephenson & Barbara Stephenson

Brian and Barbara Stephenson





The General Manager
Ashfield Municipal Council
260 Liverpool Road
Ashfield NSW 2131



Response to DA # 10.2015.197
AJ Woods

Anthony Woods
29/32 Chandos Street
Ashfield 2131
11 November 2015
E: tony.woods@bigpond.com

Re. Development application no: 10.2015.197

30 Chandos Street, Ashfield

Dear Sir/ Madam,

We the undersigned are residents at 32 Chandos Street, Ashfield and we have several concerns regarding the proposed development at 30 Chandos Street, i.e. the rebuilding and expansion of the existing boarding house at that address.

These concerns are as follows:

1. Loss of amenity due to offensive noise and anti-social behaviour.

For several years residents using the upper level balcony at the front of the building have often been engaging in loud "verbal battles" with the use of inappropriate and offensive language.

This would be classified as "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

While the situation currently appears to be under control, an increase in the number of residents is likely to make this problem worse.

This noise can be heard some distance away as our town houses are from 30 to 40 metres away with a solid brick wall facing the boarding house balcony.

Further, I am aware that some Chandos Street residents living near to this facility, as well as some of our own residents, prefer not to park their cars on the street close to the boarding house because of the verbal abuse and inappropriate language that has previously been directed at them from boarding house residents sitting on said balcony

Response to DA # 10.2015.197
AJ Woods

as well as from the lower level veranda directly below the balcony. This is particularly problematic when the local residents are accompanied by young children.

We note that the Plan of Management included with the DA documents seeks to limit such behaviour in the outdoor communal areas at the rear of the proposed building but no mention is made of these areas at the front of the existing building.

2 Loss of amenity due to increased pressure on on-street parking.

Chandos Street already faces considerable pressure for on-street parking due to the large number of apartment blocks and town houses already in the street. Any increase in the size of the boarding house will only exacerbate the problem.

3 Access to the caretaker to lodge complaints.

The Plan of Management states that access to the building will only be by a key to the front door.

There is no mention of how outside parties can contact the caretaker if a complaint needs to be lodged.

If there is a problem that needs to be addressed quickly, and there is no way of contacting the caretaker, people will have no option but to ring Ashfield Police Station.

4 The Plan of Management as part of the development application

Although the Plan of Management document included in the DA papers on display at Ashfield Library would indicate a well-run organisation there does not appear to be any indication that it is listed as part of the DA itself.

Our understanding is that if it is not listed in the DA application as part of the DA then it would not be enforceable and therefore of no comfort to neighbours that behaviour at the property will not revert to 'the bad old days' of anti-social behaviour.

If Council does grant the DA (in whatever form) we request that the said Plan of Management be a condition of the granting of the DA so that there will be some control of the behaviour of the 'fringe element' often encountered in this facility.

Response to DA # 2015.197.1
AJ Woods

Lastly, we thank Council for the opportunity to raise our concerns and hope that they will be taken into consideration when evaluating this DA proposal.

Yours faithfully,

Anthony Woods 29/32 Chandos street, Ashfield

Karen Langworthy 31/32 Chandos Street, Ashfield

Alex Shvetsoff 31/ 32 Chandos street, Ashfield

Three handwritten signatures are stacked vertically. The top signature is 'ajwoods', the middle one is 'K. Langworthy', and the bottom one is 'Alex Shvetsoff'.

Subject	DEVELOPMENT APPLICATION: 10.2015.241.1 21 CLISSOLD STREET ASHFIELD
File Ref	DA 10.2015.241.1
Prepared by	Luma Araim - Development Assessment Officer
Reasons	Matter referred to Council for determination
Objective	For Council to determine the application

Overview of Report

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 the existing dwelling and detached laundry;
- Construction of a two storey attached dual occupancy;
- Construction of two garages; and
- Construction of a masonry boundary fence.

Plans of the proposal are included at **Attachment 1**.

2.0 Summary Recommendation

The development is considered acceptable and is recommended for conditional approval.

Background

Application Milestones		
Date	Event	File no
21/08/2015	Provisional Development Application for attached dual occupancy lodged.	17.2015.236
06/01/2015	Letter to applicant reading:- <ol style="list-style-type: none"> 1. Council's Heritage Adviser has reviewed the proposal and has raised the concerns contained within the attached comments. Please address these issues by way of amended plans. <ol style="list-style-type: none"> a. <i>The eastern gable end of the front roof is to be amended to a hip for consistency of roof form and to avoid emphasis of height.</i> b. <i>The detail of the balustrade and front gable end panel is to be kept simple and modern so as not to undermine the authenticity of detail on the adjoining heritage item.</i> c. <i>A revised colour scheme is to be submitted as the proposed black and white scheme is not appropriate.</i> d. <i>The roof tiles to be employed on both roofs are to be a glazed terracotta Marseilles pattern tile matching those on</i> 	17.2015.236

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

	<p><i>the existing residence.</i></p> <p>e. <i>A simple photographic record of the existing residence externally and internally and of the principal details of the verandah and front elevation doors and windows is to be submitted.</i></p> <p>2. The proposed development fails to comply with Clause 2.7.1 of Part C15 Houses and Dual Occupancies - Ashfield Interim Development Assessment Policy 2013 as it does not provide the minimum landscaped area as required under Table 1. Please amend the proposal to comply.</p> <p>3. The proposed development fails to comply with Section 3, Point 9 of Part C15 Houses and Dual Occupancies - Ashfield Interim Development Assessment Policy 2013 as the second dwelling exceeds 125 square metres. Whilst some justification has been provided for the noncompliance, this will be considered during the formal assessment of the application.</p> <p>4. Whilst the Development application form and the Statement of Environmental Effects do not make any reference to subdivision, the architectural plans include a drawing which suggests that Torrens title subdivision is sought. Please clarify. In this regard, your attention is drawn to fact that the subject land is located within an area which has a minimum lot size requirement of 500sqm. The proposed dual occupancy with each lot being 285sqm fails to comply with the minimum lot area requirements. The proposal should be amended to delete reference to Torrens title subdivision as Council will not support variation to its control.</p> <p>5. The submitted stormwater concept plan does not comply with Council's policy and is to be amended.</p>	
05/11/2015	<p>Second letter to applicant reading:-</p> <p>1. Council's Heritage Adviser has reviewed the proposal and has raised the concerns contained within the attached comments. Please address these issues by way of amended plans.</p> <p>a) <i>The proposed glass balustrade does not assist in the integration of the building with the streetscape and nearby period residences. An alternative design of steel or timber is requested.</i></p> <p>b) <i>The proposed off white and grey colour scheme will not help the integration of the new building with its context and existing older properties. An alternative colour scheme as previously discussed is requested.</i></p> <p>2. Whilst the amended information do not respond to Council' enquiry on the subdivision, please be advised that Council will only consider the construction of a dual occupancy and exclude any subdivision in consideration of the development application.</p> <p>3. Stormwater concept plan is to submitted showing Onsite Detention System using a pump system to drain to the street.</p>	17.2015.236
01/12/2015	Subject DA Lodged "As is".	10.2015.241
23/12/2015	<p>Letter to applicant reading:-</p> <p>1. A streetscape analysis plan showing a minimum of 2 dwellings on each side of the subject site is to be submitted to council for further assessment.</p> <p>2. Revised plans including front elevation to recess the garages further back at a minimum of 0.5m are to be submitted to Council.</p> <p>3. The proposal is for dual occupancy and only one BASIX certificate has been submitted to Council. It is requested that a second BASIX Certificate to be submitted for the second dwelling.</p> <p>4. A clarification is sought to the labelling of the windows on the southern</p>	10.2015.241

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

	elevation and the streetscape elevation in that all windows are labelled as W5. 5. Council's calculations show that the proposal does not comply with the 50% landscaped area. A plan that provides calculations of the landscape area in accordance with the requirements of Clause 2.7.1 of Part C15 of the Ashfield Interim Development Assessment Policy 2013.	
23/12/15	Applicant responded to Council's letter dated 23/12/15. The matters raised in Council's letter were not satisfactory resolved.	10.2015.241
20/01/2016	Applicant's second response to Council's letter dated 23/12/15. The matters raised in Council's letter were satisfactory resolved with the exception of point 2 as the garage on No.21A was setback approximately 176mm as appose to the required 0.5m.	10.2015.241

3.0 Application Details

Applicant : Arch Media Solutions P/L
 Owner : Mr G T & Mrs M Ayoub
 Value of work : \$650,000.00
 Lot/DP : LOT: 1 DP: 921417
 Date lodged : 01/12/2015
 Date of last amendment : 20/01/2016
 Building classification : 1a
 Application Type : Local
 Construction Certificate : No
 Section 94 Levy : Yes

4.0 Site and Surrounding Development

The subject site is located on the north side of Clissold Street, bounded by Queen Street to the east and Holden Street to the west. The site area is approximately 570 square metres. An existing dwelling house is located on the site. Surrounding development comprises of mainly residential development. Refer to **Attachment 2** for a locality map.

5.0 Development History

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

NO.	DATE	PROPOSAL	DECISION
10.2015.018.1	28/04/2015	Demolition of the existing dwelling and detached laundry; removal of a palm tree; construction of a two storey attached dual occupancy; and Torrens Title Subdivision.	Refused

The previous consent has been noted in the assessment of this application.

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

Assessment

6.0 Zoning/Permissibility/Heritage

- The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013.
- The property is not located within a Conservation Area.
- The property is not a heritage item.
- The property is located adjacent to a heritage item at 23 Clissold Street.
- The property is located within the vicinity of a heritage conservation area identified as Farleigh Estate Conservation Area (C3).

The proposed works are permissible with Council consent.

7.0 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 EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Demolition of existing dwelling and construction of an attached dual occupancy, two garages and a masonry boundary fence.	Yes
4.1	Minimum subdivision lot size	500m ²	570 m ²	The proposal does not seek subdivision.
4.3	Height of buildings	8.5m	7.31m	Yes
4.4	Floor space ratio	0.7:1	0.61:1 352.5m ²	Yes
5.10	Heritage Conservation	Located in the vicinity of the following Conservation Area: <ul style="list-style-type: none"> • Farleigh Estate Conservation Area (C3) Located adjacent to the following heritage item: <ul style="list-style-type: none"> • 23 Clissold Street Ashfield (88) 		
5.10(4)	Effect on heritage significance	The consent authority may, before granting consent to any development: <ul style="list-style-type: none"> (a) on land on which a heritage item is located, or (b) on land that is within a 	Council's heritage adviser raised no concerns to the proposal subject to conditions.	Yes

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

		<p>heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>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.</p>		
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It is considered that the proposal generally complies with the provisions of the Ashfield LEP 2013.

7.1.2 Regional Environmental Plans

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 environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of land

Remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Not applicable.

7.2 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.

Not applicable.

7.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Interim Development Assessment Policy 2013.

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

C1	ACCESS AND MOBILITY	Not applicable. The Policy applies to both residential (other than single dwellings and dual occupancies) and non-residential properties.
C10	HERITAGE CONSERVATION	The subject site is located in the vicinity of a Heritage Item. Council's heritage adviser raised no concerns subject to conditions.
C11	PARKING	The proposal will provide a car space for each dwelling.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The proposal was notified in accordance with Council's notification policy. Refer to part 7.7 and 7.7.1 of this report for details.
C15	HOUSES & DUAL OCCUPANCIES	Refer to comments below.

Part C15 Houses and Dual Occupancies:

	Standard	Proposed	Compliance
Site Area:	450m ²	570 m ² (existing site area)	Complies
Maximum allowed second dwelling size	125m ²	158 m ²	Does not comply but acceptable.
Permissible General Landscaping %:	50% of site area = 285m ²	50% (based on an area approximately 285.6m ²)	Complies
Permissible Soft Landscaping 70% of landscaped area:	70% of landscaped area = 199.5m ²	92% of landscaped area = 262.8m ²	Complies
Height	Maximum visual height for houses is 2 storeys to be determined by having a maximum wall height of (6m) measured from existing ground level.	5.84m-6m	Yes
Setbacks	A minimum side setback of 900mm for houses and a minimum side setback of 450mm for outbuildings including garages and sheds.	900mm side setback	Yes
Car Parking	One (1) parking space preferably two (2)	One garage for each dwelling	Yes
Solar access	At least 50% (or	Minimal impact on	Yes

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	<p>35m² with minimum dimension 2.5m, whichever is the lesser area) of the “principal private area” of ground level open space of adjacent properties is not reduced to less than three hours between 9am and 3 pm on 21 June.</p> <p>40% of glazed area shall be maintained</p>	adjoining properties	
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SECTION 2 DESIGN PRINCIPLES

Context

A streetscape elevation has been provided showing two properties on both side of the subject site. The proposal's compatibility with adjacent properties is considered acceptable.

Scale and bulk

The proposal consists of demolition of the existing dwelling house and construction of a two storey attached dual occupancy. The height and bulk of the proposal is consistent with adjoining properties within the vicinity of the subject site. It is to be noted that Development Application No.2015.18 was lodged for the same proposal and was refused by Council due to non-compliance with the applicable controls. The current application before Council has been lodged and the proposal has been re-designed to achieve a more appropriate visual relationship between the subject site and surrounding properties.

Maximum height requirement

Clause 2.3 of Part C15 states that the maximum visual height for houses is two storeys, to be determined by having a maximum wall height of 6 metres measured from the existing ground level. The wall height between 5.84m-6m is consistent with this Clause.

Aesthetics

The proposal is considered to be of sympathetic nature to the locality in scale and character of the streetscape and predominant building styles. The proposed attached dual occupancies takes architectural cues from the surrounding built form therefore its approval will not have an adverse impact on the streetscape.

The proposal is considered to meet the objectives of this clause.

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

Landscape and Site Layout

The AIDAP 2013 requires that the site provides a landscaped area of 50% of the site area at a minimum and that 70% of the minimum landscaped area be deep soil planting.

Therefore the site would require a general landscaped area of 285sqm and a soft landscaped area of 199.5sqm (which is 70% of the minimum landscaped area). The proposal provides a soft landscaped area of 262.8m², which is consistent with the AIDAP 2013, and overall general landscaped area is 285.6m².

The proposal provides 60 m² private open space for each dwelling which complies with the minimum of 60m² per dwelling required under AIDAP 2013.

Trees

The proposal will retain the palm tree on the site. A condition has been recommended requiring the tree to be protected during demolition and construction.

Amenity for neighbours

The policy requires solar access to at least 50% (or 35m², whichever is lesser) of the principal private area at ground level of the private open spaces of the adjacent properties is not reduced to less than three hours between 9am and 3pm on 21 June.

The policy also requires that solar access be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows.

The proposed development maintains solar access to north facing living area windows and rear yard of adjoining properties in accordance with the provisions of Council's policy.

Neighbour's Privacy

The proposal contains a number of windows along the western and eastern elevation on the first floor. The windows that may have some impact on the adjoining properties are the two side windows servicing the master bedroom and the sitting room on the west elevation. A condition has been included requiring obscure glazing for these windows.

In addition, the first floor windows to the rear of the proposed development should be provided with external privacy screens to the end windows to prevent direct view into the adjoining neighbour's property. A condition has been included to this effect.

Ecological Sustainable Development:

The work is greater than \$50,000 and involves the construction of two dwellings. A BASIX certificate is required and has been submitted with the application.

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

Fences

Clause 3.9 of the this part of the Interim Policy requires front and side fencing forward of the front building line not to exceed 1200mm in height. The height of the proposed masonry boundary fence as indicated on the plans is 850mm and therefore complies with Clause 3.9.

SECTION 3 DUAL OCCUPANCY DWELLINGS

Site layout, location of second dwelling and building appearance

Officer comment:

The proposed form of dual occupancy is the preferred site layout which is a semi-detached dual occupancy.

The proposal will provide a private garden area for each dwelling with a dividing fence.

Landscaped Open Space and Amenity

Officer comment:

The proposal generally complies with Council's policy including 60m² of private open space per dwelling. The private garden areas also comply with the minimum width of 5m.

Privacy

Officer comment:

The proposal provides a boundary fence to each dwelling.

Maximum dwelling size

Officer comment:

Does not comply. The second dwelling has a gross floor area of greater than 125sqm. The proposal represents a pair of dwellings and despite this non-compliance the proposed development complies with the FSR control of the Ashfield LEP 2013. The proposal will have no adverse amenity impact on adjoining properties therefore the non compliance in this instance is considered acceptable.

Car Parking

Officer comment:

A car space is provided for each dwelling.

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the Ashfield Interim Development Assessment Policy 2013.

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

These matters have been considered in the assessment of this application.

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

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no adverse environmental, social or economic impacts upon the locality.

7.6 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. The proposed development is considered suitable in the context of the locality.

7.7 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 December 2015 until 8 January 2016.

7.7.1 Summary of submissions

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

Submission	Notification
David Wellfare and Linley Johnson 23 Clissold Street ASHFIELD NSW 2131	✓
Peter and Maria Volpe 6 New Street ASHFIELD NSW 2131	✓
Joanne Herron 5 Farleigh Street ASHFIELD NSW 2131	✓

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

Submission Issue	Assessing Officer's Comment
Heritage issues	The application was reviewed by Council's heritage adviser who raised no concerns to the proposed development in its current form, subject to conditions.
Privacy issues	<p>Concerns were raised in regard to privacy issues on the properties located to the west at No.23 Clissold Street and No.6 New Street to the north of the subject site. The proposal contains a number of windows along the western and eastern elevation on the first floor and to the rear. The windows that may have some impact to the adjoining properties are the two side windows servicing the master bedroom and the sitting room on the west elevation. These windows will be conditioned to be of obscure glazing.</p> <p>In addition, the first floor windows to the rear of the proposed development should be provided with external privacy screens to the end windows to prevent direct view into the adjoining neighbour's property. A condition has been included to this effect.</p>
Side setback	The proposal provides a side setback of 900mm which complies with the minimum setback requirements of Part C15 of Ashfield Interim Development Assessment Policy 2013.
Install sewerage and stormwater lines through No.6 New Street	It is noted that the owners of No. 6 New Street refused to provide access to create an easement to install sewerage and stormwater lines through their property. The applicant has provided amended stormwater plans which were referred to Council's stormwater engineer who provided relevant conditions.
No proposal plan to minimise the effect of construction noise, dust and debris during the building process	A condition will be placed on the consent to minimise the effect of construction noise, dust and debris during construction process.
Why the proposal to demolish	The owners of the subject site are seeking to demolish the existing dwelling house and construct a two storey dual occupancy. The proposal complies with the applicable controls of the Ashfield LEP 2013 and relevant parts of the Ashfield Interim Development Assessment Policy. In addition the proposal was referred to Council's Heritage Adviser who raised no concerns regarding the demolition.

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of this application. The proposal does not result in any adverse amenity impacts with respect to the site and neighbouring properties, subject to appropriate conditions, and is considered to be in the public interest.

8.0 Referrals

8.1 Internal

Heritage Adviser

Council's heritage adviser raised no concerns to the proposed development with the exception of the proposed glass balustrades and the proposed colour scheme. Conditions have been recommended to address these concerns. Refer to **Attachment 4**.

Building

No objections subject to conditions.

Engineering

No objections subject to conditions.

9.0 Other Relevant Matters

Section 94 Contribution Plan

Section 94 Contributions are applicable as the development involves the construction of a dual occupancy development.

Stormwater Pipes

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

10.0 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 Section 8.1 of this report.

DEVELOPMENT APPLICATION: 10.2015.241.1
21 CLISSOLD STREET ASHFIELD

Public Consultation

See Section 7.7 of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is acceptable and is recommended for conditional approval.

ATTACHMENTS

Attachment 1	Plans of Proposal	22 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Submissions	4 Pages
Attachment 4	Heritage Advice	1 Page
Attachment 5	Conditions	14 Pages

RECOMMENDATION

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2015.241.1 for the demolition of the existing dwelling and detached laundry; Construction of a two storey attached dual occupancy, two garages and front fence on Lot 1 in DP: 921417, known as 21 Clissold Street, Ashfield, subject to conditions.

PHIL SARIN
Director Planning and Environment



SURVEY NOTES

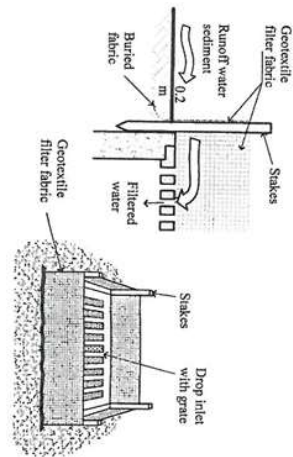
THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY JIM ALVIR SURVEYING, BEING REGISTERED SURVEYORS. THE INFORMATION IS SHOWN TO PROVIDE A BASIS FOR DESIGN. ARCH MEDIA SOLUTIONS DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OF ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.

SITEWORKS NOTES

1. DATING, REFER SURVEY NOTES
2. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK, ANY DISCREPANCIES TO BE REPORTED TO THE ENGINEER/SUPERINTENDENT.
3. STRIP ALL TOPSOIL FROM CONSTRUCTION AREA AND STOCKPILE ON SITE TO BE LATER SPREAD OR REMOVED FROM SITE AS DIRECTED BY THE SUPERINTENDENT.
4. MAKE SMOOTH CONNECTION WITH EXISTING WORKS.
5. ALL TRENCH BACKFILL MATERIAL SHALL BE COMPACTED TO THE SAME DENSITY AS THE ADJACENT MATERIAL.
6. ALL SERVICES TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACKFILLED WITH SAND OR AN APPROVED GRANULAR MATERIAL, AND COMPACTED TO A MINIMUM 98% STANDARD DENSITY, IN ACCORDANCE WITH AS1289 5.1.1.
7. PROVIDE 10mm WIDE EXPANSION JOINTS BETWEEN BUILDING AND ALL CONCRETE OR UNIT PAVEMENTS.
8. ASPHALTIC CONCRETE SHALL CONFORM TO RTA FORM 612.
9. ALL BASE COURSE MATERIAL TO COMPLY WITH RTA FORM 3051 (UNBOUND), RTA FORM 3052 (BOUND) COMPACTED TO MINIMUM 98% MODIFIED DENSITY IN ACCORDANCE WITH AS1289 5.2.1. FREQUENCY OF COMPACTION TESTING SHALL NOT BE LESS THAN 1 TEST PER 50m OF BASE COURSE MATERIAL PLACED.
10. ALL SUB BASE COURSE MATERIAL TO COMPLY WITH RTA FORM 3051 AND COMPACTED TO A MINIMUM 95% MODIFIED DENSITY IN ACCORDANCE WITH AS1289 5.2.1.
11. ALL LINE MARKING TO AS1742.
12. WHERE NOTED ON THE DRAWINGS THAT WORKS ARE TO BE CARRIED OUT BY OTHERS (ADJUSTMENT SERVICES), THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CO-ORDINATION OF THESE WORKS.

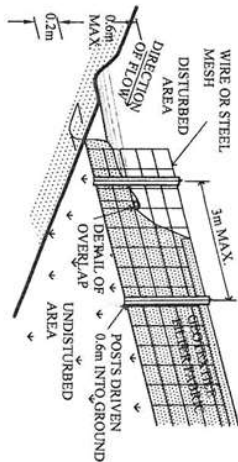
EROSION AND SEDIMENT CONTROL NOTES

1. ALL WORK SHALL BE GENERALLY CARRIED OUT IN ACCORDANCE WITH:
 - A. LOCAL AUTHORITY REQUIREMENTS
 - B. EPA REQUIREMENTS
 - C. NSW DEPARTMENT OF HOUSING MANUAL, EDITION, AUGUST 1996.
2. MAINTAIN THE EROSION CONTROL DEVICES TO THE SATISFACTION OF THE SUPERINTENDENT AND THE LOCAL AUTHORITY.
3. WHEN STORMWATER PITS ARE CONSTRUCTED, PREVENT SITE RUNOFF ENTERING UNLESS SILT FENCES ARE ERRECTED AROUND PITS.
4. CONTRACTOR IS TO ENSURE ALL EROSION & SEDIMENTATION CONTROL DEVICES ARE MAINTAINED IN GOOD WORKING ORDER AND OPERATE EFFECTIVELY, REPAIRS AND/OR MAINTENANCE SHALL BE UNDERTAKEN AS REQUIRED, PARTICULARLY FOLLOWING STORM EVENTS.



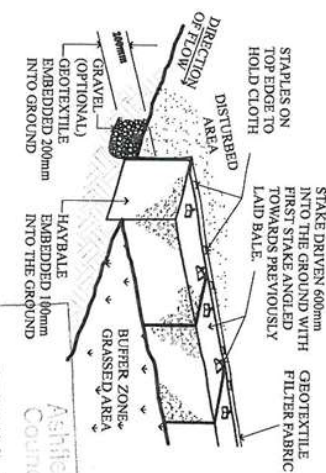
GEOTEXTILE FILTER FABRIC SURROUND

N.T.S



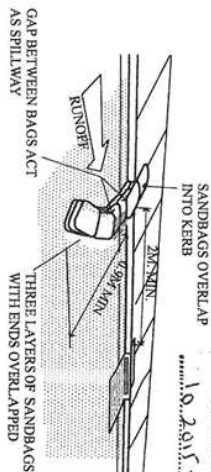
SEDIMENT FENCE

N.T.S



STRAW BALE AND GEOTEXTILE SEDIMENT FILTER

N.T.S



SANDBAG SEDIMENT TRAP FOR KERB INLET ON GRADE

N.T.S

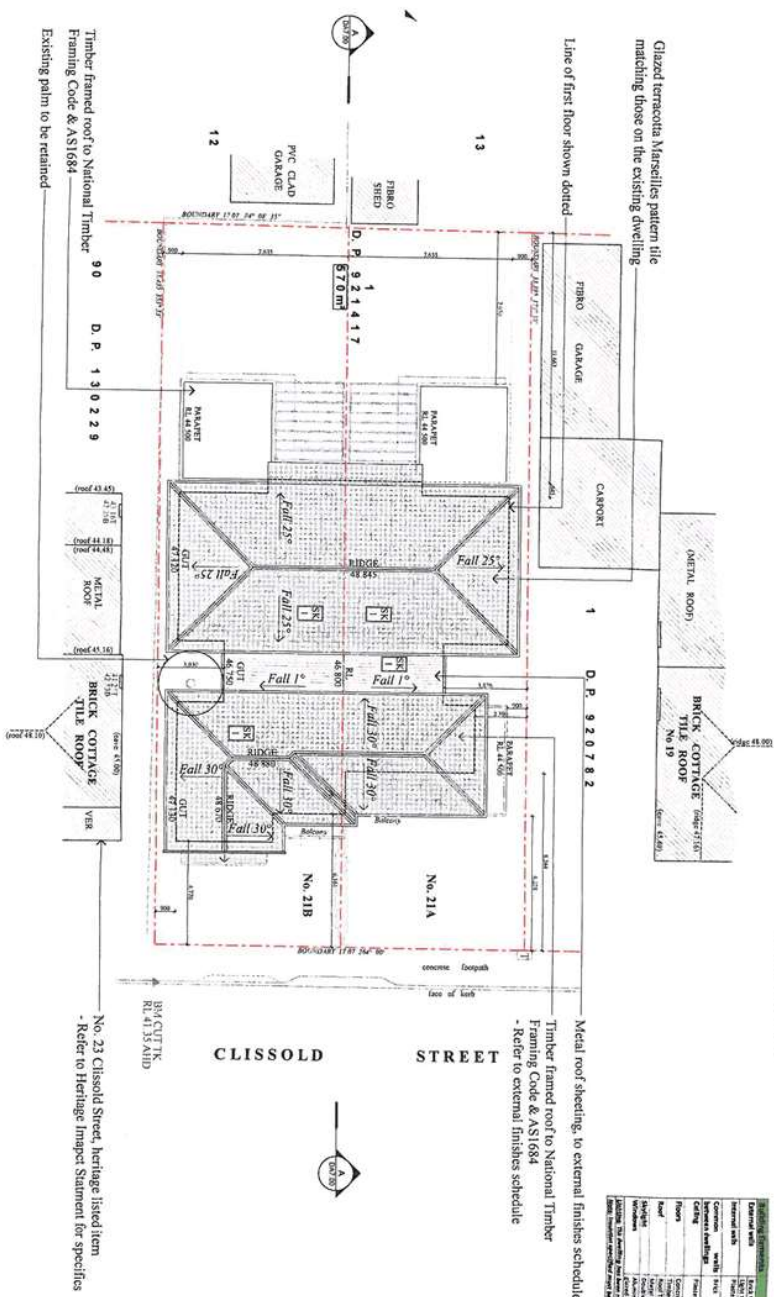
PROPOSED QUAL OCCUPANCY AT
21 CLIFFS ROAD, ASHFIELD
FOR MR GEORGE AYOUB
SOIL & SEDIMENT EROSION PLAN
DATE: 10/10/2015
OCTOBER 2015
arch media solutions Pty Ltd
12/10/2015 12:00 PM 12/10/2015 12:00 PM

ASHFIELD COUNCIL
- 1 DEC 2015
Application Number
10.2015.241.1

SITE CALCULATIONS	
Total Site Area:	570 sqm
Existing Floor Area	
Floor Area	125 sqm
NSR	0.21%
Proposed Floor Area	
Floor Area	350 sqm
NSR	0.61%
Existing Landscape	
Permeable Area (sqm)	330 sqm
Permeable Area (%)	60%
Proposed Landscape	
Permeable Area (sqm)	362.50 sqm
Permeable Area (%)	64%
Existing Site Coverage	
Site Coverage (sqm)	156 sqm
Site Coverage (%)	27%
Proposed Site Coverage	
Site Coverage (sqm)	342 sqm
Site Coverage (%)	60%

Window No	Window Size
W1	500W x 1500H
W2	500W x 1500H
W3	800W x 600H
W4	2800W x 600H
W5	1850W x 600H
W6	4500W x 700H
W7	4500W x 700H
W8	900W x 600H
W9	2800W x 2300H
W10	2500W x 1500H
W11	2500W x 1600H
W12	2700W x 300H
W13	2800W x 2200H
W14	1700W x 900H
W15	700W x 2300H
W16	2700W x 1700W
W17	2450W x 1700H
W18	2450W x 1700H
W19	2700W x 4700H
W20	700W x 2300H
W21	1700W x 900H
W22	2800W x 2200H
W23	2600W x 900H
W24	1000W x 1800H
W25	1500H x 1800W
W26	900W x 2400H
SK1	700W x 1200H

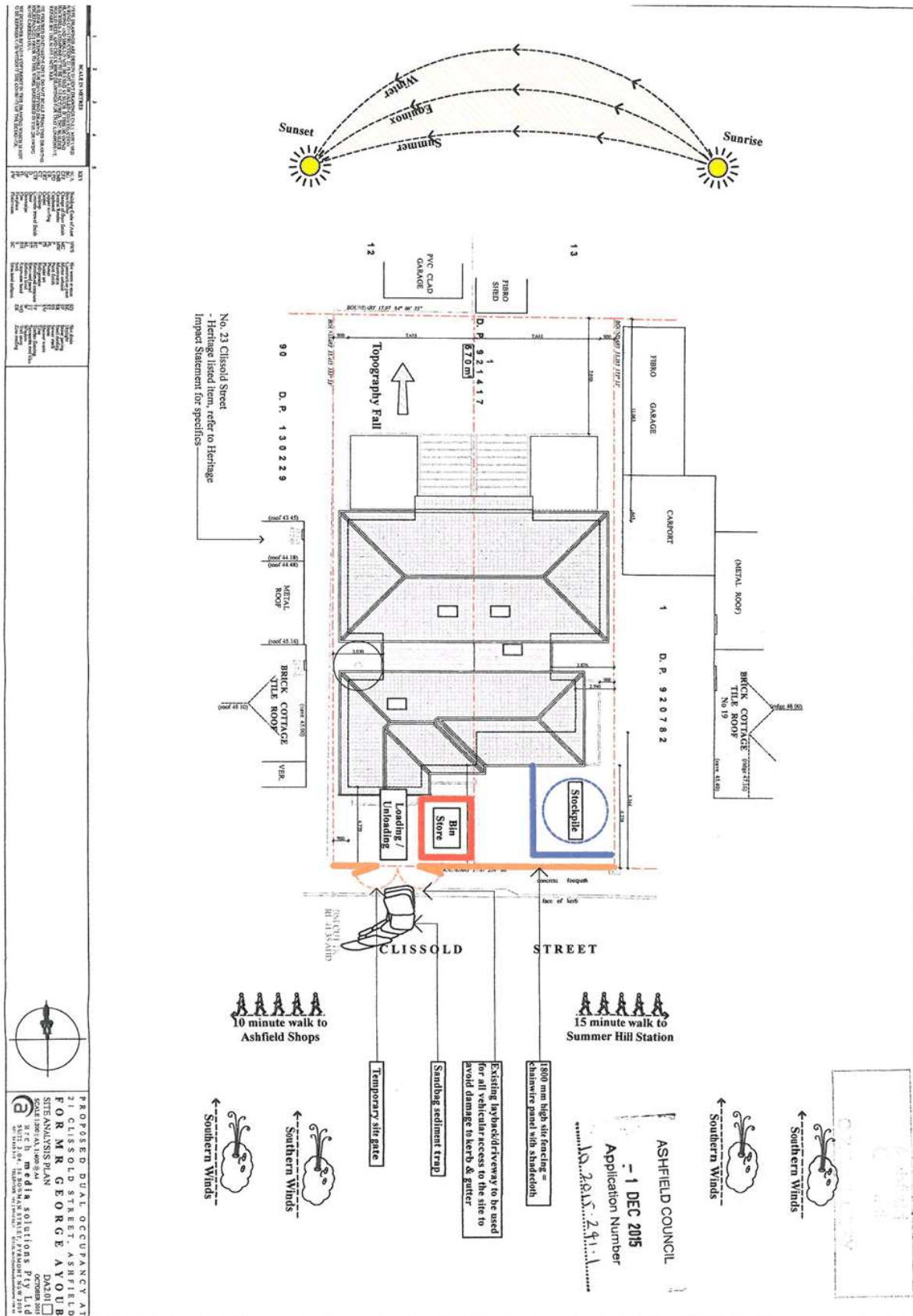
Door No.	Door Size
D1	3250W x 2400H
D2	2750W x 2400H
D3	2750W x 2400H
D4	3250W x 2400H
D5	3150W x 2400H
D6	850W x 2400H



COUNCIL COPY

Ashfield Council
20 JAN 2016
Application No.
2015.241

[illegible][illegible]





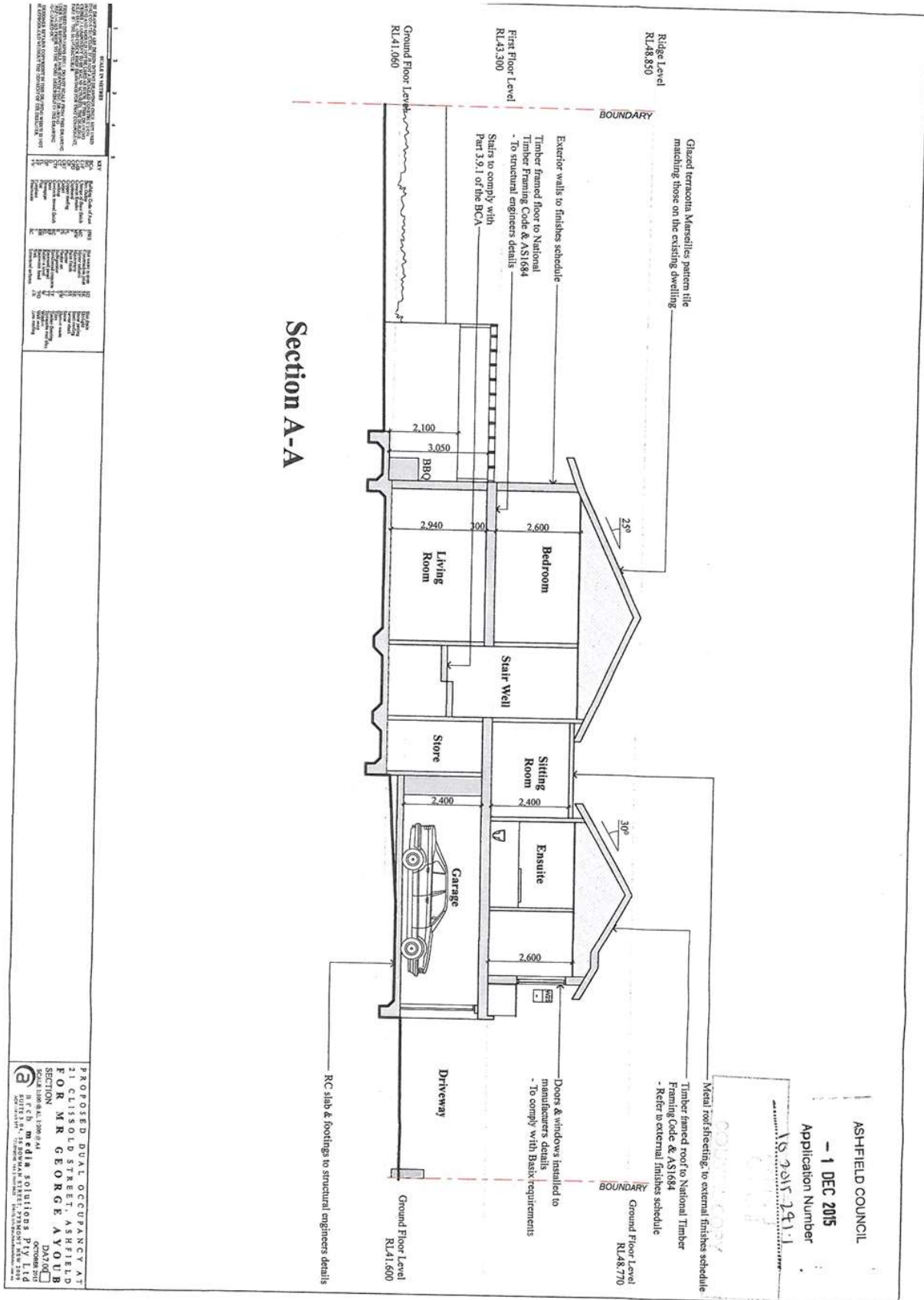






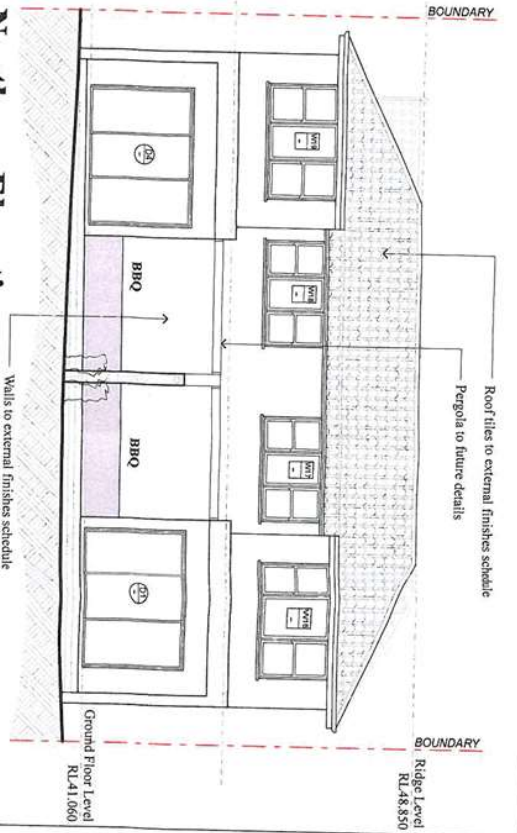
Site plan of the proposed development showing building footprints, open spaces, and surrounding context. The plan includes a central building complex with several courtyards. Key areas are labeled with their areas in square meters: Private Open Space (60 m²), Private Open Space (60 m²), 17,054 m², 124,265 m², 130,898 m², 4287 m², 2,176 m², 5,109 m², 120,338 m², and No. 21B. The plan also shows the proposed building footprint, existing building footprint, and surrounding context including a garage, street, and other buildings.

Ground Floor Plan



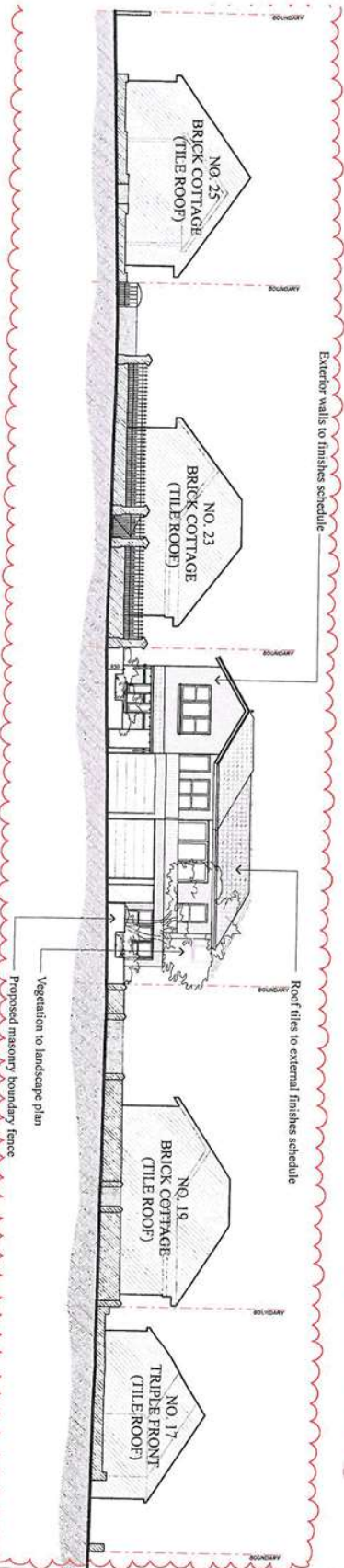


Southern Elevation



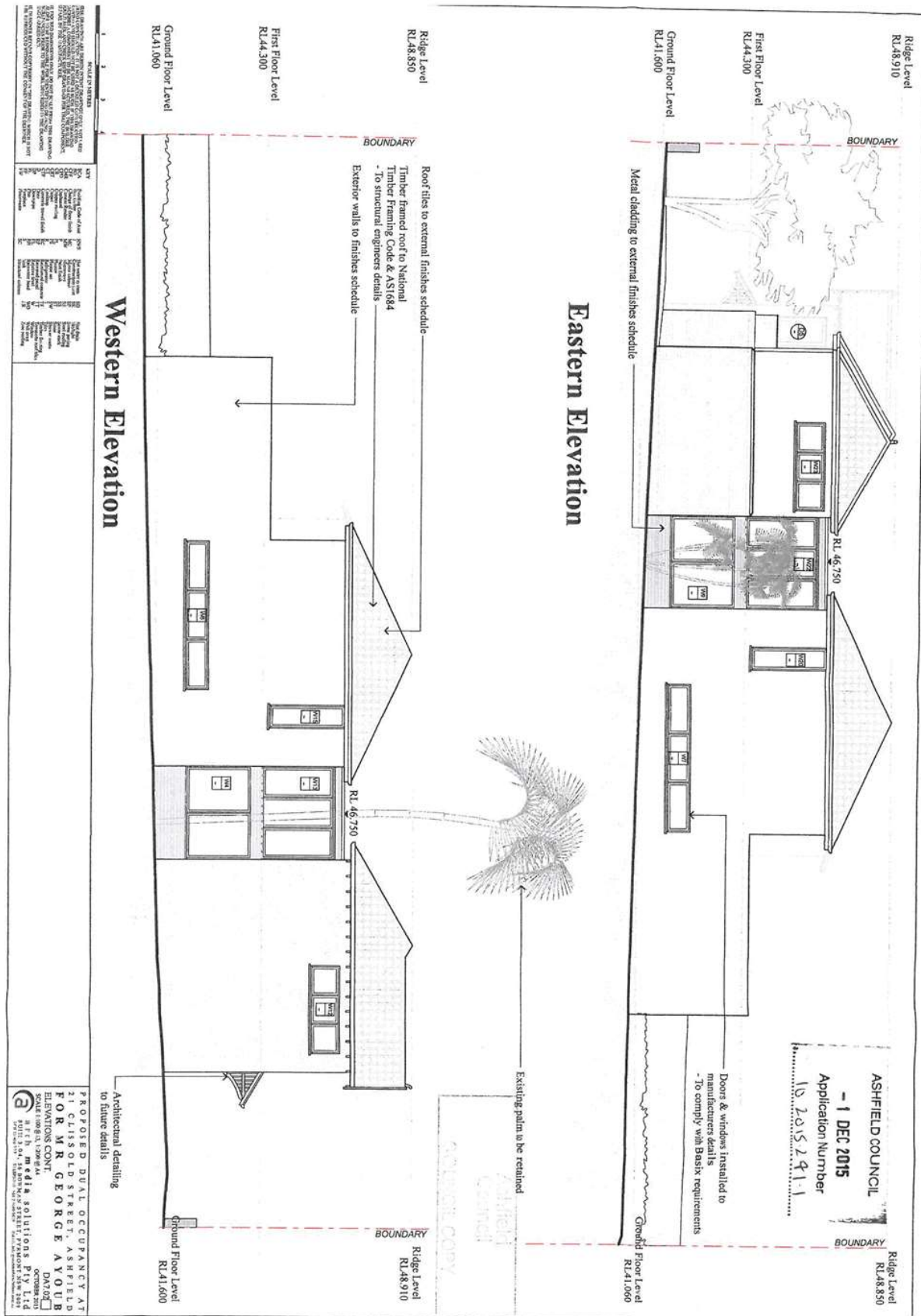
Northern Elevation

"ORIGINAL COPY"



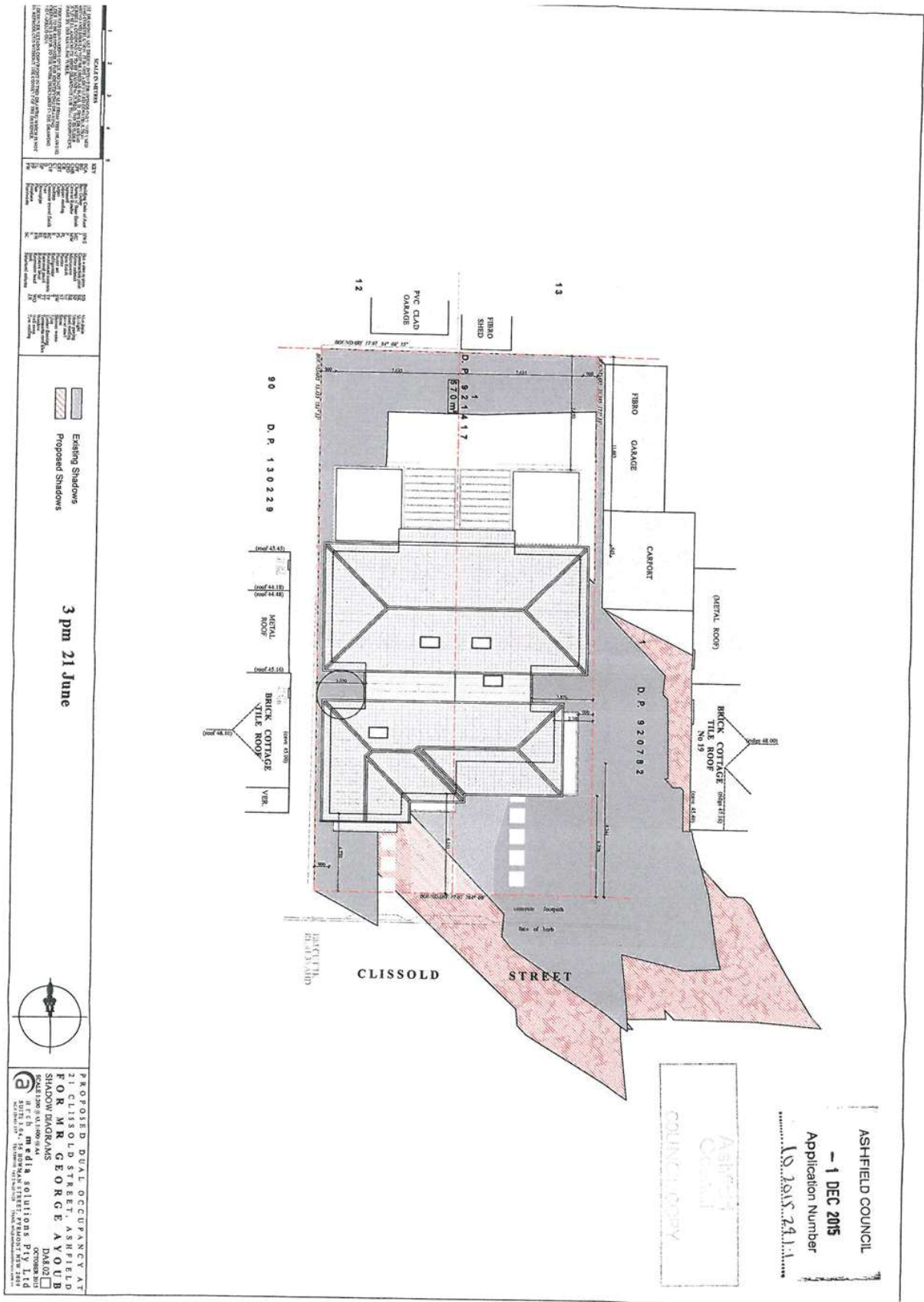
Streetscape Elevation

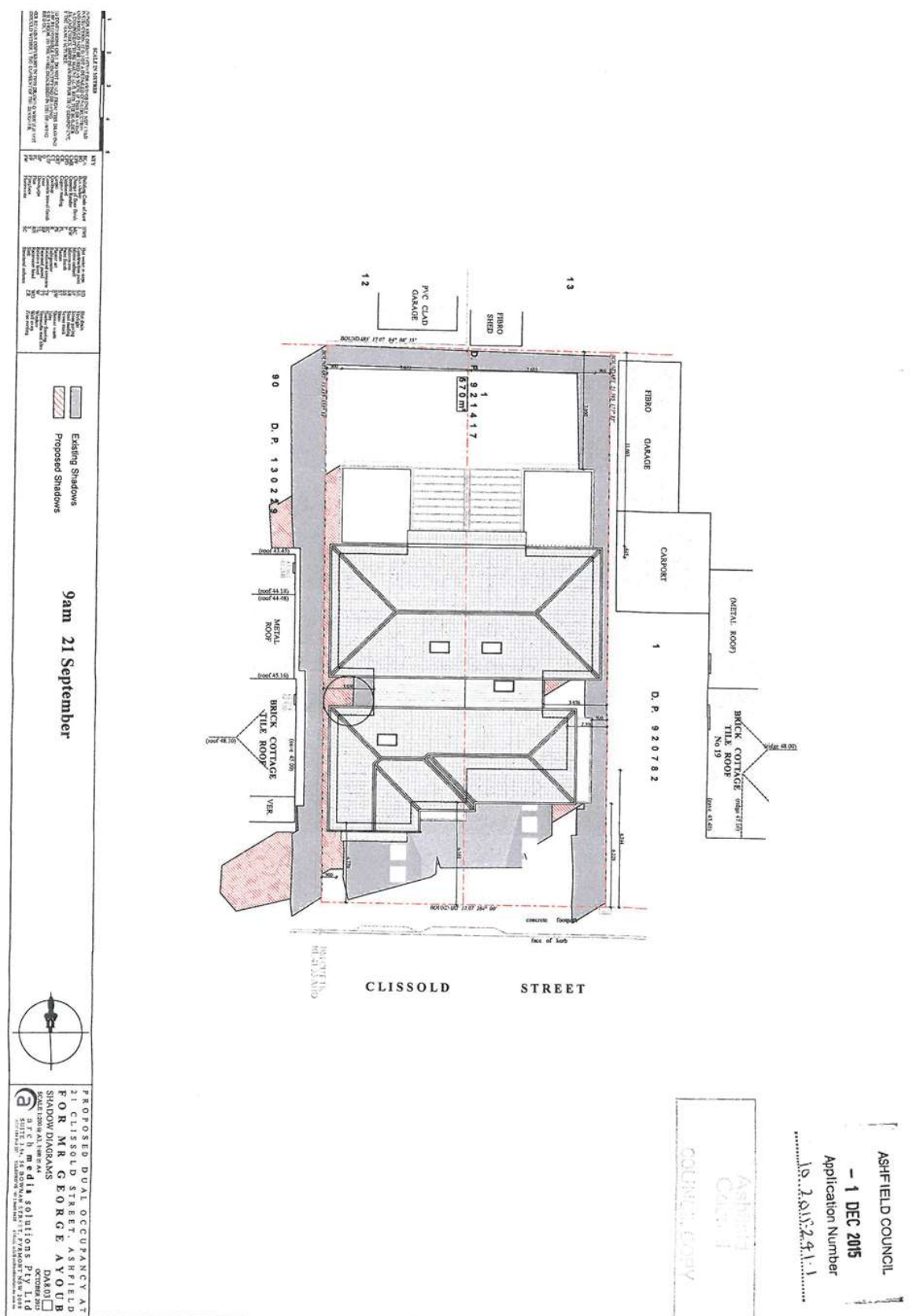
<p>DATE: 20 JAN 2015 DRAWN BY: [Signature] CHECKED BY: [Signature] PROJECT: 2015.241 SHEET: 1 OF 1</p>		<p>PROPOSED DUAL OCCUPANCY AT 21 CLISSOLD STREET, ASHFIELD ELEVATIONS CONT. FOR MR GEORGE AYVOUB DATUM: [Symbol] SCALE: 1:100 @ A3, 1:200 @ A4 ARCH: media solutions Pty Ltd 200 TONKIN ST MELBOURNE VIC 3000 TEL: 03 9412 1000 FAX: 03 9412 1001 WWW.MEDIA-SOLUTIONS.COM.AU</p>	
<p>20 JAN 2015 Application No. 2015.241</p>		<p>Ashfield Council</p>	





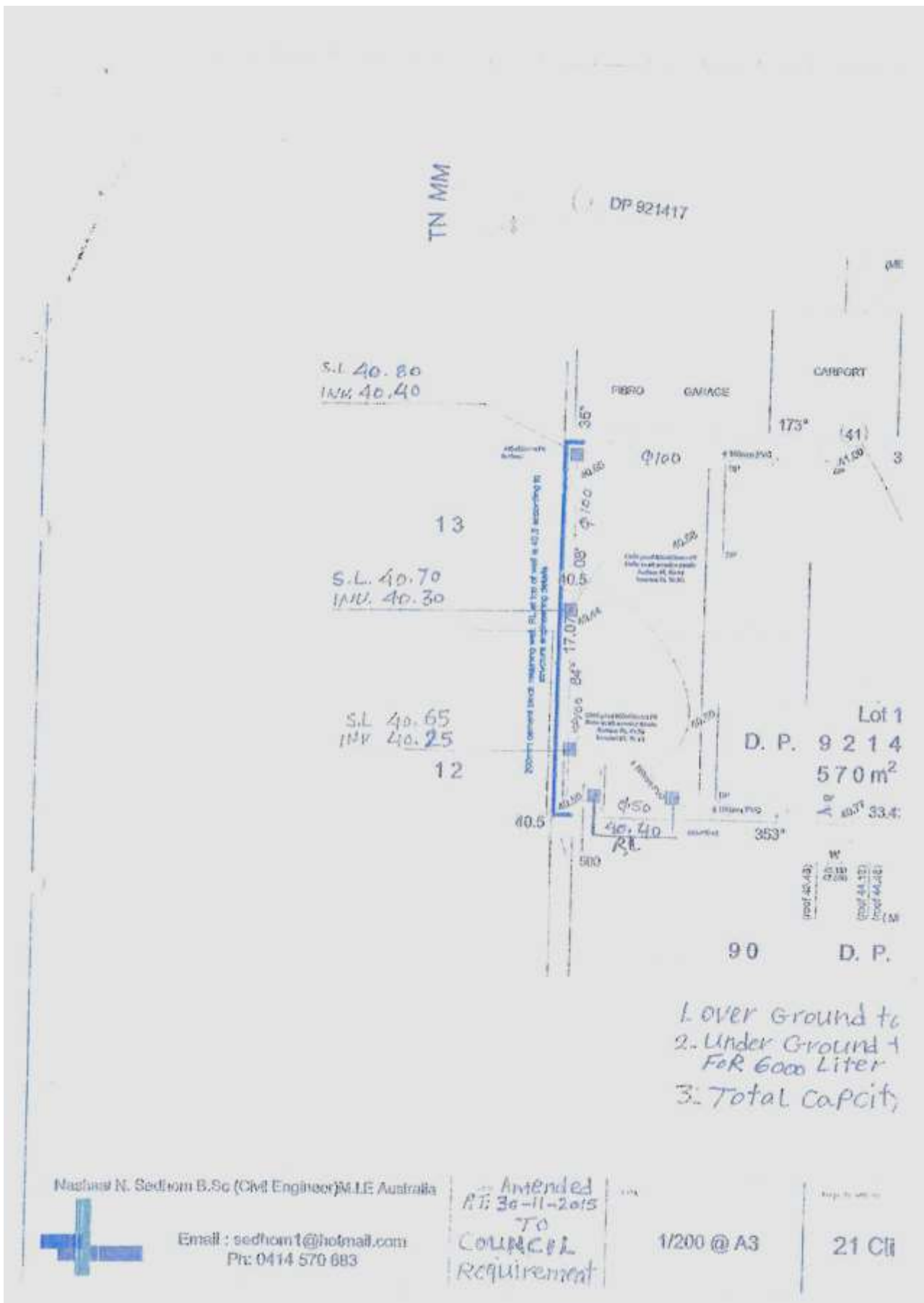
















Calculation of storm water

Total site area: 570m^2

For 100 Year Cements:

According to Council Requirement hand Book

Discharge : 23.67 / sec / 1000 m²
$$\text{Max discharge} = 23 \times .570 = 13.2 \text{ l/sec} < 15 \text{ l/sec.}$$

From Basis :-

Lot	Roof	Land Slipping	Total
1	141	144	285
2	159	126	285
Total	300	260	

2nd 2 year events:-

ALLAHOONES FOR COUNCIL 13 Etl./Dec/1880 m. 2

$$2.4 \text{ for } 510 \text{ m}^3 = 138.510 = 7.41 \text{ t/sec} < 15.41 \text{ t/sec}$$

in the two events 100 years and 2 years < 15 ft/sec.
If used a data reduction ~ 10 ft/sec.

if used as rain water tanks for the two lots

3000 LITRE PAIL 6000 LITRE PAIL 50mm
and smaller All Toilet in the house

and AT least one outdoor tap for each lot.

The ratio between Roof and Landscaping

$$260/300 = .87$$

Size of inner ground tank $6 \times 8.7 \times 8.5$ (85% full capacity) = 4.2 m^3

Chosen under ground tank $2.2 \times 2 \times 1.5 = 6.6 \text{ m}^3$

And Outlet Pipe from the Pump 750 mm

ASHFIELD COUNCIL

-1 DEC 2015

Application Number

10.2015.251.1

Nichtel

COLLECT COPY

Hortsmann N., Schmitt W. Die Pflanzengesellschaften der Auenlandschaft

Email: info@pilot101.com

491-0414-570 6833

Received
March 30-11-2005

to
Council

Requirements

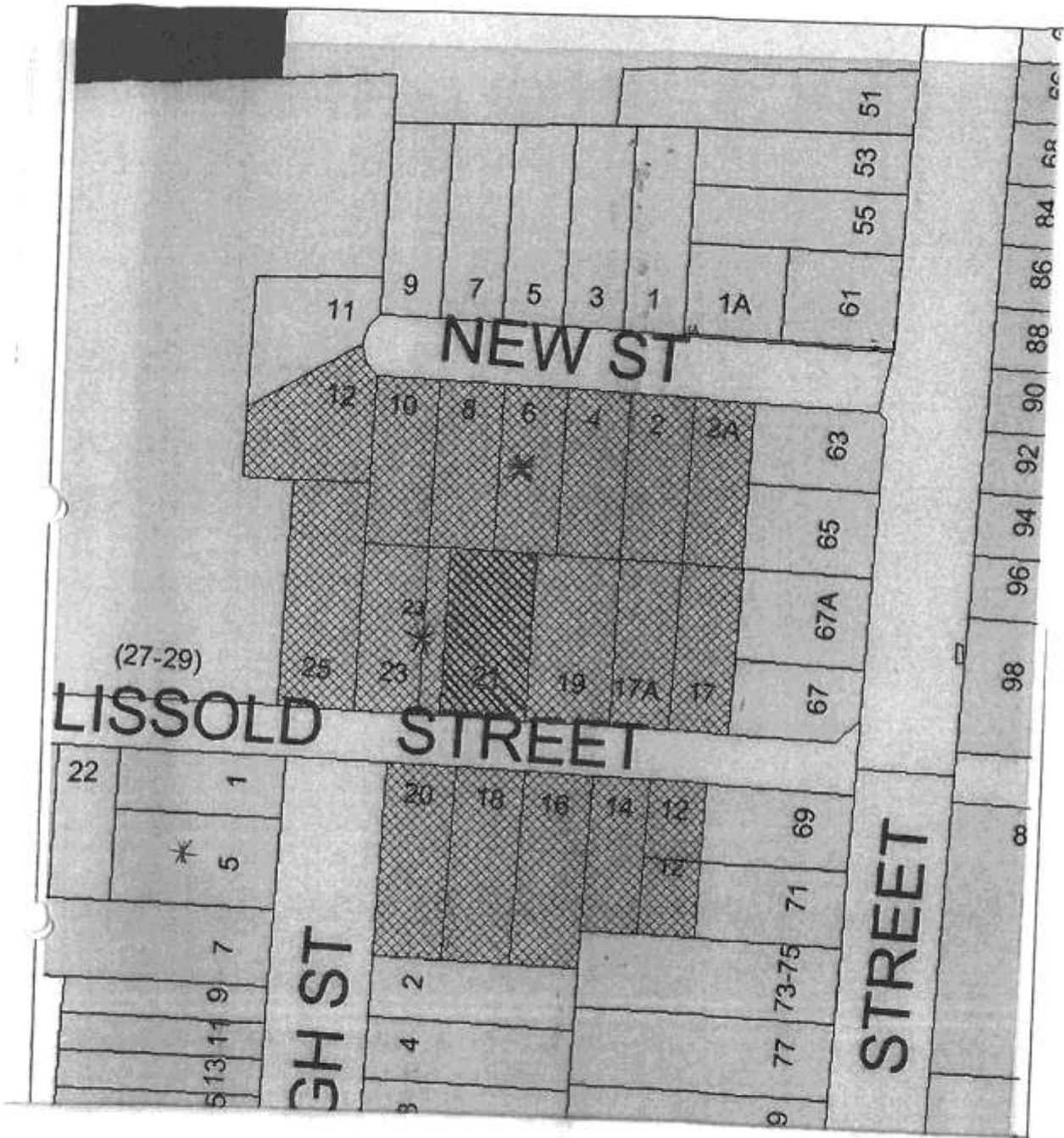
1/200 @ A3

21 Clissold Street, Ashfield

Storm Water Drainage Plan

5





Location Plan

Site  Notification Area  Objectors 



6 January 2016

General Manager
Ashfield Council
PO Box 1145
Ashfield NSW 1800

info@ashfieldnsw.gov.au

L. Anaim



RE: DEVELOPMENT APPLICATION No: 10:2015.241

Development Site: 21 Clissold Street, Ashfield Lot:1 DP:921417

Dear Sir

We write in relation with the above development application (the proposed development). We have examined the application and plans. We wish to make a submission in relation to the development application.

We are the owners of 23 Clissold Street, Ashfield (Lot 10, DP804) which is one of the neighbouring adjacent properties to the proposed development.

We wish to make three points in relation to the development application:

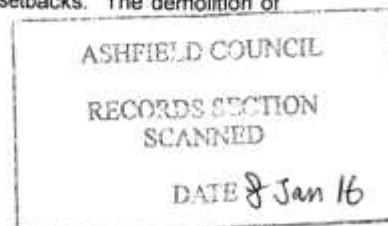
- Heritage Issues
- Privacy Issues
- Side Setbacks

Heritage Issues

Our property, 23 Clissold Street Ashfield, is listed as an individual heritage item under the *Ashfield Local Environmental Plan 2013*. A number of properties in the immediate vicinity of the proposed development are either individual heritage items and/or part of the Farleigh Estate Conservation Area (12,14,16,18,20 Clissold Street in particular). The Farleigh Estate Conservation Area which is opposite the development site comprises the historic estate owned by Frederick Clissold, a notable Ashfield pioneer. It is bounded by Clissold Street on the north, Holden Street on the west, Seaview Street on the south and Queen Street on the east. The majority of the buildings in the area contribute positively to its heritage/historic character, either by being basically original or by being modified only slightly. Adjoining properties within the vicinity of the proposed development consist of mainly single storey dwellings with generous side setbacks.

Numbers 21 and 19 Clissold Street appear to have been constructed around the same time as our property. We note that Number 21 and 19 have been substantially altered. However, the three properties have similar footprints and front and side setbacks. The demolition of

1



21 Clissold Street and its replacement with the proposed dual occupancy residence will disrupt this symmetry and replace the existing single storey dwelling with a double storey dwelling of considerably large scale and bulk, and with quite different side-setbacks.

We note that the applicant has submitted a Heritage Impact Statement. We request that Council consult with its Heritage Adviser as part of the assessment process to ensure that the proposed building does not contrast disruptively with the heritage conservation area immediately opposite or results in detriment to the existing urban setting.

Privacy

The proposed development is a large bulky building that will impact on the outlook of neighbours.

The proposed development will reduce the side setbacks and increase the length and height of the existing dwelling's footprint. This will lead to a loss of privacy, overlooking onto our backyard and negatively impact the peaceful enjoyment of our home, swimming pool and garden.

To address our concerns about amenities, we request that any decision to approve the application be subject to the following conditions:

- Privacy screens and/or frosting be fitted to windows on the upper western side of the proposed dwelling;
- External privacy screens on north facing upper windows of the proposed dwelling to prevent direct view into our property; and
- Fast growing hedges to be planted along the western boundary of the proposed dwelling.

Side setbacks

The proposed development proposes side setbacks that significantly alter the footprint of the existing dwelling. Aside from aesthetic concerns, we are also concerned that the proposed side setbacks will not be sufficient to provide access to the rear of the dwelling for construction and maintenance given that the property does not have rear lane access.

Yours sincerely

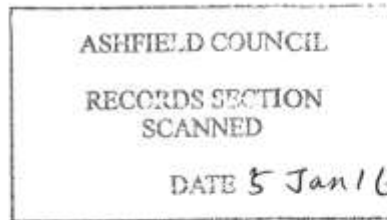


David Wellfare and Linley Johnson

23 Clissold Street Ashfield 2131

161418

Ashfield Council
PO Box 1145
Ashfield NSW 1800



30th December 2015
Attn: General Manager

Re: Notification of Development Application
Development Site: 21 Clissold Street, Ashfield
Application No: 10.2015.241

Dear Sir / Madam

L. Aram



We the undersigned wish to express our concern and objection to the application noted above. Our concerns and objections are listed as follows –

1. On two occasions we have been approached by the developer who wishes to install sewerage and storm water lines through our property for gravity connection of these services into our street. On both occasions we have rejected the offers made by the developer, as the offers do not take into account the diminished future value of our property for possible new developments caused by the reduction of available land due to the right of way for these services. ✕
2. The new development does not address privacy issues caused by the two storey elevation and close proximity to our rear boundary. Therefore our own back yard will become fully visible to view from the proposed development.
3. There is no proposed plan to minimise the effect of construction noise, dust and debris during the building process.

We ask the council to note that we are pensioners who have spent more than 50 years of our lives at this address. Whilst we are not opposed to change and development, we ask that our frailty, poor health and potentially diminished property value be taken into consideration by the council in the course of the decisions being made.

Peter and Maria Volpe
6 New Street,
Ashfield NSW 2131

Peter & Maria

* We totally do not want an easement through our property at 6 New Street, Ashfield.

Please contact myself, Jo Volpe (card attached) as translator on behalf of my parents.



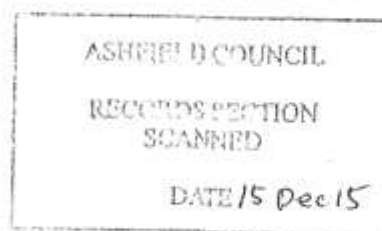
Re. Application 1.2015.241 - 21 Clissold Street

Whilst the above proposal has one good point in that there is off street parking, I am unsure as to why the existing property is being demolished. I had a look through the house during the inspection period and believe that the front part of the house is a lovely period property, which could be improved by demolition of the rear section with a modern addition. I don't think it is necessary to demolish and rebuild.

Yours faithfully

A handwritten signature in black ink, appearing to read "Joanne Herron".

Joanne Herron



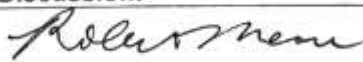


DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	21 Clissold Street ASHFIELD	File No: 10.2015.241.1
ADVISOR	Robert Moore	
DATE	25 January 2016	
STATUS	Adjacent to a Heritage Item	
DESCRIPTION	Demolition and construction of a dual occupancy	
PREVIOUS COMMENTS	Yes – several last being 26/10/2015	
<input type="checkbox"/>	HIS/CMP recommended for archiving in library	
<p>Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.</p>		

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input checked="" type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
	<ol style="list-style-type: none"> 1. The proposed glass balustrades are to be clearly amended to an open balustrade design of timber or steel construction. 2. The proposed colour scheme is to be amended to use a paint colour of Dulux Slate at half strength for the exterior walls to the ground floor and mid transition zones, with Dulux Antique White used on the first floor exterior walls. The boundary masonry fence to Clissold Street is to be painted in the Dulux Slate colour at half strength.
<input type="checkbox"/>	Acceptable with the following amendments to the application:
	<input type="checkbox"/> Application to be returned to Heritage Advisor for review after amendments <input type="checkbox"/> Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input type="checkbox"/>	Not acceptable
Discussion:	


Robert Moore

CONDITIONS

DA 2015.241.1

21 Clissold Street ASHFIELD 2131

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

Demolition of the existing dwelling and detached laundry; construction of a two storey attached dual occupancy, two attached garages and boundary masonry fence

A General Conditions

(1) Approved plans stamped by Council

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

DA 2.00 January 2016	20 January 2016
DA 2.01 October 2015	01 December 2015
DA 3.00 October 2015	01 December 2015
DA 4.00 January 2016	20 January 2016
DA 4.01 January 2016	20 January 2016
DA 5.00 October 2015	01 December 2015
DA 6.00 January 2016	20 January 2016
DA 7.00 October 2015	01 December 2015
DA 7.01 January 2016	20 January 2016
DA 7.02 October 2015	01 December 2015

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

(2) Compliance with BCA

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

(3) Height of boundary masonry fence

At any point the boundary masonry fence shall be no higher than 850mm from the natural ground level (when measured from Council's footpath).

(4) Measures to minimise impact on adjoining properties

Suitable measures shall be taken during demolition and construction to minimise any noise, dust and west materials impact on adjoining properties.

(5) The Palm tree located on the subject site

The Palm tree located on the subject site shall be protected at all times during the demolition and the construction stage.

(6) The BBQ

The proposed BBQ shall use gas fuel only.

B Design Changes

(1) Amended plans to be submitted

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

- (a) The window W12 of the master bedroom and lower 50% of W13 to the sitting room on the western elevation of the first floor shall be obscure glazing. All the windows of the bedrooms on the north elevation of the first floor shall have the lower sash fixed with obscure glazing.
- (b) A blade privacy screen/wall on the eastern side of window 19 and western side of window 16 of the first floor shall be provided. The blade privacy screen walls shall extend out 1000mm from the eastern edge of the first floor window W19 and western edge of window W16.
- (c) The blade walls of the garage should be removed and the garage on 21A Clissold Street should be further setback 100mm.
- (d) The proposed glass balustrades shall be clearly amended to an open balustrade design of timber or steel construction.
- (e) The proposed colour scheme shall be amended to use a paint colour of Dulux Slate at half strength for the exterior walls to the ground floor and mid transition zones, and Dulux Antique White shall be used on the first floor exterior walls.
- (f) The boundary masonry fence to Clissold Street shall be painted in the Dulux Slate colour at half strength.

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

(1) 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

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

A Damage Deposit of **\$7,400** is to be submitted prior to the release of the Construction Certificate 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.

(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:

Development Application # : DA 241/2015
Property Address: 21 Clissold Street, Ashfield
CPI Quarter: Sep-15

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$184.73

Local Public Transport Facilities	\$956.88
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$15,402.22
Local Community Facilities	\$811.00
Plan Preparation and Administration	\$764.56
TOTAL	\$18,119.39

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) 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.

(5) Home Building Compensation Fund Warranty

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.

(6) Stormwater disposal – calculations and details

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 Private Certifier prior to the release of the Construction Certificate.

At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).

Calculations and details are to be provided to Council showing that provisions have been made to ensure that the pipd drainage system including pits have been sized to accept runoff from all storms up to the 100 year ARI, (including overflows from roof gutters).

(7) Stormwater pump out facility

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 stormwater pump out 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 Ashfield Municipal Council prior to the release of the Occupation Certificate.

(8) 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

(9) 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.

(10) 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.

(11) Pumpout system specifications

A pumpout system may be permitted to discharge stormwater from the site. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturers 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 garage).

Note: Council does not allow the use of rain water tanks to be used as stormwater storage volumes for pump-out systems.

(12) 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.

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) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) Site fencing/security

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

(9) 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.

(10) 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.

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) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

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

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

- (2) Any-sign shall be maintained and not removed until work has been finished.

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

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

(5) Demolition requirements/standards

Demolition of the dwelling and ancillary structures 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.

(6) Materials and colour schemes

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

(7) Engineering staff to inspect roadworks/drainage

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

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (iii) After placement of road base course.
- (iv) After pipes have been laid and prior to backfilling.
- (v) 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.

(8) Footpath, kerb and gutter reconstruction

The public footpath and verge outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(9) 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.

(10) Finished ground surface levels at property boundary

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

(11) Vehicle access entrance

A vehicular access entrance shall be constructed in accordance with Council's standard drawing and specifications. The entrance 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 entrance 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.

(12) 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.

(13) 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.

(14) Spoil and building materials on road and footpath

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

(15) 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 street gutter at a maximum discharge of 15 l/sec for the 1:100 ARI.

A stormwater access pit shall be provided at the front boundary within the site, stormwater from this pit must be able to drain by gravity means to Council's street gutter. Stormwater outlets to the street kerb shall have a maximum diameter of 100mm.

(16) Stormwater run-off

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.

(17) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(18) 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.

(19) 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.

(20) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

(21) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate No. 658931S_02 & 658940S_02 as obtained on 20 August 2015 from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

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) 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

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) the stormwater Pump Out System.

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.

(2) Engineering conditions to be satisfied prior to 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.

(3) Approval to use/occupy building

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

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

H Conditions that are ongoing requirements of development consents

(1) Approved use

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

(2) Landscaping

Landscaped area shall be in accordance with Drawing No. DA 4.01 January 2016 prepared by arch media solutions and date stamped by Council 20 January 2016.

(3) Private Power Poles

Private power poles are not to be erected on the subject site without Council's Consent.

I Advisory Notes

(1) Modifications to your consent - prior approval required

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

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

Subject	DEVELOPMENT APPLICATION: 10.2013.127.3 85 VICTORIA STREET ASHFIELD
File Ref	DA 10.2013.127.3
Prepared by	William Daskalopoulos - Development Assessment Officer
Reasons	Matter referred to Council for determination via a Councillor request.
Objective	For Council to determine the application

1.0 DESCRIPTION OF PROPOSAL

An application pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*, as amended, seeks Council's approval to modify the consent No. 10.2013.127.1 for amalgamation of Lots 3, 4 & 13, DP 4272 and their subdivision into two lots, conservation works to "Mountjoy", and construction of 7 multi dwelling housing units with basement parking with access from William Street in the following way:

- The amendment comprises the removal of two additional trees numbered 24 and 25.

See Attachment 1 for plans of proposal.

2.0 SUMMARY RECOMMENDATION

The applicant is seeking the removal of 2 additional trees to the 10 trees already approved for removal from the site. The subject trees No. 24 (11metre high *Melaleuca Linarifolia*) and No. 25 (9 metre high *Ficus Rubiginosa*) are on the western side of the site in close proximity to the development. An arborist's report dated 3 September 2015 prepared by Tree and Landscape Consultants (TALC) submitted with the application recommends the removal of these two in addition to the trees already recommended for removal. See **Attachment 7** for comments and discussion.

Council's Tree Management Officer objects to the removal of the 2 trees and recommends that the design of the development be modified to retain the subject trees. Given that the development contains a basement garage it would require considerable design changes to retain the subject trees. There is also an onsite stormwater detention tank located close to tree No. 24 and an access path in the location of tree No. 25. This will also impact on the trees.

Condition C(18) (f) on the original consent requires the planting of four additional trees with a mature height of 6 metres in the courtyards of units 1, 3, 4 and 7.

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

It is recommended that the application be approved with a further condition that 2 additional replacement trees capable of reaching a mature height of 6 metres be planted on the property from 100 litre containers to compensate for the loss of the subject trees.

3.0 APPLICATION DETAILS

Applicant : Mr A Harb
 Address : 85 Victoria Street ASHFIELD NSW 2131
 Owner : Mr A & Mrs H Harb
 Lot/DP : LOT: 3 DP: 4272
 Date lodged : 18/11/2015
 Date of last amendment : N/A
 Building classification : 2
 Application Type : Local
 Construction Certificate : No

4.0 SITE AND SURROUNDING DEVELOPMENT

Not altered by proposal.

5.0 DEVELOPMENT HISTORY

Application Chronology		
Date of approval	Event	File no
10/12/2013	Development Application - Arborist Report of 20/8/2014 prepared by TALC identified 9 trees to be removed	10.2013.127.1
30/3/2015	Section 96 - Arborist Report of 26/2/2015 identified 10 trees to be removed	10.2013.127.2
Subject to determination by Council	Section 96 - Arborist Report of 3/9/2015 identified 12 trees to be removed	10.2013.127.3

Development application 2013.127 for construction of a seven unit residential development with basement car park was given deferred commencement consent on 10 December 2013.

The deferred commencement conditions have been satisfied and operational consent was granted on 9 December 2014. Given that the consent is active the section 96 application may be determined by Council.

6.0 ZONING/PERMISSIBILITY/HERITAGE

Not altered by proposal.

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

7.0 SECTION 96(1A) ASSESSMENT

(1A) Modifications involving minimal [environmental](#) impact A [consent authority](#) may, on application being made by the applicant or any other [person](#) entitled to act on a consent granted by the [consent authority](#) and subject to and in accordance with the [regulations](#), modify the consent if:

(a) it is satisfied that the proposed modification is of minimal [environmental](#) impact, and

- Officer Comment: The removal of 2 additional trees will have an environmental impact, but this is not considered to be significant in the context of the redevelopment. A condition is recommended that 2 replacement trees capable of reaching a mature height of 6 metres be planted on the property from 100 litre containers.

(b) it is satisfied that the [development](#) to which the consent as modified relates is substantially the same [development](#) as the [development](#) for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

- Officer Comment: The modification does not substantially alter the development and it is considered that the modification will result in substantially the same development. The section 96 application is seeking the removal of two additional trees.

(c) it has notified the application in accordance with:

(i) the [regulations](#), if the [regulations](#) so require, or

(ii) a [development control plan](#), if the [consent authority](#) is a [council](#) that has made a [development control plan](#) that requires the notification or advertising of applications for modification of a [development consent](#), and

- Officer Comment: The application was notified from 20 November 2015 to 7 December 2015 as required by Part C12 of AIDAP.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the [regulations](#) or provided by the [development control plan](#), as the case may be.

- Officer Comment: See Part 7.7.1 of report for discussion on submissions.

SECTION 79C ASSESSMENT

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013 (as amended)

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

The proposal does not alter compliance with the Ashfield LEP, 2013.

7.1.2 Regional Environmental Plans

Not applicable.

7.1.3 State Environmental Planning Policies

The proposal does not alter compliance with the relevant SEPPs.

7.2 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.

Not applicable.

7.3 The provisions of any Development Control Plan.

The proposal does not alter compliance with relevant parts of Council's Interim Development Assessment Policy.

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

Not applicable.

7.5 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 will require the removal of 2 additional trees as shown in the Arborist's report prepared by Tree and Landscape consultants (TALC) dated 3 September 2015.

A previous section 96 application approved the removal of 10 trees as shown in the Arborist's report prepared by TALC dated 26 February 2015. The trees are in close proximity to the proposed new building. Unless substantial changes are made to the design the root system of these trees will be compromised. This will impact on the ability of the trees to survive.

Condition C(18) (f) on the original consent requires the planting of four additional trees with a mature height of 6 metres in the courtyards of units 1, 3, 4 and 7. Given that the subject trees are close to the development their removal is supported subject to the planting of 2 replacement trees capable of growing to a mature height of 6 metres.

It is considered that the development as modified with 2 replacement trees as recommended will have minimal impact on the locality.

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

7.6 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.

7.7 Any submissions made in accordance with this Act or the regulations.

The proposal was notified to all adjoining and nearby affected property owners, occupants, and Councillors from 20 November 2015 until 7 December 2015. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

Three submissions (**Attachment 3**) were received during the notification of the development application:

Submission
C. Roberts 43 William Street, Ashfield NSW 2131
Daniel Healey 22 Robert Street, Ashfield NSW 2131
C. Wigbout 45 William Street, Ashfield NSW 2131

Submission Issue	Assessing Officer's Comment
The proposal would impact upon the children's park.	The section 96 application does not change the design of the development. The children's play area would not be impacted by the development. The driveway would cut through an area which is simply the verge between the site boundary and the road and is not classified by Council as a park. It should not impact upon the safety of children any more than any other residential driveway.
Driveway access should have been provided off Victoria Street.	The section 96 application does not change the driveway access to the site. As mentioned in the assessment of the original application it would be inappropriate to locate the vehicular access of the proposal via the Victoria Street frontage due to the adverse heritage impacts this would have upon the heritage item Mountjoy.
Inadequate parking.	The section 96 application does not change parking on the site.
Parking spill-over onto William Street.	The section 96 application does not change parking on the site as it relates only to the removal of trees.
Traffic congestion in William Street.	The section 96 application does not change parking on the site. Council's traffic engineer has reviewed the proposed development and concluded that the traffic generation of the proposal would be relatively low and well within the capacity of the street.

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

Submission Issue	Assessing Officer's Comment
Inadequate curtilage around Mountjoy.	The section 96 application does not change the curtilage around Mountjoy. Council's Heritage Adviser is satisfied that the approved curtilage is acceptable.
Loss of trees.	Whilst the proposal would result in the removal of additional trees this is considered reasonable given the close proximity of the trees to the approved buildings. The survival of these trees is likely to be impacted by the new construction works and therefore no objection is raised to their removal. It is noted that the development has generally been configured to retain as many trees as possible, in particular those fronting William Street. A condition of the original development consent required the planting of 4 trees capable of growing to a mature height of 6 metres. A further condition is recommended that an additional 2 replacement trees capable of growing to a mature height of 6 metres be planted on the site in a suitable position from 100 litre containers to compensate for the loss of the subject trees
Plans are vague and of poor quality.	The plans show the location of trees numbered 24 and 25 which are proposed to be removed.
Inadequate time to respond to notification.	The application was notified in accordance with Council policy.

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application. The proposed modification is acceptable and therefore recommended for approval.

8.0 Referrals

8.1 Internal

Internal Referrals		
Officer	Comments	Support
Heritage Adviser	Council's Heritage Adviser has not raised any objection. See Attachment 4 for comments.	Yes
Tree Officer	Objects to the proposal stating that the design and site works should be modified. See Attachment 5 for comments.	No
Engineers	No objection.	Yes

External Referrals	
Ausgrid	No objection subject to conditions which have been included in the recommended conditions of the development consent. See Attachment 6 for conditions.

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

9.0 BUILDING CODE OF AUSTRALIA (BCA)

The proposed changes do not alter compliance with the Building Code of Australia.

10.0 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) and Section 96(1A) have been taken into consideration. The proposal is considered to be acceptable and is therefore recommended for approval.

ATTACHMENTS

Attachment 1	Plans of Proposal	3 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Submissions	4 Pages
Attachment 4	Heritage Advice	1 Page
Attachment 5	Tree Management Officer Comments	1 Page
Attachment 6	Ausgrid Requirements	2 Pages
Attachment 7	Arborist Recommendation	3 Pages

RECOMMENDATION

Development Application No. 2013.127 for amalgamation of Lots 3, 4 & 13, DP 4272 and their subdivision into two lots, conservation works to “Mountjoy”, and construction of 7 multi dwelling housing units with basement parking with access from William Street be modified in accordance with section 96(1A) of the Environmental Planning and Assessment Act 1979 as follows:

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.

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

No.	Title	Prepared by	Amendment Date
1000 K	Site Plan	Architectural Design Studio	6/03/2015
1101 J	Basement Floor layout	Architectural Design Studio	6/03/2015
1201 K	Ground Floor layout	Architectural Design Studio	6/03/2015
1301 G	First Floor layout	Architectural Design Studio	22/08/2014
1401 G	Roof layout	Architectural Design Studio	22/08/2014
1501 G	Elevations east and west	Architectural Design Studio	22/08/2014
1502 I	Elevations- north and south	Architectural Design Studio	3/11/2014
1503 F	William Street Elevation	Architectural Design Studio	6/03/2015
1601 E	Section 01	Architectural Design Studio	22/08/2014
1602 G	Section 02	Architectural Design Studio	12/11/2014
1603 E	Section 03	Architectural Design Studio	22/08/2014
1604 E	Section 04	Architectural Design Studio	22/08/2014
1605 E	Section 05	Architectural Design Studio	22/08/2014
1606 E	Driveway ramp detail	Architectural Design Studio	12/09/2014
7901 B	Landscape Area Plan	Architectural Design Studio	2/03/2015
7902	Landscape Plan	Architectural Design Studio	2/03/2015
7903	Landscape Plans	Architectural Design Studio	2/03/2015
1504- Sheets 1 2,3 and 4 of 4 Rev E	Stormwater Drainage Plans	John Romanous and Associates P/L	10/09/2014
1001	Basix commitments, Nathers Specification	Architectural Design Studio	4/3/2015
	Aboricultural Assessment Report	TALC Tree and Landscape Consultants	3/9/2015
DA10	External Finishes	Weir Phillips Architects	Not dated
	Schedule of Conservation Works	IBIS, Innovative Building Information Services	04.09.2012

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

1001 M	Site Plan	Architectural Design Studio	28/9/2015
15-3082 L01	Landscape Plan	Zenith Landscape Designs	26/8/2015
15-3082 L02	Landscape Plan	Zenith Landscape Designs	26/8/2015

The following conditions be added:

Condition C(21)

Prior to the issue of a Construction Certificate, the applicant must provide to council and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the *NSW Industrial Noise Policy* (EPA, 2000)¹.

Condition D(11)

The applicant must be aware that there are safety clearances from the substation in relation to fire and blast segregation requirements as detailed in the Ausgrid Network Standards publications, NS141 and NS113 which are available on the Ausgrid website and the relevant link is given below.
<http://www.ausgrid.com.au/Common/Industry/Network-documentation/Network-standards.aspx>.

Condition D(12)

The applicant shall make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and /or Connection Application Form, to allow Ausgrid to access any impacts on its infrastructure and determine the electrical supply requirements for the development and whether a substation is required on the site.

Condition D(13)

The applicant must check the location of underground cables by using *Dial Before You Dig* www.ausgrid.com.au/Common/Safety/Safety-around-our-network/Dial-Before-You-Dig.aspx and comply with the requirements of *NS156: Working Near or Around Underground Cables* (Ausgrid, 2010) www.ausgrid.com.au/Common/Our-network/Standards-and-Guidelines/Network-standards.aspx.

Condition E(25)

The development must comply with both the Reference Levels and the precautionary requirements of the *Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz* (ARPANSA, 2006) http://www.arpansa.gov.au/pubs/rps/dr_elfstd.pdf.

Condition E(26)

The development must comply with *Tree Safety Management Plan* (Ausgrid, 2007) www.ausgrid.com.au/Common/Community/Community-services/Bushfire-prevention.aspx.

Condition E(27)

DEVELOPMENT APPLICATION: 10.2013.127.3
85 VICTORIA STREET ASHFIELD

The development must be carried out in accordance with *ENA EG1-2006: Substation Earthing Guide* (Energy Networks Association, 2006).

Condition E(28) Tree Protection

Compliance with the recommendations in Arboricultural Assessment Report prepared by Tree and Landscape Consultants dated 3/9/2015.

Condition G(14) Tree Planting

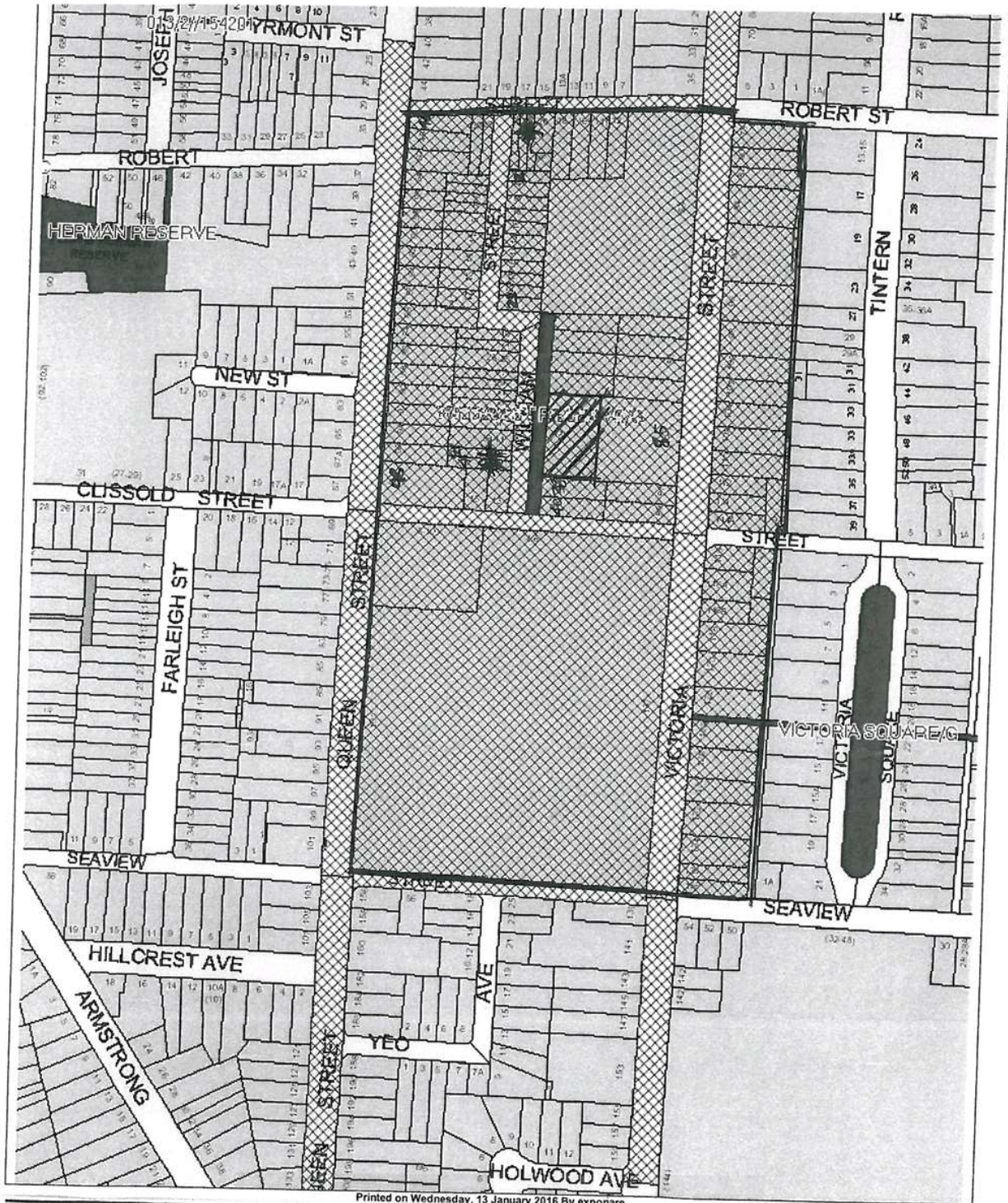
Two replacement trees capable of growing to a mature height of 6 metres be planted on the site in a suitable position from 100 litre containers to compensate for the loss of trees numbered 24 and 25.

PHIL SARIN
Director Planning and Environment










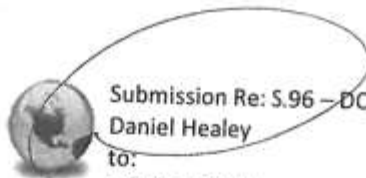
Location Plan

Site 

Notification Area 

Objectors 





Submission Re: S.96 — DC 10.2013.1327 85 Victoria Street (MountJoy).
Daniel Healey

to:

info@ashfield.nsw.gov.au

05/12/2015 05:23 PM

Hide Details

From: Daniel Healey <daniel.l.healey@hotmail.com>

To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>

2013/127.
15/6/274

Dear Mr Sarin

Please accept this submission in relation to the DA for 85 Victoria Street (MountJoy). This is the latest of multiple applications and amendments relating to the DA. I am concerned that the DA lacks sufficient detail, no notification has been posted on the property and yet again the application has been submitted at the end of the year.

I submit that the location of the proposed driveway not in a reasonable or safe location and a better alternative exists by using the Victoria street entrance. I also submit the proposed removal of trees is unnecessary especially in light of the long history of this DA. The applicant has ample opportunity to address this issue and it has not been raised until now. I note the preparatory work is underway in the form of clearing other trees and the erection of temporary fencing on the site.

The proposed driveway:

- Presents a critical risk to the children using the adjacent William street play ground. Other drives neighboring the playground are fenced the proposed drive is not.
- Reduces on street parking in William street. Parking is already at a premium and locating the drive in William street reduces available parking. The council is well aware of the challenging parking and traffic situation in and around William street and the proposal will exacerbate the problem.

These two factors would mean approving the DA in its current form fails the Wednesbury test for reasonableness. A reasonable outcome would be the relocation of the access point to existing infrastructure in Victoria Street.

I can not believe any third party would accept

- locating an un-fenced driveway next to a playground is a reasonable outcome.
- placing the driveway facing William street is reasonable give the existing availability via Victoria street.
- reducing parking that is already at a premium is a reasonable decision or indeed good public policy

Further

file:///C:/Users/danielc.ASHFIELD/AnnData/Local/Temp/notes6427D8/...web0852.htm 8/12/2015

- William street is narrow and has limited parking capacity. It is on the fringe of the Ashfield's resident parking area and has seen significant increase in on street parking demand since the original application.
- Victoria Street is a major road in the area and has the capacity to accommodate the additional traffic and parking demand anticipated by the proposal.
- Addition of the townhouses will have a significant impact on the curtilage of Mountjoy and a relatively minor extension of the existing Victoria Street drive will mitigate the risk to children using the playground.
- Works already underway at the Cardinal Freeman retirement community, residential works in William street and proposed work on the Sydney Private Hospital site generate an enormous demand on Williams street. Residents have made Council aware of parking and traffic problems along with at least one instance where garbage was not collected due to the collection vehicle being unable to negotiate the narrow street because of the parking arrangements.

Again the Wednesbury test applied correctly would see the DA fail in its current form. And again relocation of the drive away from William street to Victoria street will resolve this issue.

I would respectfully submit that relocating the access point to the drive on Victoria Street is a more reasonable outcome.

Kind regards

Daniel Healey

22 Robert Street Ashfield



Objection- DC 10.2013.1327
Catherine Roberts
to:
info
06/12/2015 09:26 AM
Cc:
Cath
Hide Details
From: Catherine Roberts <catherinegroberts@gmail.com>
To: info@ashfield.nsw.gov.au,
Cc: Cath <catherinegroberts@gmail.com>

2013/12/7.
15/6/284
B.H.

Attn: Director Planning and Environment

Ashfield Municipal Council

Re: S.96 – DC 10.2013.1327

Dear Mr Sarin,

On Monday 23 November 2015 I received notification of this s96 application.

I object to this amendment, noting the following points:

1. Residents have only been given two weeks to formulate and submit responses.
2. The notification of the s96 application provided no detail whatsoever in the notification.
3. There is little detail offered to residents at the library, except a note indicating that the applicant wants to remove a further two trees, accompanied by an arborist report from May 2012. There is no identification of which trees are to be removed or any justification as to the reason for tree removal.
4. I note that several trees are already being removed on our street to make way for this new development.
5. I also note that the residents of William St and surrounds were strongly against the nature of this development- the driveway entrance from William St, rather than the obvious place for it on Victoria St, will unnecessarily cause traffic issues and cut through a small children's park.

Based on the above, I strongly object to this unjustified removal of extra trees from this development area.

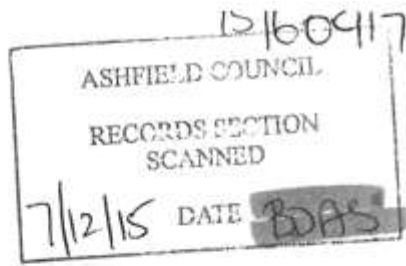
Council has already negatively affected the residents of William Street by approving this development and we urge you to put our needs and rights to peaceful enjoyment ahead of a developer that has shown blatant disregard for our neighbourhood.

Please confirm receipt of this email.

Yours sincerely,

Catherine Roberts

43 William St Ashfield 2131



PA 2013.127
85 Victoria St
45 William Street
Ashfield 2131
4 December 2015

Director Planning and Environment
Ashfield Municipal Council

Re: S.96 – DC 10.2013.1327

Mr Sarin,

On Monday 23/11 we received notification of a S96 application by the Harbs of Mountjoy and we note residents were only given two weeks to formulate and submit a response.

The lack of time is exacerbated by the scarcity of detail in the notification received from AMC. It is unreasonable to expect a considered response when residents are kept in the dark about details of the application. Anyway, one of us went into the library to check out details of the application. The file consisted of a one page application in barely legible handwriting indicating Ed wants to remove "two (more) trees" and it was accompanied by an arborist report from May 2012.

There was no indication of **which** trees are to be butchered, or **why** they need to be removed. Mr Sarin, how can your team accept such a pathetic application?

I strongly object to this unwarranted extra carnage in our street. Council has already reduced the amenity of the residents of William Street by allowing a 'development' that breaches zoning rules, and should not increase the deleterious effects on residents.

Ed Harb told residents that he loves trees; about time he and council demonstrate this!

I would only support removal of any further trees if Ed needed to remove them so that the shared driveway would be on his property. The planning department may not be aware of the number of complaints AMC traffic department is getting from William Street residents due to traffic and parking issues. As per our traffic engineer's report this will be seriously exacerbated by the extra local traffic from 7 further residences. The Harbs seek to make a fortune without suffering any of the inconvenience caused by their building against planning regulations.

We urge council officers and councilors to reject this amendment application in the strongest terms – the only amendment that should be accepted is a lowering of housing density or the driveway going to Victoria Street, which is **much** better suited to this extra traffic.

Sincerely,

C Wigbout and P de Rooy

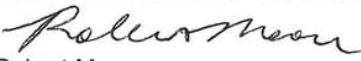


DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	85 Victoria Street ASHFIELD	File No: 17.2015.310.1
ADVISOR	Robert Moore	
DATE	26 October 2015	
STATUS	Heritage Item	
DESCRIPTION	S96 to remove additional trees	
PREVIOUS COMMENTS	Yes on the original DA	
<input type="checkbox"/>	HIS/CMP recommended for archiving in library	
<small>Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.</small>		

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	Application to be returned to Heritage Advisor for review after amendments
<input type="checkbox"/>	Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows
<input type="checkbox"/>	Not acceptable
Discussion:	
<p>The proposed removal of a further 2 trees should be referred to Council's Tree Officer for comments.</p> <p>These comments should include whether or not the trees concerned contribute to the setting or heritage interest of the property.</p>	


Robert Moore



DA2013.127.3 - 85 Victoria Street Ashfield
Harry Diversi to: William Daskalopoulos

16/12/2015 08:50 AM

William hi

I have viewed the trees and attached plans as requested.

I recommend that the trees numbered 24 and 25 be retained and protected.

Accordingly all design and site works should be modified to ensure that this happens.

Cheers

Harry Diversi Overseer Trees
260 Liverpool Road Ashfield NSW 2131
Tel (02) 8752 1503 **Mobile** 0420 348 100
harryd@ashfield.nsw.gov.au www.ashfield.nsw.gov.au



Commendation Award for Public Engagement and Community Planning.

*Ashfield Council acknowledges the traditional Aboriginal owners of the land, the Wangal people.
We acknowledge their living culture and unique role in the life of this region.*



D15/753168 - DA Response 85 Victoria Street, Ashfield LOT:3 DP:4272 dated 20 November 2015 - Application NO: 10.2013.127

Bava Ananthan

to:

info

02/12/2015 10:47 AM

Hide Details

From: Bava Ananthan <banantha@ausgrid.com.au>

To: info@ashfield.nsw.gov.au,

Director Planning and Environment
Ashfield Council
PO BOX 1145 Ashfield NSW 1800

Dear Sir/Madam,

I refer to the DA referral received for - 85 Victoria Street, Ashfield LOT:3 DP:4272 dated 20 November 2015

Application NO: 10.2013.127

Ausgrid does not object to the above DA, however, I wish to advise that the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development. **(eg. whether a substation is required on site).**

In general, works to be considered by Ausgrid include, but are not limited to, the following:

- Changes in electrical load requirements
- Changes to Ausgrid's infrastructure (ie. asset relocations, decommissioning substations etc.)
- Works affecting Ausgrid's easements, leases and/ or right of ways
- Changing the gradients of any roads or paths
- Changing the level of roads or foot paths
- Widening or narrowing of roads
- Closing roads or laneways to vehicles
- In all cases Ausgrid is to have 24 hour access to all its assets

Ausgrid has identified the following Ausgrid asset which is located on the adjacent property to the proposed development site at 85 Victoria Street, Ashfield

Existing substation S1443 Clissold St located at Clissold ST Near William ST, Ashfield

The developer is to ensure that the proposed works do not compromise Ausgrid's technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

Ausgrid's Network Standards are available in our web site <http://www.ausgrid.com.au/> under the caption Network Standards.

Where Council considers that the site of the development is suitable and the development comprises or involves a type listed in Table 1, then Ausgrid requires the following development consent conditions to be imposed to ensure the safety and compatibility of both the development and Ausgrid's assets.

If you would like further assistance in this matter, please contact Ausgrid's Property Portfolio Manager, Grant Greene-Smith on (02) 9269 2169.

Table 1: Development types and relevant consent conditions

SEPP (Infrastructure) 2007 clause	Development type	Consent condition
45(a)	Penetration of ground within 2m of an underground electricity power line	A, B

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	or an electricity distribution pole or within 10m of any part of an electricity tower.	
45(b)(i)	Development carried out within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).	A, E, D
45(b)(ii)	Development carried out immediately adjacent to an electricity substation.	A, C*, D, F
45(b)(iii)	Development within 5m of an exposed overhead electricity power line.	A, D
45(c)(i)	Installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level.	A
45(c)(ii)	Installation of a swimming pool any part of which is within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.	A
45(d)	Development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.	A

* For development adjacent to a substation, Ausgrid requests that council seek a noise assessment report from the applicant prior to the Development Application being determined. The assessment must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the *NSW Industrial Noise Policy* (EPA, 2000) <http://epa.nsw.gov.au/noise/industrial.htm>. Where a noise assessment has not been provided by the applicant, Ausgrid request that condition C be imposed on any consent that is granted.

Condition A: The applicant must be aware that there are safety clearances from the substation in relation to fire and blast segregation requirements as detailed in the Ausgrid Network Standards publications, NS141

which are available on the Ausgrid website and the relevant link is given below.

<http://www.ausgrid.com.au/Common/Industry/Network-documentation/Network-standards.aspx>.

Condition B: The applicant must check the location of underground cables by using *Dial Before You Dig* www.ausgrid.com.au/Common/Safety/Safety-around-our-network/Dial-Before-You-Dig.aspx and comply with the requirements of *NS156: Working Near or Around Underground Cables* (Ausgrid, 2010) www.ausgrid.com.au/Common/Our-network/Standards-and-Guidelines/Network-standards.aspx.

Condition C: Prior to the issue of a Construction Certificate (or an Occupation Certificate where a Construction Certificate is not required), the applicant must provide to council and Ausgrid a noise assessment report. The report must address, in relation to the adjacent substation, the requirements of the amenity or intrusive criteria in section 2.4 of the *NSW Industrial Noise Policy* (EPA, 2000)¹.

Condition D: The development must comply with both the Reference Levels and the precautionary requirements of the *Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz* (ARPANSA, 2006) http://www.arpansa.gov.au/pubs/rps/dr_elfstd.pdf.

Condition E: The development must comply with *Tree Safety Management Plan* (Ausgrid, 2007) www.ausgrid.com.au/Common/Community/Community-services/Bushfire-prevention.aspx.

Condition F: The development must be carried out in accordance with *ENA EG1-2006: Substation Earthing Guide* (Energy Networks Association, 2006).

With Regards,

Bava Ananthan | Engineer | Design and Construction | AUSGRID

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(: 02 9585 5681 (Extn 35681) | É: 0413 019 883 | *: banantha@ausgrid.com.au |

This e-mail may contain confidential or privileged information.

file:///C:/Users/danielc.ASHFIELD/AppData/Local/Temp/notes6427D8/~web6565.htm 2/12/2015

5. Discussion

The development proposes to construct a townhouse style development which will either directly impact upon or is in close proximity to trees numbered 1,2,3,4,5,6,7, 8, 24,25, 26 & 27 and their removal will be required with the design in its current format. These trees are either poor in condition, poorly formed or are of smaller dimensions with the most dominant site tree in regards to overall dimensions being tree 8 which has been allocated a safe retention index value of 9 (Retention Potential - Medium Term).


The removal of trees 1,2,3,4,5,6,7, 8, 24,25,26 & 27 should be compensated for as part of the development through the replanting of replacement canopy trees and shrubs as part of final landscape works in accordance with landscape documentation prepared as part of the development. This course of action will ensure long-term amenity for the immediate area through the introduction of elements of continuous landscape.

The remaining trees numbered 18,19,20 & 22, can be adequately retained if subject to the following recommendations.

6. RECOMMENDATIONS

- a. That trees 18,19,20 & 22, identified in table 2 be retained and protected. Tree protection zones are to be established within the site boundaries only at setbacks identified in table 2 column G from trunk centres in accordance with appendix E prior to commencement of any site works. Directions are to be given on site as to the final location of fencing so as to encompass single or multiple trees where applicable and to identify any further protection required to enable machinery and foot movement around the site.
- b. Any excavation works within prescribed Tree Protection Zones (TPZ) (see table 2 column G) from trees to be retained is to be undertaken by hand and any roots encountered 50mm or larger are to be retained. Any roots encountered outside TPZ are to be cut cleanly with a final cut to undamaged woody tissue. This will prevent tearing damage to the roots from excavation equipment which can extend beyond the point of excavation back towards the trees.
- c. That crown cleaning be undertaken upon trees to be retained prior to commencement of any site works to remove any dead or diseased wood. All pruning works are to be undertaken in accordance with AS 4373- 2007- Pruning of Amenity Trees. Any pruning required to accommodate the elevation of the proposed works including the erection of scaffolding is to be undertaken in accordance with the Australian Standard AS4373-2007 "Pruning of Amenity Trees".
- d. All proposed new ground re-surfacing in proximity to trees to be retained should be of a porous nature to provide beneficial growing conditions and the transfer of air between tree roots, the soil and the atmosphere.
- e. All services where possible are to be located outside the area of the dripline from trees to be retained. Any services to be located within the area of the dripline of the trees or within the Tree Protection Zones indicated within table 2 are to be installed by the use of lateral or thrust boring equipment or some other type of Trenchless Technology considered appropriate by the Consulting Arboriculturist. Tunneling for such services should not occur less than 600mm in depth below existing ground level. See also Appendix D section 1.2.6.

- f. That trees 1, 2, 3,4,5,6,7, 8 , 24,25,26 & 27 be removed and replaced with alternate tree species following completion of hard landscape works in accordance with landscape documentation.
- g. That the replacement tree species to be planted, be advanced specimens with stem gradually tapering, with crown symmetrical and roots established and proportional to the crown but not pot bound in at least a 25 litre volume bag, having been propagated to the standards of Specifying Trees a Guide to assessment of tree quality (2nd edition) by Ross Clark 2003, or approved similar.



Peter Richards
Tree & Landscape Consultants

The site plan illustrates the proposed building footprint and concrete slab outline. The plan includes various trees (T1-T8, T20-T27), a central 'PRELIMINARY' label, and surrounding features like 'CONCRETE', 'FENCE', 'CURB', and 'WALKWAY'. The plan is oriented with North at the top.

Subject	DEVELOPMENT APPLICATION: 10.2015.228.1 66 PALACE STREET ASHFIELD
File Ref	DA 10.2015.228.1
Prepared by	Daisy Younan - Development Assessment Officer
Reasons	Matter requires Council determination
Objective	For Council to determine the application

Overview of Report

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 the following:

1. Demolition of existing dwelling house;
2. Construction of a dual occupancy development;
3. Strata title subdivision; and
4. Removal of three trees.

Plans of the proposal are included at **Attachment 1**.

2.0 Summary Recommendation

The proposed dual occupancy development achieves compliance with the floor space ratio, landscaping and height controls of Ashfield Local Environmental Plan 2013 (ALEP) and Ashfield Interim development Assessment Policy 2013 (AIDAP) and will not result in any adverse impact on adjoining neighbours' amenity. Its form, with minor modifications via conditions of consent, would not be contrary to the character of the area and would blend into the streetscape.

The proposed development achieves compliance with the solar access requirements of Part C15 of the AIDAP - further comments are provided under Clause number 7.3 below.

The proposed development, as modified, has been reviewed by Council's heritage adviser who is of the view that the proposed development requires further modifications with respect to treatment of the building's fenestration, its form and glass balustrade to the upper level balcony areas. Relevant conditions of consent have been provided to be included in the recommendation with this report.

To minimise impact on adjoining neighbours privacy, a condition has been included requiring a 1.8m high privacy screen to be installed on the eastern side of first floor balcony accessed from bedroom 2 and bedroom 3 of the main (larger) dwelling.

The removal of the three trees located on the subject site has not been supported by

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Council's tree officer. A condition has been included in the recommendation requiring the trees to be retained.

Ashfield LEP does not include any controls to prohibit or restrict strata subdivision of dual occupancies and as such no issues are raised regarding the proposed strata subdivision.

The following compliance table demonstrates the proposal performance against Council's controls of ALEP and AIDAP.

Table 1

Landscaping			
Control	Min Required	Proposed	Complies
Clause 2.1.7 of Section 2.0 of AIDAP General Landscaped Area	274.5m ² (50%)	285.72m ² (52%)	Yes
Deep Soil landscaped area	192.15m ² (70% of minimum required landscaped area)	211.69 m ² (77.12%)	Yes
Private open space main- Unit A			
Control	Min required	Proposed	Complies
Clause 6.0 of Section 3 of AIDAP	60m and have a minimum width of 5m.	Approximately 52.6m	No ¹
Private open space second- Unit B			
Control	Min required	Proposed	Complies
Clause 6.0 of Section 3 of AIDAP	60m and have a minimum width of 5m.	Approximately 60m	Yes
Floor Space Ratio			
Control	Max allowed	proposed	Complies
Clause 4.4(2) of Ashfield LEP 2013	384.3m ² (0.7:1%)	Approximately 384m ² (0.7:1)	Yes
Gross Floor area of second dwelling			
Control	Max allowed	proposed	Complies
Clause No 9.0 of Section 3 of AIDAP	125m ²	Approximately 125m ²	Yes
Height			
Control	Max allowed	Proposed	Complies

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Clause 4.3(2) of Ashfield LEP 2013	8.5m	8.5m	Yes
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1 The variation sought to the proposed private open space for Unit A is considered acceptable as the total private open space for that dwelling (including area within rear yard that is less than 5m² wide) is approximately 82m² which achieves the objectives of the control. Justifications under Clause 4.6 of the Ashfield LEP 2013 is not required in this instance as the private open space control is not a development standard as defined in the standard instrument.

The proposed development is recommended for approval subject to conditions of consent.

Background

3.0 Application Details

Applicant : Mr F Hazzouri
 Owner : Mr G Tabbiche
 Value of work : \$501,300
 Lot/DP : LOT: 1 DP: 650988
 Date lodged : 13/11/2015
 Date of amendments : 04 December 2015 - Strata subdivision in lieu of Torrens Title Subdivision;
 07 December 2015 – Revised BASIX certificate
 Building classification : 1a
 Application Type : Local
 Construction Certificate: No
 Section 94A Levy : Yes

4.0 Site and Surrounding Development

The subject site is located on the southern side of Palace Street, bounded by Milton Street to the west and Holden Street to the east. The site area is approximately 549 square metres. An existing single story dwelling house, a detached garage and three trees are located on the site. Surrounding development comprises residential uses. Refer to **Attachment 2** for a locality map.

5.0 Development History

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

Table 2

NO.	DATE	PROPOSAL	DECISION
6.1949.271.1	02 November 1949	Alterations and additions to an existing dwelling house	Approved
6.1953.1124	20 May 1953	Construction of a detached garage	Approved

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No conditions have been imposed on previous development consents/permits to restrict a development such as the proposed development.

Assessment

6.0 Zoning/Permissibility/Heritage

- The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013.
- The property is not located within a Heritage Conservation Area.
- The property is not a heritage item.
- The property is located within the vicinity of two heritage items located at 60 and 79 Palace Street.

The proposed works are permissible with Council consent.

7.0 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 EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

The proposal is generally consistent with the objectives of Ashfield LEP 2013.

Clause 5.10 - Heritage

Officer comments

The proposed development, as modified, has been reviewed by Council's heritage adviser who is of the view that the proposed development requires further modifications with respect to treatment of the building's fenestration, its form and glass balustrade to the upper level balcony areas.

Additional conditions have been included in the recommendation as follows:

1. *The roof tiles are to be an unglazed or semi glazed red terracotta Marseilles pattern tile, such as that made by Wunderlich.*
2. *The proposed glass balustrade is to be deleted and replaced by a simple traditional welded steel or aluminium system balustrade featuring plain top and bottom rails and plain vertical balusters.*
3. *The proposed Colorbond colours for the gutters are to be the darker nominated colour Gully instead of the nominated colour Wallaby.*
4. *The metal balustrades proposed in point 2 above should also be painted in Gully.*

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7.1.2 Regional Environmental Plans

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 environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of land

Remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Two separate BASIX certificates (one for each dwelling) as well as an assessor certificate in accordance with Clause No. 3(1)(a) of the SEPP (BASIX) 2004 have been submitted as part of this application.

A condition has been included requiring the proposed building works to comply with the commitments outlined in the submitted BASIX Certificates.

- 7.2 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.

Not applicable.

- 7.3 The provisions of Ashfield Interim Development Assessment Policy 2013.

The proposal has been considered against the provisions of the Ashfield Interim Development Assessment Policy 2013, the following comments are provided:

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Table 3

C11	Parking	The proposed development provides for one off street car parking within garages (one for each dwelling) and as such achieves compliance with the off street car parking requirements of this part.
C12	Public Notification In The Planning Process And All Aspects Of Land Management	See Clause No. 7.7.
C15	Houses & Dual Occupancies	Refer to comments below.

Solar access to adjoining properties

The subject site is oriented so that its front, which overlooks Palace Street, faces north and its rear, which looks onto Milton Street, faces south.

Given the orientation of the subject site, the morning and midday shadows will only fall towards Milton Street and have no external impacts.

The afternoon shadow cast by the proposed development will fall towards the adjoining property located at 64 Milton Street. However, the majority of the rear yard of this adjoining property will receive at least three hours of sunlight between 9am and 3pm during the winter solstice.

Building bulk, height and landscaping

The proposal complies with the building FSR/bulk and height requirements as detailed in table 1 of Clause no. 2.0 of this report.

Privacy

To ensure that the privacy of the adjoining property located at 64 Palace Street is maintained, a condition has been included requiring a 1.8m high privacy screen, as measured from the finished first floor level, to be installed on the eastern side of the first floor balcony of the proposed Unit A abutting the eastern property boundary.

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

Fire safety matters have been considered in the assessment of this application. The proposal is recommended for approval incorporating relevant conditions of consent.

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

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

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application. It is considered that the proposed development, excluding the removal of the three trees marked on plans to be removed, will have no significant adverse environmental, social or economic impacts upon the locality.

7.6 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. The proposed development is considered suitable in the context of the locality.

7.7 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 17th November until 09 December 2015.

7.7.1 Summary of submissions

No submissions were received during the notification of the development application.

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application. The proposal is generally acceptable and warrants Council support.

8.0 Referrals

8.1 Internal

Heritage Adviser

The proposed development, as modified, has been reviewed by Council's heritage adviser who is of the view that the proposed development required further modifications with respect to treatment of the building's fenestration, its form and glass balustrade to the upper level balcony areas. Conditions have been included in the recommendation.

Building

The application has been referred to Council's building surveyor. Recommended conditions have been included.

Engineering

The application has been referred to Council's hydraulic engineer. Recommended conditions have been included.

Tree Management

The proposed removal of three trees noted on plans was not supported by Council's tree

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officer. The location of these trees is such that their existence will not impact on the proposed development and the proposed development will not have any impact on their general health. A condition confirming the retention of these trees has been included in the recommendation.

9.0 Other Relevant Matters

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

10.0 Building Code of Australia (BCA)

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

Financial Implications

The proposed development will attract contribution levies under S94 of the Environmental Planning and Assessment Act 1979.

Other Staff Comments

See Section 8.1 of this report.

Public Consultation

See Section 7.7 of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is generally acceptable and is recommended for conditional approval.

ATTACHMENTS

Attachment 1	Plans of Proposal	13 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advice	1 Page
Attachment 4	Conditions	15 Pages

**DEVELOPMENT APPLICATION: 10.2015.228.1
66 PALACE STREET ASHFIELD**

RECOMMENDATION

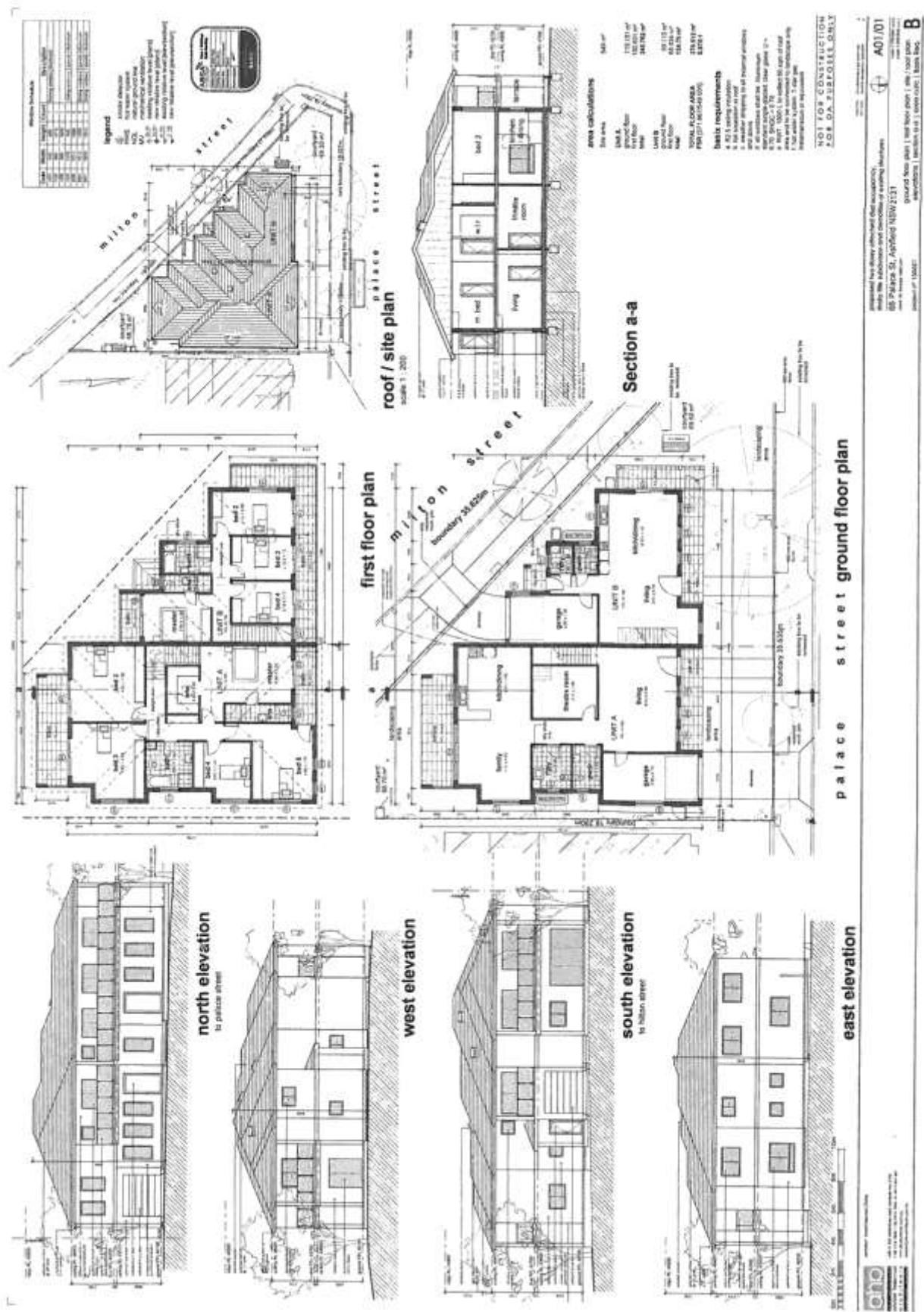
That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.1015.228 for:

- 1. Demolition of existing dwelling house;**
- 2. Construction of a dual occupancy development; and**
- 3. Strata title subdivision.**

on Lot 1 in DP: 650988, known as 66 Palace Street ASHFIELD, subject to conditions.

PHIL SARIN
Director Planning and Environment

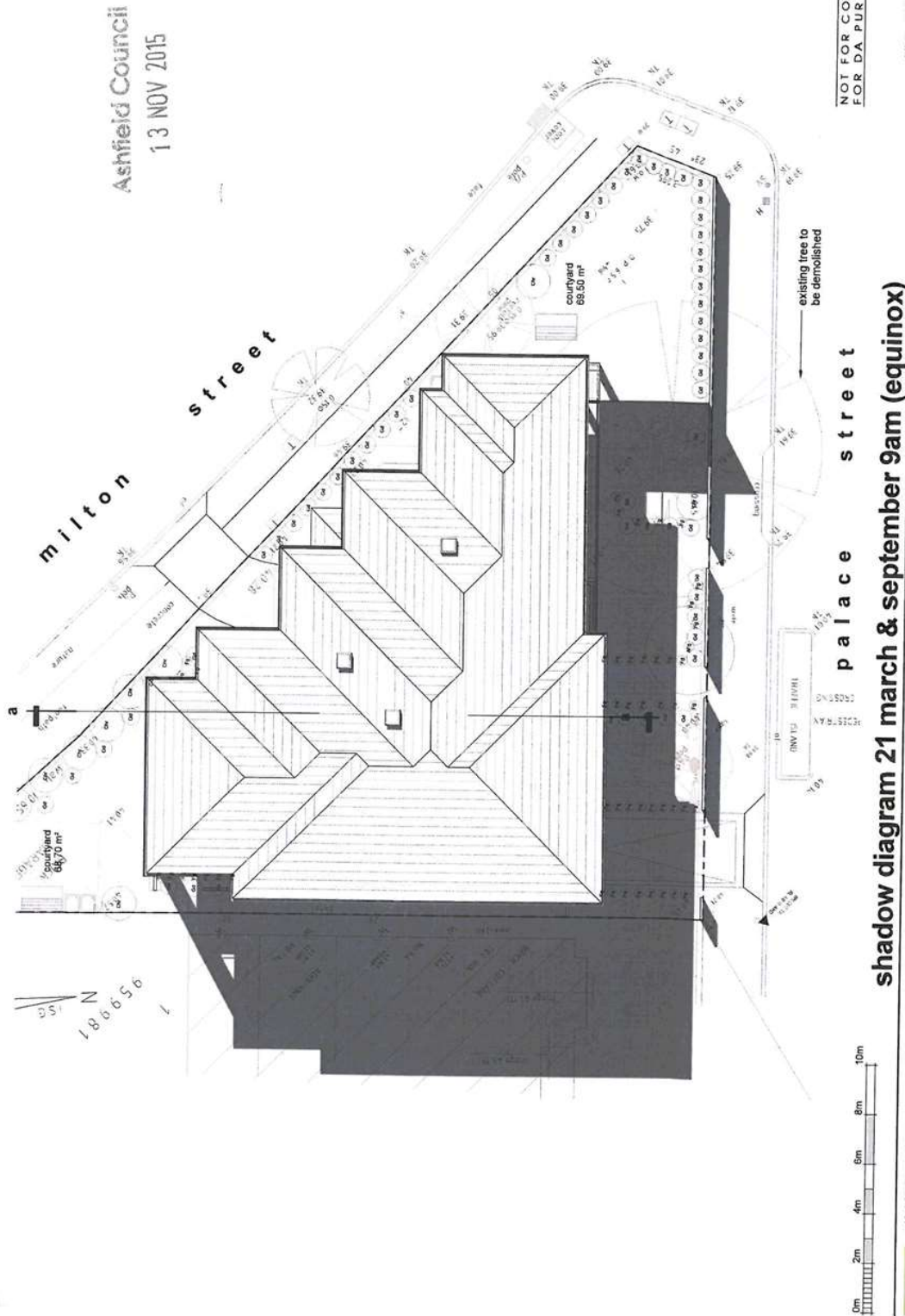




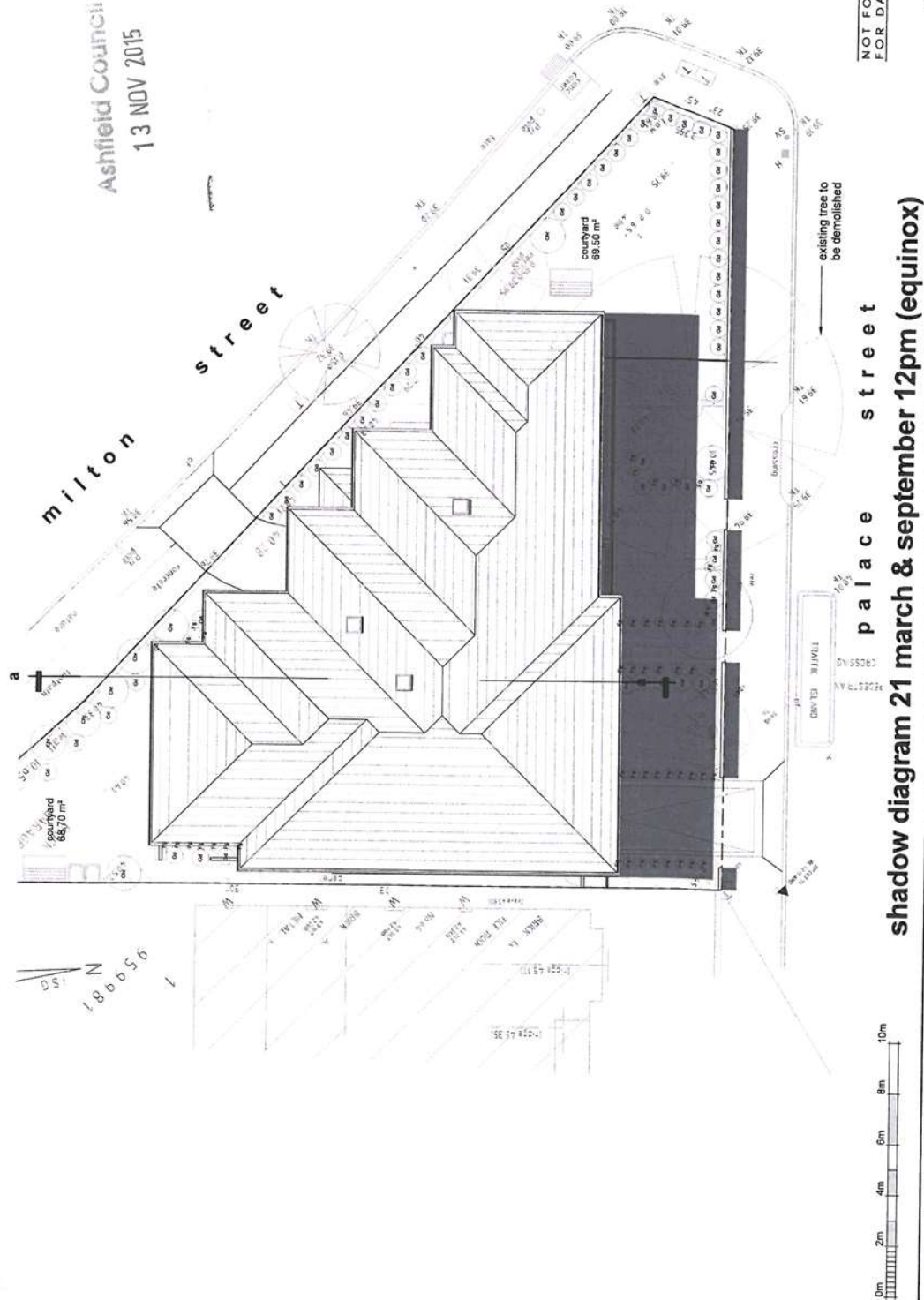


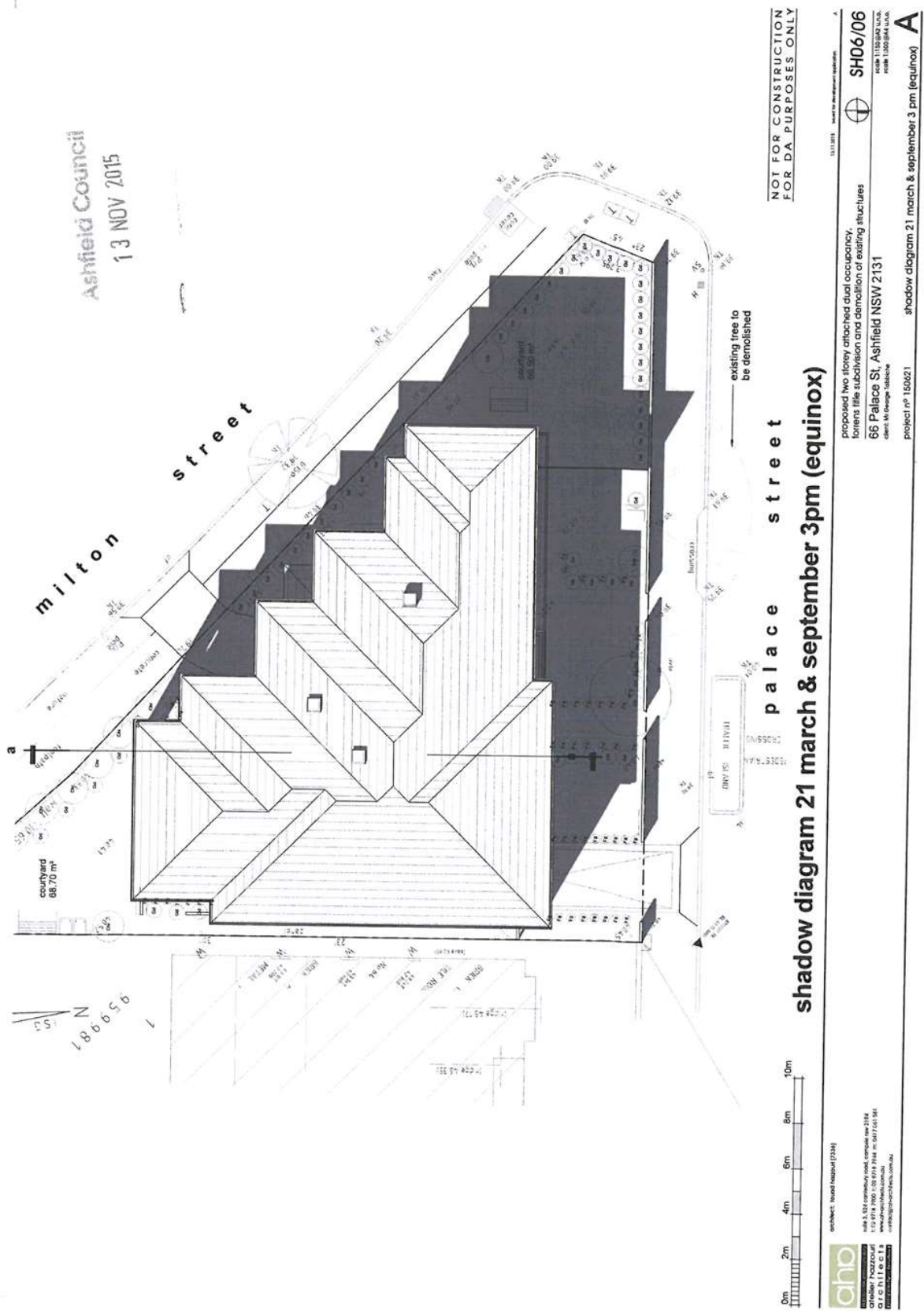






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100/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000/1002/1004/1006/1008/1010/1012/1014/1016/1018/1020/1022/1024/1026/1028/1030/1032/1034/1036/1038/1040/1042/1044/1046/1048/1050/1052/1054/1056/1058/1060/1062/1064/1066/1068/1070/1072/1074/1076/1078/1080/1082/1084/1086/1088/1090/1092/1094/1096/1098/1100/1102/1104/1106/1108/1110/1112/1114/1116/1118/1120/1122/1124/1126/1128/1130/1132/1134/1136/1138/1140/1142/1144/1146/1148/1150/1152/1154/1156/1158/1160/1162/1164/1166/1168/1170/1172/1174/1176/1178/1180/1182/1184/1186/1188/1190/1192/1194/1196/1198/1200/1202/1204/1206/1208/1210/1212/1214/1216/1218/1220/1222/1224/1226/1228/1230/1232/1234/1236/1238/1240/1242/1244/1246/1248/1250/1252/1254/1256/1258/1260/1262/1264/1266/1268/1270/1272/1274/1276/1278/1280/1282/1284/1286/1288/1290/1292/1294/1296/1298/1300/1302/1304/1306/1308/1310/1312/1314/1316/1318/1320/1322/1324/1326/1328/1330/1332/1334/1336/1338/1340/1342/1344/1346/1348/1350/1352/1354/1356/1358/1360/1362/1364/1366/1368/1370/1372/1374/1376/1378/1380/1382/1384/1386/1388/1390/1392/1394/1396/1398/1400/1402/1404/1406/1408/1410/1412/1414/1416/1418/1420/1422/1424/1426/1428/1430/1432/1434/1436/1438/1440/1442/1444/1446/1448/1450/1452/1454/1456/1458/1460/1462/1464/1466/1468/1470/1472/1474/1476/1478/1480/1482/1484/1486/1488/1490/1492/1494/1496/1498/1500/1502/1504/1506/1508/1510/1512/1514/1516/1518/1520/1522/1524/1526/1528/1530/1532/1534/1536/1538/1540/1542/1544/1546/1548/1550/1552/1554/1556/1558/1560/1562/1564/1566/1568/1570/1572/1574/1576/1578/1580/1582/1584/1586/1588/1590/1592/1594/1596/1598/1600/1602/1604/1606/1608/1610/1612/1614/1616/1618/1620/1622/1624/1626/1628/1630/1632/1634/1636/1638/1640/1642/1644/1646/1648/1650/1652/1654/1656/1658/1660/1662/1664/1666/1668/1670/1672/1674/1676/1678/1680/1682/1684/1686/1688/1690/1692/1694/1696/1698/1700/1702/1704/1706/1708/1710/1712/1714/1716/1718/1720/1722/1724/1726/1728/1730/1732/1734/1736/1738/1740/1742/1744/1746/1748/1750/1752/1754/1756/1758/1760/1762/1764/1766/1768/1770/1772/1774/1776/1778/1780/1782/1784/1786/1788/1790/1792/1794/1796/1798/1800/1802/1804/1806/1808/1810/1812/1814/1816/1818/1820/1822/1824/1826/1828/1830/1832/1834/1836/1838/1840/1842/1844/1846/1848/1850/1852/1854/1856/1858/1860/1862/1864/1866/1868/1870/1872/1874/1876/1878/1880/1882/1884/1886/1888/1890/1892/1894/1896/1898/1900/1902/1904/1906/1908/1910/1912/1914/1916/1918/1920/1922/1924/1926/1928/1930/1932/1934/1936/1938/1940/1942/1944/1946/1948/1950/1952/1954/1956/1958/1960/1962/1964/1966/1968/1970/1972/1974/1976/1978/1980/1982/1984/1986/1988/1990/1992/1994/1996/1998/2000/2002/2004/2006/2008/2010/2012/2014/2016/2018/2020/2022/2024/2026/2028/2030/2032/2034/2036/2038/2040/2042/2044/2046/2048/2050/2052/2054/2056/2058/2060/2062/2064/2066/2068/2070/2072/2074/2076/2078/2080/2082/2084/2086/2088/2090/2092/2094/2096/2098/2100/2102/2104/2106/2108/2110/2112/2114/2116/2118/2120/2122/2124/2126/2128/2130/2132/2134/2136/2138/2140/2142/2144/2146/2148/2150/2152/2154/2156/2158/2160/2162/2164/2166/2168/2170/2172/2174/2176/2178/2180/2182/2184/2186/2188/2190/2192/2194/2196/2198/2200/2202/2204/2206/2208/2210/2212/2214/2216/2218/2220/2222/2224/2226/2228/2230/2232/2234/2236/2238/2240/2242/2244/2246/2248/2250/2252/2254/2256/2258/2260/2262/2264/2266/2268/2270/2272/2274/2276/2278/2280/2282/2284/2286/2288/2290/22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ASHFIELD COUNCIL

13 NOV 2015

Application Number

10/20/15/228

DRAWING NO.	DRAWING TITLE
000	GENERAL NOTES, GENERAL DRAWING SCHEDULE
001	STRUCTURAL STEELWORK GENERAL NOTES
002	STEELWORK GENERAL DRAWING SCHEDULE
003	STEELWORK GENERAL DRAWING SCHEDULE

[illegible]

1. ALL STUDENTS MUST BE IN THE CLASSROOM 15 MINUTES BEFORE THE START OF THE CLASS.
2. IF THE DISRUPTIVE BEHAVIOR IS NOT CORRECTED IMMEDIATELY, THE STUDENT WILL BE REMOVED FROM THE CLASSROOM AND WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
3. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
4. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
5. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
6. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
7. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
8. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
9. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.
10. STUDENTS WHO ARE REMOVED FROM THE CLASSROOM WILL BE REQUIRED TO RETURN TO THE CLASSROOM AFTER A 10-MINUTE PUNISHMENT.

NO	DATE	DESCRIPTION	AMOUNT	CHECK NO	CHECK DATE
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3	10/3/01	10/3/01	10/3/01	10/3/01	10/3/01
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6	10/6/01	10/6/01	10/6/01	10/6/01	10/6/01
7	10/7/01	10/7/01	10/7/01	10/7/01	10/7/01
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9	10/9/01	10/9/01	10/9/01	10/9/01	10/9/01
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11	10/11/01	10/11/01	10/11/01	10/11/01	10/11/01
12	10/12/01	10/12/01	10/12/01	10/12/01	10/12/01
13	10/13/01	10/13/01	10/13/01	10/13/01	10/13/01
14	10/14/01	10/14/01	10/14/01	10/14/01	10/14/01
15	10/15/01	10/15/01	10/15/01	10/15/01	10/15/01
16	10/16/01	10/16/01	10/16/01	10/16/01	10/16/01
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AG-FIELD. 1000

BROWNING SCHEDULE

Case No.	15N-311
Date Filed	08/11/11

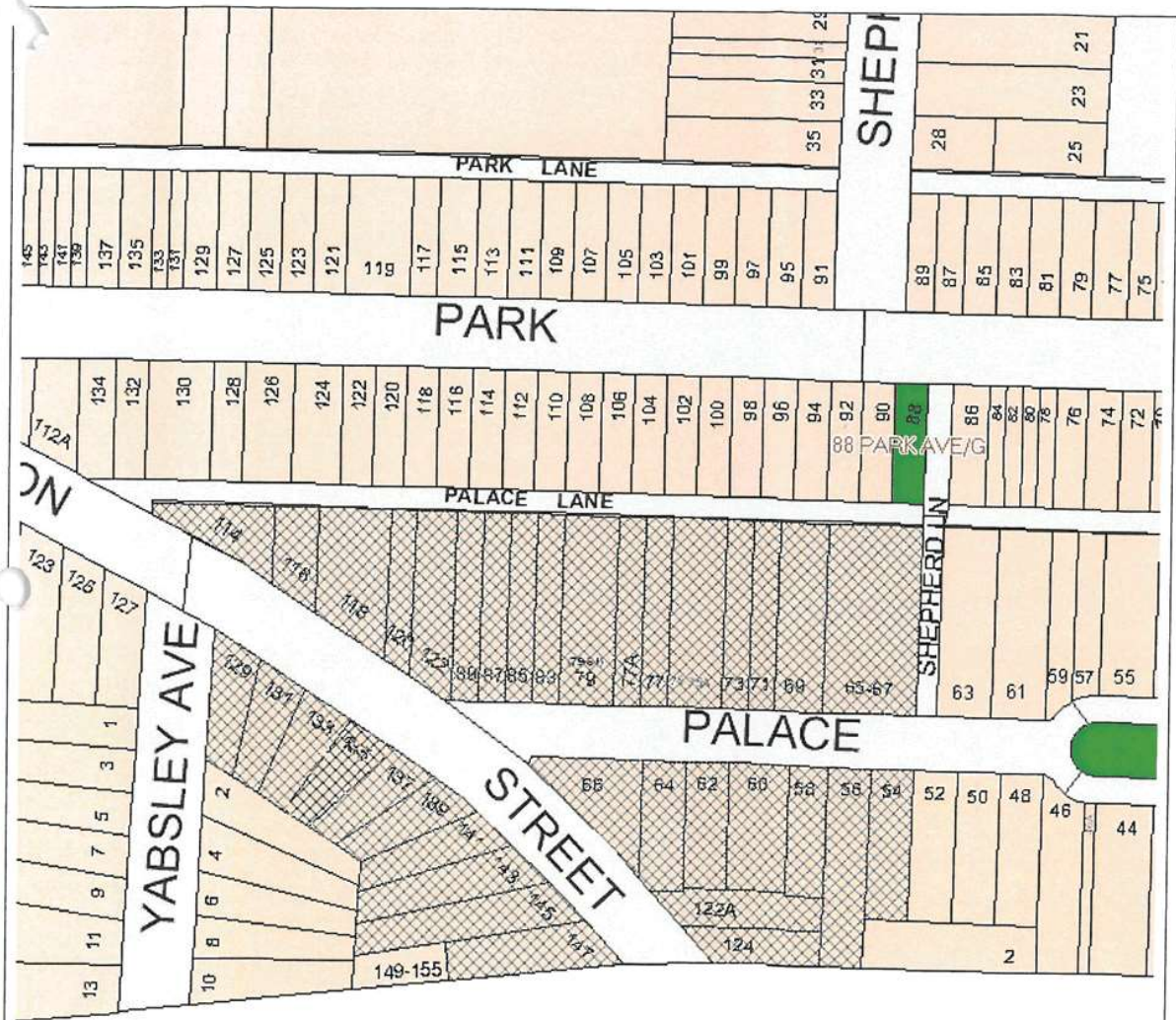
SITE OF WORK

LOCALITY SKETCH
NOT TO SCALE









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66 Palace Street
DA 10 2015 228



Ashfield Council

260 Liverpool Road, Ashfield
PO Box 1145 Ashfield NSW 1800
DX 21221 ASHFIELD
Tel. (02) 9716-1800
Fax. (02) 9716-1911
Email: info@ashfield.nsw.gov.au
Website: www.ashfield.nsw.gov.au

Printed on Tuesday, 17 November 2015 By exponare



DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	66 Palace Street ASHFIELD	File No:	10.2015.228.1
ADVISOR	Robert Moore		
DATE	7 December 2015		
STATUS	In the vicinity of a Heritage Item – also demolition of the existing dwelling		
DESCRIPTION	Demolition and construction of a dual occupancy development		
PREVIOUS COMMENTS	Yes during Pre-lodgement		
<input type="checkbox"/>	HIS/CMP recommended for archiving in library		
<p>Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.</p>			

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	Application to be returned to Heritage Advisor for review after amendments
<input type="checkbox"/>	Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input type="checkbox"/>	Not acceptable
Discussion:	
<p>I have previously observed that this proposal makes an inadequate, minimal response to its context and promises an outcome which does not contribute positively to the established setting. If council is minded to accept the proposal notwithstanding, then the following conditions are suggested:</p> <ol style="list-style-type: none"> 1. The roof tiles should be an unglazed or semi glazed red terracotta Marseilles pattern tile, such as that made by Wunderlich. 2. The proposed glass balustrade should be deleted and replaced by a simple traditional welded steel or aluminium system balustrade featuring plain top and bottom rails and plain vertical balusters. 3. The proposed Colorbond colours for the gutters should use the darker nominated colour Gully instead of the nominated colour Wallaby. 4. The metal balustrades proposed in point 2 above should also be painted in Gully. 	

Robert Moore

CONDITIONS

DA 2015.228.1

66 Palace Street ASHFIELD 2131

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

1. Demolition of existing dwelling house;
2. Construction of a dual occupancy development;
3. Strata title subdivision; and

A General Conditions

(1) Approved plans stamped by Council

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

- A01/01 – Ground Floor Plan – First Floor Plan – Site/Roof Plan – Elevations – Section A-A – Area Calc – Basix Req;
- A01/01 – Landscape Details – Concept Landscape Plan;
- D00 – Rev A - Cover Sheet, Legend And Drawing Schedule;
- D01 – Revision A – Site/Roof Stormwater Drainage Plan;
- D02 – Rev A – Stormwater Drainage Details;
- D03 – Rev A – Erosion and Sediment Control Plan and Details

prepared by Atelier Hazzouri Architects and date stamped by Council 13 November 2015 and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

(2) Compliance with BCA

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

(3) Encroachments

This approval is not to be construed as approving any encroachment on any adjoining private or public property including Council's own land. All works, including but not limited to, foundations, eaves and gutters, are to be carried out entirely within the subject site.

(4) Landscaped area

- 4.1 Landscape area as approved be maintained at all times
- 4.2 Soft and hard landscape area be constructed in accordance with the approved plans prior to release of any occupation certificate.

(5) Power poles

No power poles are to be installed on site without prior written approval from Council.

(6) Trees

No approval has been granted to the removal of the trees marked on plans to be removed.

(7) **Heritage**

- 7.1 The roof tiles should be an unglazed or semi glazed red terracotta Marseilles pattern tile, such as that made by Wunderlich.
- 7.2 The proposed glass balustrade should be deleted and replaced by a simple traditional welded steel or aluminium system balustrade featuring plain top and bottom rails and plain vertical balusters.
- 7.3 The proposed Colorbond colours for the gutters should use the darker nominated colour Gully instead of the nominated colour Wallaby.
- 7.4 The metal balustrades proposed in point 2 above should also be painted in Gully.

(8) **Privacy Screen**

To minimise impact on adjoining neighbours privacy, a 1.8m high privacy screen, as measured from the finished first floor level, is to be installed on the eastern side of first floor balcony accessed from bedroom 2 and bedroom 3 of Unit A. Amended plans are to be submitted with the application for construction certificate.

(9) **Fencing for private courtyard of western dwelling**

To ensure that the privacy of Unit B's courtyard is retained, a 1.5m high fence is to be installed 3m away from and parallel to the front property boundary on Palace Street extending from the 1.8m high fence that is aligned with the western wall of the nominated dwelling till it meets the property boundary on Milton Street. Shrubs that can grow up to 1.8m in height are to be planted on the inside of the prescribed fence.

(10) **Gross floor area of Unit B**

The gross floor area of the second dwelling is to be a maximum of 125m².

(11) **Section 94 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:

Development Application # :	10.2015.228
Property Address:	66 Palace Street, Ashfield
CPI Quarter:	Sep-15

Community Infrastructure Type	Contribution
Local Roads	\$184.73
Local Public Transport Facilities	\$956.88
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$15,402.22
Local Community Facilities	\$811.00

Plan Preparation and
Administration

\$764.56

TOTAL	\$18,119.39
--------------	--------------------

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.

B Design Changes

nil

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

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

A Damage Deposit of **\$7,400** is to be submitted prior to the release of the Construction Certificate 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. Please note any damage to the sandstone kerbing in Hugh Street shall be replaced with sandstone only.

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.

(2) 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 boundary 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.

(3) Stormwater disposal – calculations and details

- 3.1 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 prior to the release of the Construction Certificate.
- 3.2 At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).

(4) Stormwater detention storage facility

- 4.1 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 prior to the release of the Construction Certificate.
- 4.2 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:
 - a) where the storage and silt arrestor pits are located
 - b) which parts of the system need to be accessed for cleaning and how access is obtained
 - c) description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - d) the location of screens and how they can be removed for cleaning
 - e) who should do the maintenance (i.e. commercial cleaning company)

- f) how often should it be done

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

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) Waste Management Plan

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

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

(10) 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).

(11) Subdivision certificate to be obtained from Council

A subdivision certificate, being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* is to be obtained from Council in accordance with Section 109C(1)D of the *Environmental Planning and Assessment Act 1979*.

(12) Plan of subdivision - Council signature

A final plan of subdivision, 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.

(13) Subdivision Certificate issue requirements

A subdivision certificate will not be issued until:

1. The Section 94 contributions and relevant fees and bonds are paid.
2. A Compliance/Occupation Certificate is issued.
3. The property has been developed in accordance with plans approved by Development Application No. and documentary evidence of compliance (or a compliance certificate) with conditions of consent has been submitted to Council.

D Conditions that must be complied with before work commences

(1) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. 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.

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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details- see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets- see Building and Developing then Building and renovating

or telephone 13 20 92

(8) 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.

(9) Garbage skips on Council land - Council approval

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

(10) Erosion, dust, topsoil and sediment control (Non Standard Condition)

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.

E Conditions that must be complied with during construction or demolition

(1) 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

(2) Vehicle access driveways

A vehicular access driveway shall be constructed for each dwelling in accordance with Council's standard drawing and specifications. Driveways 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. Driveways 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.

The applicant shall submit plans for the proposed driveway off Palace Street indicating safe vehicular turning circles for both entry and exit into the property. If this cannot be achieved the

applicant shall at no cost to Council relocate any infrastructure which impedes safe entry into the site.

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

(3) Redundant vehicle crossings – removal and replacement

All redundant vehicular crossings shall be removed and replaced with concrete footpath, concrete kerb and concrete gutter at no cost to Council at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(4) Footpath, kerb and gutter reconstruction

The public footpath, verge, and kerb and gutter outside the site both in Palace Street and Milton Street shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(5) Road opening permit – Council controlled lands

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

(6) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials 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.

(7) 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 street gutter at a maximum discharge of 15 l/sec for the 1:100 ARI.

(8) Guttering Requirements - BCA

The roof shall be provided with a guttering system in accordance with the provisions of Part 3.5.2 "Gutters and Downpipes" of the BCA and AS/NZS3500.5 – 2000.

We advise that the Dept of Planning has advised in circular BS 08-001 that the use of high-front guttering has been associated with water penetration into the building and non compliance with the standard.

On completion of the works, a qualified plumber shall furnish the Principal Certifying Authority a certificate certifying that the guttering system complies with Part 3.5.2 of the BCA and AS/NZS3500.5 – 2000.

(9) Stormwater run-off

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.

(10) 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.

(11) 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.

(12) Demolition requirements/standards

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

- The property is to be secured to prohibit unauthorised entry.
- 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, and any requirements of the Workcover Authority. The following measures must be undertaken for hazardous dust control:
- 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.
- 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.
- 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).
- 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.
- 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 to be allowed to enter the street gutter and stormwater systems.
- Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.

- All lead contaminated material, if any, is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- 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.

(13) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(14) 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.

(15) 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.

(16) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

(17) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate 676652M_02 as obtained on 07/12/2015 from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

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) Engineering conditions to be satisfied prior to 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.

(2) 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

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing

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.

(3) Approval to use/occupy building

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

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

H Conditions that are ongoing requirements of development consents

nil

I Advisory Notes

(1) Modifications to your consent - prior approval required

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

cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

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

(2) Occupational health and safety

All site works must comply with the occupational health and safety requirements of the NSW Work Cover Authority.

(3) Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

- (1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first;

and

- (2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

(4) Boundary survey encroachment

You are advised that the consent given, to build in close proximity to the allotment boundary, is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary, you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

(5) Structure

It should be noted that the structural design and the calculations have not been checked by Council; It is to be clearly understood by the applicant and any person concerned that the applicant and the engineer undertaking the design in the approved plans herewith/Construction Certificate Plans, are fully responsible for the structural adequacy of the structural design.

Subject	DEVELOPMENT APPLICATION: 10.2015.232.1 69 HAWTHORNE PARADE HABERFIELD
File Ref	DA 10.2015.232.1
Prepared by	Daisy Younan - Development Assessment Officer
Reasons	Matter requires Council determination
Objective	For Council to determine the application

Overview of Report

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 the demolition of an existing dwelling, removal of trees and construction of a new dwelling with a subfloor level.

Plans of the proposal are included at **Attachment 1**.

2.0 Summary assessment and recommendation

The proposed dwelling produces site coverage similar in pattern and size to the site coverage established by the original development and complies with the "Pattern of Development" controls of Section 2.0 of Part C7 – of Ashfield Interim Development Assessment Policy 2013 (AIDAP). The roof form complies with the "Roof Forms" controls of Section 2.0 of Part C7 as it reflects the size, mass, shape and pitch of the neighbouring original roofs.

No issues have been raised in response to the demolition of the existing dwelling given its poor structural condition as provided by the structural engineering report submitted by Hughes Trueman P/L. Further comments are provided under Clause 7.3 of this report.

The proposed two storey dwelling, given its design and built form, is considered to be consistent with the scale of adjoining properties and character of the area.

Despite non-compliance with Clause 2.12 of Section 2.0 of Part C7, which requires new residential buildings not be built forward of existing front building lines, the proposed front setback is considered acceptable in this instance. Further comments are provided in Table 3 of this report.

The proposed car parking space located forward of the building line is not supported as it is not consistent with the controls of Part C7 and due to its potential adverse impact on a street tree located about 1m from the proposed driveway and vehicle crossing.

DEVELOPMENT APPLICATION: 10.2015.232.1
69 HAWTHORNE PARADE HABERFIELD

A condition requiring the deletion of the car parking space is included in the recommendation of this report.

The following compliance table demonstrates the proposal performance against Council's controls of Ashfield Local Environmental Plan 2013 (LEP 2013) and AIDAP.

Table 1

Minimum Landscaping Clause 6.5(3)(d) of Ashfield LEP 2013		
Required	Proposed	Complies
164.8m ² (50% of total site area)	172.91m ² (52.5%)	Yes

Maximum Floor Space Ratio Clause 4.4(2) of Ashfield LEP 2013		
Required % or m² control	proposed	Complies
Total of 164.8m ² (50% of total site area)	131.85m ² (0.4:1)	Yes
Gross floor area below existing ground floor level is not to exceed 25% of the gross floor area of the existing ground floor level	21.9m ² 20%	Yes

Height Clause 4.3(2) of Ashfield LEP 2013		
Max allowed	Proposed	Complies
7m	Approximately 6.5m	Yes

The proposed development is recommended for conditional approval.

Background

3.0 Application Details

Applicant	:	Mr J Peters
Owner	:	Mr B R & Mrs S Kohlhagen
Value of work	:	\$386,868
Lot/DP	:	LOT: 4 SEC: F DP: 4385
Date lodged	:	17/11/2015
Date of last amendment	:	N/A
Building classification	:	1a
Application Type	:	Local
Construction Certificate	:	No
Section 94A Levy	:	Yes

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69 HAWTHORNE PARADE HABERFIELD

4.0 Site and Surrounding Development

The subject site is located on the eastern side of Hawthorne Parade, bounded by Lord Street to the north and Parramatta Road to the south. The site area is approximately 329.6 square metres. An existing single storey dwelling house is located on the site. Surrounding development comprises residential establishments. Refer to **Attachment 2** for a locality map.

5.0 Development History

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

Table 2

NO.	DATE	PROPOSAL	DECISION
10.2005.312.1	09/01/2007	Demolition of the existing dwelling house and the construction of a new three-storey dwelling house	Refused
6.1962.3921	06/02/1962	Alterations and additions to existing dwelling house	Approved
6.1944.136		Alterations and additions to existing dwelling house	Unknown

Previous consents confirm ongoing residential use of the subject site.

Assessment

6.0 Zoning/Permissibility/Heritage

- The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013
- The property is located within Haberfield Heritage Conservation Area.
- The property is not a heritage item.
- The property is not located within the vicinity of heritage items.

The proposed works are permissible with Council consent.

7.0 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 EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

DEVELOPMENT APPLICATION: 10.2015.232.1
69 HAWTHORNE PARADE HABERFIELD

The proposal is generally compliant with the provisions of Ashfield LEP 2013.

7.1.2 Regional Environmental Plans

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 environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of land

Remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate in accordance with Clause No. 3(1)(a) of the SEPP (BASIX) 2004 has been submitted as part of this application. A condition has been incorporated into the development consent requiring the proposed building works to comply with the commitments undertaken within the BASIX Certificate.

- 7.2 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.

Not applicable.

- 7.3 The provisions of Ashfield Interim Development Assessment Policy 2013.

The proposal has been considered against the provisions of the Ashfield Interim Development Assessment Policy 2013:

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69 HAWTHORNE PARADE HABERFIELD

Table 3

C7	HABERFIELD HERITAGE CONSERVATION AREA	Refer to comments below.
C11	PARKING	<p>The proposed development provides for one car parking space within the front setback.</p> <p>The location of the proposed car parking space forward of the front building line is not consistent with the controls of Part C7.</p> <p>It is also proposed to be constructed less than one meter from an existing street tree. A vehicle crossover in this location is likely to adversely affect its health and potentially require its removal.</p> <p>Given its impact on the street tree, the proposed front car parking space is not supported in this instance.</p> <p>A condition has been included in the recommendation of this report requiring amended plans to be submitted with the application for a construction certificate showing the deletion of the car parking space and vehicle access with the car parking space is replaced by soft landscaping.</p>
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	See Clause No. 7.7
C15	HOUSES & DUAL OCCUPANCIES	<p><i>Solar access to adjoining properties</i></p> <p>The shadow cast by the proposed development in the morning, midday and the afternoon will fall towards the adjoining property located at 67 Hawthorn Parade.</p> <p>Due to the existence of mature trees located both on the subject site and on the adjoining property to the south, the rear yard of the adjoining property does not currently receive sunlight for three hours between 9am and 3 pm on 21 June.</p> <p>The proposed development will not result in any additional shadow on the rear yard of that adjoining property.</p> <p>It is also confirmed during a site inspection that the north facing windows of this adjoining property that may be affected by shadows cast by the proposed development are not living room windows as defined</p>

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		<p>by this part.</p> <p><i>Building bulk, height and landscaping</i></p> <p>Satisfactory. Refer to Clause No 2.0 of this report for further comments.</p> <p><i>Privacy</i></p> <p>The proposed rear elevated deck has the potential to cause an adverse impact on the adjoining neighbours' privacy particularly the property located at 71 Hawthorne Parade. A condition has been included requiring a privacy screen that extends along the entire north facing side of the rear deck with a 1 m return along its eastern side.</p> <p>In general, it is considered that the proposed development, with appropriate conditions, will not result in any adverse impact on the amenity of adjoining neighbours.</p>
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Comments on the proposal performance against part C7

The proposed dwelling produces site coverage similar in pattern and size to the site coverage established by the original development and the roof form complies as it reflects the size, mass, shape and pitch of neighbouring original roofs.

The proposed 900mm high picket front fence complies with controls of Clause 2.42 of Section 2 – Part C7.

The existing building has a front setback of approximately 4.1m with verandah at about 2.35m from the front property boundary. The proposed front setback for the new dwelling is 2.35m. Clause 2.12 of Section 2.0 of Part C7 of IDAP 2013 requires new residential buildings not to be built forward of existing front building lines. The front setback is considered acceptable as it is consistent with the front setbacks of other adjoining and nearby properties on Hawthorne Parade.

The proposed two storey dwelling, given its form and character, is considered to be consistent with the scale of adjoining properties in the area.

The proposed development has been reviewed by Council's heritage adviser and given the poor structural condition of the existing dwelling; no issues were raised in relation to its demolition.

It is considered the proposed development generally achieves the aims and objectives of the Ashfield Interim Development Assessment Policy 2013.

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

Fire safety matters have been considered in the assessment of this application. The proposal is recommended for approval incorporating relevant conditions of consent.

7.5 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 with the exception of the proposed car parking space and impact on an existing street tree. Further comments are provided under Clause 7.3 of this report.

7.6 The suitability of the site for the development

The site is suitable for the proposed development.

7.7 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, the Haberfield Association and Councillors from 25 November to 17 December 2016.

7.7.1 Summary of submissions

No submissions were received during the notification of the development application.

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application.

8.0 Referrals

8.1 Internal

Heritage Adviser

The development has been reviewed by Council's heritage adviser and no issues were raised regarding the proposed development.

Heritage comments are included in **Attachment 3**.

Building

Council's building surveyor raised no issues and conditions of consent are included in the report's recommendation.

Engineering

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Council's hydraulic engineer raised no issues and conditions of consent are included in the report's recommendation.

Tree

Given that the proposed driveway is to be constructed less than 1m from an existing street tree, the application was referred to Council's tree officer for comment. Concerns were raised in relation to the construction of the driveway due to its potential impact on the health of the street tree. A condition has therefore been included in the recommendation requiring the deletion of the proposed driveway and car parking space.

9.0 Other Relevant Matters

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

10.0 Building Code of Australia (BCA)

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

Financial Implications

The proposed development will attract contribution levies under S94A of the Environmental Planning and Assessment Act 1979.

Other Staff Comments

See Section 8.1 of this report.

Public Consultation

See Section 7.7 of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is acceptable and is recommended for conditional approval.

ATTACHMENTS

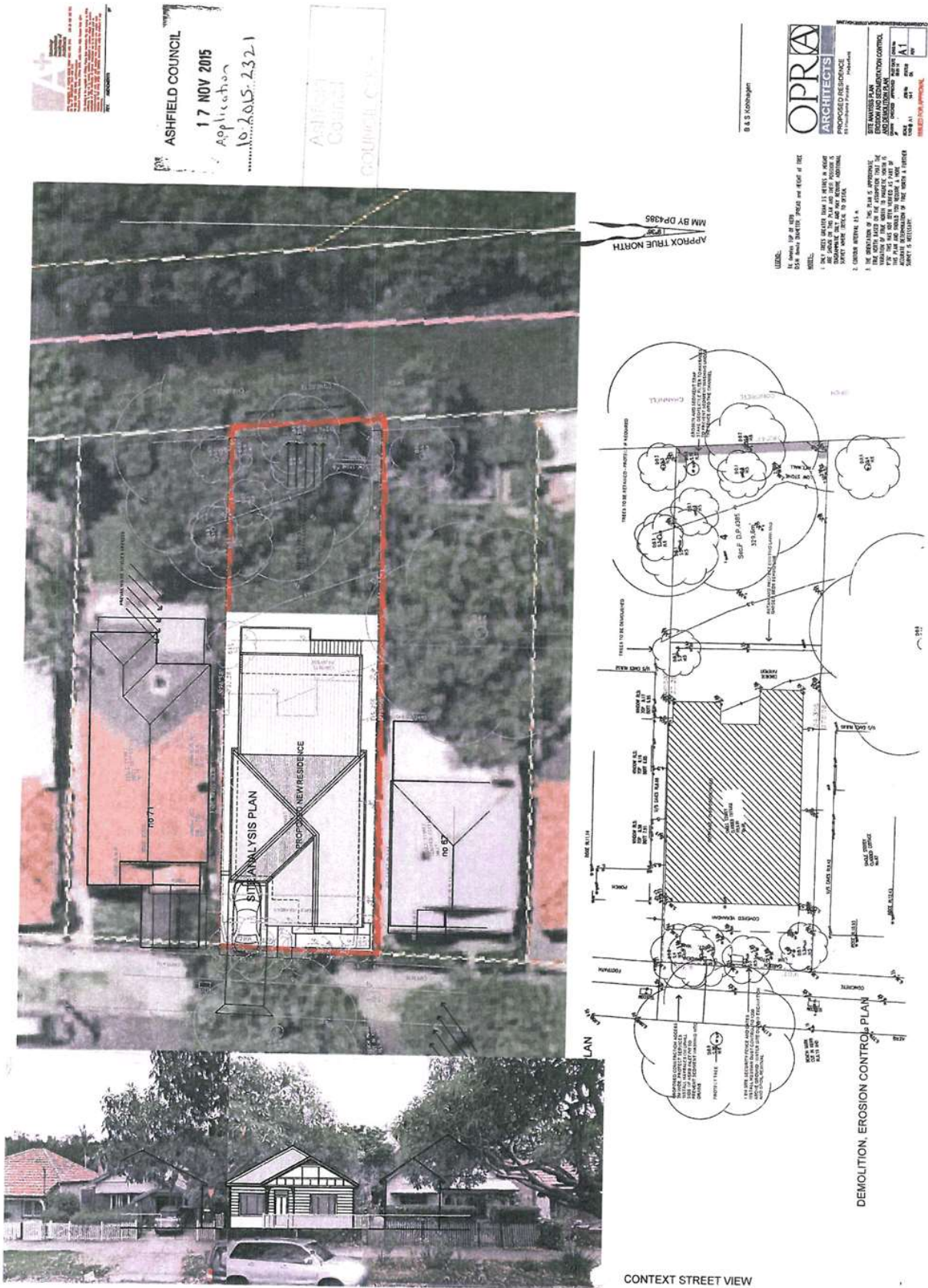
Attachment 1	Plans of Proposal	12 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advice	1 Page
Attachment 4	Conditions	10 Pages

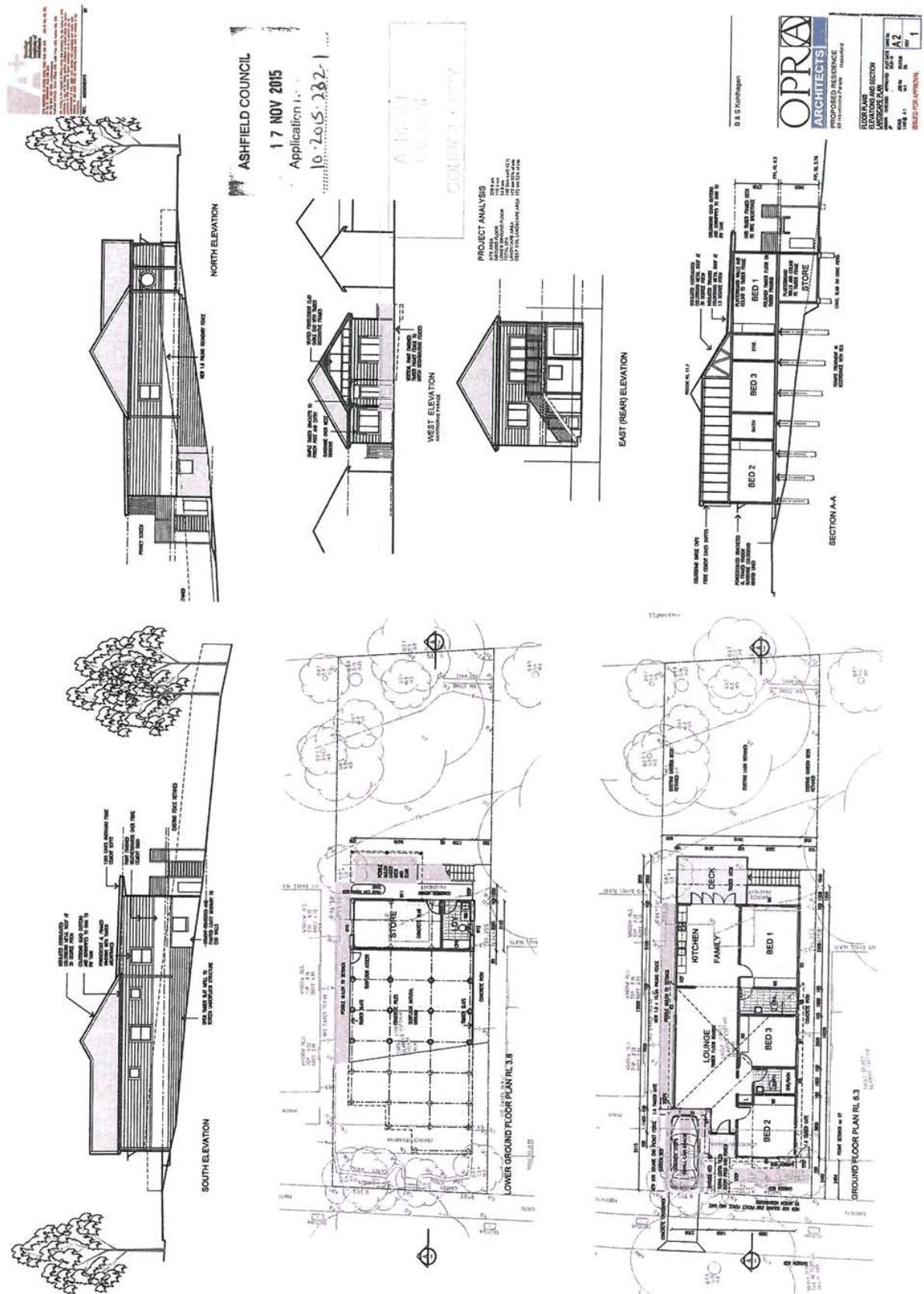
DEVELOPMENT APPLICATION: 10.2015.232.1
69 HAWTHORNE PARADE HABERFIELD

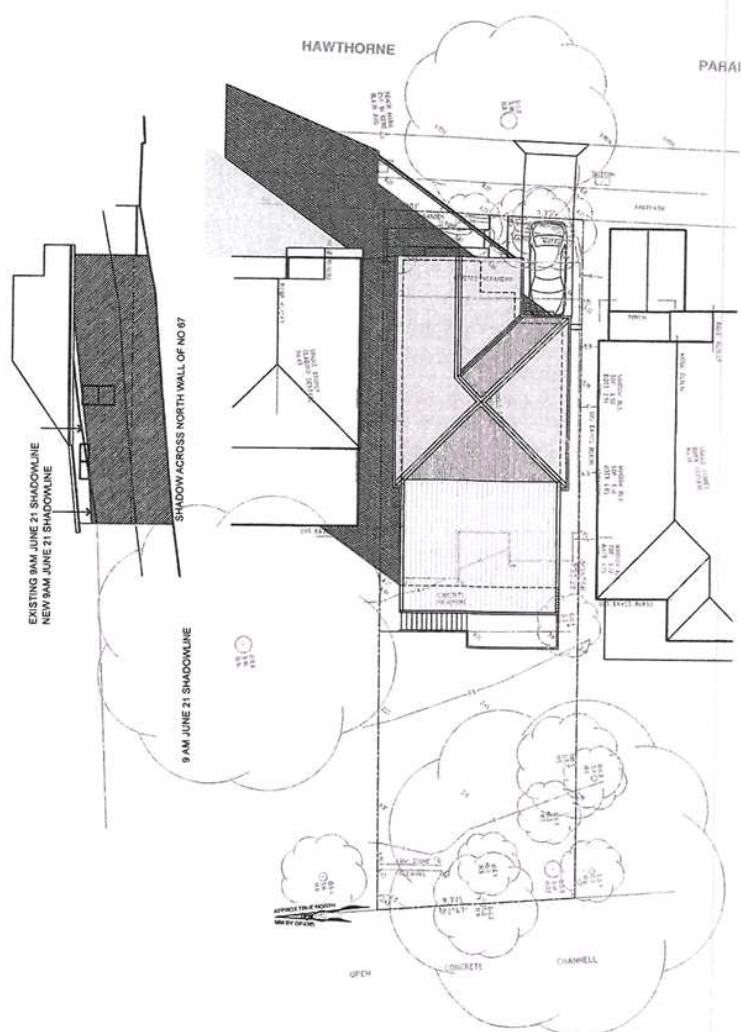
RECOMMENDATION

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2015.232 for the demolition of an existing dwelling and construction of a new dwelling with a subfloor level on Lot 4 in DP: 4385, known as 69 Hawthorne Parade, Haberfield, subject to conditions included in the attachment to this report.

PHIL SARIN
Director Planning and Environment





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ASHFIELD COUNCIL

17 NOV 2015

Application Number

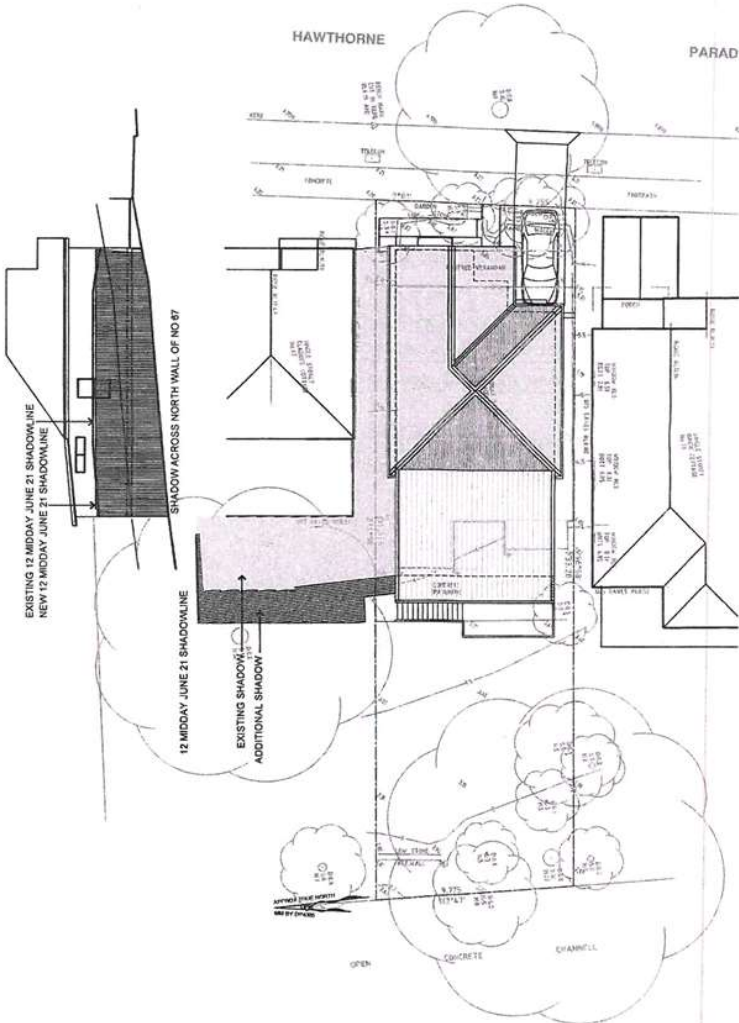
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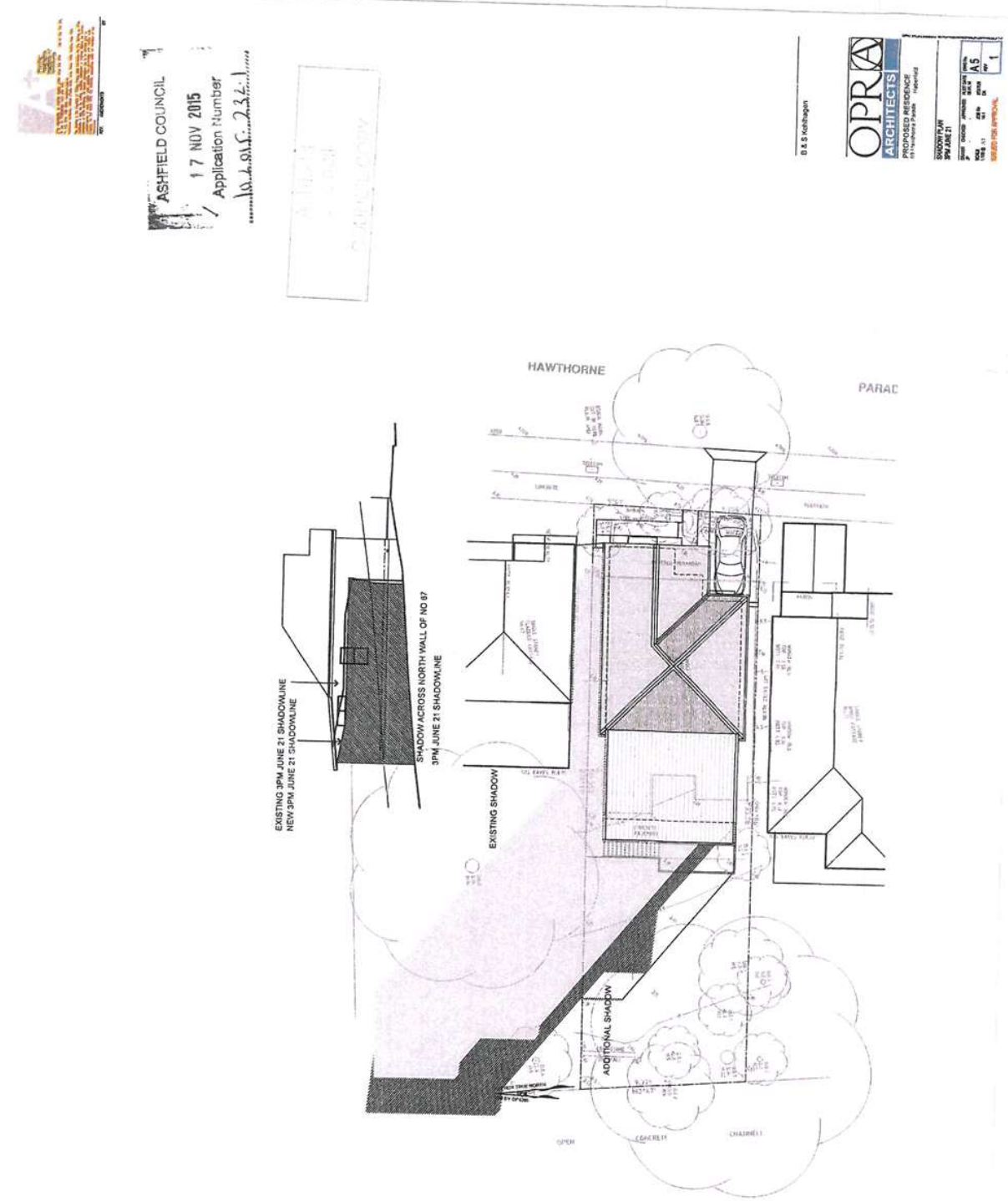
B & S Kishington

OPRA
ARCHITECTS

PROPOSED RESIDENCE
89 Hawthorne Parade
Hawthorne
VIC 3122
DATE: 17 NOV 2015
DRAWN BY: [signature]
CHECKED BY: [signature]
SCALE: 1:100
SHEET NO: 1







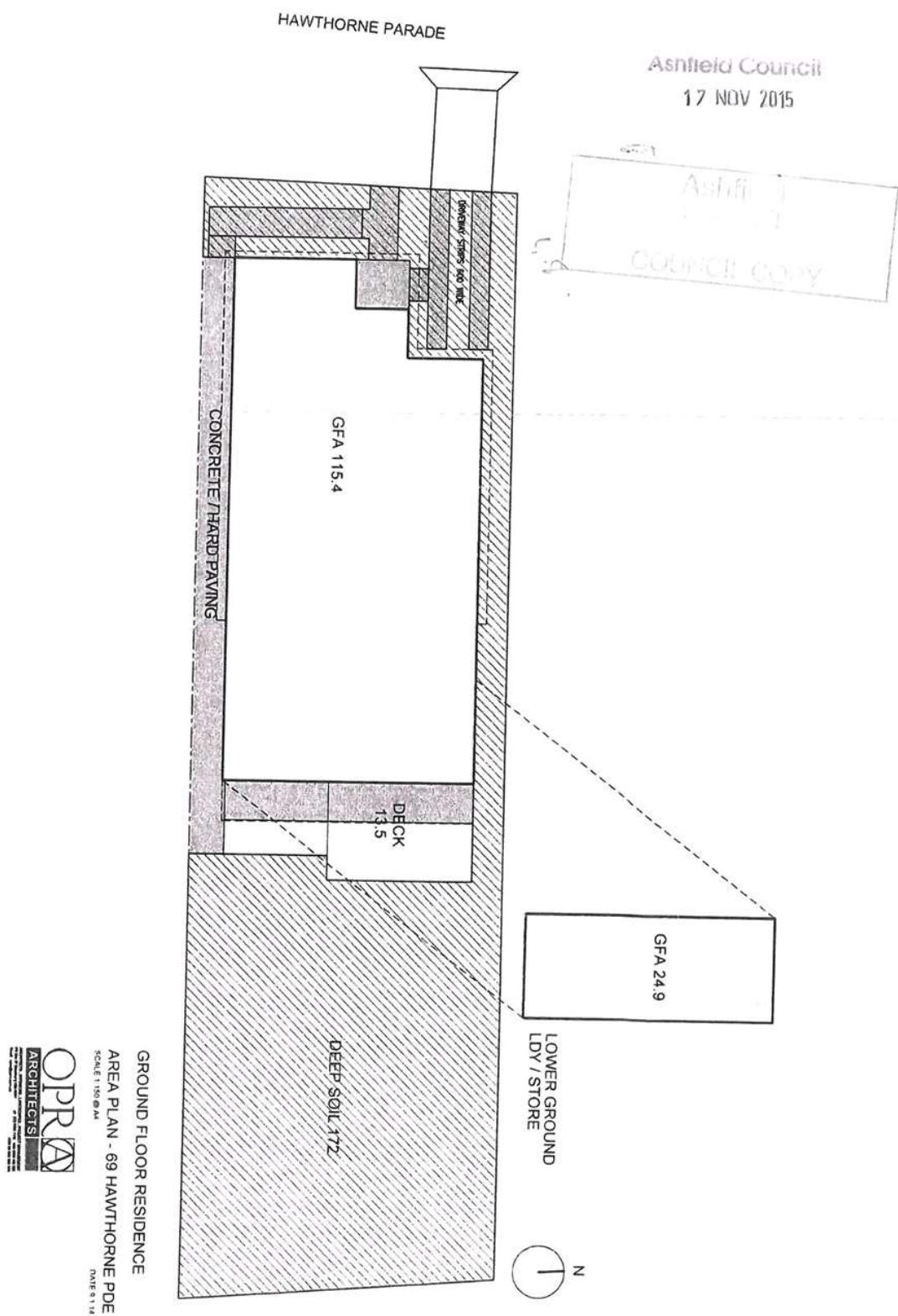
ASHFIELD COUNCIL
17 NOV 2015
Application Number
10.1.815.234.1

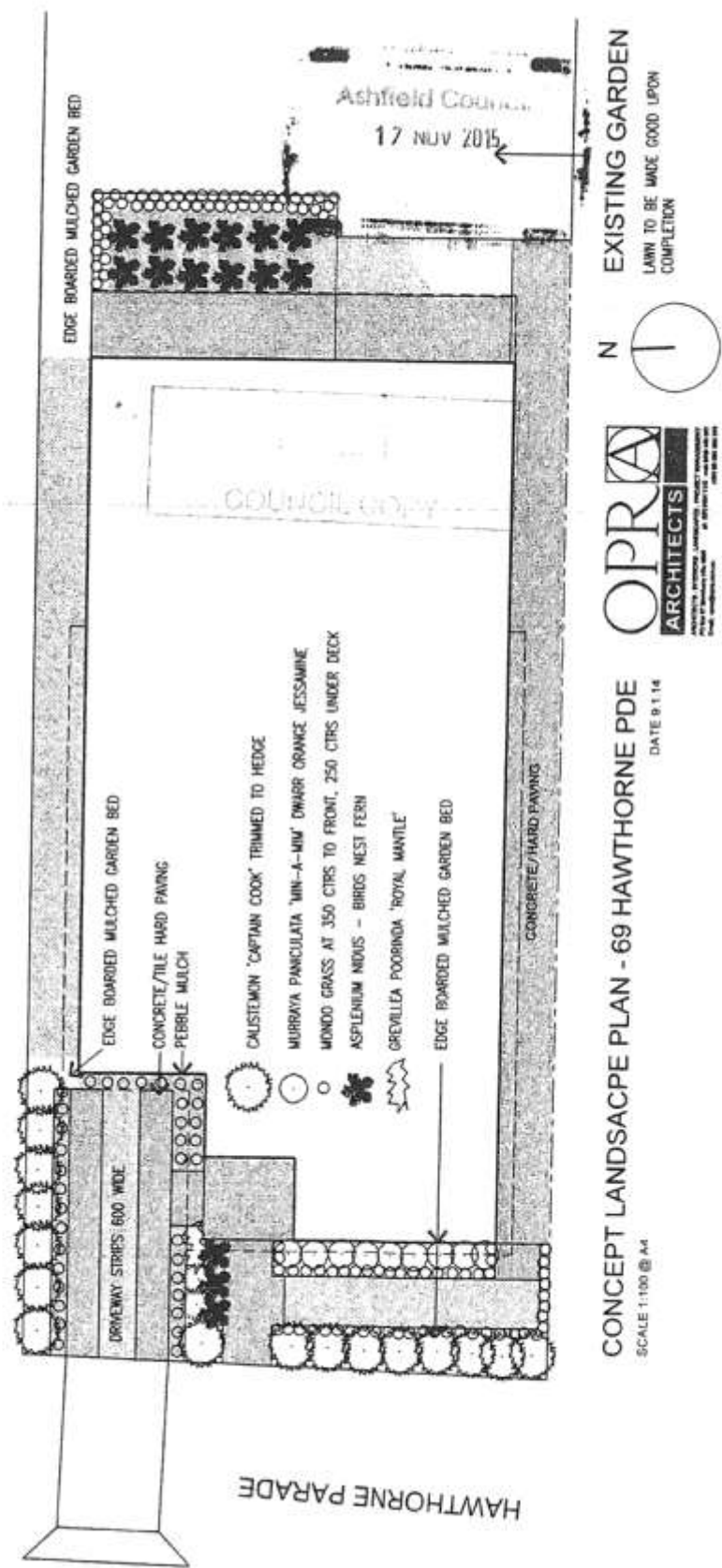
Handwritten text: "A. Hardy & S. Bell"

B & S Koshlugin

OPRA ARCHITECTS
PROPOSED RESIDENCE
11 Truro Street, Melbourne
Tel: 03 9594 1111
Fax: 03 9594 1112
Email: info@opra.com.au
Website: www.opra.com.au

PROJECT	NO. 87
DATE	17 NOV 2015
SCALE	AS SHOWN
BY	AS
CHECKED	AS
DATE	17 NOV 2015
BY	AS
CHECKED	AS
DATE	17 NOV 2015





1.0 EXTENT OF WORKS

- THESE GUIDELINES ONLY APPLY WHEN CONNECTING TO A SYDNEY WATER STORMWATER.
- THESE GUIDELINES ONLY APPLY TO INCOMING STORMWATER PIPELINES: ø100mm, ø150mm AND ø225mm.
- THESE GUIDELINES ONLY APPLY TO THE PORTION OF STORMWATER PIPELINE EXTENDING FROM THE SYDNEY WATER ASSET TO THE SILT ARRESTOR.
- ALL PIPES, RISERS, ACCESS CHAMBERS AND SILT ARRESTORS SHALL BE OWNED AND MAINTAINED BY THE PROPERTY IT SERVICES.

2.0 ACCESS AND SAFETY

- THE CONTRACTOR SHALL COMPLY WITH ALL STATUTORY AND INDUSTRIAL REQUIREMENTS FOR PROVISION OF A SAFE WORKING ENVIRONMENT INCLUDING TRAFFIC CONTROL.
- THE CONTRACTOR SHALL ENSURE THAT AT ALL TIMES ACCESS TO ALL BUILDINGS ADJACENT THE WORKS IS NOT DISRUPTED.
- WHERE NECESSARY THE CONTRACTOR SHALL PROVIDE SAFE PASSAGE OF VEHICLES AND/OR PEDESTRIANS THROUGH OR BY THE SITE.

3.0 SITE WORKS

- ALL WORKS TO BE IN ACCORDANCE WITH LOCAL RELEVANT COUNCIL REQUIREMENTS, SPECIFICATIONS AND AUSTRALIAN STANDARDS.
- THE CONTRACTOR IS TO DESIGN, OBTAIN APPROVALS AND CARRY OUT REQUIRED TEMPORARY TRAFFIC CONTROL PROCEDURES DURING CONSTRUCTION IN ACCORDANCE WITH RMS AND LOCAL COUNCIL REGULATIONS AND REQUIREMENTS.
- RESTORE ALL DISTURBED AREAS TO THEIR ORIGINAL CONDITION INCLUDING: KERBS, FOOTPATHS, CONCRETE AREAS, GRAVEL, GRASSSED AREAS, LANDSCAPED AREAS AND ROAD PAVEMENTS.
- TRENCHES THROUGH EXISTING ROAD AND CONCRETE PAVEMENTS SHALL BE SAWCUT TO FULL DEPTH OF CONCRETE AND A MIN 50mm IN BITUMINOUS PAVING.

4.0 EXISTING SERVICES

- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE AND CONFIRM THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- CARE TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATIONS ARE TO BE UNDERTAKEN OVER COMMUNICATIONS, GAS OR ELECTRICAL SERVICES. HAND EXCAVATIONS ONLY IN THESE AREAS.
- THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL EXISTING SERVICES THAT ARE TO BE RETAINED IN THE VICINITY OF THE PROPOSED WORKS. ANY AND ALL DAMAGE TO THESE SERVICES AS A RESULT OF THESE WORKS SHALL BE REPAIRED BY THE CONTRACTOR

5.0 STORMWATER DRAINAGE

- ALL PIPES BETWEEN THE CONNECTION POINT AND SILT ARRESTOR ARE TO BE UPVC S100 OR S110 SEWER GRADE RRI.
- ALL PIPES ARE TO BE LAID AT (min) 1.0% GRADE.
- THE USE OF PRE-CAST STORMWATER DRAINAGE PITS IS NOT ACCEPTED.
- COVERS
 - USE HOT DIPPED GALVANISED COVERS AND GRATES COMPLYING WITH RELEVANT AUSTRALIAN AND COUNCIL STANDARDS.
 - ALL COVERS AND GRATES TO BE POSITIONED IN A FRAME AND MANUFACTURED AS A UNIT.
 - ALL COVERS AND GRATES TO BE FITTED WITH POSITIVE COVER LIFTING KEYS
 - UNLESS DETAILED OR SPECIFIED OTHERWISE COVERS AND GRATES TO BE CLASS 'D' IN TRAFFICABLE AREAS AND CLASS 'B' IN NON-TRAFFICABLE AREAS.
- ALL PIPES BENDS, JUNCTIONS ETC. ARE TO BE PROVIDED USING PURPOSE MADE FITTINGS.
- ALL CONNECTIONS TO EXISTING DRAINAGE PITS SHALL BE MADE IN A TRADSMAN-LIKE MANNER, AND THE INTERNAL WALL OF THE PIT AT PIPE PENETRATIONS SHALL BE CEMENT RENDERED TO A SMOOTH FINISH.
- THE CONTRACTOR SHALL SUPPLY AND INSTALL ALL FITTINGS AND SPECIALS INCLUDING VARIOUS PIPE ADAPTERS TO ENSURE PROPER CONNECTION BETWEEN DISSIMILAR PIPEWORK.
- THE CONTRACTOR SHALL ENSURE AND PROTECT THE INTEGRITY OF ALL STORMWATER PIPES DURING CONSTRUCTION, ANY AND ALL DAMAGE TO THESE PIPES ARE A RESULT OF THESE WORKS SHALL BE REPAIRED BY THE CONTRACTOR.
- PROVIDE 3.0m LENGTH OF ø100 SUBSOIL DRAINAGE PIPE WRAPPED IN NON-WOVEN GEOTEXTILE FABRIC, TO THE UPSTREAM SIDE OF STORMWATER PITS, LAID IN STORMWATER PIPE TRENCHES AND CONNECTED TO THE DRAINAGE PIT.

DRAWING LIST

- STW 1100 – GENERAL NOTES
STW 1101 – STORMWATER CONNECTION ARRANGEMENTS
STW 1102 – VERTICAL ALIGNMENT ARRANGEMENTS
STW 1103 – CONNECTION TO REINFORCED CONCRETE OR VITRIFIED CLAY PIPES
STW 1104 – CONNECTION TO BOX CULVERTS AND OPEN CHANNELS
STW 1105 – CONNECTION TO EXISTING ACCESS CHAMBERS
STW 1106 – CONNECTION TO NEW ACCESS CHAMBERS
STW 1107 – SILT ARRESTOR ARRANGEMENTS

6.0 STANDARD CONDITIONS GOVERNING STORMWATER CONNECTIONS FOR Ø100mm, Ø150mm AND Ø225mm INCOMING PIPELINES

- ALL CONNECTIONS SHOULD COMPLY WITH SYDNEY WATER ON SITE DETENTION POLICY.
- ALL EXISTING CONNECTIONS ARE TO BE CLEARLY IDENTIFIED AND STORMWATER SYSTEMS ARE TO BE DESIGNED TO UTILISE THE EXISTING CONNECTION POINTS IN PREFERENCE TO BREAKING OPEN NEW CONNECTIONS. PROPOSALS FOR ADDITIONAL NEW CONNECTIONS WOULD NEED TO BE JUSTIFIED ON MERIT.
- SURFACE WATER VIA A SILT ARRESTOR AND ROOF WATER ONLY ARE TO BE DRAINAGE THROUGH THE CONNECTION.
- THE OWNER IS TO SUPPLY WRITTEN ACCEPTANCE OF RESPONSIBILITY FOR ANY DAMAGE THAT MAY RESULT TO HIS PROPERTY FROM SURCHARGE (BACKFLOW) THROUGH THE CONNECTION. THE OWNER SHOULD ALSO NOTE THAT HE IS RESPONSIBLE FOR THE MAINTENANCE OF ANY REFLEX VALVES INSTALLED.
- IF AN APPROVED SILT ARRESTOR IS REQUIRED WITHIN THE OWNER'S PROPERTY, A DETAILED SKETCH OF THE SAME AND OF THE STORMWATER DRAIN IS TO BE SUBMITTED WITH THE APPLICATION FOR APPROVAL BY SYDNEY WATER. IT IS THE OWNER'S RESPONSIBILITY TO MAINTAIN ANY SILT ARRESTORS.
- THE APPLICANT SHALL CARRY OUT AN EXCAVATION, BACKFILL AND RESTORATION AND SUPPLY ALL PIPES NECESSARY FOR THE WORK.
- CONSTRUCTION OF THE SILT ARRESTOR THE PIPEWORK, FROM CHANNEL TO SILT ARRESTOR, IS ONLY TO BE MADE BY, OR UNDER THE DIRECT SUPERVISION OF A LICENSED DRAINER.
- SYDNEY WATER WILL ADVISE IF INSPECTION IS REQUIRED. PROVIDE STONY WATER 48 HOURS NOTICE PRIOR TO ANY INSPECTION.
- NO WORK IS TO COMMENCE UNTIL APPROVAL TO PROCEED HAS BEEN GRANTED BY SYDNEY WATER.

7.0 STORMWATER CONNECTION

SELECTION PROCESS

- DETERMINE STORMWATER CONNECTION ARRANGEMENTS (STW 1101)
- DETERMINE STONY WATER STORMWATER ASSET TYPE
- DETERMINE DEPTH TO INVERT OF STONY WATER ASSET
- DETERMINE VERTICAL ALIGNMENT ARRANGEMENTS (STW 1102)
- DETERMINE CONNECTION ARRANGEMENT BASED ON STONY WATER ASSET TYPE (STW 1103-1106)
- SELECT SILT ARRESTOR TYPE (STW 1107)

ASHFIELD COUNCIL

17 NOV 2015

Application Number

10.2015.231-1

NOT TO SCALE

STW-1100

STANDARD DRAWINGS FOR STORMWATER CONNECTIONS

GENERAL NOTES

Sydney WATER
SYDNEY WATER CORPORATION

REVISION	REVISION DESCRIPTION	DATE
1	ORIGINAL ISSUE	JULY 2012



Application Number

16, 2015, 237-1-1

WHERE SYDNEY WATER STORMWATER
IS LOCATED IN ADJACENT PROPERTY

N.T.S.

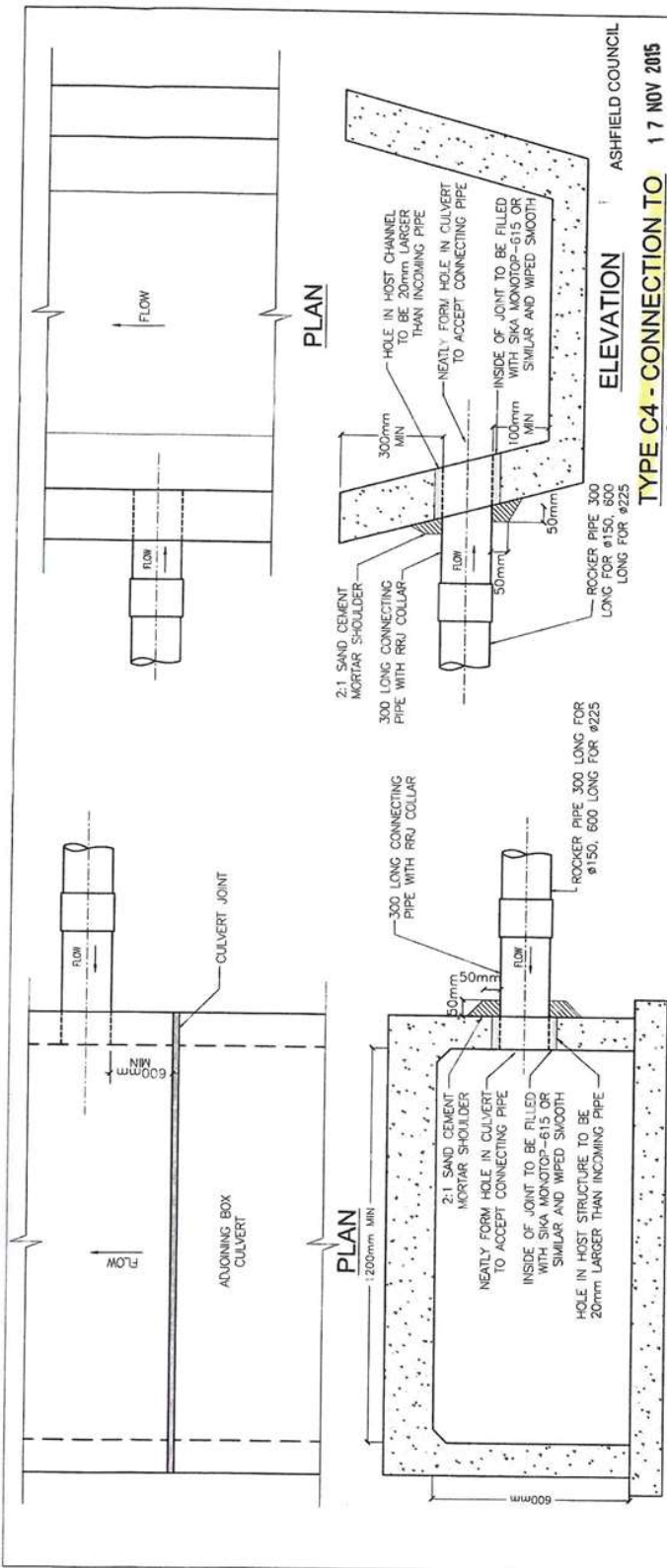
NOTES:

1. ACCESS CHAMBER MAY BE REQUIRED WHERE STONEY WATER STORMWATER IS GREATER THAN 20.0m FROM PROPERTY BOUNDARY (REFER TO STONEY WATER).
2. PROVIDE RISER PIPE WHERE THE TOP OF THE STONEY WATER STORMWATER IS GREATER THAN 1.2m BELOW THE SURFACE.
3. PROVIDE RISER WHERE CONNECTION POINT IS MORE THAN 10.0m FROM BOUNDARY.
4. WHERE THE CONNECTION POINT IS LOCATED IN AN ADJACENT PROPERTY AN EASEMENT FOR DRAINAGE MAY BE REQUIRED.
5. WHERE THE CONNECTION POINT IS LOCATED IN THE ROADWAY A COUNCIL ROAD OPENING PERMIT MAY BE REQUIRED.
6. WHERE CONNECTION TO STONEY WATER STORMWATER IS MADE WITH ACCESS CHAMBER NO RISER IS REQUIRED.

TABLE A - APPROACH ANGLE

CONNECTING STORMWATER SIZE (mm)	MAXIMUM APPROACH ANGLE	
	REINFORCED CONCRETE PIPE (RCP) OR VITRIFIED CLAY PIPE (VCP)	ALL OTHER ASSET TYPES
100/150	45°	90°
225	30°	90°

REVISION	REVISION DESCRIPTION	DATE	STANDARD DRAWINGS FOR STORMWATER CONNECTIONS	NOT TO SCALE
1	ORIGINAL ISSUE	JULY 2012		
			STORMWATER CONNECTION ARRANGEMENTS	STW-1101



TYPE C3 - CONNECTION TO CONCRETE BOX CULVERT

TABLE C3 - SYDNEY WATER STORMWATER CONCRETE BOX CULVERT

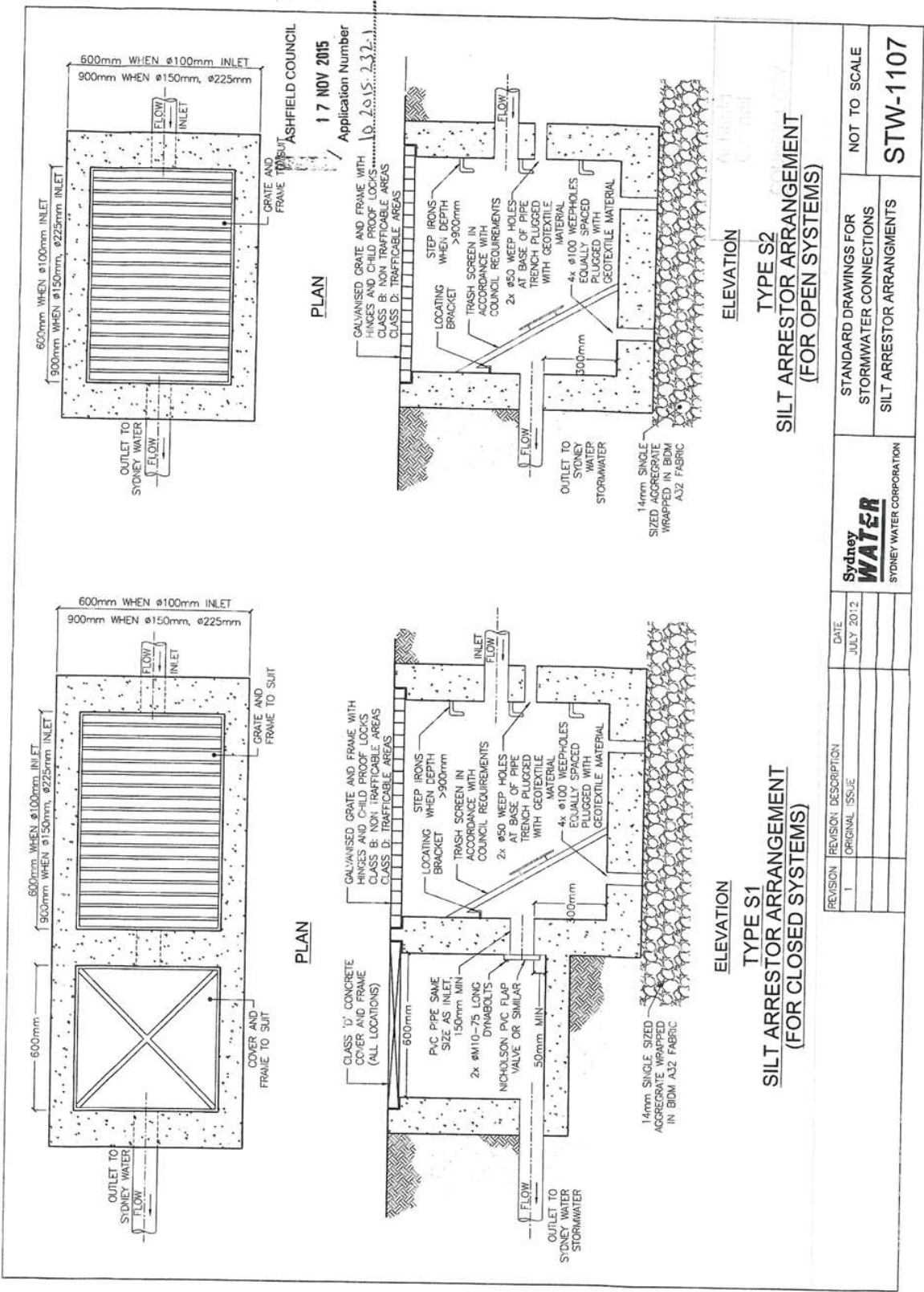
- CONSTRUCTION NOTES
1. CREATE HOLE IN HOST PIPE BY CORING OR SITCH DRILLING TECHNIQUES. WHERE SITCH DRILLING IS USED SCALLOPS SHALL BE REMOVED TO MAKE A SMOOTH HOLE.
 2. SAND COAT SPOT END OF CONNECTING PIPE. SAND COATING TO EXTEND 100mm FROM END OF PIPE. USE SOLVENT CEMENT TO BOND SAND TO PIPE.
 3. PRIME HOST CULVERT/CHANNEL SURFACE WITH SIKA MONOTOP-610 OR SIMILAR.
 4. PLACE CONCRETE TO SUPPORT INCOMING PIPE.
 5. THE CONNECTING STORMWATER SHALL NOT PROTRUDE BEYOND THE INNER SURFACE OF THE SYDNEY WATER CULVERT/CHANNEL.
 6. THE INNER SURFACE OF THE SYDNEY WATER STORMWATER CULVERT/CHANNEL SHALL BE SMOOTHLY FINISHED TO PREVENT OBSTRUCTION OF FLOW.
 7. DO NOT BACKFILL UNTIL CONCRETE AND MORTAR HAS SET. (MIN 12 HOURS).

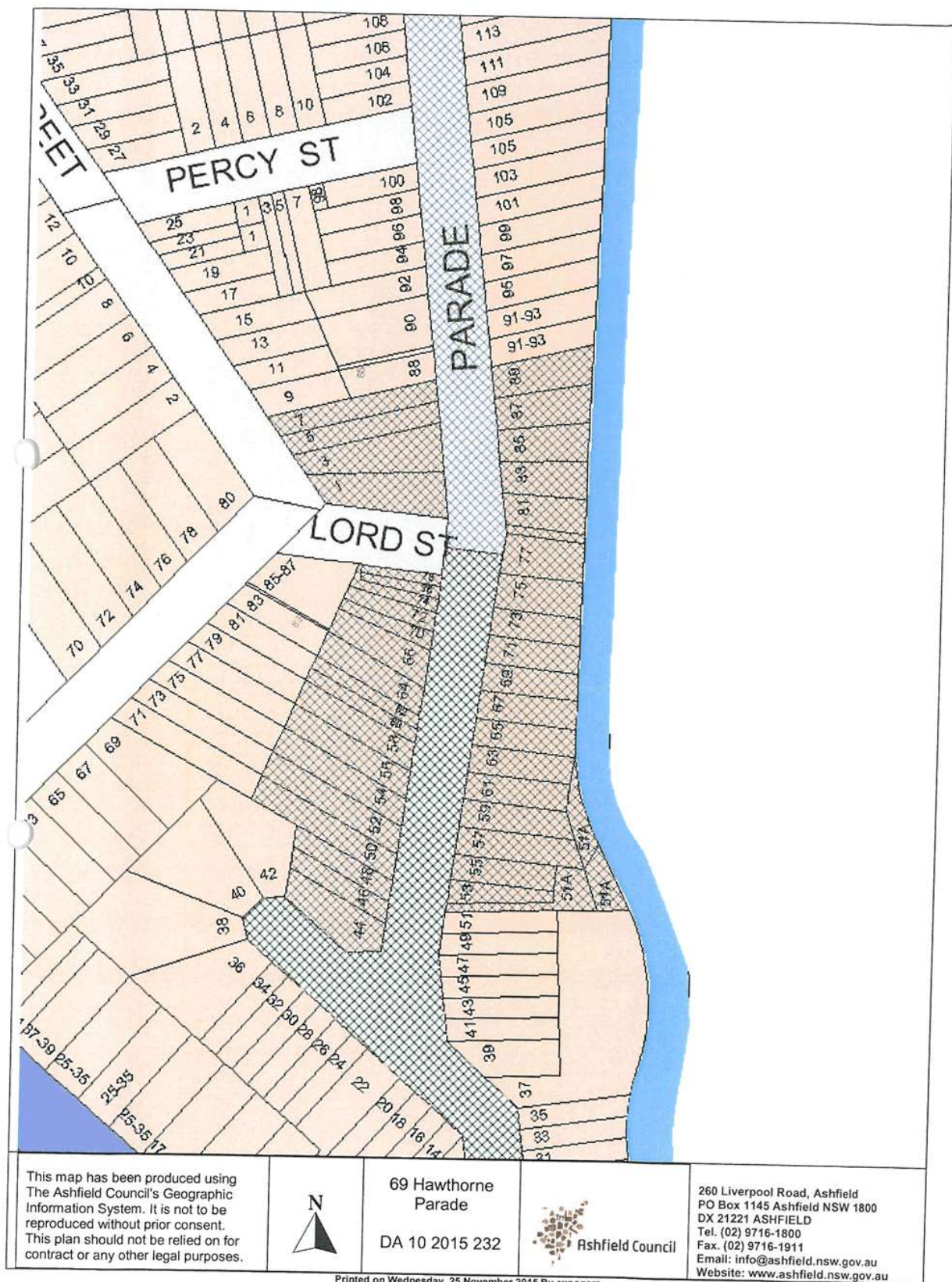
TYPE C4 - CONNECTION TO OPEN CHANNEL

TABLE C4 - SYDNEY WATER STORMWATER OPEN CHANNEL

CONNECTING STORMWATER SIZE (mm)	RECEIVING STORMWATER SIZE (mm)	DEPTH (m)	CONNECTION TYPE (REFER DRG)		SILT ARRESTOR TYPE (REFER DRG)
			TYPE	DRG	
100/150/225	ALL	<1.2	NOT REQUIRED	STW1102	TYPE S2
		1.2-2.0	REQUIRED	STW1104	TYPE C4
		>3.0	SITE SPECIFIC (DESIGN BY ENGINEER)		

REVISION	REVISION DESCRIPTION	DATE	Sydney WATER SYDNEY WATER CORPORATION	STANDARD DRAWINGS FOR STORMWATER CONNECTIONS	NOT TO SCALE
1	ORIGINAL ISSUE	JULY 2012		CONNECTION TO CONCRETE BOX CULVERT AND OPEN CHANNELS	STW-1104







DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	69 Hawthorne Parade HABERFIELD	File No: 10.2015.232.1
ADVISOR	Robert Moore	
DATE	21 December 2015	
STATUS	Heritage Conservation Area	
DESCRIPTION	Alterations and additions – Colour Scheme	
PREVIOUS COMMENTS	Yes on the PDA	
<input type="checkbox"/>	HIS/CMP recommended for archiving in library	
<p>Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.</p>		

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input checked="" type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	Application to be returned to Heritage Advisor for review after amendments
<input type="checkbox"/>	Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input type="checkbox"/>	Not acceptable
<p>Discussion: The colour scheme is acceptable.</p>	

Robert Moore

CONDITIONS

DA 2015.232.1

69 Hawthorne Parade HABERFIELD 2045

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

The demolition of an existing dwelling and construction of a new dwelling with a subfloor level on Lot 4 in DP: 4385, known as 69 Hawthorne Parade HABERFIELD, subject to the following conditions:

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers A2 Rev 1 – Floor Plans, Elevations and Section, Landscape Plan - prepared by Opra Architects and date stamped by Council 17 November 2015 and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

(2) Compliance with BCA

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

(3) Encroachments

This approval is not to be construed as approving any encroachment on any adjoining private or public property including Council's own land. All works, including but not limited to, foundations, eaves and gutters, are to be carried out entirely within the subject site.

(4) Landscaped area

- Landscape area as approved be maintained at all times
- Soft and hard landscape area be constructed in accordance with the approved plans prior to release of any occupation certificate.

(5) Power poles

No power poles are to be installed on site without prior written approval from Council.

(6) Section 94A Contributions

Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and Ashfield Council's Section 94A Development Contribution Plan 2009, a contribution of \$3,868.68 shall be paid to Ashfield Council prior to the release of the Construction Certificate. Copies of receipts confirming the contribution has been paid are to be provided to the Principal Certifying Authority.

(7) Car Parking Space

This consent is not to be construed as approving the car parking space or the associated building works within the front building line. Amended plans are to be submitted to the Principal Certifying Authority with the application for a construction certificate showing the deletion of the proposed car parking space and vehicle access with the car parking space is replaced by soft landscaping.

(8) Removal of trees

This consent is not to be construed as approving the removal of any tree. A separate tree permit is to be obtained, if the removal of the trees located within the front setback is required.

(9) Privacy screen

A 1.8m high privacy screen, with a minimum 85% density, is to be provided along the entire north facing side of the rear deck. This screen is to have a 1 m long X 1.8m high return along its eastern side.

(10) Payment of any Additional Fees

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

B Design Changes

nil

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

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

A Damage Deposit of **\$7,400** is to be submitted prior to the release of the Construction Certificate 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.

(2) 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.

(3) Stormwater disposal

Hawthorne Canal are assets owned by Sydney Water. Where it is proposed to discharge stormwater directly into a drainage system under the control of Sydney Water. The applicant shall submit written approval from Sydney Water to Council that it has no objection to the proposed method of discharge.

(4) 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 addition 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 received.

Any portion of the proposed addition below the flood standard level must be built from flood compatible materials as stated in Ashfield Interim Development Policy 2013, Part E the "Interim Flood Development Policy".

(5) Building Foundations

The building footings are to be constructed of concrete and piered to existing ground. Details are to be submitted 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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 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 3.6m Australian Height Datum.

D Conditions that must be complied with before work commences

(1) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. 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.

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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details- see Building and Developing then Quick Check and

- Guidelines for Building Over/Adjacent to Sydney Water Assets- see Building and Developing then Building and renovating

or telephone 13 20 92

(8) 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.

(9) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction e.g. 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 and approved by Council or the Certifier, prior to the release of the Construction Certificate.

E Conditions that must be complied with during construction or demolition

(1) 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.

(2) Road opening permit – Council controlled lands

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

(3) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials 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.

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

The roof area for all the external additions shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging to Sydney Water's drainage system located at the rear of the property.

(5) Guttering Requirements - BCA

The roof shall be provided with a guttering system in accordance with the provisions of Part 3.5.2 "Gutters and Downpipes" of the BCA and AS/NZS3500.5 – 2000.

We advise that the Dept of Planning has advised in circular BS 08-001 that the use of high-front guttering has been associated with water penetration into the building and non compliance with the standard.

On completion of the works, a qualified plumber shall furnish the Principal Certifying Authority a certificate certifying that the guttering system complies with Part 3.5.2 of the BCA and AS/NZS3500.5 – 2000.

(6) Flood levels for finished Floor Levels (FFL)

The Finished Floor Levels (FFL) of all habitable rooms shall have a minimum finished floor level of 4.1 m Australian Height Datum.

(7) 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.

(8) 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.

(9) Demolition requirements/standards

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

- The property is to be secured to prohibit unauthorised entry.
- 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, and any requirements of the Workcover Authority. The following measures must be undertaken for hazardous dust control:
- 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.
- 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.
- 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).
- 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.
- 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 to be allowed to enter the street gutter and stormwater systems.

- Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- All lead contaminated material, if any, is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- 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.

(10) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(11) 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.

(12) 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.

(13) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

(14) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate 664791S as obtained on 09 September 2015 from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

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

nil

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

(1) Approval to use/occupy building

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

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

(2) Stormwater drainage – compliance with approved plans

Prior to the issue of a 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.

H Conditions that are ongoing requirements of development consents

nil

I Advisory Notes

(1) Modifications to your consent - prior approval required

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

cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

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

(2) Occupational health and safety

All site works must comply with the occupational health and safety requirements of the NSW Work Cover Authority.

(3) Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

- (1) if the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first;

and

- (2) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

(4) Boundary survey encroachment

You are advised that the consent given, to build in close proximity to the allotment boundary, is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary, you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

(5) Structure

It should be noted that the structural design and the calculations have not been checked by Council; It is to be clearly understood by the applicant and any person concerned that the applicant and the engineer undertaking the design in the approved plans herewith/Construction Certificate Plans, are fully responsible for the structural adequacy of the structural design.

Subject **DEVELOPMENT APPLICATION: 10.2015.095.2**
157 BLAND STREET HABERFIELD

File Ref DA 10.2015.095.2

Prepared by Daisy Younan - Development Assessment Officer

Reasons Matter submitted to Council for determination

Objective For Council to determine the application

1.0 DESCRIPTION OF PROPOSAL

An application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, as amended, seeks Council's approval to modify development consent 10.2015.228.1 by modifying condition B(1) as following:

From

(1) Amended plans to be submitted to Council

- *The gable window and gable roof form fronting the rear of the subject site is to be removed and a hipped roof end substituted. The proposed rear facing gable roof over the outdoor dining and BBQ area is also to be replaced by a hip end.*
- *The skylight on the north-east side plane of the main roof is to be removed.*
- *A palisade fence of traditional design, incorporating cast heads for the individual dowels, which are to be of traditional form, is to be used for the fence bays and both the vehicle and pedestrian gates within the front fence.*

Amended plans incorporating the above changes are to be submitted to Council and approved by Council's heritage consultant prior to the release of the construction certificate.

To

- *The skylight on the north-east side plane of the main roof is to be removed.*
- *A palisade fence of traditional design, incorporating cast heads for the individual dowels, which are to be of traditional form, is to be used for the fence bays and both the vehicle and pedestrian gates within the front fence.*

Amended plans incorporating the above changes are to be submitted to Council and approved by Council's heritage consultant prior to the release of the construction certificate.

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

Plans of proposed development are included in **Attachment 1**.

2.0 SUMMARY RECOMMENDATION

The proposed modification is for the deletion of the first item of condition B1 relating to the removal of the gable window and gable roof form. The proposed modifications will not result in any changes to approved FSR, landscaped area or height of building. However, the proposed modifications are not supported on heritage grounds. Further comments are provided under Clause 7.1.1 of this report.

It is considered that the proposed modification would substantially alter the nature of the original development, as approved, and its compliance with Ashfield Local Environmental Plan 2013 (LEP) and the applicable parts of the Ashfield Interim Development Assessment Policy 2013 (AIDAP) and is therefore recommended for refusal.

3.0 APPLICATION DETAILS

Applicant	: Que Consulting
Address	: Suite 2.02, 92 Norton Street LEICHHARDT NSW 2040
Owner	: Mesdames F Alessi & G De Luca
Lot/DP	: LOT: 64 DP: 4568
Date lodged	: 30/11/2015
Date of last amendment	: N/A
Application Type	: Local
Construction Certificate	: No

4.0 SITE AND SURROUNDING DEVELOPMENT

The subject site is located on the southern side of Bland Street, bounded by Denman Street to the west and Ramsay Street to the east. The site area is approximately 696.7 square metres. An existing single storey dwelling house and a detached double garage is located on the site. Surrounding developments comprise residential establishments. Locality map is included in **Attachment 2**.

5.0 DEVELOPMENT HISTORY

Development application 10.2015.95.1 for alterations and additions to the existing dwelling house was approved on 04/09/2015. The proposed/approved works include:

- Internal and external modifications, rear and attic addition to principal dwelling;
- Construction of a new front fence;
- Retiling of the front path and front porch; and
- Modifications to existing double garage.

6.0 ZONING/PERMISSIBILITY/HERITAGE

- The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013.
- The property is located within the Haberfield Conservation Area.

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

- The property is not a heritage item.
- The property is not located within the vicinity of a heritage item or heritage conservation area.

The proposed works are permissible with Council consent.

7.0 SECTION 79C and 96(1A) ASSESSMENT

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C and 96(1A) of the Environmental Planning and Assessment Act.

S96 (1A) Modification Assessment

<p><i>(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</i></p> <p><i>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</i></p> <p><i>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i></p> <p><i>(c) it has notified the application in accordance with:</i></p> <p><i>(i) the regulations, if the regulations so require, or</i></p> <p><i>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></p> <p><i>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p>	<p>The proposed modification is for the deletion of the first item of condition B1 which requires the removal of the gable window and gable roof form to the approved rear addition. Although no changes are proposed to the approved FSR, landscaped area or height of building, the proposed modifications are not supported by Council's heritage adviser for the reasons detailed under clause No. 7.1.1 of this report.</p> <p>Council officers are not satisfied that the proposed modifications, are of minimal environmental impact or that the development, to which the consent as modified relates, is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified.</p> <p>The application was notified from 04th December till 21st December 2015. No submissions were received during the notifications of the application.</p>
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SECTION 79C Assessment

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

The subject site is located in the Haberfield conservation area and therefore clause 6.5 of Ashfield LEP 2013 applies to the proposed modifications.

Clause 6.5(3)(c) relates to gablet windows and reads as follows:

(3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:

(c) the development will not involve the installation of dormer or gablet windows, and....

The proposed modification is for the deletion of the first item of condition B1 relating to the removal of the gablet window and gablet roof form.

The applicant has provided the following justification:

The proposal is considered consistent with the objectives of the R2 Low Density Residential Zone for the following reasons:

1. The proposed gablet window will not alter the existing form, mass, and scale of the existing dwelling when viewed from the street.
2. The proposed development will retain one single dwelling on the site, and will accordingly retain the low density character of the locality;
3. The proposed gablet presents as a minor extension of the ridge line. The single storey appearance of the existing dwelling will be retained, in accordance with this objective of the development standard;
4. The provision of strict numerical compliance would be unreasonable due to the following:
 - 4.1 The gablet window retains the single storey appearance of the dwelling when viewed from adjoining properties.
 - 4.2 The gablet window cannot be seen from the public realm.
 - 4.3 The gablet roof treatment does not result in any substantial increase to the scale of the roof.
 - 4.4 The gablet cannot be easily seen from the side window openings of the immediately adjoining properties.
 - 4.5 The window opening is required to achieve light and ventilation, and to promote cross-ventilation to an attic roof space. The replacement with skylights will compromise the energy efficient of the dwelling.
 - 4.6 The gablet does not result in any privacy impacts upon adjoining properties. The window contains a sill height of 1.5m above FFL, and does not allow overlooking into adjoining properties.
 - 4.7 Part C7 – 2.6(h), 2.6(K) and 2.7 of Haberfield Conservation DCP 2013 permits roof gablets forms within the Haberfield Heritage Conservation Area.
 - 4.8 The architectural detail of the gablet, including the extended roof eave hides the appearance of the window opening when viewed from adjoining properties.
 - 4.9 The window can only be seen from the immediate rear adjoining property, and is appropriately setback more than 50 metres from the nearest dwelling house.

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

4.10 The applicant will be undertaking substantial conservation works to return the building to its original condition.

Further, it was provided that:

1. *Compliance with the standard would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and co-ordinate orderly and economic use and development of land.*
2. *The proposal will comply with the objectives of the development standard and the objectives of the zone. Strict compliance with the standard is not required to ensure compliance with those objectives.*
3. *Development standards are a means of implementing planning purposes for a development or area. The proposal will allow the occupants of the existing dwelling to increase their amenity, without adversely impacting upon the existing and desired future character of the Haberfield Heritage Conservation Area.*
4. *The proposed gable window is necessary to promote adequate solar amenity and cross-ventilation for the dwelling, and will not impact upon adjoining properties.*
5. *A development strictly complying with this performance standard will restrict the amenity of the occupants.*
6. *The development is consistent with the provisions of orderly and economic development.*
7. *Under these circumstances, strict compliance with the development standard is both unreasonable and unnecessary.*

In providing the above arguments, the applicant has utilised the provision of Clause 4.6 of Ashfield LEP 2013 to justify the non compliance with the requirements of Clause 6.5 (3)(c) relating to prohibition of the installation of dormer or gable windows for a dwellings in the Haberfield Heritage Conservation Area. It should be noted that a Clause 4.6 variation is not required for a modification (S96) application.

Officer comments

The proposed modifications would alter compliance with the requirement of this Clause which recommends that development consent not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that the development will not involve the installation of dormer or gable windows.

The modification of condition B1 will allow the installation of a gable window to the rear of the property and therefore would be contrary to this clause. It will also be inconsistent with the objective of this clause being to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.

Council's heritage adviser does not support the modifications sought for the following reasons:

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

The proposed gablet is not acceptable and the conditions of consent must stand. The LEP requirement for the avoidance of glazed gablets and dormer windows is one of the most significant controls impacting on the character of the Haberfield heritage conservation area, in which such features are contrary to the history, planning intent and typology of its houses. The proposed objection to the application of the design standard is not well founded and cannot be supported. The arguments advanced in support of amending the condition have no substance when considered against the heritage issues involved.

Council officers have consistently not recommended support for these roof forms and windows, however, the Council has, on a number of occasions in the past, allowed such development in Haberfield. The amenity of future occupants of the attic space with respect to light, solar access and ventilation can be achieved by providing operable in-plane skylights on a rear hipped roof, which is a more typical roof form.

It is considered that this amendment substantially alters the proposal's compliance with Ashfield LEP and the applicable parts of the AIDAP and is therefore not supported.

7.1.2 Regional Environmental Plans

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 environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

The proposed modifications do not alter compliance with the relevant SEPPs.

7.2 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.

Not applicable.

7.3 The provisions of Ashfield Interim Development Assessment Policy 2013.

Clause 2.6(d) of section 2.0 of part C7 of AIDAP requires extensions not to conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings.

The proposed modification of condition B1 will allow a gablet roof form to be created to the rear of the building and thus compete with the original main part of the existing dwelling. This is contrary to the requirements of this clause.

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

In addition, Clause 2.6(h) allows new roof shapes to include gables and gablets where these are related to shapes already present in the main roof, and where they are subordinate to the main roof shape. The size of the proposed rear gablet is not considered to be subordinate to the main roof shape and is seen as competing with the roof shape of the main dwelling.

Due to the size of the rear gablet window, the proposed modifications fail to achieve compliance with the objectives of Clause 6.5 which aims to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.

Given the above, the proposed modification of condition B1 is not supported.

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

Fire safety conditions have been incorporated into the original development consent and are not proposed to be modified or deleted as part of this application.

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

These matters have been considered as part of the assessment of the development application. It is considered that the proposed alterations will result in an adverse impact on the heritage significance of the property and the conservation area as outlined in the report.

7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. Being located in Haberfield heritage conservation area, it is considered that the proposal as modified would not be suitable for the site for the reasons outlined in the report.

7.7 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, the Haberfield Association and Councillors from 04th December till 21st December 2015.

7.7.1 Summary of submissions

No submissions were received during notifications of application.

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application. The public interest would be best served by the consistent application of Council's planning controls.

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

8.0 REFERRALS

Heritage

The proposed modifications have been reviewed by Council's heritage adviser and were not supported. Heritage comments are included in **Attachment 3**.

Engineering

The application has been reviewed by Council's hydraulic engineer and no issues were raised.

9.0 BUILDING CODE OF AUSTRALIA (BCA)

The proposed changes do not alter compliance with the Building Code of Australia.

10.0 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) and Section 96(1A) have been taken into consideration. The proposal is considered to be unacceptable and is therefore recommended for refusal.

ATTACHMENTS

Attachment 1	Plans of proposed development following the modification of condition B1.	11 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advice	1 Page

RECOMMENDATION

That Council as the consent authority pursuant to section 80(1)(b) of the Environmental Planning & Assessment Act 1979 refuse consent to development application No. 10.2014.116.2 to modify development consent No. 10.2014.116.1 for the following reasons:

DEVELOPMENT APPLICATION: 10.2015.095.2
157 BLAND STREET HABERFIELD

Reasons for Refusal

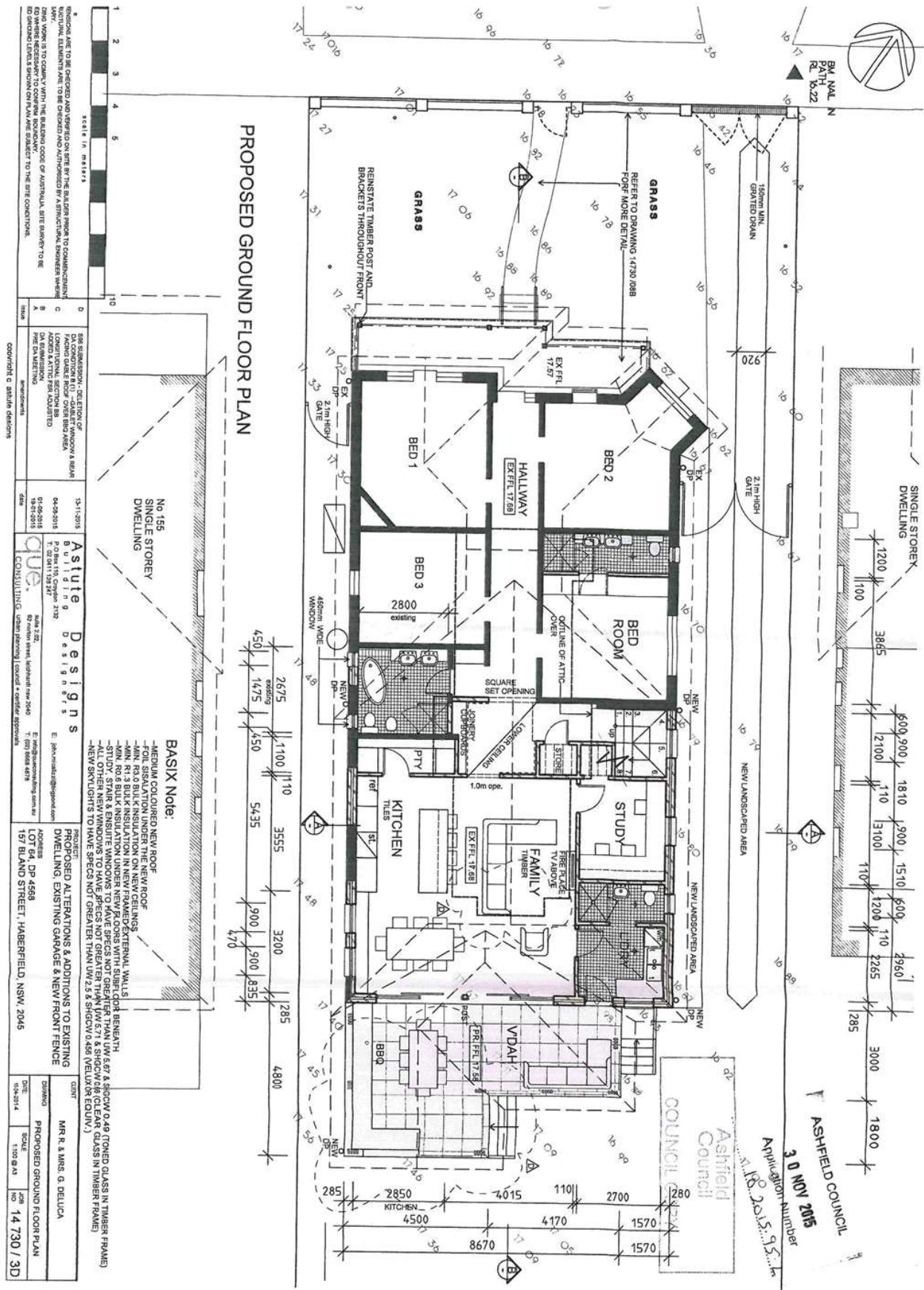
1. The modification of condition B1 to allow the installation of a gablet window fronting the rear of the property would be contrary to the objective of clause 6.5 of Ashfield Local Environmental Plan 2013 which aims to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area;
2. The gablet roof form that will be created by the proposed modification of condition B1 will compete with the original main part of the existing dwelling which is contrary to the requirements of clause 2.6 of section 2.0 of part C7 of Ashfield Interim Development Assessment Policy 2013;
3. The modification of condition B1 would result in a development with a rear gablet that is not subordinate to the main roof shape, and is therefore contrary to the requirements of Clause 2.6(h) of the section 2.0 of Part C7; and
4. The proposal is not in the public interest.

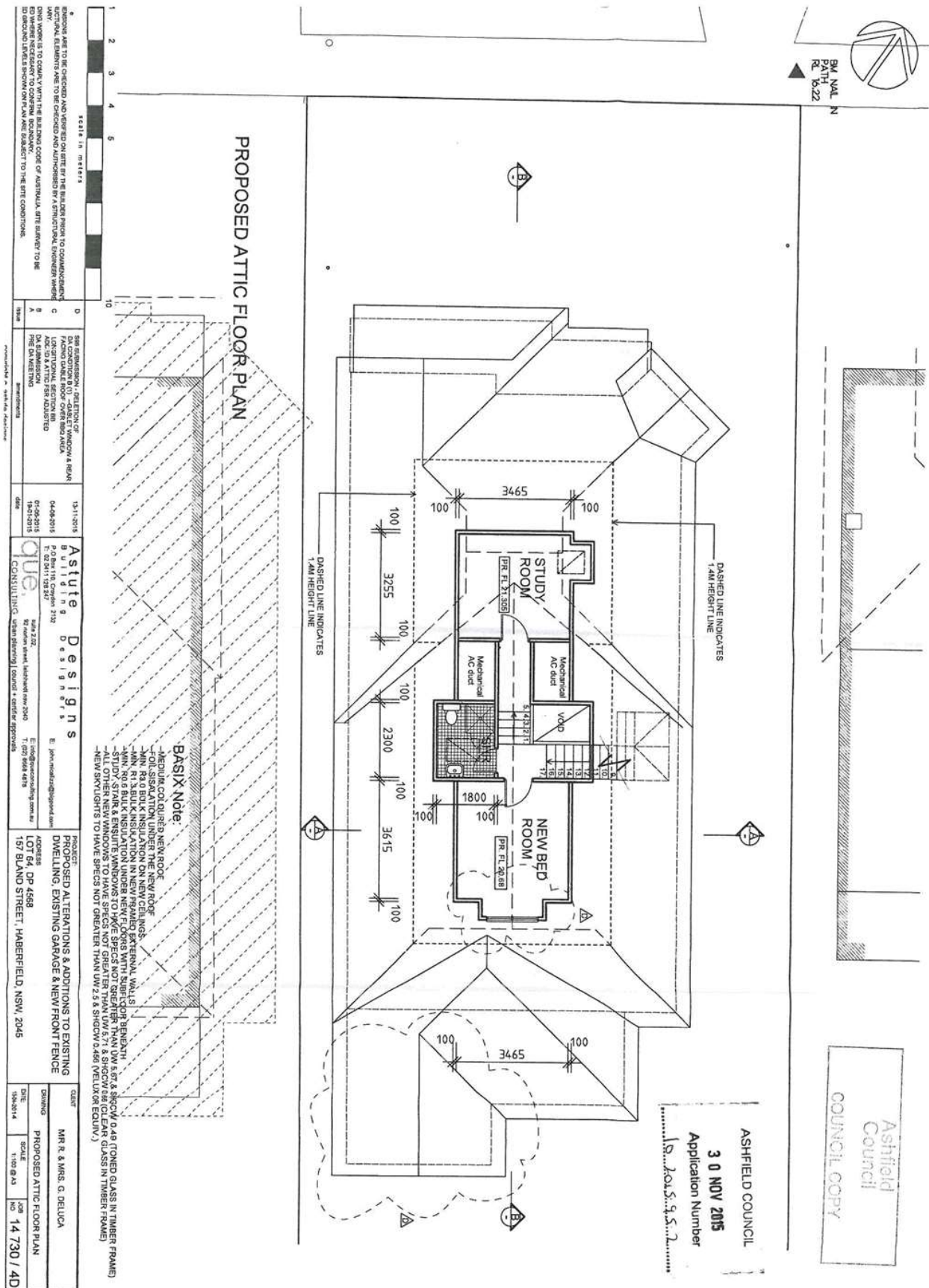
PHIL SARIN
Director Planning and Environment







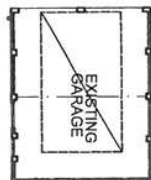
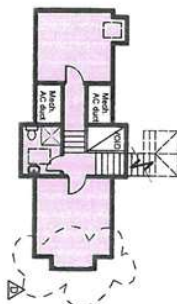
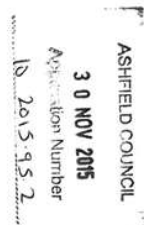
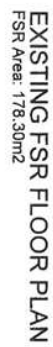












PROPOSED FSR ATTIC FLOOR PLAN
FSR Area: 35.00m2

PROPOSED FSR GROUND FLOOR PLAN
FSR Area: 181.64m²

[illegible]





Image 1 - View from opposite side of the street

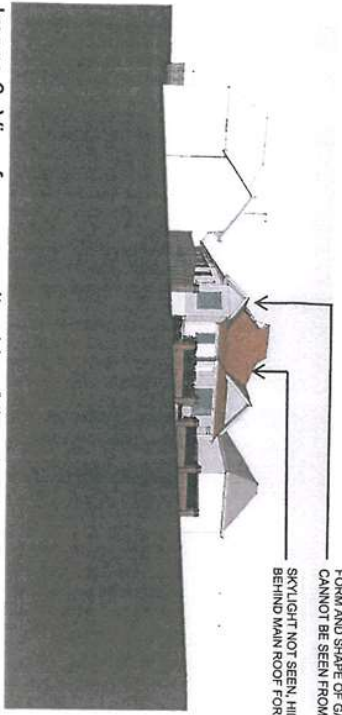


Image 3 - View from opposite side of the street



Image 2 - View from opposite side of the street



Image 4 - View from rear window of No 6 Yasmar Avenue

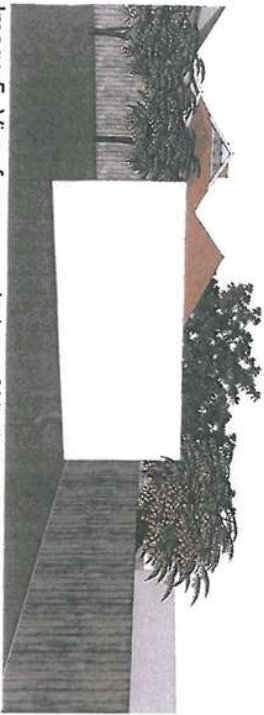
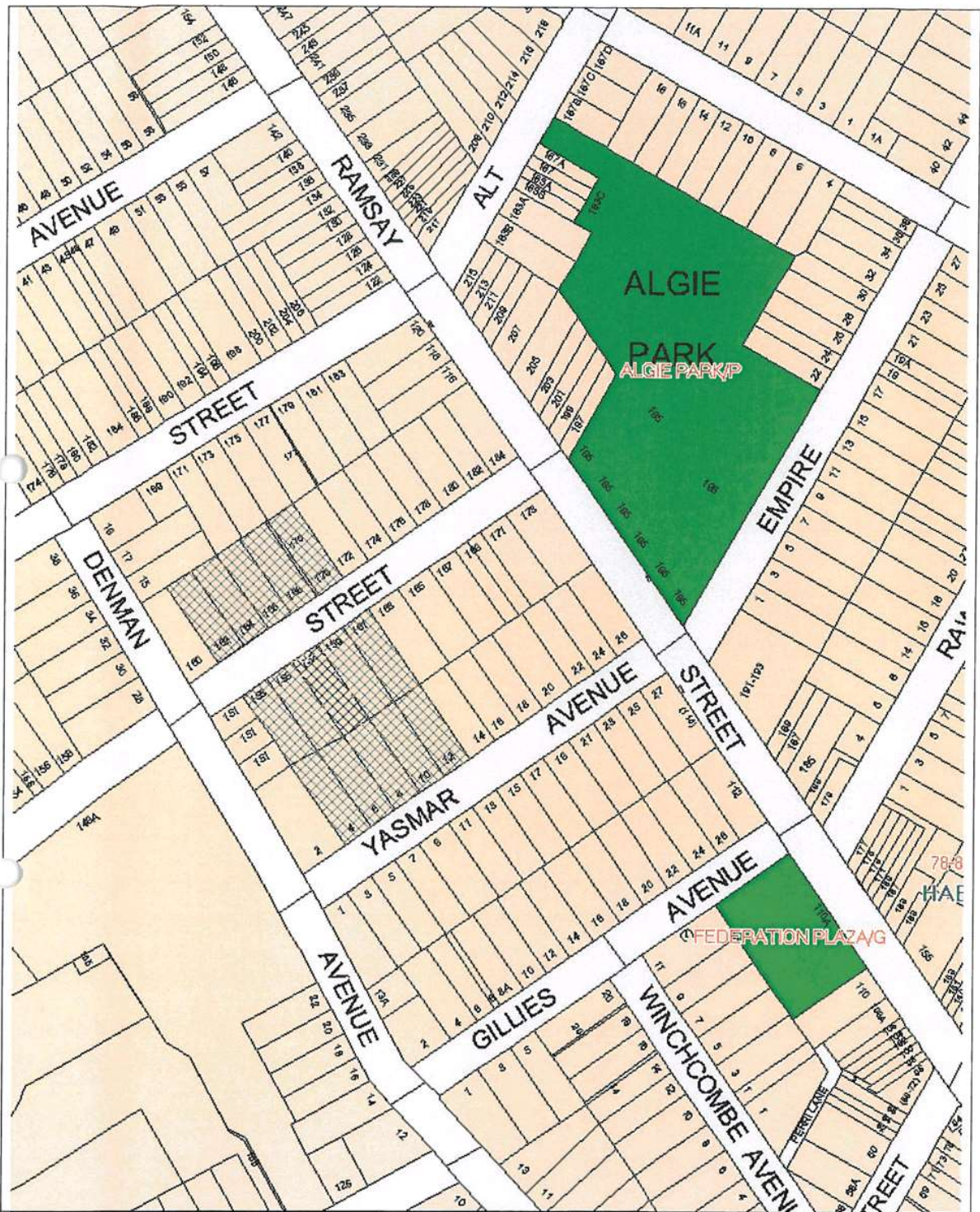


Image 5 - View from rear window of No 8 Yasmar Avenue



Image 6 - View from rear window of No 10 Yasmar Avenue

<p>WORKING ARE TO BE CHECKED AND VERIFIED ON SITE BY THE BUILDERS PRIOR TO COMMENCEMENT OF CONSTRUCTION. ELEMENTS ARE TO BE CHECKED AND AUTHORIZED BY A STRUCTURAL ENGINEER WHERE APPROPRIATE. VERIFICATION OF THE BUILDING CODE OF AUSTRALIA, SITE BLANKET TO BE OBTAINED. THESE ACTIONS ON DRAWING SUBJECT TO THE SITE CONDITIONS.</p>		<p>DATE: 07-09-2015 18-01-2015</p>		<p>PROJECT: PROPOSED ALTERATIONS & ADDITIONS TO EXISTING DWELLING, EXISTING GARAGE & NEW FRONT FENCE ADDRESS: LOT 64, DP 4568 157 BLUND STREET, HABERFIELD, NSW, 2045</p>	
<p>DESIGNER: Astute Design P.O. Box 110, Oregon, 2152 T: 02 8311 1282 E: john.mcdonald@astute.com.au</p>		<p>DATE: 07-09-2015 18-01-2015</p>		<p>DATE: 10-09-2014 SCALE: 1:100 SHEET: 14 OF 14</p>	



This map has been produced using The Ashfield Council's Geographic Information System. It is not to be reproduced without prior consent. This plan should not be relied on for contract or any other legal purposes.



DA2015.95
157 Bland Street
Haberfield



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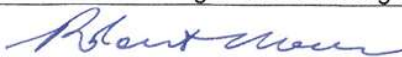


DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	157 Bland Street HABERFIELD	File No:	17.2015.338.1
ADVISOR	Robert Moore		
DATE	23 November 2015		
STATUS	Heritage Item / Heritage Conservation Area		
DESCRIPTION	S96 application seeking deletion of conditional consent condition requiring amendment of roof design		
PREVIOUS COMMENTS	Yes on the original DA		
<input type="checkbox"/>	HIS/CMP recommended for archiving in library		
Note: These comments relate to heritage issues only. They do not include a planning review. Planning comments will, however, be provided separately in relation to Pre-lodgement Applications or Provisional Development Applications.			

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	Application to be returned to Heritage Advisor for review after amendments
<input type="checkbox"/>	Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input checked="" type="checkbox"/>	Not acceptable
Discussion:	
<p>The proposed gablet is not acceptable and the conditions of consent must stand. The LEP requirement for the avoidance of glazed gablets and dormer windows is one of the most significant controls impacting on the character of the Haberfield heritage conservation area, in which such features are contrary to the history, planning intent and typology of its houses. The proposed objection to the application of the design standard is not well founded and cannot be supported. The arguments advanced in support of amending the condition have no substance when considered against the heritage issues involved.</p>	


Robert Moore

Subject	INVESTMENT REPORT DECEMBER 2015
File Ref	FY-24_03
Prepared by	Myooran Vinayagamoorthy - Chief Financial Officer
Reasons	Legislative Requirement
Objective	To report the balance of investments as at 31 December 2015

Overview of Report

In accordance with the requirements of Clause 212 of the Local Government (General) Regulation 2005, Council is provided with a listing of all investments made pursuant to Section 625 of the Local Government Act 1993 and held as at 31 December 2015.

Background

Clause 212 of the Local Government (General) Regulation 2005 requires that a report be presented to Council each month listing all investments with certification from the Responsible Accounting Officer.

Council's cash at bank and investments as at 31 December 2015 amounted to \$29,853,401.14. It should be noted that the amount currently invested represents all of Council's external and internal restrictions (i.e. grants, section 94 funds, loans, etc) as well as cash flow requirements.

The movement of cash and investments during the month of December 2015 is as follows:

Cash at Bank and Investments as at 30 Nov 2015	\$31,371,092.75
Increase/ (Decrease) during the month of Dec 2015	<u>\$ (1,517,691.61)</u>
Cash at Bank and Investments as at 31 Dec 2015	<u>\$29,853,401.14</u>
Represented By:	
Book Value of Investments	\$29,015,832.26
Cash at Bank	<u>\$,837,568.88</u>
	<u>\$29,853,401.14</u>

In December 2015, the cash at bank and call deposits decreased by \$1,517,691 representing a net cash outflow for maintaining Council's activities during the month. This was mainly due to the mismatch in timing between the receipt of a large proportion of Council's income and expenditure being relatively constant.

Return on Investment

The following tables show the return on investment of Council's funds over a range of periods.

INVESTMENT REPORT DECEMBER 2015

Date	Monthly Return*	Quarterly Return*	Annual Return*	Two Years Return*	Three Years Return*
31/12/2015	2.89%	2.76%	2.91%	3.19%	3.41%
30/11/2015	2.57%	2.71%	2.97%	3.22%	3.46%
31/10/2015	2.82%	2.63%	3.03%	3.26%	3.50%
30/09/2015	2.74%	2.60%	3.08%	3.30%	3.56%
31/08/2015	2.35%	2.65%	3.17%	3.35%	3.60%
31/07/2015	3.03%	2.94%	3.27%	3.43%	3.67%
30/06/2015	2.94%	2.98%	3.31%	3.48%	3.71%
31/05/2015	2.86%	3.10%	3.38%	3.53%	3.80%
30/04/2015	3.15%	3.12%	3.42%	3.57%	3.85%
31/03/2015	3.28%	3.46%	3.46%	3.59%	3.88%
28/02/2015	2.93%	3.54%	3.50%	3.64%	3.92%
31/01/2015	4.25%	3.61%	3.49%	3.66%	3.98%
31/12/2014	3.52%	3.39%	3.47%	3.68%	3.99%

* Returns are calculated based on the closing monthly balance of cash & investments.

The average yield on the short term portfolio for December 2015 was 2.80% whilst the comparative benchmark yield for 90 days bank swap rates was 2.34%.

The year to date interest on investments as at 31 December 2015 is \$401,386.

Other Staff Comments

Nil

Public Consultation

Nil

Conclusion

I certify that the investments have been made in accordance with the Local Government Act 1993 (as amended), the Local Government (General) Regulation 2005 and the Council's Investment Policy adopted 23/08/2011 at the Budget and Operations Review Committee meeting.

ATTACHMENTS

Attachment 1	Investment Portfolio Dec 2015	2 Pages
Attachment 2	Investments Graph Dec2015	1 Page
Attachment 3	Interest Income Graph Dec2015	1 Page

RECOMMENDATION

That the Investment Report for December 2015 be received and noted.

NELLETT KETTLE

Director Corporate & Community Services

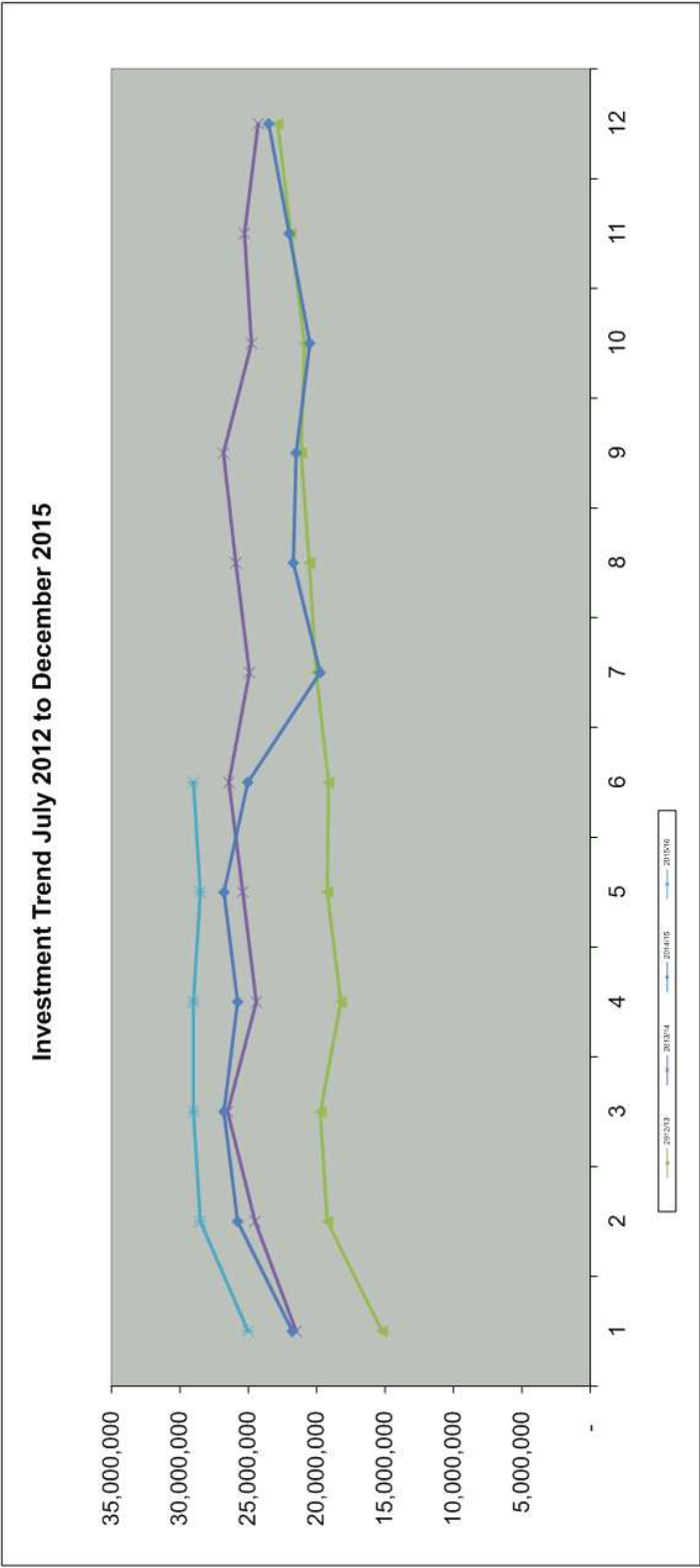
INVESTMENT PORTFOLIO BY ASSET CLASS AS AT 31 December 2015

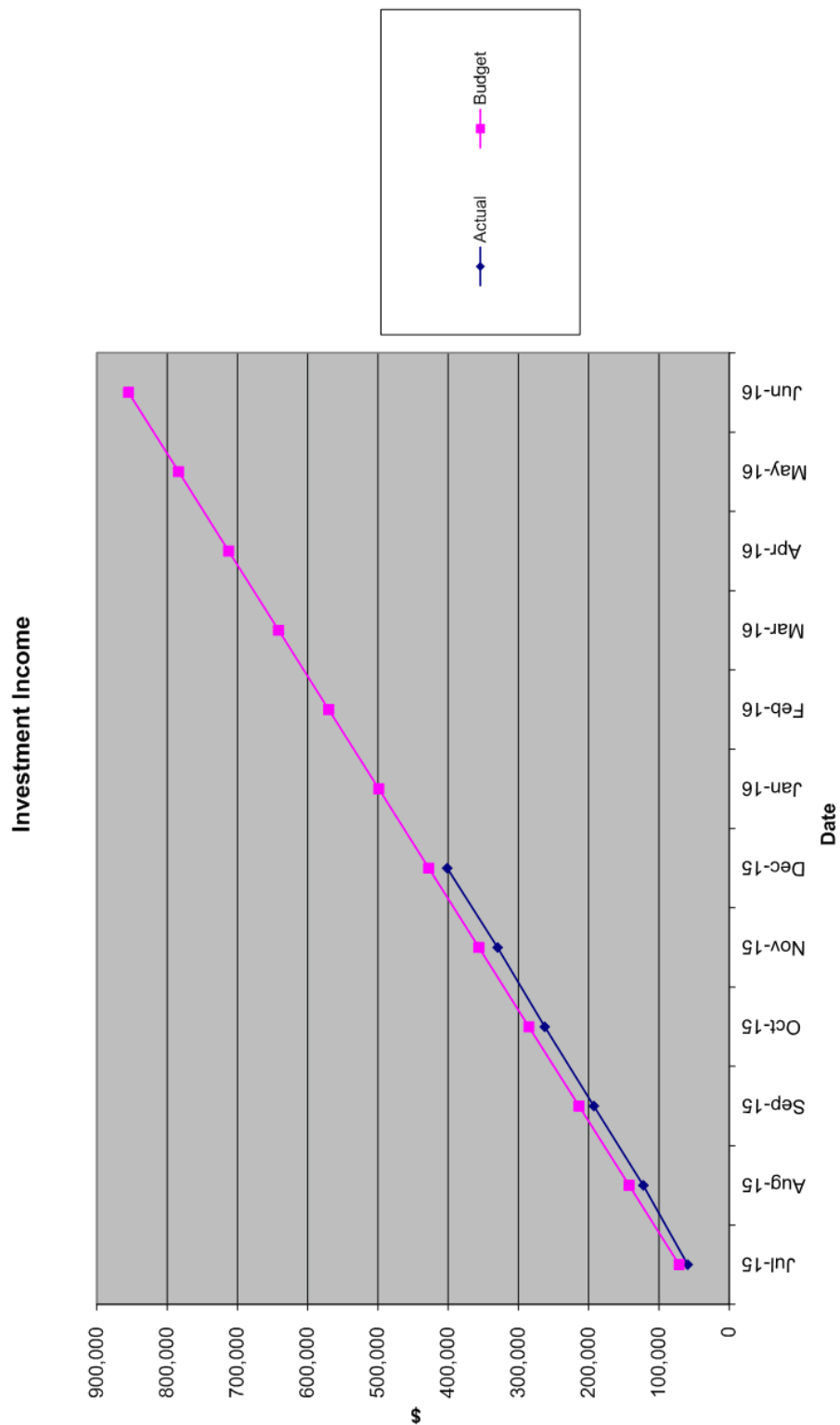
DATE OF INVESTMENT	DATE OF MATURITY	DAYS	YIELD/ COUPON%	WITH WHOM INVESTED	DEPOSIT TYPE	ISSUER RATING	PERCENTAGE OF PORTFOLIO	ORIGINAL INVESTMENT	Investment Value shown in Financial Statement as at 31/12/2015	MONTH END MARKET VALUE
Liquids, Cash & Accruals (invested with ADIs)										
15-Jul-15	6-Jan-16	175	2.75%	BENDIGO/ADELAIDE	Term Deposit	A2/A-	5.26%	\$500,000.00	\$500,000.00	\$506,592.47
17-Jul-15	6-Jan-16	175	2.80%	IMB	Term Deposit	A2/BBB	5.26%	\$500,000.00	\$500,000.00	\$506,635.62
4-Jun-15	13-Jan-16	223	3.00%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$1,000,000.00	\$1,000,000.00	\$1,018,328.77
22-Jul-15	13-Jan-16	175	2.80%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$506,712.33
22-Jul-15	20-Jan-16	182	2.95%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$507,354.79
23-Jul-15	20-Jan-16	181	2.90%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,190.41
29-Jul-15	27-Jan-16	182	2.80%	COMMONWEALTH	Term Deposit	A1+/AA-	7.02%	\$500,000.00	\$500,000.00	\$506,980.82
5-Aug-15	3-Feb-16	182	2.85%	NATIONAL AUSTRAL BANK	Term Deposit	A1+/AA-	10.53%	\$1,000,000.00	\$1,000,000.00	\$1,014,210.96
5-Aug-15	3-Feb-16	182	2.90%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$507,230.14
12-Aug-15	10-Feb-16	182	2.80%	ME BANK	Term Deposit	A2/BBB+	5.26%	\$500,000.00	\$500,000.00	\$506,980.82
21-Aug-15	17-Feb-16	180	2.90%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,230.14
21-Aug-15	10-Feb-16	173	2.90%	IMB	Term Deposit	A2/BBB	5.26%	\$500,000.00	\$500,000.00	\$506,872.60
27-Aug-15	17-Feb-16	181	2.80%	AMP	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$506,904.11
28-Aug-15	24-Feb-16	180	2.83%	NATIONAL AUSTRAL BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$506,978.08
28-Aug-15	2-Mar-16	187	2.77%	COMMONWEALTH	Term Deposit	A1/A+	7.02%	\$500,000.00	\$500,000.00	\$507,095.75
31-Aug-15	9-Mar-16	191	2.83%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,309.59
1-Sep-15	9-Mar-16	190	2.66%	BENDIGO/ADELAIDE	Term Deposit	A2/A-	5.26%	\$1,000,000.00	\$1,000,000.00	\$1,013,846.58
1-Sep-15	16-Mar-16	197	2.81%	NATIONAL AUSTRAL BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$507,583.15
2-Sep-15	23-Mar-16	203	2.75%	COMMONWEALTH	Term Deposit	A2/BBB+	5.26%	\$1,000,000.00	\$1,000,000.00	\$1,015,294.52
2-Sep-15	30-Mar-16	203	2.73%	ANZ	Term Deposit	A-1+	5.26%	\$500,000.00	\$500,000.00	\$507,591.64
9-Sep-15	30-Mar-16	203	2.76%	ANZ	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$508,092.19
23-Sep-15	6-Apr-16	189	2.80%	SUNCORP METWAY	Term Deposit	A1/A+	10.53%	\$500,000.00	\$500,000.00	\$507,249.32
7-Oct-15	13-Apr-16	182	2.85%	BANKWEST	Term Deposit	A+/A-1	8.77%	\$500,000.00	\$500,000.00	\$507,652.05
14-Oct-15	13-Apr-16	182	2.70%	BANKWEST	Term Deposit	A+/A-1	1.75%	\$500,000.00	\$500,000.00	\$507,105.48
21-Oct-15	20-Apr-16	182	2.80%	MY STATE BANK	Term Deposit	A2/BBB	10.53%	\$500,000.00	\$500,000.00	\$506,990.41
21-Oct-15	20-Apr-16	182	2.68%	SUNCORP METWAY	Term Deposit	A1/A+	8.77%	\$500,000.00	\$500,000.00	\$506,980.82
28-Oct-15	27-Apr-16	182	2.90%	PEOPLES CHOICE CU	Term Deposit	A2/BBB+	3.51%	\$500,000.00	\$500,000.00	\$506,681.64
28-Oct-15	27-Apr-16	182	2.75%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$507,230.14
30-Oct-15	4-May-16	187	2.85%	RURAL BANK	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$506,856.16
4-Nov-15	4-May-16	182	2.80%	RURAL BANK	Term Deposit	A2/A-	7.02%	\$500,000.00	\$500,000.00	\$507,300.68
11-Nov-15	4-May-16	175	2.80%	RURAL BANK	Term Deposit	A2/A-	7.02%	\$500,000.00	\$500,000.00	\$506,980.82
18-Nov-15	4-May-16	168	2.80%	PEOPLES CHOICE CU	Term Deposit	A2/BBB+	3.51%	\$500,000.00	\$500,000.00	\$506,443.84
18-Nov-15	4-May-16	168	2.85%	BANKWEST	Term Deposit	A+/A-1	8.77%	\$1,000,000.00	\$1,000,000.00	\$1,013,117.81
25-Nov-15	4-May-16	161	2.80%	NATIONAL AUSTRAL BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$506,175.34
25-Nov-15	4-May-16	161	2.95%	BANK OF QLD	Term Deposit	A2/A-	12.28%	\$500,000.00	\$500,000.00	\$506,506.16
2-Dec-15	4-May-16	154	2.80%	NATIONAL AUSTRAL BANK	Term Deposit	A1+/AA-	10.53%	\$500,000.00	\$500,000.00	\$505,906.85

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INVESTMENTS TREND GRAPH

	July	Aug.	Sept.	Oct.	Nov.	Dec.	JAN	FEB	MARCH	APRIL	MAY	JUNE
2012/13	15,222,707	19,226,222	19,729,634	18,233,007	19,236,193	19,139,166	20,041,929	20,544,234	21,146,431	20,898,747	21,900,823	22,850,823
2013/14	21,508,420	24,510,224	26,511,903	24,413,443	25,414,923	26,416,410	24,918,038	25,919,540	26,821,117	24,772,458	25,273,787	24,273,787
2014/15	21,775,107	25,776,314	26,777,477	25,778,681	26,779,805	25,040,281	19,746,879	21,707,724	21,508,788	20,509,688	22,010,564	23,511,382
2015/16	25,012,218	28,513,010	29,013,727	29,014,456	28,515,115	29,015,832						





Subject	ALLIED MILLS SITE - LAND DEDICATIONS
File Ref	Allied Mills
Prepared by	Phil Sarin - Director Planning and Environment
Reasons	Update Council on land dedication for the Allied Mills site
Objective	For Council to finalise its response on the land dedication issue

Overview of Report

This report provides an update on the status of land dedications for the Allied Mills site.

1.0 Background

In December 2014, the Council considered a report on the proposed open space dedication for the former Allied Mills and resolved that the General Manager investigate the matter further and prepare a follow up report (refer to **Attachment 1**).

Over the past year further negotiations have taken place between Council officers and the project proponents (EG Funds Management) and more detailed information has been provided on landscaping and the proposed road dedications.

In the interim, the applicant has commenced construction of Stages 1 & 2 and has recently lodged development applications for Stages 3 & 4.

Councillors may recall that officers had expressed reservations regarding the proposed open space dedication given the location of a two level café in the central area of this space, potential issues with longer term access arrangements through the open space to service the retail/commercial area in the Mungo Scott building and the fact that an additional 80 dwellings (making for a total of 380 dwellings on the site) had been approved through the concept plan amendment (without any increase in open space provision) making this area even more essential for the future occupants of the site.

2.0 Further Information

Internal Roads

Stage 3 and 4 development applications have now been lodged and involve conversion of the 'four-pack' silos and new attached apartment building, basement car parking, conversion of the Mungo Scott building into retail/commercial use and a new apartment building on the Marrickville Council side of the Hawthorne Canal with access from Smith Street.

ALLIED MILLS SITE - LAND DEDICATIONS

The more detailed planning and design for these stages, particularly in relation to Stage 3, has revealed that more basement car parking has been required and this car parking will encroach under a new road originally intended to be dedicated to the Council. The intention now is for this road to be retained as part of the development site with public access being provided through an easement and right of way.

Given these changed circumstances and issues Council officers have had with the applicant's design of the two new internal roads, which connect with Smith and Edward Streets, it is the view of officers that all 'internal roads' providing service access to various uses and basement car parking within the site should now be retained as part of the development site with public access provided through easements and rights of way.

The advantage for the Council is that these roads, which just service the subject site, will not become part of the Council's local road network and therefore a future maintenance liability. The applicant still wishes for Council to manage on street parking within these roads, which is a reasonable request, and this can be addressed through a future agreement. Council's waste collections services for the subject site will be provided through these road links.

Open Space

As advised previously, officers are of the view that it would be preferable for the open space area to be retained as communal open space within the development site for the following reasons:

- Council's original preference was for this space to be unencumbered, however, the concept plan approval granted to the developer by the Planning Assessment Commission allowed the provision of a two level cafe to be erected in a central location within this space.
- The cafe would, in the view of Council officers:
 - compromise the integrity of the space
 - create potential access and servicing difficulties
 - restrict important public vistas to the light rail station through the open space
 - obstruct the view to the Mungo Scott building from Smith Street
 - fragment the space and therefore undermine its 'useability' for general open space purposes.

ALLIED MILLS SITE - LAND DEDICATIONS

- The open space has also been designed to act as an overland flow detention basin in major rainfall events thereby compromising its suitability for open space purposes.
- The layout of buildings and land use allocation in this area would potentially make it difficult to define public/private boundaries - an important consideration in terms of future maintenance obligations.
- With the number of approved dwellings on the site increased from 300 to 380 this space is of greater benefit and value to future occupants of the site.

3.0 Next Steps

In December 2015, senior Council officers met with the project proponents to discuss ongoing issues the developer was having with the Council over the land dedications and it was agreed that the issues of concern officers had raised were not readily resolvable. It was therefore agreed that the future management of residential and retail/commercial uses on the site would be better served by retaining the open space for communal use of future residents and the two new roads as internal roads to service the site, subject to public access being allowed through these areas.

4.0 Conclusion

Given that a more resolved design has now been progressed for all stages of the former Allied Mills site, it has become evident the site is likely to be managed more effectively through retention of the open space and internal roads as part of the development site.

It is therefore recommended that Council advise EG Funds Management of the preference for the open space and internal roads to be retained in private ownership but publicly accessible via an easement to the Council.

ATTACHMENTS

Attachment 1	Previous Report	4 Pages
Attachment 2	Land Dedication Map	1 Page

ALLIED MILLS SITE - LAND DEDICATIONS

RECOMMENDATION

- 1/2 That Council advise EG Funds Management of the preference for the open space and internal roads to be retained in private ownership but publicly accessible via an easement to the Council.**
- 2/2 That Council grant delegation to the General Manager to put into effect the above outcome.**

PHIL SARIN
Director Planning and Environment

Ashfield Council – Report to Ordinary Meeting held on Tuesday 09 December 2014

CM10.10

Subject	ALLIED MILLS SITE - OPEN SPACE DEDICATION
File Ref	Allied Mills
Prepared by	Phil Sarin - Director Planning and Environment
Reasons	Inform Council of proposed open space dedication in Allied Mills site redevelopment
Objective	For Council to consider its response to the proposal

Overview of Report

This report outlines details of the proposed dedication of part of the Allied Mills redevelopment site at 2-32 Smith Street, Summer Hill to Council for open space purposes.

1.0 Introduction

At Council's meeting on 23 September 2014 a report was prepared for Council's consideration on the Stage 2 component of the Allied Mills site redevelopment which comprised the following:

- demolition of buildings (including the substation) except the 6 silos, the Mungo Scott Building and former amenities building
- conversion and additions to the silos to create a 11 level building comprising 45 dwellings and 216m² of commercial floor space
- construction of a 7 level building comprising 14 dwellings
- construction of a 2 level (with attic) terrace building comprising 6 dwellings
- construction of a part 3 and part 6 level building comprising 18 dwellings
- conversion of a 2 level building to commercial use comprising 244m² of floor area
- 108 car space basement car parking
- construction of new road from Edward Street providing access to basement and future stage 3
- land dedication to Council

This application required the consent of the Sydney East JRPP and the report was intended to provide Council with the opportunity to comment on the proposal. Unfortunately, the Council was not able to provide its comments on the matter as a quorum of Councillors was not present to consider and determine a response. Consequently, no submission from Council was made to the JRPP on the development application.

2.0 Open Space Issues

Ashfield Council
Meeting Held 09 December 2014
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Ashfield Council – Report to Ordinary Meeting held on Tuesday 09 December 2014

CM10.10

ALLIED MILLS SITE - OPEN SPACE DEDICATION

One of the issues raised in the assessment report was the intended dedication of 'open space' within the development site to Council for public purposes. The officer's report noted that additional land not previously identified to be dedicated was included in the proposal as public open space.

The officer's report did not support the dedication of any of the Smith Street land to the Council for open space purposes for the following reasons:

- Council's original preference was for this space to be unencumbered, however, the concept plan approval granted to the developer by the Planning Assessment Commission allowed the provision of a two level cafe to be erected in a central location within this space (see plans at **Attachment 1**).
- The cafe would, in the view of Council officers:
 - compromise the integrity of the space
 - create potential access and servicing difficulties
 - restrict important public vistas to the light rail station through the open space
 - obstruct the view to the Mungo Scott building from Smith Street
 - fragment the space and therefore undermine its 'useability' for general open space purposes.
- The open space has also designed to act as an overland flow detention basin in major rainfall events thereby compromising its suitability for open space purposes.
- The layout of buildings and land use allocation in this area (still to be resolved in detail) would potentially make it difficult to define public/private boundaries - an important consideration in terms of future maintenance obligations.
- With the developer seeking to increase the number of approved dwellings on the site by 80 (to a total of just under 400 apartments) this space was realistically of more benefit and value for future occupants of the site rather than the general public.

The assessment officer recommended specific conditions of consent which did not support the dedication of this land to Council for public open space but still required the land to be publicly accessible. These conditions were not imposed on the development consent granted by the JRPP for the Stage 2 proposal. The view of the JRPP was that this matter was one for negotiation between the Council and developer.

3.0 Matters for further negotiation

Senior Council officers conducted a site inspection a few weeks ago to examine the concept plans that have been prepared with the development applications and consider issues with the dedication of the land.

Given Council's well documented lack of open space within the LGA any new dedication of land needs to be carefully checked to determine if it is suitable and on what basis, if any, it should be accepted.

The developer has submitted a possible subdivision plan for the area in question (refer to **Attachment 2**) which indicates the areas proposed to be dedicated to the Council as a public reserve.

Ashfield Council
Meeting Held 09 0000 2014
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Ashfield Council – Report to Ordinary Meeting held on Tuesday 09 December 2014

CM10.10

ALLIED MILLS SITE - OPEN SPACE DEDICATION

Some design work has been developed for these spaces as part of the first two development application stages, however, more detail is required to establish specific treatments, materials, levels, how easement and access arrangements will work and what uses are envisaged for the Stage 3 commercial/retail component and how these uses will interface with the publicly accessible land. In addition, it is important to integrate work planned within the Ashfield part of the 'Lewisham West' precinct with work taking place on the Marrickville side of the light rail corridor where land is also proposed to be dedicated for open space purposes.

Apart from the above matters, if Council were to accept land to be dedicated a number of issues would need to be investigated and discussed further with the developer:

- Is the cafe component of the proposal 'fixed' or is there scope for this aspect of the development to be reconsidered or reconfigured.
- Will the developer agree to the payment of all developer contributions (for all current and future development stages) if the Council were to accept an agreed portion of the site as public open space. This is a significant issue given that the land in question is required open space for the subject development - i.e. it is not 'surplus' open space made available to the Council.
- Given the somewhat 'blurred' boundaries between what could be public/private land within the development site is there an opportunity to consider ongoing contributions through an agreement for maintenance and upkeep of land to be dedicated to the Council.

To assist the Council in finalizing its position in relation to the land dedication it is recommended that the General Manager be authorized to investigate the matters outlined in the report and hold discussions with the developer to ascertain their response to these issues.

The outcome of further investigations and discussion could then be reported back to Council for its consideration and a specific recommendation concerning the land dedication.

4.0 Conclusion

At this time there is still a number of unknown and unresolved details to be investigated and considered before the Council is in a position to determine a definitive response to the proposed open space dedication.

It is therefore recommended that the General Manager be authorised to undertake further investigations and negotiations with the developer to progress the matter.

ATTACHMENTS

Attachment 1	Cafe Plans	3 Pages
Attachment 2	Subdivision Plan	1 Page

Ashfield Council – Report to Ordinary Meeting held on Tuesday 09 December 2014

CM10.10

RECOMMENDATION

That the General Manager be authorised to investigate the land dedication issue further in consultation with the developer and provide a follow up report to Council for consideration.

PHIL SARIN
Director Planning and Environment



Subject	WESTCONNEX PROPERTY ACQUISITIONS
File Ref	WestConnex
Prepared by	Phil Sarin - Director Planning and Environment
Reasons	Update Council on property acquisition process for the M4 East WestConnex project
Objective	For Council to consider the proposed offer of compensation by RMS

Overview of Report

This report outlines details of the RMS compensation offer for two parcels of Council land required for the M4 East WestConnex project.

1.0 Background

At the last Council meeting in December 2015 the Council considered and noted a report on the first round of property acquisitions the RMS proposes, which involve Council owned land required for the WestConnex M4 East motorway project (see copy of previous report at **Attachment 1**).

The RMS has now published the acquisition notice in the Government Gazette and submitted further correspondence outlining the compensation notice and amount it is prepared to pay for the parcels in question, which are part of Reg Coady Reserve and the adjacent roadway (see correspondence and valuation report in **Attachment 2**).

2.0 Next Steps

The amount of compensation being offered by the RMS for the two parcels of land (\$926,915) is less than half the amount recommended by Council's independent valuer. The valuation reports prepared for Council were included as a confidential attachment to the previous report.

Given the significant disparity between the RMS offer and the valuation obtained by the Council it is recommended that the offer be rejected and an objection be lodged with the Land & Environment Court (Class 3 proceedings before a judge). The Court will then determine an appropriate value for the parcels after hearing submissions from both parties.

Council has 90 days from receipt of the compensation notice (4 January 2016) within which to lodge an objection with the Land & Environment Court.

3.0 Conclusion

WESTCONNEX PROPERTY ACQUISITIONS

The RMS offer is well below expectations and should not be accepted. It is therefore recommended that the most appropriate course of action is to challenge the compensation being offered through the Land & Environment Court process.

ATTACHMENTS

Attachment 1	Previous Council Report	3 Pages
Attachment 2	RMS Compensation Notice and Valuation	24 Pages

RECOMMENDATION

- 1/2 That the RMS be advised that the Council does not accept the proposed offer of compensation for Lot 1 DP 169385 and Lot 5 DP 733249 outlined in the compensation notice.**
- 2/2 That Council's solicitor be instructed to lodge an objection with the Land and Environment Court (Class 3 proceedings) on Council's behalf and engage an appropriate expert(s) to present evidence in support of the Council's valuation advice.**

PHIL SARIN
Director Planning and Environment

Ashfield Council – Report to Ordinary Meeting held on Tuesday 15 December 2015

CM10.14

Subject	WESTCONNEX PROPERTY ACQUISITIONS
File Ref	WestConnex
Prepared by	Phil Sarin - Director Planning and Environment
Reasons	Inform Council of intended property acquisitions related to the M4 East WestConnex project
Objective	For Council to note the advice

Overview of Report

This report provides information relating to the proposed acquisition of Council land by the Roads and Maritime Services to facilitate development of the M4 East WestConnex project.

1.0 Background

Over the past few months the Roads & Maritime Services (RMS) division of Transport for NSW has been issuing letters and notices to property owners regarding the acquisition of land required for the M4 East WestConnex project.

Letters and notices have been served on the Council for the acquisition and lease of land on and in the vicinity of Reg Coady Reserve at Haberfield (refer to **Attachment 1**).

Councillors will recall that in the current plans for the M4 East WestConnex project (still in its assessment phase) the tunnel exit and entrance locations connecting with Wattle Street/City West Link Road require the widening of the existing road for both construction and final alignment purposes.

In the construction phase of the project the intention is for heavy vehicles carrying excavated material from the Parramatta Road construction site to travel up Wattle Street to Waratah Street, do a u-turn and then go back down Wattle Street and on to Parramatta Road for the trip out west to dump the spoil.

2.0 Affected Land

The Council land to be acquired and/or leased is identified in the map in **Attachment 2**.

The parcels are described in the following table:

Ashfield Council – Report to Ordinary Meeting held on Tuesday 15 December 2015

CM10.14

WESTCONNEX PROPERTY ACQUISITIONS

Lot/DP	Area	Description	RMS requirement	Status
Lot 5 DP 733249	494.5 m ²	Part of Reg Coady Reserve	Full acquisition	Property Acquisition Notice (PAN) issued
Lot 1 DP 169385	1264.6 m ²	Part of Reg Coady Reserve and Dobroyd Parade/City West Link Road Reserve	Full acquisition	Property Acquisition Notice (PAN) issued
Part Lot 3 DP 852452	Total Area	Part of Reg Coady Reserve	Part full acquisition and part lease	Letter of intent to acquire and lease issued
Part Lot 4 DP 852452	2295m ² (acquired)	Part of Reg Coady Reserve	Part full acquisition and part lease	Letter of intent to acquire and lease issued
Part Lot 9 DP 852452	1125m ² (leased)	Part of Reg Coady Reserve	Part full acquisition and part lease	Letter of intent to acquire and lease issued

3.0 The Acquisition Process

The acquisition process can proceed by way of negotiated acquisition or compulsory acquisition. The RMS, like councils, has the power to acquire land under the Roads Act 1993. The compensatory provisions for the acquisition of land to be compulsorily acquired are contained in the Land Acquisition (Just Terms Compensation) Act 1991.

The basic steps under this process are as follows:

- Property Acquisition Notice (PAN) issued - this has been carried out for Lots 1 & 5 (see above table).
- PAN advises RMS will acquire land after 90 days.
- PAN includes compensation form.
- Council has 90 days from issue of the PAN to obtain a valuation and complete the claim form.
- If the 90 day period expires without agreement RMS can publish an acquisition notice in the Government Gazette.
- On the date of publication of the notice the land vests in the RMS.
- Within 30 days of the publication of the notice the RMS must issue a compensation notice to Council with the amount it is prepared to pay for the land.
- If Council does not accept the amount of compensation offered it can lodge an objection to the Land & Environment Court (Class 3 proceedings before a judge). These proceedings must be commenced within 90 days of receipt of the compensation notice.

As noted above, the RMS has commenced the formal acquisition process with respect to Lots 1 and 5 and advised that if no negotiated agreement has been reached by 11 December 2015 it will proceed with publication of the compulsory acquisition notice in the Government Gazette on or about 18 December 2015. If this is followed through then the

Ashfield Council – Report to Ordinary Meeting held on Tuesday 15 December 2015

CM10.14

WESTCONNEX PROPERTY ACQUISITIONS

RMS will be required to advise the Council, within 30 days of the notice publication date, of its formal offer of compensation for these two parcels.

It is the view of Council officers that the Council should allow this process to conclude and wait on the receipt of the formal offer of compensation, which, if the above timetable is adhered to, should be received by no later than mid January 2016. An update will then be reported to the Council in February 2016 and a position can then be taken on whether or not to accept the offer of compensation.

Council officers have been liaising with our solicitors throughout this process and, for the purposes of further negotiations and consideration, valuations have been obtained for the land to be acquired and/or leased. The valuation reports are contained in a confidential attachment to this report.

4.0 Conclusion

While it can be argued that the current acquisition process is somewhat premature given that the WestConnex project has yet to receive any development approval, the Council needs to be in a position to respond to any formal offer of compensation. It is hoped that in the assessment of the project application that the intended construction traffic access route proposed for Wattle Street/City West Link Road will be reviewed and an alternative more direct route for heavy vehicle access to Parramatta Road can be established. If this were to occur then it is possible that less of Reg Coady Reserve will be alienated during the project's construction phase.

ATTACHMENTS

Attachment 1	RMS Correspondence	13 Pages
Attachment 2	Property Acquisition Map	1 Page
Attachment 3	Valuation Report - - CONFIDENTIAL ATTACHMENT <i>- It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the matter relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.</i>	58 Pages

RECOMMENDATION

That the report be received and noted.

PHIL SARIN
Director Planning and Environment

RMS reference: SF2015/202628; No 620 & 621
Mr Quill T. 8588 5247 F. 8588 4114

30 December 2015

Ashfield Council
DX 21221
ASHFIELD



Transport
Roads & Maritime
Services



WestConnex (M4 East) Motorway. Ashfield Council area. Compulsory acquisition (18 December 2015) of Lot 5 Deposited Plan 733249 and Lot 1 Deposited Plan 169385, being the whole of the property known as Lot 5 and Lot 1 Dobroyd Parade at Haberfield from Ashfield Council.

I refer to my letter dated 14 September 2015 and advise that I was asked to arrange the compulsory acquisition of the subject land because timely agreement was not reached. Accordingly, the acquisition notice was published in the Government Gazette on 18 December 2015. A copy of the page of the Gazette showing the acquisition notice forms part of the accompanying compensation notice.

Roads and Maritime Services' (RMS) offer to you of \$926,915 compensation, as determined by the Valuer General, and associated documents in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 (the Act), is herewith, together with a copy of the Valuer General's accompanying valuation report.

Please note that the amount determined by the Valuer General includes provision for all components of compensation and is the full amount that the Act requires RMS to offer.

The procedures for you to accept the determined amount of compensation are set out in the compensation notice. Attached to the notice are documents which you must complete, sign and return to me before payment can be made.

It is also necessary for a properly completed claim form to be received prior to payment of any part of the compensation. A claim form (Form 2) was attached to my letter dated 14 September 2015. Please complete and return the claim form if you have not already done so and write in the date of your claim in the space provided in clause 1 (b) of the deed. Each of the people named as "Releasors", together with any other people who signed or endorsed your claim form, must sign where shown at the end of the deed and the direction as to payment form.

I look forward to receiving a prompt reply.

Yours sincerely

A handwritten signature in black ink, appearing to read "K Durie".

K Durie
Manager, Compulsory Acquisition & Road Dedication

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

FORM 3

SECTION 42

Compensation Notice

TO: Ashfield Council
DX 21221
ASHFIELD

1. A proposed acquisition notice dated 14 September 2015 was given to you by Roads and Maritime Services advising that your interest in the land described in the attached schedule would be compulsorily acquired.
2. The acquisition notice was published in Government Gazette No 116 of 18 December 2015. A copy of the page of the Gazette on which the notice appears is enclosed for your information.
3. The effect of the acquisition notice is to extinguish your interest in the land and convert such interest into a claim for monetary compensation.
4. The Valuer General has determined the amount of compensation to be offered to you for your interest in the acquired land at \$926,915. A copy of the determination is attached.
5. If this amount of compensation is acceptable you should:
 - (i) sign the attached forms
 - (ii) return the forms to:

The Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services
Locked Bag 928
NORTH SYDNEY NSW 2059
 - (iii) if you have not returned the claim for compensation (form 2) you must send it with the acceptance forms, otherwise compensation cannot be paid to you.
6. If the offer of compensation is not acceptable and you have lodged a claim for compensation with Roads and Maritime Services you may lodge an objection with the Land and Environment Court within 90 days of the date you receive this notice.
7. If you do not respond to this offer and do not lodge an objection within 90 days then you will be deemed to have accepted the offer and the compensation monies will be paid into a special trust account to be held on your behalf until you lodge a claim for compensation, the acceptance of offer of compensation forms (duly completed) and any relevant documents of title.

FORM 3

Page 2

8. If you lodge an objection with the Land and Environment Court you will be paid 90% of \$926,915 within 28 days after notice of institution of proceedings is given to Roads and Maritime Services and the matter of compensation will be determined by the Land and Environment Court.



K Durie
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services
Locked Bag 928
NORTH SYDNEY NSW 2059

30 December 2015

SCHEDULE

Lot 5 Deposited Plan 733249 and Lot 1 Deposited Plan 169385, being the whole of the land in Certificate of Title 5/733249 and 1/169385 respectively.

NOTES:

Payment of the compensation will be made in full within 28 days of you:

- A. Returning to Roads and Maritime Services a completed claim for compensation form which confirms your entitlement to the whole of the compensation.
- B. Signing and returning properly completed:
1. The annexed deed of release and indemnity; and
 2. The direction as to payment form.

(RMS Papers SF2015/202628; RO SF2014/008996)

Government Notices

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Haberfield in the Ashfield Council Area

Roads and Maritime Services by its delegate declares, with the approval of His Excellency the Governor, that the land described in schedule 1 and the interests in land described in schedule 2 below are acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993*.

K DURIE

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule 1

All those pieces or parcels of land situated in the Ashfield Council area, Parish of Concord and County of Cumberland, shown as:

Lot 5 Deposited Plan 733249 and Lot 1 Deposited Plan 169385, being the whole of the land in Certificates of Title 5/733249 and 1/169385 respectively and said to be in the possession of Ashfield Council;

Lot 6 Strata Plan 7612, being the whole of the land in Certificate of Title 6/SP7612 and said to be in the possession of Cameron Wheatley (registered proprietor) and Members Equity Bank Limited (mortgagee);

Lot 2 Strata Plan 6501, being the whole of the land in Certificate of Title 2/SP6501 and said to be in the possession of Giuseppe Alibrandi, Bruna Alibrandi and Arturo Alibrandi (registered proprietors), AMP Bank Limited (mortgagee) and Andrew Aravanis (caveator);

Lot 4 Strata Plan 6501, being the whole of the land in Certificate of Title 4/SP6501 and said to be in the possession of Mohammad Nader Mashal and Suhaila Mashal (registered proprietors), Australia and New Zealand Banking Group Limited (mortgagee) and Hakan Kaynar (reputed tenant); and

Lot 6 Strata Plan 6270, being the whole of the land in Certificate of Title 6/SP6270 and said to be in the possession of Man Ke and Yuk Fong Chung.

Lot 6 Strata Plan 7612 remains subject to the strata scheme based on Strata Plan 7612; Lots 2 and 4 Strata Plan 6501 remain subject to the strata scheme based on Strata Plan 6501; and Lot 6 Strata Plan 6270 remains subject to the strata scheme based on Strata Plan 6270.

Schedule 2

The interest of the tenant in Lot 4 Strata Plan 7612, being land in Certificate of Title 4/SP7612;

the interest of Ruth Holz and Paul Holz (tenants) in Lot 7 Strata Plan 7612, being land in Certificate of Title 7/SP7612;

the interest of Venera Spata (tenant) in Lot 8 Strata Plan 7612, being land in Certificate of Title 8/SP7612;

the interest of Othmane Mekency (tenant) in Lot 8 Strata Plan 6501, being land in Certificate of Title 8/SP6501;

the interest of Silvana Dimech-Conti (tenant) in Lot 9 Strata Plan 7612, being land in Certificate of Title 9/SP7612;

the interests of Jennifer Strawbridge and Samer Ayoub (tenants) in Lot 36 Section B Deposited Plan 1756, being land in Certificate of Title 36/B/1756; and

the interest of Chanelle Muagututia and Ramai Pohe (tenants) in Lot 1 Deposited Plan 110050, being land in Certificate of Title 1/110050.

(RMS Papers: SF2015/119209)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Homebush in the Strathfield Municipal Council Area

Roads and Maritime Services by its delegate declares, with the approval of His Excellency the Governor, that the land described in schedule 1 and the interest in land described in schedule 2 below are acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993*.

K DURIE

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

DETERMINATION OF COMPENSATION

Land Acquisition (Just Terms Compensation) Act 1991
Valuation of Land Act 1916



Valuer General

Valuer General's reference: VGC-JT-00339

Authority's reference: SF2015/119209

ACQUIRING AUTHORITY: Roads and Maritime Services.

CLAIMANT: Ashfield Council.

PARTICULARS OF LAND ACQUIRED: All those pieces or parcels of land situated in the Ashfield Council area, Parish of Concord and County of Cumberland, shown as Lot 5 Deposited Plan 733249 and Lot 1 Deposited Plan 169385, being the whole of the land in Certificates of Title 5/733249 and 1/169385 respectively.

DATE OF ACQUISITION: 18th December 2015.

DETERMINATION OF COMPENSATION: Nine Hundred and Twenty Six Thousand, Nine Hundred and Fifteen Dollars (\$926,915).

The above determination comprises:

Market value	Section 55 (a) \$885,000
Special value	Section 55 (b) Not Applicable
Severance	Section 55 (c) Not Applicable
Disturbance	Section 55 (d) \$41,915
Solatium	Section 55 (e) Not Applicable
Increase in the value of other land	Section 55 (f) Not Applicable
Decrease in the value of other land	Section 55 (f) Not Applicable

Any liability for the GST is a factor in the market for property and is therefore embedded in the land's market value as defined in section 56 of the Land Acquisition (Just Terms Compensation) Act 1991, and also in allowances for certain other costs. Consequently this determination is GST inclusive where applicable.

The valuation report VOG-JT-00339 that was considered in making this determination is annexed. For more information on the report, please contact the Just Terms Compensation Unit via email at Just_Terms@lpi.nsw.gov.au or telephone 02 9860 5200.

Signature

A handwritten signature in black ink, appearing to read 'P. Goldsmith'.

Name: Paul Goldsmith

Registered Valuer No: 3099

for Simon Gilkes, NSW VALUER GENERAL

Date: 23 December 2015

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

SECTION 44

DEED OF RELEASE AND INDEMNITY

THIS DEED made the _____ day of _____ 2016.

BETWEEN: ROADS AND MARITIME SERVICES

("RMS") of the one part

AND: ASHFIELD COUNCIL
DX 21221, ASHFIELD

("the Releasor") of the other part

WHEREAS:

- A. By acquisition notice published in the Government Gazette of 18 December 2015 the land described in the schedule hereto was compulsorily acquired by RMS.
- B. The Releasor has agreed to accept compensation offered by RMS and to enter into this deed pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

NOW THIS DEED WITNESSES:

1. The Releasor:-
 - (a) accepts the sum of \$926,915 compensation offered in RMS's compensation notice dated 30 December 2015, together with statutory interest, in full satisfaction for the acquisition by RMS of the Releasor's interest in the land described in the schedule hereto;
 - (b) confirms that the nature and extent of the Releasor's interest has not in any way altered from the interest disclosed in the claim for compensation signed by the Releasor and dated; and
 - (c) confirms that the Releasor will not in any manner attempt to dispose of the interest in the land compulsorily acquired by RMS.

2.

2. In consideration of the payment by RMS of the amount of compensation and statutory interest set out above the Releasor:-
- (a) hereby releases unconditionally and forever all claims, demands, entitlements which the Releasor has or asserts to have or could, would or might but for this release have against RMS for or in respect of the compulsory acquisition of the land described in the schedule; and
 - (b) agrees to indemnify and keep indemnified RMS from and against any and all claims that may be made against RMS in respect of the said compulsory acquisition, including any claim by any person who establishes a superior interest to the interest claimed by the Releasor in the land described in the schedule.

It is agreed between the parties that this deed shall have effect from the date it is executed by the Releasor notwithstanding it is not and may not be executed by RMS.

IN WITNESS WHEREOF the Releasor has executed this release and indemnity as a deed.

SIGNED SEALED AND DELIVERED
by the said
Ashfield Council
in the presence of:

)
)
)

.....

.....
Witness

.....
Witness name and address (BLOCK LETTERS, please).

SCHEDULE

Lot 5 Deposited Plan 733249 and Lot 1 Deposited Plan 169385, being the whole of the land in Certificate of Title 5/733249 and 1/169385 respectively.

(RMS Papers SF2015/202628; RO SF2014/008996)

SF2015/202628; No 620 & 621 (WestConnex - Haberfield - Wattle Street North - BQ)

SF2015/202628; No 620 & 621

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services
Locked Bag 928
NORTH SYDNEY NSW 2059

WestConnex (M4 East) Motorway. Ashfield Council area. Compulsory acquisition (18 December 2015) of Lot 5 Deposited Plan 733249 and Lot 1 Deposited Plan 169385, being the whole of the property known as Lot 5 and Lot 1 Dobroyd Parade at Haberfield from Ashfield Council. Settlement of compensation.

SETTLEMENT PAYMENT OF COMPENSATION

DIRECTION AS TO PAYMENT

PAYMENT BY CHEQUE ONLY:

Roads and Maritime Services is hereby directed to pay all moneys due upon the settlement of this matter to:-

SIGNED SEALED AND DELIVERED
by the said
Ashfield Council
in the presence of:

)
)
)

.....

.....
Witness

.....
Witness name and address (BLOCK LETTERS, please).



DETERMINATION OF COMPENSATION

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

ACQUISITION BY THE ROADS AND MARITIME SERVICES (RMS)

CLAIMANT: ASHFIELD COUNCIL

PROPERTY LOCATED AT DOBROYD PDE HABERFIELD

LOT 1 DP 169385 & LOT 5 DP 733249

DATE OF GAZETAL: 18 DECEMBER 2015

REFERENCE: VGC-JT-00339

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EXECUTIVE SUMMARY

<u>Purpose of report:</u>	To assess compensation under the Land Acquisition (Just Terms Compensation) Act 1991.
<u>Acquiring Authority:</u>	Roads & Maritime Services (RMS).
<u>Claimant:</u>	Ashfield Council.
<u>Property Address:</u>	Dobroyd Parade Haberfield
<u>Legal Description:</u>	Lot 1 DP 169385 & 5 DP 733249
<u>Acquired Land area:</u>	1,537.5 m ² (1,043 m ² & 494.5 m ²)
<u>Date of Gazettal:</u>	18 December 2015
<u>Date of Inspection:</u>	21 October 2015
<u>Determination Issues:</u>	Freehold value for acquired land.
<u>Highest and Best use:</u>	Public Recreation land.
<u>Valuation approach:</u>	Direct comparison of sales.

Determination:

Section 55(A) – Market Value:	\$885,000
Section 55(B) – Special Value:	Not applicable
Section 55(C) – Loss Attributable to Severance:	Not applicable.
Section 55(D) – Loss Attributable to Disturbance:	\$41,915
Section 55(E) – Solatium:	Not applicable.
Section 55(F) – increase/decrease in value of other land:	Not applicable.
Total Compensation as	\$926,915

Any liability for the GST is a factor in the market for property and is therefore embedded in the land's Market Value as defined in Sec 56 of the Land Acquisition (Just Terms Compensation) Act 1991, and also in allowances for certain other costs, consequently this determination is GST inclusive where applicable.

PURPOSE OF REPORT:

To provide a comprehensive valuation report recommending an amount of compensation payable for the issue of a determination for compensation by the Valuer-General, following the compulsory acquisition of Lot 1 DP 169385 & lot 5 DP 733249. The report is to have regard to the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

ACQUIRING AUTHORITY:

Roads & Maritime Services.

REGISTERED PROPRIETOR:

Ashfield Council.

PURPOSE OF ACQUISITION:

For the purpose of road widening.

DATE OF GAZETAL:

18 December 2015.

DETAILS OF CLAIM:

No supporting valuation was provided.

BASIS OF DETERMINATION:

This determination of compensation is to consider all heads of compensation detailed by Section 55 of the Land Acquisition (Just Terms Compensation) Act, 1991. Section 55 is comprised of:

Section 55 (a) – Market Value
Section 55 (b) – Special Value
Section 55 (c) – Severance
Section 55 (d) – Disturbance
Section 55 (e) – Solatium
Section 55 (f) – Increase/decrease in value of other land.

LEGAL DESCRIPTION:

The subject land is known as all those pieces or parcels of land situated in the Ashfield Local Government area, Locality of Haberfield, Parish of Concord and County of Cumberland, and shown as Lot 1 DP 169385 & lot 5 DP 733249. The land is said to be in the possession of Ashfield Council.

LOCATION:

The subject sites are located on the northern side of Dobroyd Parade and opposite Waratah & Martin Streets. Dobroyd Parade carries substantial vehicle traffic as it is part of the City West Link road. The surrounding streetscape presents a mixture of single dwelling houses & medium density residential development. The property is situated some 8 kilometres west of the Sydney CBD.



SITE DESCRIPTION:

The subject sites are irregular shapes and are relatively flat topography. The land is vacant of structural improvements being grassed with some scattered trees. The total land area is 1,537.5 m² in area and consists of Lot 1 DP 169385 - 1,043 m² & 5 DP 733249 - 494.5 m².

Lot 1 – Is used for public recreation and part of Dobroyd Parade.



Lot 5 – Is used for public recreation.

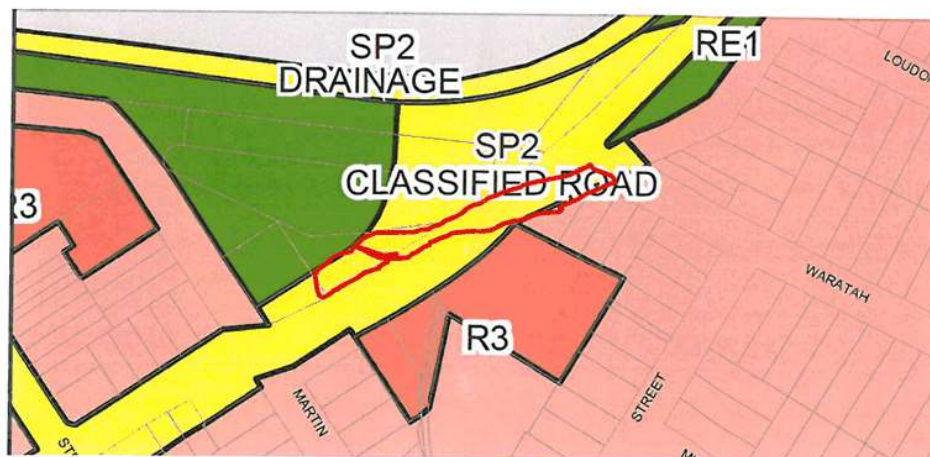


ZONING:

The subject land is zoned SP2 - Infrastructure (Classified Road) under Ashfield Local Environmental Plan 2013. Gazetted on the 23 December 2013.

The subject land does not have any designated FSR or height limits.

The SP2 zoning is considered a step in the acquisition process and therefore I will ignore this zoning and I will adopt the zoning of land adjoining the subject being predominantly RE1 - Public Recreation zone.



Zone SP2 Infrastructure –

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent: Roads

3 Permitted with consent: Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education

facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms.
- To allow land to be used for a limited range of facilities that are compatible with or will complement the specific recreational use for which it is zoned.

2 Permitted without consent: Nil

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water recycling facilities; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3.

ENVIRONMENTAL ISSUES:

The land is assumed not to be contaminated.

There are no mapped areas of known critical habitats, threatened species or endangered ecological communities.

IMPROVEMENTS:

Vacant land.

SALES ANALYSIS:

Sale 1: 105 Frenchs Forest Road West Frenchs Forest	
Land Area: 18,990 m ²	Contract Date: 12/4/2013
Sale Price: \$5,725,000.	Analysed Land Rate: \$301/m ² per site area
Zone: RE1 Public Recreation	Legal description: Lot 1 DP 1179362
Comment: Vacant land sale purchased by Health Administration Corporation from Warringah Council for the construction of a new hospital site. Negotiated sale purchased on an engloba residential basis.	

Compensation Valuation: Gazetteal 18/12/2015 REFERENCE: VGC-JT-00339

Page 8 of 13 pages

Sale 2: 59A Mobbs Lane Epping	
Land Area: 2,028 m ²	Contract Date: 9/11/2012
Sale Price: \$1,815,000	Analysed Land Rate: \$715/m ² per site area
Zone: RE1 Public Recreation	Legal description: Lot 202 DP 1170138
<p>Comment: The property is vacant land. Irregular shaped internal lot on street level, located on the northern side of the street, approx. 65 metres western side of the intersection of Valley Road. This site sold with an approval for a child care centre under the Master Plan for the old channel 7 site by NSW Planning Major Projects. The site was purchased by a child care centre operator; accordingly I have allowed 20% of the purchase price for this DA approval. Under the Parramatta LEP 2011 zoning objectives, child care centres are not on the list of permitted uses within this LEP. Adjusted land value \$1.45 million.</p>	

Sale 3: 151 Park Avenue Ashfield	
Land Area: 476.9 m ²	Contract Date: 17/5/2014
Sale Price: \$1,181,000.	Analysed Land Rate: \$2,229/m ² per site area
Zone: R2 – Low Density Residential	Legal description: Lot 3 DP 1105112
<p>Comment: Vacant land. Sold by RMS at auction. Development Consent and subdivision for two dwellings approved before sale for two dwellings. Rear lane access from Park Lane. Adjustments for the approved DA say 10% as 1,063,000</p>	

I have sourced further market evidence between the date of inspection and the gazettal date and no further relevant sales have occurred to show any variation in the market.

VALUATION RATIONALE:

In determining compensation I have had regard to the provision of the Land Acquisition (Just Terms Compensation) Act 1991.

Heads of compensation detailed by Section 55 comprise:

- (a) The market value of the land on the date of its acquisition;
- (b) Any special value of the land to the person on the date of its acquisition;
- (c) Any loss attributable to severance;
- (d) Any loss attributable to disturbance;
- (e) Solatium;
- (f) Any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of the public purpose for which the land was acquired.

(a) The market value of the land on the date of its acquisition;

Market value of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid):

- (1)(a) Any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired, and
(b) Any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired, and
(c) Any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.
- (2) When assessing the market value of land for the purpose of paying compensation to a number of former owners of the land, the sum of the market values of each interest in the land must not (except with the approval of the Minister responsible for the authority of the State) exceed the market value of the land at the date of acquisition.

Section 55 (A) & 56 Market Value:

The Just Terms Act requires that an assessment be made of the market value of the acquired land. As the above definition states it means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid. That includes any advantages or disadvantages that it may possess at the date of its acquisition.

In determining the market value I have considered the following:

- 1) The highest and best use of the subject property is for public recreation use.
- 2) The SP2 zoning is considered a step in the acquisition process and therefore I will ignore this zoning and I will adopt the zoning of land adjoining the subject being predominantly RE1 - Public Recreation zone.
- 3) The land that is part of Dobroyd parade, I have assumed this land prior to the road being built as public recreation.

When determining market value for the land, comparison is best made with comparable market evidence. These may not always be available in immediate area. In these instances a value judgement must be made of the evidence by a Valuer who has the qualifications, training and experience to make the necessary judgement as to the merits or otherwise of the subject property in comparison with available evidence.

The subject land is zoned and used for public recreation. I will therefore adopt rates for land zoned and used for recreation purposes.

Where a parcel of land is set aside for Public Recreation, its value will be related to the price that a willing but not anxious seller is willing to accept from a willing but not anxious buyer, given that such purchaser will be using the land for that which constitutes for it the highest and best use of the land.

In summary, where as the highest and best use of the acquired land is Public Recreation; it should be valued according to comparable sales of land acquired for recreation purpose and not any other purposes (residential/business).

There is no doubt that most Councils and State Government agencies are willing to sell or swap land zoned or reserved for open space purposes, so as to fund the purchase of other land in better locations or to augment existing parkland. Therefore in order to assess market value for subject lands it is assumed the subject land is available for sale and there is a purchaser out there willing to buy this land.

Previous court cases have addressed compensation based on what would it cost the council to replace the land if it was deprived of it. In arriving at this conclusion the court considered what are the immediate market conditions in and around the

subject property and the supply and demand factors plus the physical attributes of the land.

Whilst Ashfield Council has purchased properties for public recreation in the past there is no current evidence of such purchases in the subject locality.

In arriving at the value of the subject property, I have adopted the assessment of comparable sales approach for appropriately zoned land as my primary method of valuation.

Sales are used as a market guide to set our parameters and gauge what a purchaser would expect to pay for the site.

In arriving at the value of the subject land, I have relied upon the sales analysed (refer to pages 7-8). Also see summary below:

No	Address	Adjusted land value	Site Area	Value rate per site area \$/m ²	Comment
1	105 Frenchs Forest Road Frenchs Forest	\$5,725,000	18,990	\$301	Zoned Public Recreation. Large site purchased for a hospital by the State Government
2	59A Mobbs Lane Epping	\$1,450,000	2,028	\$715	Zoned Public Recreation. Purchased for a child care centre.
3	151 Park Avenue Ashfield	\$1,063,000	476.90	\$2,229	Zoned R2 - low Density Residential. Sold as vacant land

Sales are used as a market guide to set our parameters and gauge what a purchaser would expect to pay for the site.

Adjustments to the public recreation zoned sales when comparing it to the subject should take account of position, quality, state of readiness and the like.

Sales of public recreation/open space land range between \$301 to \$715/m², with the latter sale being a superior location. Land zoned for residential development equated to \$2,229/m².

As mentioned previously in order to assess market value for subject land it is assumed the subject land is available for sale and there is a purchaser out there willing to buy this land.

The subject is restricted by its ability to be used for what is stipulated in the zone objectives which is:

Permitted with consent: Boat launching ramps; Boat sheds; Building identification signs; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water recycling facilities; Water storage facilities.

The subject has no fixed FSR's or height limits. It is assumed that given its zoning and location a low scale development would be achieved. The shape of the subject also would affect the potential.

I have constructed a comparison table to assess the value of the subject.

Address	105 Frenchs Forest Road Frenchs Forest	59A Mobbs Lane Epping	151 Park Avenue Ashfield
Analysed rate per land area	\$301	\$715	\$2,229
Adjustment for time	10%	10%	10%
Adjust for size	50%	0%	-10%
Adjust for location	-5%	-15%	-10%
adjust for zoning	0%	0%	-50%
Adjust for topography/shape	-10%	-15%	-20%
Total adjustments	45%	-20%	-80%
Adjusted land value ate for application to the subject	\$437	\$572	\$446
Subject land area m ²			
1,538	\$672,100	\$879,438	\$685,411

The table above suggests the value of the subject ranges from \$672,000 to \$879,438. Overall I am of the opinion that the subject land value should be valued at \$575/m² per site area being the top of the indicative values.

Market value of land: Acquisition area 1,537.5 m² @ \$575/m² = \$884,062.50 **as \$885,000** (Land Value).

Section 55 (b) & 57 Any special value of the land to the person on the date of its acquisition;

Special value of land means the financial value of any advantage, in addition to market value, to the person entitled to compensation, which is incidental to the person's use of the land.

Special value is a quality of the land itself which is special only in the sense that the use to which it has been put to by the owner is substantially unique to this site alone. What has to be determined is if the land has a special value to the owner over and above the market value. **Special Value is not considered to be applicable in this valuation.**

Section 55 (c) & 58 Any loss attributable to severance;

Loss attributable to severance of land means the amount of any reduction in the market value of any other land of the person entitled to compensation which is caused by that other land being severed from other land of that person.

Severance is not considered to be applicable in this valuation.

Section 55 (d) & 59 Any loss attributable to disturbance; legal and valuation fees.

Loss attributable to disturbance of land means any of the following:

(a) Legal costs reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land. I will adopt a reasonable legal fee of **\$3,300**.

(b) Valuation fees reasonably incurred by those persons in connection with the compulsory acquisition of the land. I will adopt a reasonable valuation fee of **\$3,300**.

(c) Financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs). **Not applicable.**

(d) Stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired). **\$35,315.**

(e) Financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage), **Not applicable.**

(f) Any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition. **Not applicable.**

Total Disturbance costs \$41,915.

Section 55 (e) & 60 Solatium;

Solatium means compensation to a person for non-financial disadvantage resulting from the necessity of the person to relocate his or her principal place of residence as a result of the acquisition. **Solatium is not applicable in this acquisition.**

Section 55 (f) Any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of the public purpose for which the land was acquired.

This is usually termed compensation for injurious affectation. Depending on the impositions caused to the adjoining land, the compensation can be assessed as a percentage of loss in value of the adjoining land. The percentage decrease in value should be assessed having regard to the potential loss of value; this is often a difficult sum to determine based on market evidence and most often is a subjective interpretation of the loss determined by the Valuer. **It is my opinion that the residue land will not suffer a decrease in value resulting from this acquisition.**

DETERMINATION:

The determination of compensation subject to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 as at the 18 December 2015 is considered to be:

Section 55(A) – Market Value:	\$885,000
Section 55(B) – Special Value:	Not applicable
Section 55(C) – Loss Attributable to Severance:	Not applicable.
Section 55(D) – Loss Attributable to Disturbance:	\$41,915
Section 55(E) – Solatium:	Not applicable.
Section 55(F) – increase/decrease in value of other land:	Not applicable.
Total Compensation as	\$926,915



ERROL FERDINANDS AAPI (Val)
Certified Practising Valuer
Registration No. 2768
18/12/2015

QUALIFICATIONS AND DISCLAIMERS:

1. I have no pecuniary interest or conflict of interests in the said property past, present or prospective, and the opinion expressed is free of any bias in this regard. The Valuation has been made in conformity with the Code of Professional Ethics and Conduct laid down by the Australian Property Institute and the Regulations under the New South Wales Valuers Registration Act, 2003 as amended.
2. This report has been prepared for the private and confidential use of The Valuer-General for the purpose of determining compensation only. It should not be reproduced in whole or in part or relied upon by any other party for any purpose. The warning registered here, is that any party, other than those specifically named in this paragraph, should obtain their own valuation before acting in any way in respect of the subject property.
3. Any liability for the GST is a factor in the market for property and is therefore embedded in the land's Market Value as defined in Sec 56 of the Land Acquisition (Just Terms Compensation) Act 1991, and also in allowances for certain other costs, consequently this determination is GST inclusive.
4. I am a Certified Practicing Valuer, pursuant to the provisions of the Valuers Registration Act 2003 as amended. Registration No. 2768, without limitations and an Associate Member of the Australian Property Institute. I have over 25 years of experience in providing valuations for all types of property within the greater metropolitan area.
5. This determination has been carried out in accordance with the Land and Environment Court Expert Witness Code of Conduct. I have read the Uniform Civil Procedure Rules 2005 and also have a copy of the Schedule 7 Expert Witness Code of Conduct and I agree to be bound by them.

Government Notices

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Haberfield in the Ashfield Council Area

Roads and Maritime Services by its delegate declares, with the approval of His Excellency the Governor, that the land described in schedule 1 and the interests in land described in schedule 2 below are acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993*.

K DURIE

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule 1

All those pieces or parcels of land situated in the Ashfield Council area, Parish of Concord and County of Cumberland, shown as:

Lot 5 Deposited Plan 733249 and Lot 1 Deposited Plan 169385, being the whole of the land in Certificates of Title 5/733249 and 1/169385 respectively and said to be in the possession of Ashfield Council;

Lot 6 Strata Plan 7612, being the whole of the land in Certificate of Title 6/SP7612 and said to be in the possession of Cameron Wheatley (registered proprietor) and Members Equity Bank Limited (mortgagee);

Lot 2 Strata Plan 6501, being the whole of the land in Certificate of Title 2/SP6501 and said to be in the possession of Giuseppe Alibrandi, Bruna Alibrandi and Arturo Alibrandi (registered proprietors), AMP Bank Limited (mortgagee) and Andrew Aravanis (caveator);

Lot 4 Strata Plan 6501, being the whole of the land in Certificate of Title 4/SP6501 and said to be in the possession of Mohammad Nader Mashal and Suhaila Mashal (registered proprietors), Australia and New Zealand Banking Group Limited (mortgagee) and Hakan Kaynar (reputed tenant); and

Lot 6 Strata Plan 6270, being the whole of the land in Certificate of Title 6/SP6270 and said to be in the possession of Man Ke and Yuk Fong Chung.

Lot 6 Strata Plan 7612 remains subject to the strata scheme based on Strata Plan 7612; Lots 2 and 4 Strata Plan 6501 remain subject to the strata scheme based on Strata Plan 6501; and Lot 6 Strata Plan 6270 remains subject to the strata scheme based on Strata Plan 6270.

Schedule 2

The interest of the tenant in Lot 4 Strata Plan 7612, being land in Certificate of Title 4/SP7612;

the interest of Ruth Holz and Paul Holz (tenants) in Lot 7 Strata Plan 7612, being land in Certificate of Title 7/SP7612;

the interest of Venera Spata (tenant) in Lot 8 Strata Plan 7612, being land in Certificate of Title 8/SP7612;

the interest of Othmane Mekency (tenant) in Lot 8 Strata Plan 6501, being land in Certificate of Title 8/SP6501;

the interest of Silvana Dimech-Conti (tenant) in Lot 9 Strata Plan 7612, being land in Certificate of Title 9/SP7612;

the interests of Jennifer Strawbridge and Samer Ayoub (tenants) in Lot 36 Section B Deposited Plan 1756, being land in Certificate of Title 36/B/1756; and

the interest of Chanelle Muagututia and Ramai Pohe (tenants) in Lot 1 Deposited Plan 110050, being land in Certificate of Title 1/110050.

(RMS Papers: SF2015/119209)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Homebush in the Strathfield Municipal Council Area

Roads and Maritime Services by its delegate declares, with the approval of His Excellency the Governor, that the land described in schedule 1 and the interest in land described in schedule 2 below are acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993*.

K DURIE

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services





Subject	WESTCONNEX - DRAFT CONSTRUCTION MANAGEMENT PLANS
File Ref	WestConnex
Prepared by	Phil Sarin - Director Planning and Environment
Reasons	Inform Council of ongoing work on the WestConnex project
Objective	For Council to consider the information

Overview of Report

This report provides an update to Council on the ongoing progress of the WestConnex project and information which was submitted to the Council by the project's building contractor in December 2015.

1.0 Background

Council provided its submission on the WestConnex M4 East EIS to the Planning Minister at the end of October 2015 following its endorsement at the 27 October 2015 Council meeting.

The applicant was provided with details of all submissions on the EIS (agencies, councils and the general public - over 4,800 in total) shortly after closure of the EIS exhibition period and a response was prepared and published on the Department's (DPE) website in early December 2015.

Council officers were informed of the release date of the applicant's response to all EIS submissions just prior to its publication and given a week to provide further comments to the DPE on the applicant's response. A supplementary submission was prepared and submitted to the DPE on 17 December 2015 - note: given the short turnaround time allowed it was not possible for this supplementary information to be reported to Council. A copy of this supplementary submission was provided to all Councillors in December 2015.

2.0 Draft Construction Management Plans

In early December the Council received, from the WestConnex building contractor, Leighton Samsung John Holland Joint Venture (LSJH), a series of Draft Construction Management Plans (DCMPs) relating to the WestConnex project, as follows:

- Construction Environmental Management Plan
- Construction Compound and Ancillary Facilities Management Plan
- Construction Traffic and Access Management Plan
- Construction Heritage Management Plan
- Construction Flora and Fauna Management Plan

WESTCONNEX - DRAFT CONSTRUCTION MANAGEMENT PLANS

- Construction Air Quality Management Plan
- Construction Noise and Vibration Management Plan
- Construction Waste and Resource Management Plan
- Soil and Water Quality Management Plan

These draft plans amount to well over 1,000 pages of technical information about how the project will be built and managed during its construction phase. The draft plans were accompanied with a letter which requested that any comments the Council may wish to make should be submitted by Thursday 21 January 2015 after which time the documents would be finalized and submitted to the DPE.

At the time of preparation of this report, the WestConnex State Significant Infrastructure Application was still being assessed by the DPE. Council's EIS submission included a comprehensive list of recommendations for revisions to the EIS documents and, should the application be supported, detailed conditions of consent requiring both more information and amendments to various aspects of the project, particularly in relation to the traffic and transport component.

A copy of the letter sent to Council from LSJH and the Draft Construction Traffic and Access Management Plan (DCTAMP) is included in **Attachment 1**. Although the draft plans include a reference that the documents are 'commercial in confidence', LSJH, after being contacted regarding this reference, did not express issue with the document being made publicly available as the advice was that they would ultimately be public documents.

3.0 Response to DCMPs

Council's engineers have reviewed the DCTAMP and noted many instances where the plan is not consistent with the content of the Council's submission on the EIS (refer to memo included at **Attachment 2**). Despite the claim from LSJH that this and other plans that have been prepared have been reviewed and updated in light of the submissions received in response to the EIS, there do not appear to be any key changes of note which acknowledge Council's concerns.

Given that the draft plans have been prepared before assessment of the application has been completed, it is somewhat preemptive to prepare a detailed response as the development consent, should one be granted, may well require changes or amendments to some aspects of the project. It may therefore be necessary to review and/or modify the draft plans should further changes be required.

3.0 Conclusion

Council continues to receive documents and plans with requests for comments to be forwarded within unrealistic timeframes. In addition, as these documents have been prepared in the absence of a final determination on the WestConnex application it brings into question the objectivity of the assessment process. Council provided a detailed submission on the WestConnex EIS with the expectation that it is given serious consideration by the DPE in its assessment and recommendations to the Minister concerning the application.

WESTCONNEX - DRAFT CONSTRUCTION MANAGEMENT PLANS

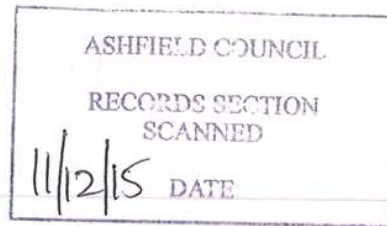
ATTACHMENTS

Attachment 1	Draft Construction Traffic and Access Management Plan	91 Pages
Attachment 2	Engineer's Response to Draft Plan	10 Pages

RECOMMENDATION

- 1/2 That Council note the information.**
- 2/2 That Council advise the project builder (LSJH) that further Council comments will be provided on plans and other documents once an assessment of the WestConnex application has been completed and, should it be supported, full details of any additional requirements the proponent must address are specified.**

PHIL SARIN
Director Planning and Environment



WestConnex

10 December 2015

M4E-LSJ-LT-00-000-001190

Ashfield Council
PO Box 1145
Ashfield NSW 1800
DX 21221



Attn: Tony Giunta, Acting Director Works & Infrastructure Services

Dear Tony

Re: WestConnex M4 East – Construction Environment Management Plan and Sub-Plan Consultation

The Leighton Samsung John Holland Joint Venture (LSJH) has been engaged by WCXM4 Co. to design and construct the M4 East project, a component of the greater WestConnex scheme.

The planning process for the WestConnex M4 East project (SSI 6307, the project) is currently in progress. The EIS was placed on public exhibition from 9 September to 2 November 2015 and submissions were received from government, agencies, organisations and the public. WCXM4 Co. has prepared a Submissions Report to address the submissions received, which is currently being referred to agencies and key stakeholders.

LSJH has prepared the final draft Construction Environmental Management Plan (CEMP) and associated sub-plans, concurrently with the Submissions Report. The final draft CEMP and sub-plans include the revised environmental management measures (REMM) that would be implemented during the delivery phase of this project.

The management plans have been submitted to Department of Planning and Environment (DPE), for agency consultation, together with the referral of the Submissions Report, prior to determination. These final draft plans detail how LSJH proposes to manage and mitigate potential issues identified in the EIS and raised in the submissions.

LSJH therefore invites the Ashfield Council to provide comment on the following documents:

- Construction Environmental Management Plan;
- Construction Ancillary Facilities Management Plan;
- Construction Traffic and Access Management Plan;
- Construction Heritage Management Plan;
- Construction Flora and Fauna Management Plan;
- Construction Air Quality Management Plan;
- Construction Noise and Vibration Management Plan;
- Construction Waste and Resource Management Plan; and
- Construction Air Quality Management Plan.

LSJH are receiving comments on the above listed documents until Thursday 21 January 2015, after which time the documents will be revised accordingly and lodged with DPE.

Could you please return your comments by Thursday 21 January 2015 via:

Hard copy to: Ryan Franklin Level 4, 85 Harrington Street, the Rocks
OR



WestConnex

Construction Traffic and Access Management Plan

Project:	M4 East – Design and Construct
Contract Number:	15.7105.1373
Document Number:	M4E-LSJ-00-000-MP-001040_B
Revision Date:	7 December 2015

Document Approval

Rev	Date	Prepared by	Reviewed by	Approved by	Remarks
A	23/11/2015	LSJH	SMC DP&E		Submitted to SMC to satisfy SWTC App. C.1 4(d) requirement
B	7/12/2015	LSJH			Final draft for agency consultation

Construction Traffic and Access Management Plan



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Construction Traffic and Access Management Plan



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Glossary of terms

Term/ acronym	Definition
AFMP	Construction Compound & Ancillary Facilities Management Plan
CEMP	Construction Environmental Management Plan
CoA	Minister's Conditions of Approval
DP&E	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
FAS	Flashing Arrow Signs
HML	Higher Mass Limit
IAP	Intelligent Access Program
IRT	Incident Response Team
LoS	Level of Service
LSJH	Leighton Samsung John Holland Joint Venture; a consortium comprising Leighton Contractors, Samsung C&T Corporation and John Holland
M4 East	WestConnex M4 East Project
NVMP	Construction Noise and Vibration Management Plan
PMP	Pedestrian Movement Plan
Project	WestConnex M4 East Project, SSI 6307
Project Deed	As appropriate to the defined scope of the WestConnex M4 East D&C Deed
PTS	Portable Traffic Signals
RAV	Restricted Access Vehicle
REMM	Revised Environmental Management Measures
Roads and Maritime, RMS	Roads and Maritime Services
ROL	Road Occupancy Licence
RSA	Road Safety Audit
Secretary, the	Secretary of Department of Planning and Environment
SMC	Sydney Motorway Corporation (formerly WestConnex Delivery Authority)
SOP	Sydney Olympic park
SWTC	As appropriate to the defined scope of the Scope of Works & Technical Criteria defined as Schedule 56 under the M4 East D&C Deed
SZA	Speed Zone Authorisation
TAMP	Construction Traffic and Access Management Plan
TCAW's	RMS Traffic Control at Worksites Manual
TCD	Traffic Control Device
TCG	Traffic Co-ordination Group
TCP	Traffic Control Plan
TMC	Transport Management Centre

Construction Traffic and Access Management Plan



Term/ acronym	Definition
TMP	(Site Specific) Traffic Management Plan
TMSP	Traffic Management & Safety Plan prepared in accordance with SWTC Appendix C.1, Section 11
TSD	Traffic Staging Drawings
TTCR	Temporary Traffic Control Room
TWD	Temporary Works Drawing
VMP	Vehicle Movement Plan
VMS	Variable Message Signs
WDA	WestConnex Delivery Authority, now Sydney Motorway Corporation

DRAFT

Construction Traffic and Access Management Plan



Notice regarding status of this plan

The planning approval process for the WestConnex M4 East project (SSI 6307, the project) is currently in progress. An environmental impact statement (EIS) has been prepared to assess the potential environmental, social and economic impacts of the project. The EIS was placed on public exhibition from 9 September to 2 November 2015 and submissions were received from government, agencies, organisations and the public in response to the project.

Sydney Motorway Corporation (SMC) (formerly WestConnex Delivery Authority) has prepared a Submissions Report to address the submissions received during the exhibition period. The Submissions Report includes the revised environmental management measures (REMM) that will be implemented during the delivery phase of this project. The REMMs have been included as relevant in this final draft plan.

Purpose of this plan

The Leighton Samsung John Holland Joint Venture (LSJH) has prepared this final draft Construction Traffic and Access Management Plan (TAMP), a sub plan to the Construction Environmental Management Plan (CEMP). The plan has been submitted to the Secretary, DP&E, for in principle approval to be used for agency consultation prior to determination.

The final draft CEMP and sub-plans are being provided to relevant authorities / agencies together with the M4 East Submissions Report to support the agency referral process. These final draft plans provide details of how LSJH proposes to manage and mitigate potential issues identified in the EIS and raised in the submissions received.

Context of this plan

This draft TAMP has been developed with consideration of the Infrastructure Approvals of NorthConnex, WestConnex M4 Widening and some Pacific Highway projects; a review of other recent road and rail tunnel projects in Sydney; and the standard and model conditions for linear infrastructure, published by DP&E. This has informed the 'contemporary requirements' against which this draft TAMP has been developed.

Pending the determination of the M4 East Infrastructure Approval by the Minister for Planning, this final draft TAMP will be revised to comply with the Minister's Conditions, should approval be granted, updated in response to any comments received during the CEMP consultation and review process and subsequently submitted to the Secretary, DP&E for approval. Once approved, the final version of the plan will be submitted to stakeholders for information.

Construction Traffic and Access Management Plan



1 Introduction

1.1 Context

This Construction Traffic and Access Management Plan (TAMP) forms part of the Construction Environmental Management Plan (CEMP) for the construction of the WestConnex M4 East Project (M4 East or the project). The project is a component of the WestConnex scheme, a NSW Government initiative to connect Sydney's west and south-west with the Sydney Airport and the Port Botany precinct. It is being delivered by the Sydney Motorway Corporation (SMC), formerly the WestConnex Delivery Authority (WDA).

The project will upgrade and extend the M4 Motorway, primarily in tunnel, from Homebush Bay Drive in Homebush to Parramatta Road and City West Link (Wattle Street) in Haberfield.

The purpose of this TAMP is to describe how the Leighton Samsung John Holland Joint Venture (LSJH) will safely manage vehicular, cyclists and pedestrian traffic and access during construction of the project (refer Figure 1). LSJH acknowledges that the effective management of traffic and the safety of road users are paramount to the successful delivery of the project and to minimise impacts to road users and the surrounding community.

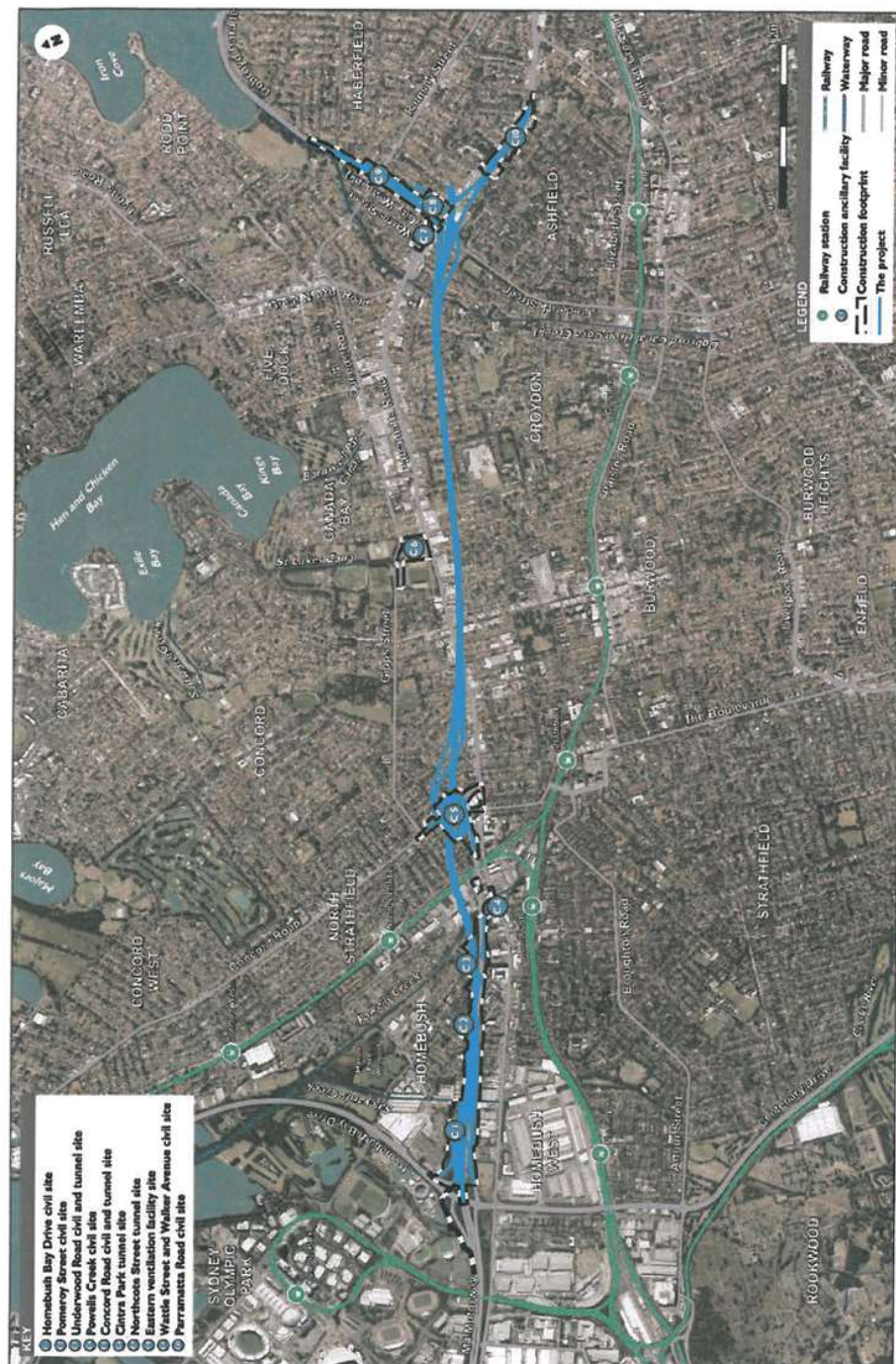
This TAMP has been prepared with consideration of contemporary project requirements, and to address applicable legislation and the revised environmental management measures (REMMs) listed in the M4 East Submissions Report. The plan will be updated to comply with the Ministers Conditions of Approval (CoA) upon determination of Infrastructure Approval.

1.2 Objective and targets

The key objective of this sub-plan is to ensure that traffic and access impacts during construction are minimised and within the scope permitted by the planning approval. To achieve these objectives, the targets in Table 1 have been proposed by LSJH for the management of traffic during construction. These targets will be managed in accordance with the Traffic Management and Safety Plan. These targets will not be managed (e.g. monitored, tracked, reported on) by the environment team. They are provided here for information purposes only.

Table 1 Proposed project targets associated with traffic management

Metric / measure	Target	Timeframe	Accountability	Documentation / reporting
Compliance with ROL conditions	Zero non-compliances	Duration of construction	Traffic Manager	Monthly Report
Response to traffic-related community complaints	Respond to community complaints on traffic-related issues within two hours of notification and reply in writing within seven days	Duration of construction	Community Relations Manager	Monthly Report
Notification of all incidents within agreed notification periods	Zero outside agreed notification period	Duration of construction	Traffic Manager	Monthly Report



Source: WestConnex M4 East Environmental Impact Statement Volume 1A

Figure 1 Overview of construction footprint and construction sites

Construction Traffic and Access Management Plan



1.3 Interface with other plans

This TAMP is a sub-plan to the CEMP and interfaces with other associated plans produced as part of the overall Project Management Plan. A diagram showing this TAMP's relationship within the CEMP framework is shown in Figure 2. Associated documents which inform this plan are discussed in further detail in this section.



Figure 2 M4 East CEMP Framework

1.3.1 Construction Compound and Ancillary Facilities Management Plan

The Construction Compound and Ancillary Facilities Management Plan (AFMP) is a sub-plan of the CEMP and details specifics on each of the access/egress points, indicative timeframe for utilisation and indicative primary access hours. The AFMP has been prepared in accordance with relevant contemporary requirements and developed in consultation with the necessary regulatory authorities.

Construction Traffic and Access Management Plan



1.3.2 Construction Noise and Vibration Management Plan

The Construction Noise and Vibration Management Plan (NVMP) is a sub-plan of the CEMP and details specifics relating to the mitigation and minimisation of noise and vibration impacts, including an Out of Hours Work (OOHW) protocol which would consider traffic noise outside standard construction hours. The NMP has been prepared in accordance with relevant contemporary requirements and developed in consultation with the necessary regulatory authorities.

1.3.3 Traffic Management & Safety Plan

The Traffic Management & Safety Plan (TMSP) is a sub-plan of the Project Management Plan (refer to Figure 4 in CEMP) but informs the TAMP. It is owned by the LSJH Traffic Manager and is approved by the Transport Management Centre (TMC). The TMSP has been prepared in accordance with LSJH contractual obligations, road management and safety requirements and environmental Planning Approvals. The TMSP has been developed in consultation with the TMC, Roads and Maritimes Services (Roads and Maritime) and emergency services. The TMSP specifically deals with the safe and effective management of traffic during the design and construction stages of the project. Management measures, plans and other associated documents of the TMSP are cross-referenced in this TAMP. However, the TMSP is a separate document approved by the TMC. The TMSP will be document controlled separately to this sub-plan; therefore, an update to the TMSP will not require this TAMP to be updated.

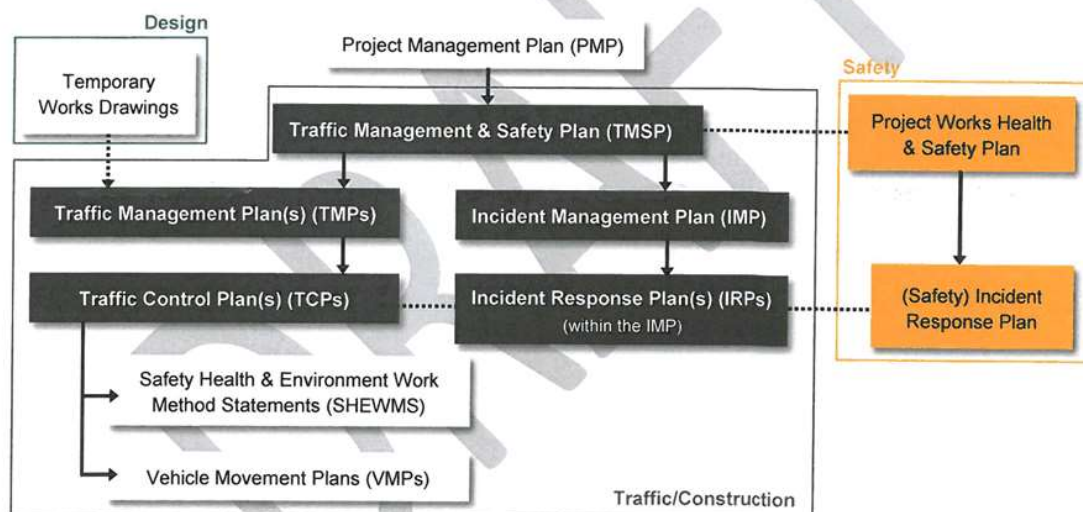


Figure 3 Relationship between the various traffic and safety management documents of the TMSP

1.3.4 Community Involvement Plan

The Community Involvement Plan (CIP) describes the community engagement objectives, guiding principles, delivery and issues management approach of the project. The CIP identifies the communication tools and protocols to be utilised and incorporates the outcomes, best practice and expectations identified by the community and stakeholders during the construction phase of the project.

The CIP provides an understanding of the issues that may arise during the project, and strategies to ensure the effective management of these issues. It identifies opportunities to build upon positive engagement and enhance existing relationships that have been established during the planning and assessment phases.

Construction Traffic and Access Management Plan



1.4 Training

All personnel, including employees, contractors and sub-contractors, are required to complete a project induction containing relevant environmental information before they are authorised to work on the project. Traffic and access specific information to be covered in the project induction will include:

- Obligations under the project Conditions of Approval including: maintaining access to private properties; the efficient and safe egress and ingress of vehicles from site; onsite, offsite and remote parking; minimising idling and queuing in local streets; safe pedestrian and cyclist access through or around worksites to be maintained;
- Responsibilities under the other relevant legislation outlined in Section 2 of this Plan; and
- Incident response procedures in the event of an unplanned traffic incident as outlined in Section 7.

Project training will be identified, implemented and recorded in accordance with Section 5 of the CEMP.

LSJH will ensure that project personnel can competently perform their duties and meet environmental obligations.

Records of all training activities, including inductions, will be maintained. Records will include the name and role of the attendee, the name of the course and, where applicable, reference to the document controlled version of the material presented, and a copy of the assessment completed.



2 Legal and other requirements

This section provides the relevant legislation and project requirements that apply to traffic management during construction, as well as identifies additional permits and approvals that will be required.

2.1 Legislation

Legislation relevant to traffic management for this project includes:

- *Environmental Planning and Assessment Act 1979* (EP&A Act);
- *Roads Act 1993*;
- *Transport Administration Act 1988*; and
- *Road Rules 2014*.

Relevant provisions of the above legislation are explained in the register of legal and other requirements included in Annexure B – Environmental Obligations Register of the CEMP.

2.2 Guidelines and relevant documents

The key guidelines, specifications and policy documents relevant to traffic management include:

- Roads and Maritime Specification (RMS) QA Specification G10 – Control of Traffic
- Scope of Work and Technical Criteria
- Australian Standard 1742.3-2009 Traffic control devices for works on roads
- Australian Standard 1742 Parts 1 to 14, Manual of uniform traffic control devices (as required)
- Australian / New Zealand Standard – AS/NZS3845 Road Safety Barrier Systems
- AGTM 02-08 Guide to Traffic Management Part 2: Traffic Theory
- AGTM 06-07 Guide to Traffic Management Part 6: Intersections and Crossings – General
- AGRD 04-09 Guide to Road Design Part 4: Intersections and Crossings – General
- RMS Traffic Control at Worksites Manual Ver 4, June 2010
- RMS Delineation Manual March 2008
- RMS Road Safety Audit Technical Direction TD2003/RS03, Version 2 – August 2005
- RMS Road Occupancy Manual
- RMS Road Design Guide
- RMS Regulatory Signs Guide
- RMS's VMS Policy - Technical Directions TDT 2002/11 and TDT2005/02A
- RMS DCM R132 Safety barrier systems
- RMS DCM R141 Pavement marking
- Relevant RMS Technical Directions and Guide updates
- SI/TCS/8 Installation of traffic light signals
- TMC Guide to Traffic and Transport Management for Special Events

Construction Traffic and Access Management Plan



2.3 Contemporary requirements

The scope for this plan is based on a review of recent projects in the Sydney region and Department of Planning and Environment (DP&E) standard and model conditions for linear infrastructure, as described in the Notice regarding status of this plan. The requirements that relate to traffic management are provided in Table 2. The 'contemporary requirements' are provided for the purposes of undertaking consultation with agencies prior to Infrastructure Approval. Should Infrastructure Approval be received, this section would be updated with the relevant CoA. A cross reference is included to indicate where the requirement is addressed in this TAMP or other project management documents.

Table 2 Scope of this sub-plan

ID	Requirement	Reference
R1	The Proponent shall consult with relevant Councils regarding the use of any weight restricted road by heavy construction vehicles if required.	Section 3.2, Section 6.10.3, Section 6.5
R2	Where construction will physically affect or likely impact the efficiency and safety of road and related transport networks (including traffic flow, access, parking and user safety), the Proponent shall develop, assess, and implement appropriate management measures in consultation with the relevant road authority, transport operator(s), and emergency services, as relevant. Such measures shall be addressed in the Construction Traffic and Access Management Plan (R99(c)) and shall include but not be limited to: <ul style="list-style-type: none"> (a) Construction site access, including the efficient and safe egress and ingress of vehicles; and parking management, including on and off street and remote parking and access; (b) Haulage management, including works to facilitate haulage vehicles, the restriction of haulage vehicles on certain routes (for example local residential streets) and the minimisation of haulage in peak traffic periods; (c) Full and partial road closures and associated restrictions, detours and the like; (d) The retention and reinstatement of emergency and property access; (e) The retention of user and passenger safety, including pedestrians, cyclists, public transport users, including at stops and related facilities; (f) Incident response planning 	<p>Section 6.4</p> <p>Section 6.2</p> <p>Section 6.3</p> <p>Section 5.4</p> <p>Section 6.6.3.1, Section 6.8</p> <p>Section 7</p>
R3	The project shall be constructed in a manner that generally maintains the overall capacity and performance of the road network, where reasonable and feasible. Where unavoidable, construction works that require reduction in existing capacity of roads may be granted subject to assessment of an appropriately detailed Traffic Management Plan. Overall measures to manage traffic during construction are to be detailed in the Construction Traffic and Access Management Plan.	Section 6.4, Section 6.4.1 Section 6.10
R4	Access to private property shall be maintained during construction unless otherwise agreed with the property owner in advance. A landowner's access that is physically affected by the project shall be reinstated to at least an equivalent standard, in consultation with the property owner.	Section 1.4 Section 6.4.6
R5	Impacts to existing parking (on and off street) should be minimised, including the amount of spaces reduced and the time associated with this reduction. Where parking is impacted, particularly for periods greater than four weeks, the proponent shall identify and implement, where feasible and reasonable, alternate parking arrangements. Displaced vehicles must not be accommodated on the state road network.	Section 6.4.6, Section 6.6

Construction Traffic and Access Management Plan



ID	Requirement	Reference
R6	<p>Upon determining the haulage route(s) for construction vehicles associated with the project, and prior to construction, an independent and qualified person or team shall undertake a Road Dilapidation Report. The report shall assess the current condition of the road and describe mechanisms to restore damage that may result due to traffic and transport related to the construction of the project. The Report shall be submitted to the Secretary for information and the Local Councils for review prior to the commencement of haulage.</p> <p>Following completion of construction, a subsequent report shall be prepared to assess damage that may have resulted from the construction of the project.</p> <p>Measures undertaken to restore or reinstate roads affected by the project shall be undertaken in a timely manner, in accordance with the reasonable requirements of the Local Councils and at the full expense of the Proponent.</p>	<p>Section 6.1</p> <p>Section 6.2</p> <p>Section 6.10</p>
R7	Safe pedestrian and cyclist access through or around worksites shall be maintained during construction. In circumstances where pedestrian and cyclist access is restricted due to construction activities, a satisfactory alternate route shall be provided and signposted.	<p>Section 6.4, Section 6.6.3.1, Section 6.7, Section 6.8, Annexure C, Annexure D</p>
R8	<p>Construction vehicles (including staff vehicles) associated with the project shall be managed to:</p> <p>(a) Minimise parking or queuing on public roads;</p> <p>(b) Minimise idling and queuing in local residential streets where practicable;</p> <p>(c) Minimise the use of local roads (through residential streets and town centres) to gain access to construction sites and compounds; and</p> <p>(d) Adhere to the nominated haulage routes identified in the Construction Traffic and Access Management Plan required in condition R99(c).</p>	<p>Section 6.2.4</p> <p>Section 1.4</p> <p>Section 6.6</p> <p>Section 6.2.2</p>
R9	The project shall be constructed with the aim of ensuring that the performance of intersections during construction operates as close as practicable to existing levels of service of those intersections as determined prior to the commencement of construction.	<p>Section 5.3</p> <p>Section 6</p>
R10	<p>A Construction Traffic and Access Management Plan to manage construction traffic and access impacts of the project. The plan shall be developed in consultation with the relevant road authority and relevant Council's, emergency services, road user groups, and pedestrian and bicycle user groups, and shall include, but not necessarily be limited to:</p> <p>i. a traffic route and haulage management plan that identifies:</p> <p>(a). traffic generation from other major infrastructure developments;</p> <p>(b). construction traffic and haulage routes and associated traffic impacts;</p> <p>(c). types and volumes of construction vehicles and associated routes and time restrictions, including details of oversized load movements;</p> <p>(d). potential traffic disruptions and temporary and permanent detours; and</p> <p>(e). management, mitigation and restoration measures.</p> <p>ii. a parking management plan that identifies:</p> <p>(a). parking requirements and on and offsite parking arrangements and associated impacts;</p> <p>(b). remote parking arrangements and associated access between sites and public transport nodes;</p> <p>(c). alternate parking arrangements for displaced parking; and</p> <p>(d). communication and parking management measures.</p> <p>iii. site traffic and access management plans that detail:</p>	<p>Section 3</p> <p>Section 6.2.1</p> <p>Section 6.2.2, Section 5</p> <p>Section 4, Section 5.1, Section 6.2.2, Section 6.2.3.</p> <p>Section 5, Section 5.4</p> <p>Section 2.4, Section 6</p> <p>Section 6.6, Section 5.4</p> <p>Section 6.6.3</p> <p>Section 6.6.1, Section 6.6.2</p> <p>Section 6.10.3, Section 6.10.4</p>

Construction Traffic and Access Management Plan



ID	Requirement	Reference
	(a). site access and associated route and turning movements and the design and signalisation of intersections;	Section 6
	(b). potential activities that could result in the disruption to traffic and transport networks, including pedestrian, cyclist and public transport networks and during special events;	Section 5
	(c). the timing of works to limit disruptions to the road and transport networks;	Section 4.1, Section 4.2, Section 6.3
	(d). the maintenance of access to and safety of transport networks, parking and property; and	Section 5.4, Section 6.4
	(e). service facilities and station sites, and other locations identified by the relevant road authority or transport operator.	Section 5.6
	iv. an incident response plan detailing responses to the management of an event that directly involves or impacts on traffic and transport networks; and	Section 7
	v. mechanisms for the monitoring, review and amendment of this plan.	Section 9, Section 9.4

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Construction Traffic and Access Management Plan



2.4 Revised environmental management measures

The revised environmental management measures (REMMs) included in the M4 East Submissions Report which relate to traffic and access management are included in Table 3.

Table 3 Revised environmental management measures from M4 East Submissions Report relevant to traffic and access management

No.	Revised environmental management measure	Reference
TT1	A Traffic Management and Safety Plan (TMSP) will be prepared as part of the construction environmental management plan (CEMP), in consultation with the relevant road authority, local councils, emergency services, road user groups and pedestrian and bicycle groups. The TMSP will include the guidelines, general requirements and principles of traffic management to be implemented during construction. It will be prepared in accordance with Austroads <i>Guide to Road Design</i> (with appropriate Roads and Maritime supplements), the RTA <i>Traffic Control at Work Sites</i> manual and AS1742.3: <i>Manual of uniform traffic control devices – Part 3: Traffic control for works on roads</i> , and any other relevant standard, guide or manual. It will seek to minimise delays and disruptions, and identify and respond to any changes in road safety as a result of highway construction works.	The TMSP is a sub-plan of the Project Management Plan. The TMSP is owned by the LSJH Traffic Manager. The TMSP has been approved by RMS and TMC. This TAMP is a sub-plan of the CEMP and is informed by the TMSP.
TT2	The TMSP will include: <ul style="list-style-type: none"> • A traffic route and haulage management plan • Site traffic and access management plans • An incident response plan • A detailed travel management plan for construction staff at the various worksites, in consultation with local councils and stakeholders associated with the sporting facilities adjacent to the project site. This will include the promotion of public transport and car-pooling to reduce work site-related vehicle movements, and also investigate feasible options for the provision of off-site car parking to reduce parking on local roads 	These measures are addressed in the following sections of the TAMP: Section 6.2 Section 6.4 Section 7 Section 6.6, AFMP
TT3	Construction and temporary works will be staged to avoid conflicts with the existing road network and maximise spatial separation between work areas and travel lanes.	Section 6.3
TT4	Analyse traffic volume data to identify capacity requirements, assess the potential impact of lane occupancies on traffic flows, plan lane occupancies to minimise the work area, and identify the best time to minimise inconvenience to road users. Restrictions and obstructions will be limited, road capacities maximised and peak traffic periods avoided where possible.	Section 5, Section 6.2.2, Section 6.3, Section 6.4
TT5	Temporary closed-circuit television (CCTV) and variable message signs (VMS) will be provided to link with the existing TMC network to facilitate monitoring and management of impacts	Section 7.2 Section 6.4.7.2
TT6	Throughout construction, consultation with the Transport Management Centre will be undertaken to ensure impacts to traffic flows are minimised.	Section 3.1, Section 6.2.1, Section 6.10.1
TT7	Road occupancy licences will be obtained for work that impacts traffic on existing roads in accordance with the requirements of council or Roads and Maritime.	Section 2.5.1, Section 6.4.8
TT8	As part of planning for temporary closure of Ramsay Street, staging will be reviewed with Roads and Maritime, Transport Management Centre and SMC as part of regular traffic coordination meetings. A temporary right-turn movement from Ramsay Street (west) to Wattle Street (at the existing signals) will be implemented during construction to facilitate a temporary detour movement. Affected emergency services, public transport operators, other road user groups and any	Section 6.10.1 Section 6.3.4

Construction Traffic and Access Management Plan



No.	Revised environmental management measure	Reference
	other affected stakeholders will be engaged through the Traffic and Transport Liaison Group, whilst the community will be consulted in accordance with community consultation processes outlined in the community communication strategy (or equivalent plan).	Section 6.10.3 Section 6.10.4, Community Involvement Plan
TT9	Pedestrian and cyclist access will be maintained where possible throughout construction. Where not feasible, alternate routes will be provided and communicated to the community.	Section 6.4, Section 6.6.3.1, Section 6.7, Section 6.8, Annexure C, Annexure D
TT10	Changes in bus stops will be undertaken in consultation with Transport for NSW and bus operators, with the community informed of any potential changes in advance	Section 5.6, Section 6.6.3.1, Section 6.10.4
TT11	Local road closures will be managed and adequate property access will be maintained. Where road closures are required, reasonable and practical alternate traffic routes will be provided and communicated to the community. This will be undertaken in consultation with Roads and Maritime, local councils and property owners likely to be affected.	Section 5.4, Section 6.4, Section 6.10 Community Involvement Plan
TT12	A Road Dilapidation Report will be prepared and will include identification of the existing conditions of local roads and mechanisms to repair any damage caused by the project.	Section 6.1
TT13	The TMSP will be developed in consultation with local emergency services and procedures will be implemented to maintain priority access and a safe environment will be maintained for emergency vehicles to travel through construction areas	Section 1.3.3, Section 1
TT14	Local emergency services will be frequently updated on the staging and progress of construction works	Section 6.10.2

2.5 Additional permits and approvals

The following permits and approvals, specific to traffic and access management, have been identified and will be required to be in place before associated works may commence.

2.5.1 Road Occupancy Licence

Where feasible, construction works will be staged to limit road occupancy and minimise potential impacts on the existing road network. However, where road occupancy cannot be avoided, a Road Occupancy Licence (ROL) will be sought from the responsible road's authority, to occupy a portion of the road network for an approved period of time over an approved number of days.

Three particular scenarios where road occupancy cannot be avoided and ROLs will be required include:

- Development works within the road reserve and/or any changes to existing infrastructure;
- Temporary or permanent installation and/or change of any regulatory traffic control device on a road; and
- Road closures, occupation of the road network to conduct works, and the associated installation of temporary traffic control devices.

The authorities responsible for roads affected by the project include Local Councils, Roads and Maritime Services (RMS) and the Transport Management Centre (TMC). LSJH will liaise with these authorities and key stakeholders (if required) during construction.

More information relating to the application process of a ROL and supporting information is provided in Section 6.4.8.

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2.5.2 Speed Zone Authorisations

Temporary roadwork speed zones, both short and long term, will be implemented during construction to manage the speed of traffic approaching and passing through and/or past work sites. In order to temporarily alter a speed limit, a Speed Zone Authorisation (SZA) is required to be in place. Both long term and short term SZA will be sought from the responsible road's authority during the course of construction.

LSJH acknowledges that roadwork speed zones must be logical and credible, as well as enforceable. When considering the use of a roadwork speed zone, LSJH will adopt the principles outlined in *Australian Standard 1742.3-2009 Traffic control devices for works on roads*, which states that roadwork speed zones must:

- Only be used where they are self-enforcing or will be enforced;
- Be used in conjunction with other traffic control signs and devices, i.e. not a stand-alone management measure;
- Not to be used in place of more effective traffic controls;
- Only be used while road work is in progress or where lower standard road conditions exist; and
- Meet minimum clearance and lane width requirements.

More information relating to the SZA application process and supporting information is provided in Section 6.4.9.



3 Consultation on this plan

3.1 Roads and Maritime Service / Transport Management Centre

During the preparation of the EIS, regular meetings with various Roads and Maritime divisions (including TMC) were held and focused on coordination and network performance.

Consultation with RMS regarding the preparation of the TMSP (a requirement of the SWTC and not this plan) has commenced, with comments having been received on 30th September 2015. These comments were reviewed by LSJH and an updated TMSP has since been prepared in anticipation of future consultation. Consultation regarding the suitability of the TMSP will continue until such time as RMS and the TMC are satisfied that the TMSP (and not this plan) meets their requirements.

Elements of the updated TMSP which have been included in this plan are:

- Updated impacts relating to access changes (refer Section 5.4);
- Commitments relating to construction traffic management (refer Section 6), inclusive of haulage routes, traffic staging, managing pedestrians and cyclists, managing special events;
- Commitments relating to traffic incident response (refer Section 7);
- Proposed organisational structure, roles and responsibilities (refer Section 8);
- Commitments relating to compliance monitoring (refer Section 9); and
- All annexures included in this plan.

This coordinated approach will continue during the development of this TAMP.

3.2 Relevant stakeholders

This plan is being provided to relevant stakeholders, as identified in Table 3 of the CEMP, together with the M4 East Submissions Report to support the agency referral process. It provides detail of how LSJH proposes to manage and mitigate potential issues identified in the EIS and raised in the submissions received.

This consultation is intended to assist in development and finalisation of the plan. Evidence of consultation, including where relevant issues have been addressed within this plan, will be included in Annexure E.



4 Hours of operation

The majority of surface works would be undertaken during standard construction hours in accordance with the contemporary requirements and any Environment Protection Licence (EPL):

- 7.00 am to 6.00 pm Monday to Friday;
- 8.00 am to 1.00 pm Saturday; and
- No works on a Sunday or public holiday.

4.1 Tunnelling support

Notwithstanding the hours of operation stipulated above, tunnelling works will be carried out 24 hours a day, seven days a week in accordance with the contemporary requirements and any EPL. This will however require the associated surface support activities to similarly be undertaken 24 hours a day, seven days a week. This includes heavy vehicle movements to and from the tunnelling support compounds and on sites outside the acoustic sheds.

Heavy vehicle movements outside standard construction hours to support the tunnel works (e.g. spoil removal, concrete delivery) would occur to and from the southern part of Underwood Road, the M4, Concord Road, Parramatta Road and Wattle Street and at the following construction sites (but not limited to):

- C3 - Underwood Road tunnel site (concrete deliveries only);
- C5 - Concord Road tunnel site;
- C6 - Cintra Park tunnel site;
- C7 - Northcote Street tunnel site; and
- C10 - Parramatta Road ventilation facility site (spoil haulage during the evening only and otherwise only concrete deliveries).

4.2 Out of hours works

Some surface works would be undertaken outside standard construction hours to minimise impact to road users and ensure the safety of construction workers and the public. These activities, and their potential traffic noise impacts, would be subject to the contemporary requirements, any EPL, and assessed in accordance with the OOHW protocol that is included in the NVMP.



5 Construction traffic aspects and impacts

Construction traffic aspects and impacts were identified and assessed in the EIS that was exhibited from 9 September 2015 to 2 November 2015. The EIS determined that construction of the project has the potential to result in changes and disruptions to the existing road and transport network as a result of the following aspects:

- The movement of construction vehicles, particularly heavy vehicles transporting spoil, to and from the construction footprint, including the 10 construction ancillary facilities; and
- Surface works requiring temporary traffic, cyclist and/or pedestrian diversions, road occupation, alterations to access, alterations to bus stops, temporary road closures, and alterations to speed limits.

The construction impacts identified in the EIS are summarised briefly in this section.

Management measures to be implemented to mitigate and minimise impacts from construction traffic and access are described in detail in Section 6. A traffic safety risk register is included in Annexure B.

5.1 Predicted construction traffic volumes and routes

Construction will result in the generation of additional movements of both heavy and light vehicles on the road network. Typically, light and heavy vehicle construction traffic will be generated when undertaking the following construction activities:

- Accessing construction sites, by construction personnel, at the start and end of each shift;
- Regular trips (during a shift) by construction personnel in work trucks and utes;
- Delivery of materials, plant and equipment to site;
- Delivery of concrete from batching plants to site; and
- Removal of excavated spoil from site.

The EIS predicted traffic volumes as a consequence of these construction activities and their associated movements during a typical morning peak (AM), afternoon peak (PM) and daily period are shown in Table 4. The table indicates that the highest volumes of heavy vehicles are anticipated to originate from the Concord Road civil and tunnel site (C5) and Northcote Street tunnel site (C7), with the highest volumes of light vehicles generated by the Cintra Park tunnel site (C6).

Table 4 Predicted construction traffic volumes during AM peak, PM peak and daily periods

Construction Site	Daily Vehicles		Vehicles per hour (AM Peak, 7.30am – 8.30am)		Vehicles per hour (PM Peak, 4.15pm – 5.15pm)		Heavy vehicle movements per hour outside of standard hours	
	Heavy	Light	Heavy	Light	Heavy	Light	Evening (6pm – 10pm)	Night (10pm – 7am)
C1 Homebush Bay Drive civil site	110	160	15	50	5	20	-	-
C2 Pomeroy Street civil site								
C3 Underwood Road civil and tunnel site	80	30	10	10	10	10	2	2

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Construction Site	Daily Vehicles		Vehicles per hour (AM Peak, 7.30am – 8.30am)		Vehicles per hour (PM Peak, 4.15pm – 5.15pm)		Heavy vehicle movements per hour outside of standard hours	
	Heavy	Light	Heavy	Light	Heavy	Light	Evening (6pm – 10pm)	Night (10pm – 7am)
C4 Powells Creek civil site	40	50	8	5	20	15	-	-
C5 Concord Road civil and tunnel site	260	80	19	14	16	14	18	18
C6 Cintra Park tunnel site	200	330 (non- game days)	13	30	13	40	14	14
C7 Northcote Street tunnel site	300	30	20	4	20	4	18	18
C8 Eastern ventilation facility site	60	30	10	4	10	4	10	2
C9 Wattle Street and Walker Avenue civil site	120	70	20	15	10	10	-	-
C10 Parramatta Road civil site	90	90	9	5	5	15	-	-

The EIS identified several access routes and entry/egress points to and from the construction sites which are identified in Table 5.

Table 5 Assessed access routes to and from construction sites

Site	Assessed Access Route
C1 Homebush Bay Drive civil site C2 Pomeroy Street civil site	Heavy vehicles – via existing M4 Light vehicles – via existing M4 and Pomeroy Street
C3 Underwood Road civil and tunnel site	Underwood Road and Short Street East
C4 Powells Creek civil site	Heavy vehicles – Powell Street, Underwood Road and Parramatta Road Light vehicles – Powell Street and Parramatta Road
C5 Concord Road civil and tunnel site	Heavy vehicles – Sydney Street (M4 off-ramp) and Concord Road Light vehicles – Alexandra Street and Ada Street

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Site	Assessed Access Route
C6 Cintra Park tunnel site	Heavy vehicles – Parramatta Road Light vehicles – Gipps Street
C7 Northcote Street tunnel site	Parramatta Road and Wattle Street
C8 Eastern ventilation facility site	Heavy vehicles – Parramatta Road and Wattle Street Light vehicles – Walker Avenue
C9 Wattle Street and Walker Avenue civil site	Heavy vehicles – Wattle Street and via eastern ventilation facility site (C8) All vehicles – Wattle Street and Walker Avenue
C10 Parramatta Road civil site	Heavy vehicles – Parramatta Road Light vehicles – Orpington Street

The proposed spoil reuse sites identified for the project are all located in western and north-western Sydney. Consequently, haulage routes from each construction site have been designed to allow vehicles to head west on major arterial roads. All identified haulage routes were via the existing M4 or arterial roads, with the exception of a small section of Underwood Road near Parramatta Road which, although a local road, runs through a sparsely populated, commercial area.

Indicative volumes on key roads during the AM and PM peak periods for construction heavy vehicles are shown in Table 6. It was noted in the EIS that 24-hour spoil haulage would be required during tunnelling activity.

Table 6 Indicative peak period distribution of heavy construction vehicles (two-way)

Road location	AM construction peak hour (7.30am - 8.30 am)	PM construction peak hour (4.15pm - 5.15 pm)
Wattle Street	80	60
Concord Road	34	21
Parramatta Road	172	161
M4 Motorway	240	203

5.2 Local road network impacts

The EIS identified potential impacts of construction on the local road network in the vicinity of each of the construction ancillary facilities. These potential impacts are summarised in Table 7.

Table 7 Summary of potential impacts of construction sites on local road network

Site	Description of potential impact on local roads
C1 Homebush Bay Drive civil site	Impacts would be minimal as vehicle access would be directly to and from the M4 or from the Homebush Bay Drive on-ramp. Temporary diversions at various stages and potential reduction in speed limit. There would be no reduction in the number of traffic lanes (except during night works) or impact on movements.

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Site	Description of potential impact on local roads
C2 Pomeroy Street civil site	Impacts would be minimal as the majority of construction vehicles would access the site directly to and from the M4 via the Homebush Bay Drive civil site (C1) – this would include all heavy vehicle movements. Some light vehicles would use Pomeroy Street; however, the low daily vehicle numbers would result in only minor impacts. Parking along Pomeroy Street in the vicinity of the work zone would be impacted.
C3 Underwood Road civil and tunnel site	Impacts would be limited to Underwood Road and Short Street East. Access to the site would be via a new traffic signal on Underwood Road. This new signal would potentially result in minor delays to traffic along Underwood Road. No impacts to Ismay Avenue or Allen Street are predicted, as all movements would be via the Underwood Road access. Parking along Underwood Road and Short Street East in the vicinity of the site would be impacted.
C4 Powells Creek civil site	Powell Street would be used as a heavy vehicle access route. Construction vehicles would access Powell Street from the signalised intersection of Underwood Road and Parramatta Road. There could be minor delays for northbound vehicles on Underwood Road, and localised parking restrictions may be required to enable turning movements.
C5 Concord Road civil and tunnel site	Impacts would be limited to Concord Road and Sydney Street. The existing signals at Concord Road and Sydney Street would be modified to allow vehicles to enter and exit the site. This may result in delays to road users on Concord Road. Light vehicle impacts on surrounding streets are expected to be minimal. It is predicted that Ada and Alexandra streets would experience some additional light vehicle traffic. Parking along Ada, Edward and Alexandra streets in the vicinity of the site would be potentially impacted.
C6 Cintra Park tunnel site	Impacts from heavy vehicles would be minimal, as movements would be directly to and from Parramatta Road. Light vehicle movements would result in impacts along Gipps Street.
C7 Northcote Street tunnel site	Impacts would be confined to Wattle Street, as movements would be directly to and from Parramatta Road via Wattle Street. A new movement, to permit heavy vehicles to turn around to access Parramatta Road, would be included at the existing signalised intersection at Waratah Street. This new movement would cause additional delays at this intersection.
C8 Eastern ventilation facility site	Impacts would be confined to Parramatta Road and Wattle Street, as movements would be directly to and from these arterial roads. Walker Avenue would experience some additional light vehicle movements; however, these impacts are expected to be minimal. The eastbound lanes of Walker Avenue would be closed and left-in from Parramatta Road permitted only for construction traffic. The southbound traffic lane would remain open to the public and would permit left turn onto Parramatta Road.
C9 Wattle Street and Walker Avenue civil site	Impacts would occur at Ramsay Street and Waratah Street due to the provision/modification of traffic signals and additional heavy vehicle movements. Martin and Allum streets would be closed at Wattle Street during construction to allow for the construction of the project along Wattle Street. Martin Street would be reopened following construction (with changes to turning movements), while Allum Street would be closed permanently. Alternate access to Wattle Street would be available at Ramsay Street or Waratah Street.
C10 Parramatta Road civil site	Impacts would be minimal as vehicles would access the site directly to and from Parramatta Road. Some delays for vehicles on Bland Street would be experienced due to heavy vehicles exiting the site via Bland Street to access Parramatta Road. One eastbound and one westbound lane of Parramatta Road would be closed as a result of the establishment of the civil site. This would result in two lanes in each direction during construction. Chandos Street would be closed at Parramatta Road during construction, and reopened during following construction.

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5.3 Road and intersection performance

The EIS modelled the performance of key intersections in the vicinity of the project for the conservative 2017 'do minimum' scenario (i.e. current road network with the inclusion of the completed M4 Widening project).

The results of this modelling indicated a number of key intersections on the Parramatta Road corridor would operate at or above capacity and experience high levels of delay during AM and PM peak periods. The following intersections operate at a Level of Service (LoS) F for this modelled scenario:

- Patterson Street/Concord Road (AM peak)
- Parramatta Road/Concord Road (PM peak)
- Parramatta Road/Wentworth Road (AM peak)
- Parramatta Road/Burwood Road (AM peak)
- Parramatta Road/Frederick Street (AM and PM peak)
- Wattle Street/Ramsay Street (AM peak).

As each of these intersections already operates at capacity without construction vehicles under this conservative scenario, the intersections are susceptible to large increases in average delay with only small increases in demand as a result of construction traffic. Background traffic growth accounts for part of the deterioration of the road network. In addition to those intersections already forecast to operate at or beyond capacity (without construction traffic), the modelling results indicate that the performance of the following intersections would deteriorate to a LoS F:

- Parramatta Road/George Street (PM peak)
- Sydney Street/Concord Road (PM peak)
- Parramatta Road/Concord Road (AM peak)
- Parramatta Road/M4 Motorway (AM peak)
- Parramatta Road/Broughton Street (AM peak)
- Parramatta Road/Croydon Road (AM and PM peak)
- Parramatta Road/Shafsbury Road (AM peak).

The above represents a worst case cumulative effect of construction traffic and these effects would not occur for the entire duration of the construction period.

5.4 Access changes

During construction it will be necessary to implement road closures and diversions (refer Table 8 and Table 9). The majority of road closures are anticipated to result in limited impacts to road users. Alternative routes could therefore be used with minimal impacts.

Table 8 Temporary long-term local road closures to enable construction

Location	Estimated duration	Comments
Intersection of Northcote Street and Parramatta Road	Duration of construction	Facilitate demolition of buildings and establish site compound.
Martin Street at intersection of Wattle Street (eastern side)	2 years	Facilitate road construction and site compound.

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Location	Estimated duration	Comments
Intersection of Walker Avenue and Parramatta Road	Duration of construction	North-bound lane on Walker Avenue closed to allow a left-in from east-bound on Parramatta Road for construction traffic only. South-bound on Walker Avenue would remain open for left turn onto Parramatta Road east-bound only.
Intersection of Chandos Street and Parramatta Road (southern side)	18 months from the	Facilitate demolition of buildings, establish site compound to construct the dive structure.

Table 9 Permanent local road closures as part of the final tunnel and road design

Location	Likely closure date	Comments
Taylor Lane, North Strathfield	Early 2016	Within the footprint of Concord Road Civil & Tunnel Site (C5) and future off-ramp (final design).
Young Street, North Strathfield	Early 2016	Within the footprint of Concord Road Civil & Tunnel Site (C5) and future off-ramp (final design).
Concord Lane at Carrington Lane intersection, North Strathfield	Mid 2016	Becomes part of the cur and cover tunnel (final design).
Carrington Street at Concord Road, North Strathfield	Late 2018	Becomes a cul-de-sac with a bus bay (sheltered stop) facing Concord Road.
Alexandra Street (on the curve), Concord	Early 2018	Becomes a cul-de-sac.
Sydney Street (east of Concord Road), Concord	Early 2018	Becomes a cul-de-sac.
Edward Street (at the end), Concord	Early 2018	Becomes a cul-de-sac.
Allum Street (from Wattle Street to Walker Avenue), Haberfield	Mid 2016	Closed as part of road widening.

Parking restrictions would be put in place on Underwood Road (at the Underwood Road civil and tunnel site (C3)) and potentially at the Powell Street intersection to accommodate movements to the Powells Creek civil site (C4) via Powell Street.

Local councils, utility providers, bus shelter owners and existing billboard owners will be permitted access to infrastructure/property within the construction footprint following the completion of a project induction.

LSJH aims to maintain existing property access points throughout construction. However, where this cannot be feasibly and reasonably achieved, LSJH will consult with the affected property owner and seek agreement to provide temporary alternate access for the duration of the access disruption. Proposed changes in existing access arrangements will be discussed with the property owner(s) prior to the disruption. Upon completion of construction, the original property access will be re-instated or newly constructed access opened for use (where applicable).

5.5 Road safety

The EIS determined that, as the volume of traffic generated by construction is expected to be relatively low when compared to the existing traffic volumes, the impacts of this short-term increase in traffic on the existing road network is not expected to significantly impact road safety in the vicinity of the project.

However, any foreseen impacts to road safety during construction would be mitigated through the implementation of traffic management measures described in Section 6.



5.6 Public transport

An increase in heavy vehicles on the existing road network during the construction period would be likely to result in increased delays at intersections along the project corridor and in surrounding areas. It is likely that the volumes of heavy vehicles on Parramatta Road and surrounding major roads would increase. Construction would have the potential to result in the following impacts to public transport services:

- An increase in bus service travel times due to slower travel speeds and increased intersection delays
- Longer travel times to and from bus stops by supplementary travel modes (e.g. car passenger, walking to/from bus stop) due to an increase in traffic volumes, slower travel speeds and increased intersection delays
- Reduced amenity for bus users waiting at stops
- At least four bus-stops would need to be relocated to protect community safety during construction
- Connections between bus services and trains services may be affected.

Table 10 shows indicative changes to bus stop locations during construction. These would be subject to consultation with Transport for NSW.

Table 10 Indicative changes to bus stop locations during construction

Location	Estimated Duration of Relocation	Details
C3 Underwood Road civil and tunnel site	2 years	Two bus stops located on Underwood Road beneath the M4 bridge would be relocated north to in the vicinity of Short Street for the duration of works.
C5 Concord Road civil and tunnel site	3 years	The bus stop on Concord Road (southbound) near the Concord Road bridge would be closed during the duration of works at this construction site.
C6 Cintra Park tunnel site	3 years	Bus stop currently near Cintra Park would be relocated east in the vicinity of Taylor Street.
C10 Parramatta Road civil site	2 years	Westbound bus stop at Chandos Street would be closed for the duration of works at this construction site. Westbound bus stop after Orpington Street would be relocated closer to Orpington Street for the duration of works at this construction site.

5.7 Pedestrians and cyclists

The increase in heavy vehicle volumes during construction, and subsequent traffic management, would potentially impact pedestrians and cyclists. Construction staging would be implemented to ensure connectivity is maintained for cyclists during construction.

6 Construction traffic management

Measures to manage traffic and access impacts will be implemented throughout the project. Elimination of the hazard is the first preference of control, followed by engineering, then administrative controls. Management measures and controls used on this project are described in Section 6. These controls address the contemporary requirements tabled in Section 2.3 and have been sourced from the TMSP.

6.1 Pre-condition and dilapidation reports

LSJH will prepare an Road Pre-condition Report(s) for affected roads (excludes regional, arterial and other major roads) likely to be used by construction traffic prior to commencement of construction. Road Pre-condition Reports are to assess the current condition of the road and describe mechanisms to restore damage that may result due to traffic and transport related to the construction of the project.

The Pre-condition Report will survey a pre-determined table of affected roads and take into account the following (but not limited to):

- Kerb and gutter (likely to be within a vehicle/s path);
- Speed humps;
- Existing vegetation;
- Street furniture;
- Any existing damage to road pavement or road furniture ;
- Existing potholes/pavement damage;
- Cracking and rutting;
- Any existing structures; and
- Any existing damaged items.

The Road Pre-condition Report will be submitted to the Secretary for information and Local Councils for review prior to the commencement of haulage.

Following completion of construction, a Road Dilapidation Report shall be prepared to assess potential damage that may have resulted from the construction of the project. The Road Dilapidation report is to take into consideration the findings of the Road Pre-condition Report.

Measures undertaken to restore or reinstate roads affected by the project shall be undertaken in a timely manner, in accordance with the reasonable requirements of the Local Councils.

6.2 Construction haulage management

6.2.1 Development of haul and delivery routes

Heavy vehicle haul and delivery routes to and from construction sites have been prepared with the objectives being to minimise impacts to local roads and maximise the utilisation of State and regional roads where feasible and reasonable. Requirements which have been considered during the development of the routes include the following:

- Identified impacts of the EIS;
- Scope of Work and Technical Criteria (SWTC);
- Using Higher Mass Limit (HML) routes as outlined by RMS as part of their Intelligent Access Program (IAP) and Restricted Access Vehicle (RAV) routes;

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- Other major infrastructure projects; and
- Consultation with TMC, RMS and other authorities or emergency services (as required).

6.2.2 Spoil haulage routes

Whilst the development of haul and delivery routes consider the requirements listed in Section 6.2.1, it should be noted that not all haulage routes will always meet all of these requirements.

Current spoil reuse sites are located in western and north-western Sydney. The likely haulage routes to these locations are set out in Table 11. It should be noted that haulage destinations are subject to change. Proposed and future haulage and delivery routes will be developed in consultation with TMC, RMS and other relevant authorities before being updated in the TMSP (not this TAMP).

Table 11 Provisional spoil haulage routes from site

Starting point	Destination Route
C1 Homebush Bay Drive civil site	<p><i>To Spoil Site</i></p> <p>Exit Site > M4 EB > L into Sydney St > R into Concord Rd > R into Parramatta Rd > Enter M4 at Silverwater Rd until new Powells Cr WB on-ramp complete</p> <p><i>From Spoil Site</i></p> <p>M4 EB > L into site at designated site entry</p>
C2 Pomeroy Street civil site	<p><i>To Spoil Site</i></p> <p>Vehicles will travel through the Pomeroy St civil site to the Underwood Rd civil site, see row below.</p> <p><i>From Spoil Site</i></p> <p>M4 EB > EB off-ramp to Silverwater Rd > R into Silverwater Rd > L into Parramatta Rd > L into Underwood Rd > L into Pomeroy St > L into site</p>
C3 Underwood Road civil site & tunnel site	<p><i>To Spoil Site</i></p> <p>Exit Site > L into Underwood Rd > R into Parramatta Rd or L into Parramatta Rd once new Powells Cr WB on-ramp complete</p> <p><i>From Spoil Site</i></p> <p>M4 EB > EB off-ramp to Silverwater Rd > R into Silverwater Rd > L into Parramatta Rd > L into Underwood Rd > into site at new traffic signals</p>
C4 Powell Street civil site	<p><i>To Spoil Site</i></p> <p>Exit Site > R into Powell St > L into Underwood Rd > R into Parramatta Rd</p> <p><i>From Spoil Site</i></p> <p>M4 EB > EB off-ramp to Silverwater Rd > R into Silverwater Rd > L into Parramatta Rd > L into Powell St > R into site</p>
C5 Concord Road civil site & tunnel site	<p><i>To Spoil Site</i></p> <p>Exit Site > L into Concord Rd > R into Parramatta Rd > Enter M4 at Silverwater Rd until new Powells Cr WB on-ramp complete</p> <p><i>From Spoil Site</i></p> <p>M4 EB > L into Sydney St > straight into site at Concord Rd or R into site from Sydney St</p>
C6 Cintra Park tunnel site	<p><i>To Spoil Site</i></p> <p>Exit Site at new signals > R into Parramatta Rd > R into M4 WB</p> <p><i>From Spoil Site</i></p> <p>M4 EB > L into Parramatta Rd > L into site</p>

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C7 Northcote Street tunnel site	<p><i>To Spoil Site</i></p> <p>Exit site > L into Wattle St > R at new temporary U-turn movement at Wattle Street and Waratah Street signalised intersection > R into Parramatta Rd > R into M4 WB</p> <p><i>From Spoil Site</i></p> <p>M4 EB > L into Parramatta Rd > L into site</p>
C8 Eastern ventilation facility site	<p><i>To Spoil Site</i></p> <p>Exit Site > L into Wattle St > R into Parramatta Rd > R into M4 WB</p> <p><i>From Spoil Site</i></p> <p>M4 EB > L into Parramatta Rd > L into site</p>
C9 Wattle Street and Walker Avenue civil site	<p><i>To Spoil Site</i></p> <p>Exit Site > L into Wattle St > R into Parramatta Rd > R into M4 WB</p> <p><i>From Spoil Site</i></p> <p>M4 EB > L into Parramatta Rd > L into site</p>
C10 Parramatta Road civil site	<p><i>To Spoil Site</i></p> <p>Exit Site > L into Parramatta Rd > R into M4 WB</p> <p><i>From Spoil Site</i></p> <p>M4 EB > L into Parramatta Rd > R into site at new signals near Roger Ave</p>

Refer to Figure 4 for a representation of the estimated truck movements over time. This estimation is based on the following assumptions:

- Current construction program and weather allowance;
- 10-hour working day;
- Hauling 6-days per week;
- Hauling an average of 28 tonnes per outbound load;

In the event that hauling is undertaken outside standard construction hours, as identified in Sections 4.1 and 4.2, the estimated truck movement peaks would be reduced.

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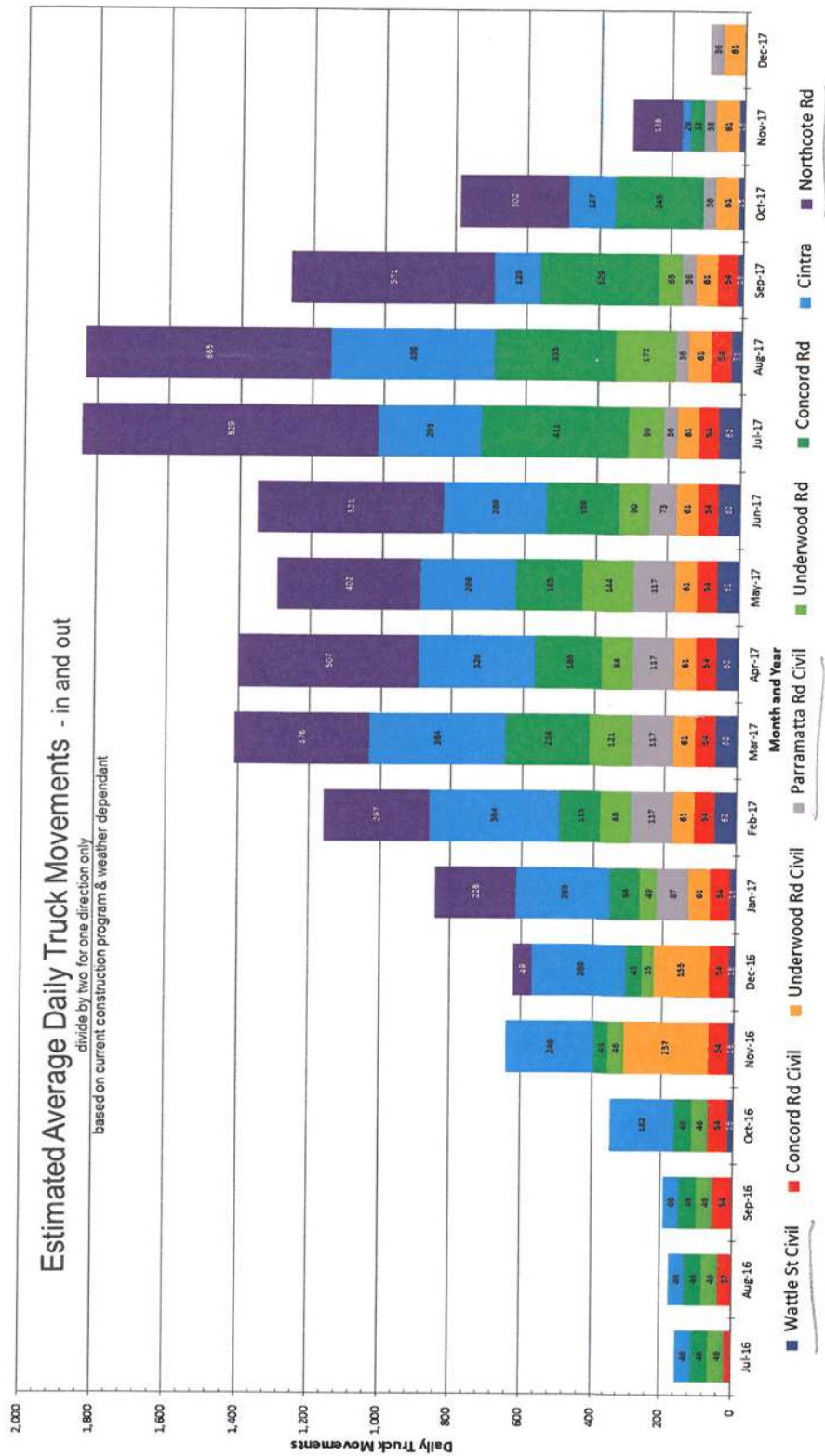


Figure 4 Estimated average daily truck movements

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6.2.3 Construction delivery routes

Materials such as steel, pipes and fuel will be transported to each site from various locations across Sydney. Suppliers will be directed to utilise the arterial road network. Delivery trucks are typically single unit trucks (with and without dog trailers) and semi-trailers.

Concrete will be transported to the relevant construction site using concrete agitators. The majority of concrete deliveries will be for 'shotcreting' and tunnel shaft construction. Suppliers will be directed to utilise the arterial road network.

6.2.4 Drivers code of conduct

All drivers employed on the project, whether direct employees or not, have a responsibility to drive safely, comply with State road regulations and the Australian Road Rules and any other directives issued by LSJH. In particular, before any deliveries are undertaken all heavy vehicle drivers will be required to read and endorse the Drivers Code of Conduct.

To reinforce these obligations a Driver's Code of Conduct has been prepared and is included in Annexure A.

6.3 Traffic staging

Road safety and traffic management measures will be staged as construction progresses. Traffic staging has been categorised and described in this section according to the general construction area wherein road safety and traffic management measures will be implemented.

Traffic Staging Drawings (TSD) will be prepared in advance of the works and will be included with a Traffic Management Plan (TMP) in support of a ROL application (refer Section 6.4.8). The purpose of a TSD is to illustrate the proposed traffic staging to be implemented during construction. TSD will outline the basic construction methodology, identify the need for temporary works, specify any particular traffic management measures / controls, define work areas and illustrate the available travel lanes.

6.3.1 Homebush staging

The Homebush traffic staging addresses the following construction sites:

- C1 – Homebush Bay Drive Civil Site;
- C2 – Pomeroy Street Civil Site; and
- C3 – Underwood Road Civil Site.

An indicative staging schedule is shown in Table 12. It should be noted that this staging schedule is subject to change during the construction phase and will be managed through the TMSP, including consultation with the relevant roads authorities, and changes in traffic staging will be reflected in the TMSP.

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Table 12 Indicative traffic staging for the Homebush area

Construction Site/Activity	2016				2017				2018				2019			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
M4 Motorway – Homebush Bay Dr to Underwood Rd																
Homebush compound setup (barriers at M4 site entrance)																
Stage 1 – EB & WB on M4																
Stages 2 to 8 – EB & WB on M4																
Stage 9 – M4 Opening																
Pomeroy St - Civil Site																
Stage 1 – 2 (incl. temp traffic signal install)																
Pomeroy St Pedestrian Bridge WB over M4																
Underwood Rd - Civil Site																
Stage 1 (incl. temp traffic signal install)																
Stage 2																
Stage 3 - final																

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6.3.2 Concord staging

The Concord traffic staging addresses the following construction sites:

- C4 – Powells Creek Civil Site; and
- C5 – Concord Road Civil and Tunnel Site.

An indicative staging schedule is shown in Table 13. It should be noted that this staging schedule is subject to change during the construction phase and will be managed through the TMSP, including consultation with the relevant roads authorities, and changes in traffic staging will be reflected in the TMSP.

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Table 13 Indicative traffic staging for the Concord area

Construction Site/Activity	2016				2017				2018				2019			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Sydney Street Diversion																
Traffic onto new, temporary, alignment																
Traffic back to existing alignment																
Works on M4 (both directions under Concord Rd)																
Temp works to median																
Shift traffic to North																
Shift traffic to South (final alignment)																
Concord Road Bridge (over M4) Works																
Close NB shoulder & footpath + install barriers																
Median works, re-sheet & line mark																
Concord Road Widening (North of bridge over M4 to Patterson Street)																
Road works and footpath works																
Powells Creek (the new WB on-ramp to M4)																
Close WB shoulder on M4																
Re-open shoulder to full width																
Construct signalised intersection at Parramatta Rd																

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6.3.3 Parramatta Road staging

The Parramatta Road traffic staging addresses the following construction sites:

- C10 – Parramatta Road Civil Site.

An indicative staging schedule is shown in Table 14. It should be noted that this staging schedule is subject to change during the construction phase and will be managed through the TMSP, including consultation with the relevant roads authorities, and changes in traffic staging will be reflected in the TMSP.

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Table 14 Indicative traffic staging for the Ashfield area

Construction Site/Activity	2016				2017				2018				2019			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Stage 1 - Enabling Works																
Construct new, temp signalised intersection																
Parramatta Rd VMS Installation																
Stormwater Drainage Installation																
Parramatta Rd median realignment																
Reduce Parramatta Rd - from 3 to 2																
Stage 2																
Close Chandos Street																
Stage 3																
WB traffic onto new WB alignment																
EB traffic onto old WB alignment																
Open Chandos Street																
Stage 4																
EB traffic onto new EB alignment																
Signalised intersection removed																

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6.3.4 Wattle Street staging

The Wattle Street traffic staging addresses the following construction sites:

- C7 – Northcote Street Tunnel Site;
- C8 – Eastern Ventilation Facility Site; and
- Wattle Street and Walker Avenue Civil Site.

An indicative staging schedule is shown in Table 14. It should be noted that this staging schedule is subject to change during the construction phase and will be managed through the TMSP, including consultation with the relevant roads authorities, and changes in traffic staging will be reflected in the TMSP.

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Table 15 Indicative traffic staging for the Wattle Street area

Construction Site/Activity	2016				2017				2018				2019			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Stage 0 Early Works																
Wattle St U-turn (G-Loop) construction																
Stage 1																
Intersection changes at Wattle St/Parramatta Rd, new temporary signalised intersection on Ramsay St																
Stage 2																
Wattle St/Dobroyd Pde re-alignment																
Ramsay St full closure, cut & cover construction																
Stage 3																
Wattle St onto new (separate) WB alignment																
Stage 4																
Southern tie-in																

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6.4 Manage construction site traffic and access

The effective management of construction traffic to and from construction sites is critical for the efficient delivery of the project and to minimise impacts to road users and the surrounding community. Traffic management and safety will be managed in accordance with the TMSP

Factors which influence construction traffic volumes include the following (but are not limited to):

- Potential changes to construction hours;
- Potential changes to construction program;
- Potential changes to deliveries of materials;
- Availability of spoil disposal sites;
- Machinery breakdown; and
- Inclement weather.

The processes and controls described in the following sub-sections will be implemented and managed in accordance with the TMSP, following consultation with the relevant roads authorities and stakeholders identified in Section 6.10.

6.4.1 Traffic Management Plans

Traffic Management Plans (TMP) detail the specific road safety and traffic management measures that will be applied whilst undertaking construction works. TMPs are based on the principles and strategies of the TMSP, inclusive of contractual requirements, environmental approvals and the requirements of relevant road authorities and other stakeholders.

TMPs will be discussed, reviewed and finalised in consultation with TMC and RMS at regular Traffic Co-ordination Group (TCG) meeting.

TMPs will generally include:

- Overview of the construction activities and traffic management requirements;
- A description of how traffic management will be established;
- A description of traffic management during construction;
- A description of traffic management for specific construction events (e.g. full road closure);
- Traffic management measures/devices that will be implemented;
- An analysis of resultant traffic conditions and impacts analysis; and
- Details of stakeholder consultations.

TMPs will be prepared in accordance with the principles and strategies of the TMSP and approval will follow the process shown in Figure 5.

6.4.2 Traffic Control Plans

A Traffic Control Plan (TCP) is a diagram which illustrates the signs, road markings and devices that will be installed to warn traffic and guide it around, past, or through the construction site.

All TCPs will be developed with the aim of:

- Warning drivers of changes to the usual road conditions;

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- Informing drivers about changed conditions;
- Guiding drivers through the work site; and
- Safety for workers, motorists, pedestrians and cyclists.

The TMC requires a TCP to be submitted with each ROL application.

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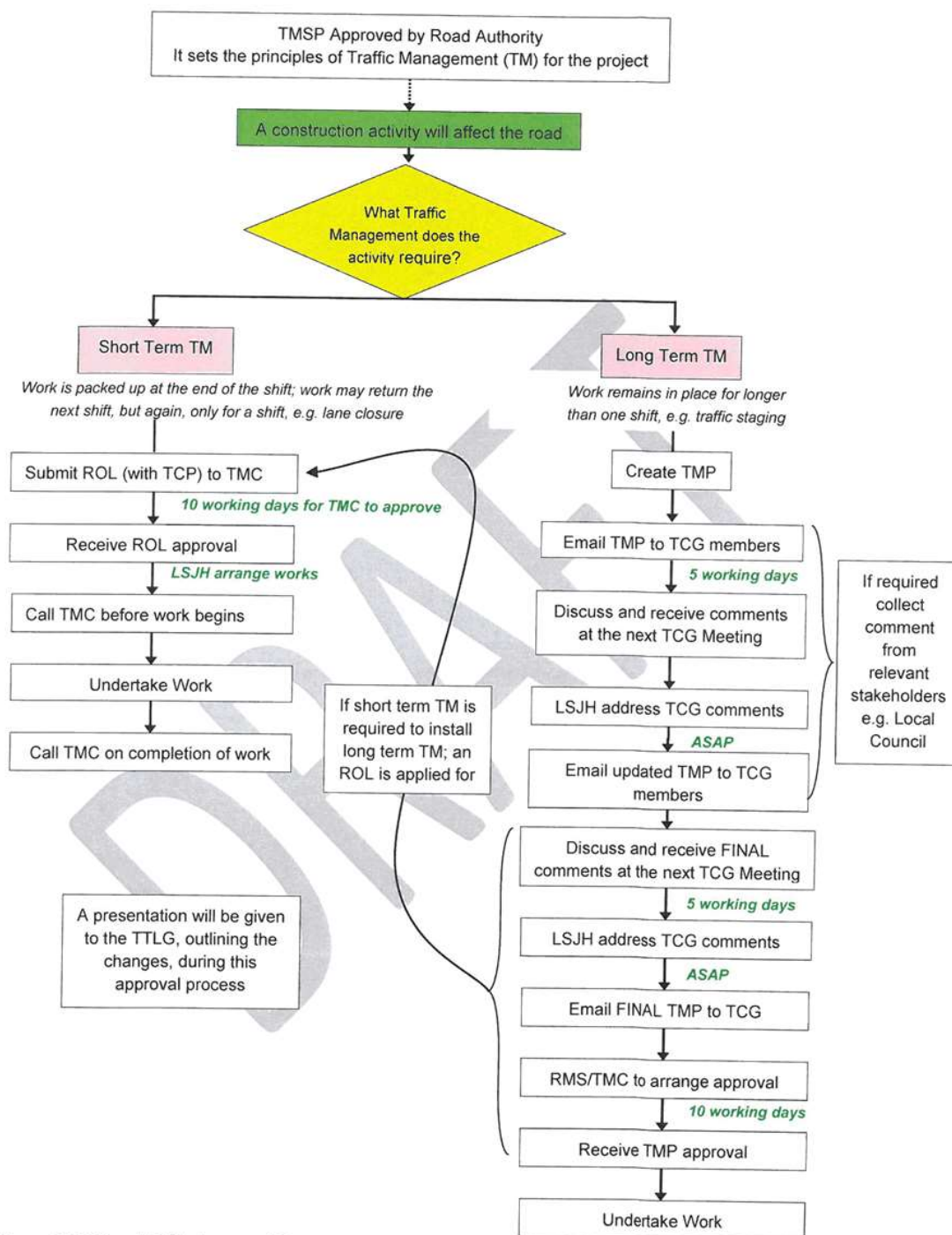


Figure 5 TMP and ROL Approval Process



6.4.3 Processes

Processes are instruction documents which will detail how activities are to be carried out during construction. Specific processes will be developed for traffic management activities include (but are not limited to):

- Preparation of TCP;
- Providing for project traffic, e.g. VMP;
- Lane closure / road occupancy and roadwork speed limit submissions;
- Temporary safety barriers;
- Inspecting traffic controls;
- Conducting road safety audits; and
- Carrying out traffic surveillance duties.

These processes will be made available to relevant construction team members and presented in specific training sessions, e.g. tool box talks and pre-start briefs.

6.4.4 Vehicle Movement Plans

A Vehicle Movement Plan (VMP) is a diagram showing the preferred travel paths for vehicles entering or leaving a construction site or crossing the through traffic stream. VMPs will be prepared for all construction vehicle movements including at each interface with the existing road network, internal haul roads and points on routes remote from the work site. A typical VMP is included in Annexure C.

6.4.5 Pedestrian Movement Plans

A Pedestrian Movement Plan (PMP) is a diagram which illustrates changes to pedestrian access around, through and past construction sites. They may include details for signs, pavement markings and devices that will be installed to guide pedestrians around or past, or if necessary, through a work site. A typical PMP is included in Annexure C.

6.4.6 Temporary Works Drawings

A Temporary Works Drawing (TWD) is a detailed design plan of changes to roadways that are required to facilitate construction staging. These drawings are prepared in consideration of the TSD and include details of the required earthworks, drainage, horizontal & vertical alignments, carriageway cross sections, lane configuration, intersection treatments, property access modifications, environmental controls, pavement design, lines and sign posting, TCPs, safety barriers and road side furniture.

6.4.7 Traffic Control Devices

Traffic Control Devices (TCD) are all signs, traffic signals (permanent and temporary), road markings, pavement markers, traffic islands, and/or other devices placed or erected to regulate, inform, warn and/or guide road users.

The function of any traffic control device is to promote orderly traffic flow, regulate traffic (assign right of way, and indicate regulations in force), warn road users of hazards or regulatory controls ahead, (in particular they also warn of temporary hazards that could endanger road users or workers at roadwork sites), and guide traffic (e.g. guide signs to inform road users of directions to destinations, identify routes, and pavement markings to guide the travel path of vehicles).

Signs and road markings are an important aspect of road safety and traffic management. Regulatory signs control specific traffic movements; warning signs give advance notice of traffic hazards; road markings (and

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pavement markers) provide delineation and reinforce signage; and guide signs give advance guidance and advice of routes and destinations which assist all drivers to make clear, early decisions.

The aim of sign posting is to:

- Warn and inform road users of conditions ahead;
- Guide and control road users to safely negotiate the road ahead;
- Ensure the signs and their structures are not a hazard in themselves;
- Provide drivers with sufficient information to ensure no surprises along their path of travel; and
- To provide data in a controlled and consistent way to avoid information overload.

LSJH recognises the value of providing road users with timely, clear and consistent messages and LSJH will ensure all signs, road markings and devices installed during the construction of the project are:

- Assessed for use in accordance with the appropriate RMS guidelines and/or Australian Standards;
- Manufactured and installed in accordance with the requirements of the Australian Standards;
- Installed in accordance with the relevant guides and standards;
- Not contradictory to existing signs or markings;
- When no longer required, covered or removed; and
- Regularly maintained and repaired / replaced when damaged or lose reflectivity.

All sign posting installed throughout the project will comply with the requirements outlined in the RMS's *Traffic Control at Worksites Manual* (TCAWs), RMS's *Delineation Manual*, AUSTROADS *Guide to Traffic Engineering Practice, Part 8 – Traffic Control Devices* and the relevant parts of *Australian Standard 1742*.

6.4.7.1 Project Signs

LSJH will apply the following sign posting parameters:

- The minimum size of signs used on the project will be Type B;
- Consideration will be given to the installation of short-term signs on permanent posts with secure covers, where works occur in the same location on a regular basis; and
- All non-standard road and directional signs (not gate or project specific signs) will be submitted to RMS for design and approval.

LSJH will conduct detailed reviews of all short and long term signage with the aim to ensure a clear and concise message is given to approaching road users, without creating sign clutter.

6.4.7.2 Variable Message Signs

LSJH considers Variable Message Signs (VMS) an effective traffic management tool. During construction LSJH will utilise portable and permanent VMS to provide advanced warning and changed traffic condition information to road users.

The use of VMS and the appropriate message(s) will be incorporated within a TMP and/or site specific TCP.

LSJH will co-ordinate requests to set VMS with TMC approved messages in accordance with the TMC's *VMS Policy*. It is understood that messages related to the project (advance warning or otherwise) are second to incident response messages and that the decision to display the appropriate messages remains with TMC.

TMC controls existing permanent VMS to manage the road network. Whilst the location of viable VMS will vary, the most useful permanent VMS that LSJH will liaise with TMC are identified in Table 16.

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Table 16 Existing permanent VMS controlled by TMC to be considered for use during construction

VMS ID	ROAD	TRAFFIC DIRECTION	POSITION
VMS_6004_0172_E	M4	Eastbound	VMS Parramatta; M4 (E); before Church St off-ramp
VMS_6004_0190_E	M4	Eastbound	VMS Girraween; M4 Mwy(E); 1200m west Cumberland Hwy off-ramp
VMS_6004_0505_E	M4	Eastbound	VMS Eastern Creek; M4 (E); 1000m west of Reservoir Rd Exit
VMS_6004_4907_E	M4	Eastbound	VMS Mays Hill; M4 Mwy (E); 1300m west of Church St off-ramp
VMS_6004_4908_E	M4	Eastbound	VMS Silverwater; M4 Mwy (E); 900m west of Silverwater Rd off-ramp
VMS_6004_4911_W	M4	Eastbound	VMS Greystanes; M4 Mwy (E); 1350m east of Prospect Hwy off-ramp
VMS_0165_0904_W	Western Distributor	Westbound	VMS Pyrmont; Western Distributor (W); 500m E of Pyrmont Bridge
VMS_0167_0302_E	Canterbury Rd	Eastbound	VMS Wiley Park; Canterbury Rd (E); 350m west of King Georges Rd
VMS_0005_0807_E	Great Western Hwy	Eastbound	VMS Wentworthville; Great Western Hwy (E); 430m west of Emert St
VMS_0005_0100_W	Parramatta Rd	Westbound	VMS Burwood; Parramatta Rd (W); before Shaftsbury Ave
VMS_0005_0805_E	Parramatta Rd	Eastbound	VMS Granville; Parramatta Rd (E); 1100m west of James Ruse Dr
VMS_0005_0907_E	Parramatta Rd	Eastbound	VMS Concord; Parramatta Rd (E); 1.7km west of Great North Rd
VMS_0013_1601_E	James Ruse Dr	Eastbound	VMS Parramatta; James Ruse Dr (E); 600m west of Pennant Hills Rd
VMS_0190_0608_S	Silverwater Rd	Southbound	VMS Silverwater; Silverwater Rd (S); 550 m north of M4 Mwy
VMS_0200_0402_S	Concord Rd	Southbound	VMS Rhodes; Concord Rd (S); 629m north of Homebush Bay Dr
VMS_0200_0404_S	Homebush Bay Dr	Southbound	VMS Homebush; Homebush Bay Dr (S); 400m north of M4 on-ramp
VMS_0200_0606_N	Centenary Dr	Northbound	VMS Homebush; Centenary Dr (N); 1400m south of M4 on-ramp

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LSJH will install four new permanent VMS at the following locations:

- Concord Road – Southbound, nominally at Homedale Avenue;
- Parramatta Road – Eastbound, 100 metres east of George Street;
- Dobroyd Parade – Westbound, 100 metres east of Waratah Street; and
- Parramatta Road – Westbound, 50 metres west of Dalhousie Street.

Should the locations of the permanent VMS change, the TMSP will be updated accordingly following consultation with stakeholders identified in Section 6.10.

LSJH will co-ordinate and deploy portable VMS (senior and junior boards) to allow as much advance warning as possible, as well as set TMC agreed and approved messages. VMS devices utilised on the project will comply with RMS's specifications.

6.4.7.3 Flashing Arrow Signs

Flashing Arrow Signs (FAS) are mainly used when closing traffic lanes and conducting mobile traffic control operations.

When stipulated by the TCP, LSJH will implement FAS. Where applicable, FAS will comply with the RMS equipment requirements and be controlled by a trained sub-contractor traffic control team member.

6.4.7.4 Portable Traffic Signals

There is currently no need to utilise Portable Traffic Signals (PTS) for any long term works on this project. However, they may be used to provide safer alternate flow operations (i.e. no human traffic controller within proximity of traffic). Signals used for stop/slow will be manually controlled.

6.4.7.5 Fixed Traffic Signals

LSJH will re-configure existing signal sites and design and construct new signalised intersections as per the numbered list below.

New

- Luke Ave intersection of Parramatta Rd - new site exit (only)
- Underwood Rd, near M4 overpass - haul crossing
- Orpington St and Parramatta Rd - new site entry, likely to include bus only westbound

Reconfigured

- Homebush Bay Dr and EB on-ramp to M4 - to add site entry and exit
- Concord Rd and Sydney St (M4 EB off-ramp) - to add site entry (only)
- Waratah St and Wattle St intersection - new right turn exit for construction only (Section 9.7.5)
- Ramsay Rd and Wattle St - create haul crossing on eastern side (Ramsay St)
- Parramatta Rd, Frederick St and Wattle St - close left lane to create site exit (only)

Existing

LSJH may utilise 'flashing yellow' at fixed traffic signals to allow Traffic Controllers to operate an intersection under manual control, specifically contra-flow operations.

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When stipulated by the TCP, LSJH will implement 'flashing yellow' in accordance with ROL approval and in conjunction with the TMC (as only TMC can switch the lights to flashing yellow). Traffic signals may also be turned off during works but such a decision remains at the sole discretion and responsibility of the TMC.

All intersections, regardless of whether new, existing or reconfigured, will be constructed with the aim of ensuring that the intersections operate as close as practicable to existing levels of service.

6.4.8 Obtain Road Occupancy Licence

LSJH acknowledges that a ROL scheme applies on all state roads and understands the benefits of managing the cumulative impact of delays at separate and multiple work sites. TMC will be responsible for advising of conflicts with ROL approvals given to other projects, e.g. WestConnex 1A.

Except in the case of an emergency, or when directed by Police or Emergency Services, LSJH will obtain a ROL prior to the commencement of any short term works, which:

- Slows, stops or otherwise delays traffic;
- Diverts traffic from its normal course along the road carriageway, including lane closures, turning restrictions, detours and diversions; or
- Occupies any portion of a local road that is normally available as a trafficable lane.

An emergency is defined as *an unforeseen event, which requires urgent attention to protect life or property or an occasion when emergency services (Police, Fire Brigade, Ambulance or State Emergency Services) take control of a portion of the road network* (Section 1.2 (b) in Annexure C.4-A of the SWTC). LSJH's role in emergency events is detailed in Section 7.

Obtaining an ROL for short term works on state and regional roads will follow the existing TMC process outlined in Figure 5. However, if a local road (road controlled by a Local Council) requires a lane closure the nominated Council representative will be advised.

LSJH acknowledges that all road occupancies, despite the hours of operation stated in Section 4, will be subject to the specified period of operation stated on the approved licence.

The ROL application (which includes a TCP) will be submitted to TMC, who have the responsibility for processing and approving the ROL. The TMC will be provided at least 10 working days to process and then either grant or reject the application. Minor changes to a ROL application (to obtain approval) will occur within the 10-day period.

To obtain extensions, LSJH will submit an extension ROL. If the original lane closure & road occupancy submission is to be altered or changed (e.g. change to times, TCP or proposed occupancy, work type), a new ROL application will be submitted.

LSJH will ensure the validity of approved lane closures and road occupancies and will regularly monitor the expiry dates. LSJH will maintain a database, which will contain details of road occupancy approvals to assist with this process.

Generally, TMC will apply conditions to the approvals, which may include:

- Maximum traffic stoppage times and maximum queue lengths;
- Maximum travel time delays;
- Measures to provide information to road users; and
- Records detailing the date and time of the road occupancy, and the location of all signs, and any other relevant information associated with the traffic control, must be kept.

TMC has the power to revoke the approvals at any time for breaches of the associated conditions.

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Generally, in accordance with TMC's requirements, the responsibility for implementation, coordination, and compliance with the lane closure & road occupancy approvals remains with LSJH. TMC's granting of the approval does not:

- Constitute approval by TMC or RMS of any actions that relate to traffic safety, occupational health and safety, or environmental issues and management;
- Relieve LSJH or any person of their responsibility for compliance with legislation, regulations, or established operational procedures; or
- Change any management accountability or responsibility.

Long term traffic control does not usually require an ROL and will be subject to discussions with TMC, RMS, Local Council (as required) and TTLG.

6.4.9 Obtain Speed Zone Authorisations

Guidance for applicants applying for SZA is provided in the *Road Occupancy Manual* issued by the TMC. The manual contains a number of explanatory notes and checklists. Application is made as part of the ROL application process (refer Section 6.4.8).

The SZA application will be forwarded to the TMC as it has the responsibility for processing and approving an SZA. The TMC generally requires at least 10 working days to process the application and will either grant or reject the application within this period.

LSJH accepts it will be responsible for the management of records associated with the speed zone in accordance with Section 8.2.6 of the RMS's *TCAWs Manual*.

6.4.9.1 Extensions to period of operation

To obtain extensions, LSJH will submit a SZA application. If there are no amendments, other than dates, to the original submission, LSJH will only submit a completed SZA application with a copy of the original TCP, quoting the previous SZA number.

If an original SZA submission is amended (e.g. change to a time, a TCP, a location or speed reduction) a new SZA application will be prepared and submitted.

LSJH will ensure the validity of each approved speed limit, thus regular monitoring of the expiry dates is essential. LSJH will maintain a register which will contain details of speed limit consents to assist with this process.

6.4.9.2 Speed zone conditions

It is expected that TMC will apply conditions to speed limit authorisations and are able to revoke an approval at any time for breaches of the conditions.

Typical SZA conditions include, but are not limited to:

- A copy of the SZA must be made available to the local NSW Police Highway Patrol representative, and road authority on request;
- The temporary roadwork speed zone must be installed in compliance with conditions, notes, applicable dates and locations stipulated in SZA;
- Specific measures required to manage adjacent speed zones, or potential conflicts with other temporary speed zones at construction sites in the immediate area;
- All temporary roadwork speed limits must be installed as per the TCP and operated in accordance with the TMC/RMS requirements;

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- Similar to all regulatory signs, the speed limit signs are to be properly erected, and any contradictory signs or road markings are to be removed or covered; and
- Records detailing the date and time the speed limit is in operation, the speed limit displayed, and the location of all signs, and any other relevant information associated with the speed limit, must be kept.

6.4.9.3 Authorisation limitations

Generally, in accordance with the TMC's requirements, the responsibility for implementation, coordination, and compliance of the speed zone remains with LSJH.

The TMC's granting of the approval does not:

- Constitute approval by the TMC of any actions that relate to traffic safety, occupational health and safety, or environmental issues and management;
- Relieve the project or any person of their responsibility for compliance with legislation, regulations, or established operational procedures; or
- Change any management accountability or responsibility.

6.5 Maintain access for over dimensioned vehicles

The movement of over dimensioned vehicles is managed and controlled by the RMS Special Permits Unit, through the issuing of permits.

All over dimensioned vehicles, utilised on the project, will be procured through specialist haulage contractors and will abide by the permits obtained from RMS's Special Permits Unit. Some permits may also require co-ordination with the NSW Police and these will be co-ordinated by the specialist haulage contractors.

The day to day construction works/operation of each site will aim to minimise the impact on the existing road network.

All short term traffic control will:

- Consider the movement of heavy vehicles and over-dimension loads when developing TCP;
- Avoid unnecessary traffic control operations so as not to disrupt freight movement;
- Limit restrictions on the road, and when required provide alternatives to maintain access for transport operators;
- Liaise with NSW Police, permit authority and operators, and provide up-to-date information of any obstructions that may impact on movement of over-dimension vehicles
- When traffic control operations are in place Traffic Controllers will effectively co-ordinate the movement of over-dimension vehicles through the work site
- Assist the RMS Special Permits Unit and over-dimension operators by notifying RMS of any obstructions that may impact on over-dimension vehicle movements; and
- If required, arrange the removal and re-instatement of roadside furniture and traffic control devices that impede over-dimension vehicle movements.

6.6 Parking management

6.6.1 Parking strategy

LSJH will apply a range of measures, as listed below, to provide workers with feasible options to get to their place of work, whilst mitigating impacts on neighbouring residents and businesses.

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- LSJH will implement and encourage the use of Public Transport through an internal communications strategy for the life of the project. This will be achieved by:
 - During the employee selection process, advise potential employees of the limited nature of on-site parking, travel allowances provisions, the need to behave as respectful guests in the community and generally encourage the use of Public Transport, where possible. This will ensure that workers will have made an informed decision about their transport options when they join the project;
 - Prepare project maps and other materials which show pedestrian routes and distances from Public Transport stops/stations, to inform workers on the availability of Public Transport;
 - Establish Public Transport advisory service through the internal Communications Team; and
 - Encourage the use of apps such as "Opal Travel" for transport services and timetables.
- Continue to consult and communicate with the Local Councils to discourage workers from parking in neighbouring streets through the introduction of construction phase resident parking restrictions supported by vehicle stickers/signage/information/project inductions;
- Initiatives to consider to boost parking capacity in the vicinity:
 - Provide bicycle and motor bike parking facilities on LSJH sites;
 - Explore "park & ride" option from Sydney Olympic Park using existing parking infrastructure and existing buses; and
 - Work with Local Councils and landowners to identify opportunities for additional "paid" parking facilities set up by third parties on a commercial basis.
- Local roads, parking and community issues will be part of regular employee inductions and tool box talks as required; and
- Provide shower and welfare facilities to assist personnel who may cycle to work.

6.6.2 On-site parking

Each construction site has been designed to separate light and heavy vehicle movements and parking. Light vehicle on-site parking supply for each construction site, during peak operation, is listed in Table 18 and assumes the following:

- One person per vehicle;
- No public transport use;
- No annual or sick leave;
- Parking within site but not in a marked space; and
- That everyone will arrive and not leave

More information pertaining to the establishment, layout and operation of each construction site is documented in the AFMP.

Table 17 Light vehicle (peak operation) on-site parking supply and demand

Site	Parking spaces	Likely employee nos.	
		Day Shift	Night Shift
C1 Homebush Bay Drive civil site		295	40 (periodic)
C2 Pomeroy Street civil site			

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Site	Parking spaces	Likely employee nos.	
		Day Shift	Night Shift
C3 Underwood Road civil and tunnel site	This column to be updated in future revision	25	18
C4 Powells Creek civil site		45	N/A
C5 Concord Road civil and tunnel site		245	45
C6 Cintra Park tunnel site		255	40
C7 Northcote Street tunnel site		210	75
C8 Eastern ventilation facility site		53	18
C9 Wattle Street and Walker Avenue civil site		120	N/A
C10 Parramatta Road civil site		75	N/A

Parking may be displaced on several local roads to allow access for construction vehicles. If the parking was to remain the possibility of vehicle damage, due to limited space to pass, would be high. All attempts will be made to maintain parking as per existing conditions.

'NO STOPPING' zones would be installed after consultation with relevant Local Council. Likely locations of where parking may be displaced are detailed in Table 18.

Table 18 Locations where parking may be displaced

Street	Location	Length (approx.)	No. of spaces displaced (approx.)*	Alternate parking locations
Edward St	Both sides. House No. 28 to assist garbage truck turn movements	25m (12.5m each side)	5	Alexandra St, further along Edward St
Ada St	Both sides. House No. 14 to assist garbage truck turn movements	30m (15m each side)	6	Alexandra St, Edward St
Alexandra St	Both sides. House No. 22 to 26, to assist garbage truck turn movements	30m (15m each side)	6	Alexandra St, Edward St
Pomeroy St	Both sides. House No. 51 to house No. 59	120m (60m each side)	24	Wentworth St Pomeroy St North Underwood Rd

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Street	Location	Length (approx.)	No. of spaces displaced (approx.)*	Alternate parking locations
Wentworth St South	South side only; Pomeroy St to No. 46	80m (40m each side)	16	Further along Wentworth St South
Short St east	Both sides of the road	100m (50m each side)	20	Underwood Rd
Bland St	Both sides; No. 122 to 124. Not to Parramatta Rd as it is already NO STOPPING	60m total (30m each side)	12	Further along Bland St
Powell St	North side, existing NO STOPPING to west of site access. South side directly opposite site access Existing NO STOPPING on tight curve	100m	20	South side of Powell St & Powell St on west side of Underwood Rd
Northcote St	Both sides. House No. 5 to 7, to assist garbage truck turn movements	30m (15m each side)	6	Further along Northcote St
Walker Ave	Western side. Parramatta Rd to House No. 26	200m	40	Further along Walker Ave

*Number of spaces is based on an average vehicle length of five (5) metres

Staff and workforce parking will be directed to the sites and reinforced through the project induction, regular tool box talks and daily pre-start briefs. Workers are encouraged to use public transport, as shown in Figure 8, and to consider other modes of commuting such as car-pooling.

6.6.3 Remote parking

The majority of the construction compound's nominated for the project have some parking provision but not for the full complement of staff. It is therefore necessary for off-site parking provisions.

6.6.3.1 Railway Lane

Railway Lane contains approximately 50 car parking spaces. The site is owned by RMS and is currently occupied by the North Strathfield Rail Underpass (NSRU) Alliance. NSRU works should be completed by mid-2015, leaving this site available for use as an overflow car park.

This car park is within walking distance of the Underwood Road Civil and Tunnel Site (C3), Powells Creek Civil Site (C4) and the Concord Road Civil and Tunnel site (C5).

6.6.3.2 Cintra Park tunnel site

The upgraded car park on the northern side of Concord Oval would provide about 250 car parking spaces for the Cintra Park tunnel site (C6). This would serve a main parking area for the project office during the week. This site would also be available for use by the public on weekends and on weeknights, with the following spaces allocated to both groups:

- 145 public parking spaces on Saturdays (leaving 100 for the construction workforce);
- 195 public parking spaces on Sundays (leaving 50 for the construction workforce); and

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- 145 public parking spaces on weeknights after 6.30 pm (leaving 100 for the construction workforce).

This allocation would be refined following consultation with Canada Bay Council and Concord Oval user groups.

6.6.3.3 Sydney Olympic Park

Sydney Olympic Park (SOP) has eleven parking areas which are available to members of the general public. These parking areas are generally opened 24-hours a day, seven days a week. Vehicles may be left overnight, with a daily parking pass expiring 24-hours after purchase. Three of these parking areas, namely P2, P3 and P7, have been determined as the closest to site and public transport and are therefore the most suitable for remote parking (refer Figure 6).

Parking areas P2 and P7 are casual parking areas which incur an hourly or daily fee but parking is limited during major events.

Parking area P3 is a permanent parking area which incurs a quarterly (3-month) pre-paid fee and is generally not affected by major events. There are 1,200 permanent car parking spaces in P3, of which 300 spaces are currently available.

Parking fees incurred by the workforce will be recoverable as explained in Section 6.6.1.

Free motor bike parking is available on Herb Elliott Avenue:

- Opposite P8 Car Park entrance;
- Next to CBA loading dock entrance - back of 10 Dawn Fraser Avenue; or
- At the beginning of the taxi ranks (opposite the Heritage Buildings).

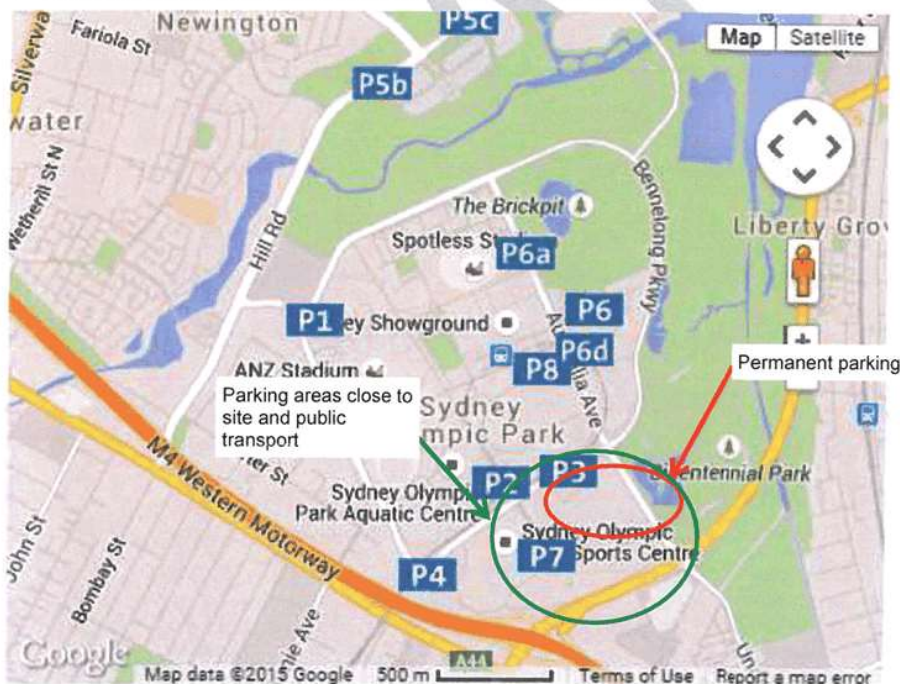


Figure 6 Parking areas available at Sydney Olympic Park

Public buses (route 525 and 526) run from SOP down Underwood Road to Strathfield Station (refer Figure 7). The closest bus stop to the P3 parking area is approximately a 7 minute walk, with the earliest bus

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service leaving at 6:15 am. These services typically take less than 5-minutes to arrive at Underwood Road near Pomeroy Street, which is approximately 200 metres from Pomeroy Street Civil Site (C2) and Underwood Road Civil and Tunnel Site (C3); and less than 8-minutes to arrive at Leicester Street, which is approximately 400 metres from the Concord Road Civil and Tunnel site (C5).

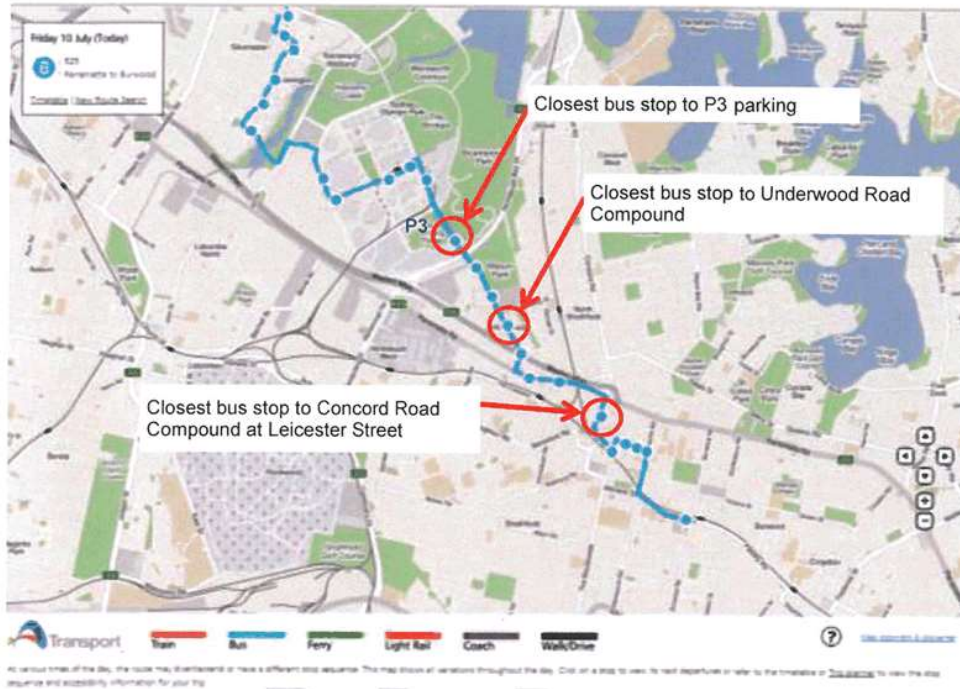


Figure 7 Bus routes 525 and 526 from Sydney Olympic Park

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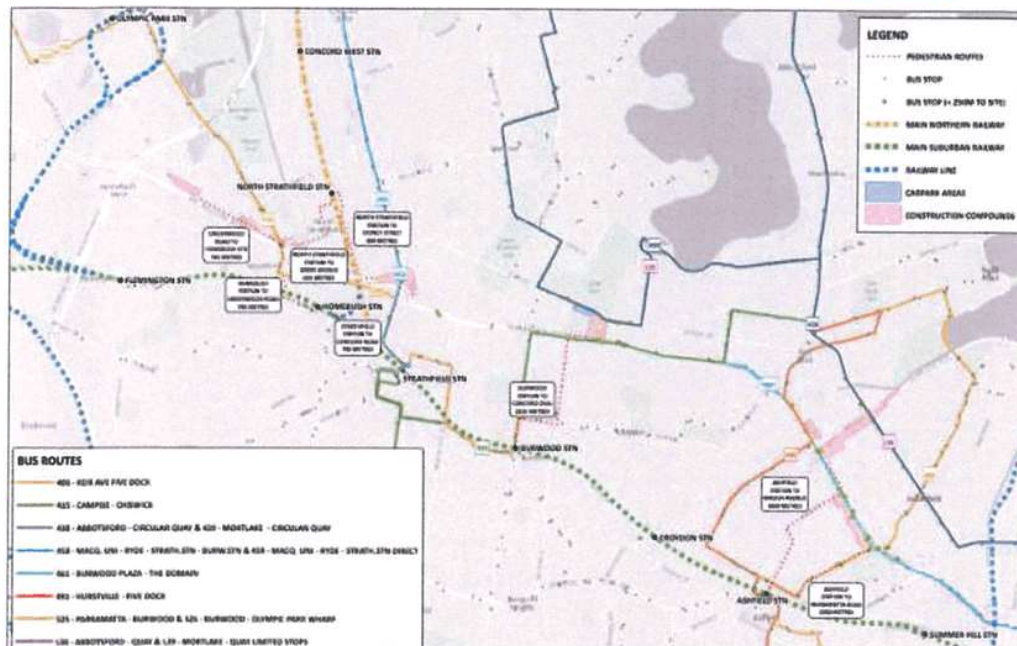


Figure 8 Public transport routes and stations within vicinity of the construction sites

Relevant public transport information will be provided to workers including route and timetable information as well as points of access to the public transport network.

6.7 Managing pedestrians

LSJH will safely manage pedestrians during construction. LSJH recognises the importance of giving consideration to all road users, not just vehicle traffic.

LSJH will identify pedestrian needs by considering the:

- Impact of construction works on existing pedestrian footways;
- Number of pedestrians;
- Type of pedestrian activity: office, retail, residential, school or recreational;
- Origin and destination points of the pedestrians and their desired travel path;
- Existing needs of vulnerable pedestrians, such as young children, the elderly, vision impaired, disabled people, people with prams and trolleys; and
- Proximity of pedestrian generation developments, such as schools, shopping centres, bus stops/layovers.

Temporary footpaths will be considered during the development of TMPs, TCPs, VMPs and PMPs. LSJH will install barriers to segregate works from pedestrian paths and/or pedestrians from traffic flows. All barriers will be maintained and appropriately secured while in use.

All temporary footpaths will be:

- Clearly defined;
- Signposted appropriately to indicate the direction of the footpath;

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- Compliant with disabled access requirements;
- Constructed of an all-weather surface, free of trip hazards;
- Designed to accommodate the type of pedestrians likely to use the path;
- Meet the minimum width specified by the RMS; and
- Maintained whilst in operation.

A TCP and/or PMP will be developed for all alterations to existing pedestrian crossing facilities.

LSJH will advise the TTLG and the relevant road authority (Local Council and/or RMS), prior to adjusting any existing pedestrian crossing facility or the implementation of any new temporary facility. Table 19 provisionally lists pedestrian paths which may be impacted by the project.

Table 19 Pedestrian paths potentially impacted

Closure	Duration	Pedestrian diversion route
East side of Concord Rd: Sydney St to Parramatta Rd	2 years	Alternate route SB: Sydney St > Inverary St > Alexandra St > Franklyn St > Parramatta Rd Alternate route NB: Parramatta Rd > Franklyn St > Alexandra St > Inverary St > Sydney St > Concord Rd Those heading to Strathfield station can cross Parramatta Rd at the signalised intersection at Mosely St.
West side of Concord Rd: Sydney St to Parramatta Rd	Indefinitely from mid- 2016	In accordance with the final design the existing footpath will be closed.
North side of Parramatta Rd: Luke Ave to Taylor St (Cintra Site)	Life of project	Alternate route: Cross at existing signalised crossing at Luke Ave then cross back at the existing signalised crossing at Walker Ave
East side of Wattle St: Parramatta Rd to Martin St	Life of project	Western side of Wattle St/Dobroyd Parade available at all times with crossings located at Parramatta Road, Ramsay St and Waratah St
Martin St: no access to Wattle St from Martin St	2 years	Alternate route: Alt St > Waratah St > Cross at signals to Western side of Wattle St/Dobroyd Parade
South side of Parramatta Rd: Orpington St to Bland St	Life of project	Pedestrian path on north side remains open. Cross Parramatta Road using pedestrian bridge at Bland St or signals at Dalhousie St
Chandos St: no access to Parramatta Road	17 months	Alternate route: Chandos St > Loftus St > Orpington St Chandos St > Julie St > Bland St
Northcote St: no access to Parramatta Road	Life of project	Alternate route WB: Ash Lane > Wolseley St
Parramatta Rd, at Northcote Site: no access along Parramatta Rd (north side) Northcote St to Wattle St	Life of project	Alternate route EB: Ash Lane > Wattle St > Cross at Ramsay Rd > Walker Ave Alternate route WB: Walker Ave > Cross at Ramsay Rd > Wattle St > Ash Lane

6.8 Managing bicycles

LSJH will safely manage bicycle traffic during construction. LSJH recognises the importance of giving consideration to all road users, not just vehicle traffic.

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Outside of the M4, from Homebush Bay Drive to Concord Road, there are currently no planned activities associated with the project that adversely impact cyclists.

Cyclists will not be permitted to use the M4 during construction and will be directed to the existing detour installed by the WestConnex Stage 1A, as shown in Annexure D.

Where the project implements traffic management, attention will be given to cyclists by considering:

- Number of cyclists using the road;
- Type of cycling activity: school children, recreational, commuter, utility, touring or sport training;
- Origin and destination points of the cyclists, and the connectivity of their routes;
- Needs of vulnerable cyclists, such as young children; and
- Proximity of cyclist generating developments, such as schools, public transport terminals and the travel speed of cyclists.

Cyclist movements (along with other road users) at and around work locations will be addressed in a TMP and/or TCP as required.

6.9 Manage special events

The TMC defines a special or major event (in traffic management terms) as any planned activity that is wholly or partially conducted on a road, requires multiple agency involvement, requires special traffic management arrangements and may involve large numbers of participants and / or spectators. Major events generally attract crowds in excess of 30,000 people.

In 2003, the NSW Government published *The Guide to Traffic and Transport Management for Special Events* regarding the organising, managing and controlling of special events. This guide was developed in consultation with the NSW Premier's Department, TMC, RMS, Local Government Association, numerous Local Councils, NSW Police and the events industry.

TMC has the ultimate responsibility for road safety and traffic management of the road network. TMC is responsible for the assessment and coordination of special events, in consultation with event organisers, NSW Police and Local Councils.

6.9.1 Role of LSJH

LSJH acknowledges that considerable planning is required to successfully move large volumes of people in an efficient manner to minimise disruption to normal transport patterns.

LSJH will openly and actively participate in regular forums, communicate and cooperate in the management process with the TMC, event organisers and relevant project members and clients as required.

Sydney Olympic Park has been identified as the most likely location to have events large enough to affect the project.

6.9.2 Classes of special events

Special or major events are generally categorised based on the potential disruption to traffic and transport systems, and the disruption to the non-event community. Special or major events are categorised according to the following four categories:

Major – is an event that impacts major traffic and transport systems and there is significant disruption to non-event community. For example: an event that affects a principal transport route, or one that reduces the capacity of the main highway through a country town.

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Minor – is an event that impacts local traffic and transport systems and there is low scale disruption to the non-event community. For example: an event that blocks off the main street of a town or shopping centre but does not impact a principal transport route or a highway.

Local – is an event with minimal impact on roads and negligible impact on the non-event community. For example: an on-street neighbourhood Christmas party.

Police Controlled – is an event that is conducted entirely under police control (but is not a protest or demonstration). For example: a small march conducted with a police escort.

6.10 Consulting and communicating traffic management

The project will engage and consult relevant roads authorities and stakeholders regarding all traffic management and safety matters.

6.10.1 Traffic Co-ordination Group

LSJH will establish a Traffic Co-ordination Group (TCG) for the project. The TCG members will meet weekly and be limited to:

- RMS representative;
- TMC representative;
- WestConnex Delivery Authority representative; and
- LSJH Traffic Manager.

The TCG will debate, discuss and agree on any and all traffic and transport related issues. The TCG will be responsible for decisions and changes regarding TMPs, traffic management schemes and any other project traffic and transport related issues.

6.10.2 Notification to emergency services

Emergency service agencies provide a vital service to the community and they understandably require up to date information regarding changed traffic conditions or potential delays they may experience throughout the road network.

LSJH will ensure all emergency service agencies are regularly consulted regarding proposed changed traffic conditions. This consultation will be facilitated through the Traffic and Transport Liaison Group (TTLG), being the main forum for notification of major changes.

6.10.3 Traffic and Transport Liaison Group

LSJH will establish a Traffic and Transport Liaison Group (TTLG) for the project. The LSJH Traffic Manager will be a member of the TTLG and will act as the authorised representative for the project in matters related to traffic and transport. The LSJH Traffic Manager will provide the following information to the TTLG:

- Construction staging (existing or proposed);
- Traffic operations, including changes in regulatory traffic controls;
- Community concerns and comments or feedback;
- Impacts on road-based transport operations;
- Issues related to pedestrians and cyclists or mobility impaired road users; and
- Communication strategies and actions to be taken (in consultation with LSJH Community Relations Manager).

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The LSJH Traffic Manager will organise and chair all TTLG meetings for the duration of the project.

6.10.4 Distribution of information to the community

The LSJH Traffic Manager, LSJH Community Relations Manager, TMC and RMS will jointly distribute information pertaining to changes in traffic conditions in accordance with the CIP, as indicated in Table 20.

Table 20 Methods to distribute information to the community

Method	Purpose	Frequency	Responsibility
Information on Live Traffic website/app	Driver information	Ongoing as per major traffic changes and incidents	Transport Management Centre, LSJH to assist in providing content
Static road user signposting	Information signage at the location of the traffic change to give advice to road users and pedestrians (including vulnerable pedestrians) on alternate paths and their duration.	At least 7 days prior to the change	LSJH
Variable message signs (VMS)	Electronic variable message sign to provide advanced notice to road users of major traffic changes.	At least 7 days prior to the change	The TMC and LSJH in joint planning
Community signage	Advise community and stakeholders of construction activities no later than five days before works or changes, including any changes to footpaths, cycle ways or bus stops	At least 5 days before the change	LSJH
Project website	Information about the construction activities will be placed on the SMC website. This will include information about major traffic changes.	As required	RMS to develop, host, approve and publish LSJH to provide initial content and then update content at least monthly
Advertisements	Advertisements in local newspapers prior to significant traffic changes, detours and traffic disruptions, to notify of events and announce project milestones. Depending on size, publications will include Sydney Morning Herald, Daily Telegraph, Inner Western Courier and Strathfield Scene.	At least 5 days prior to the proposed change	The TMC undertakes major event transport advertising – noted any project advertising must work in appreciation of wider activities. Otherwise LSJH.
Radio advertising	Changes likely to cause delays of 10 or more minutes on four leading radio stations in the days leading to a significant traffic change.	4x10 second Australian Traffic Network spots per day for four days before a major event	The TMC undertakes major event transport advertising – noted any project advertising must work in appreciation of wider activities. Otherwise LSJH
Meetings with individual groups, e.g. local schools	To discuss project activities including work in progress or upcoming work, including potential traffic issues	As required	LSJH in liaison with SMC
Community updates/ newsletters	Quarterly project newsletter for all project stakeholders	Quarterly or as per conditions of approval	LSJH to provide copy and illustrations WCXM4 Co to design, print and distribute

Construction Traffic and Access Management Plan



Method	Purpose	Frequency	Responsibility
Letterbox notifications	Notification letters to inform local residents and businesses affected by changes to road network and traffic conditions	At least 5 days prior to change	LSJH
Traffic alert email	Communication to transport authorities, operators and emergency services to advise of traffic changes including road or lane closures and detours	5 to 7 days prior to the change	LSJH in liaison with TMC communications
Community information line (1300 660 248)	1300 number allows access to project team during construction hours with message service after hours. Number to be publicised on all communication materials	N/A	LSJH
LSJH contact email address Info@lsjh.com.au	Allows communication with the project team. Email address to be publicised on all communication materials	N/A	LSJH



7 Incident response

A (Safety) Incident Response Plan will be developed by LSJH which will incorporate operating procedures for managing construction site emergencies / incidents which affect workplace health and safety – not traffic. The (Safety) Incident Response Plan will deal with incidents that are and remain within a construction site.

If the LSJH Environment and Sustainability Manager determines that a site emergency or incident causes actual or potential harm to the health or safety of human beings or to ecosystems that is not minor; or if actual or potential loss or property damage (including costs to prevent, mitigate or make good harm to the environment) associated with a pollution incident exceeds \$10,000, then the relevant agencies and authorities will be notified immediately. Notifications will be undertaken in accordance with the project's Pollution Incident Response Management Plan (PIRMP) as detailed in Section 7 of the CEMP.

In situations where the site based incidents affect the road network, the (Traffic) Incident Response Plan below (Section 7.1) will also be implemented.

7.1 (Traffic) Incident Management Plan

LSJH will develop a (Traffic) Incident Management Plan for minor emergencies and unplanned incidents. This (Traffic) Incident Management Plan will deal with incidents that are OUTSIDE of a construction site. Unplanned incidents are defined as:

- Broken down vehicle including trucks;
- Any project activity that blocks traffic and transport movements when an ROL has not been issued;
- Minor, non-injury vehicle and pedestrian accidents; and
- Vehicle and other obstructions disrupting traffic flow.

The (Traffic) Incident Management Plan will:

- Establish and define LSJH's role and list procedures for dealing with minor emergencies and unplanned incidents;
- Identify and define the roles and responsibilities of relevant project personnel during emergencies and unplanned incidents;
- Define RMS and emergency services roles and responsibilities in the event of an emergency and unplanned incidents;
- Outline the communication protocols and systems;
- List basic equipment required for the management of emergencies and unplanned incidents; and
- Establish formal arrangements for the review and maintenance of the plan.

7.2 Temporary Traffic Control Room

LSJH will establish and operate a Temporary Traffic Control Room (TTCR) located close to the core road network. The TTCR will operate 24 hours a day, seven days week for the duration of construction. The TTCR will undertake and/or participate in:

- Incident detection (using CCTV feeds, construction personnel reports and/or the TMC);
- Incident logging and management as required;
- ROL supervision and management (includes reporting active ROLs to TMC); and
- Incident Response Team supervision and direction.

Construction Traffic and Access Management Plan



The room will be staffed by a least one experienced control room operator at all times. This operator will have radio, telephone and at least four colour CCTV monitors connected to TMC CCTVs capable of monitoring the core road network.

7.3 Incident Response Team

Incident (on-site) management will be undertaken by a two-person Incident Response Team (IRT) on a 24-hour, 7-day roster. They will have RMS Traffic Controllers (Blue) and RMS Apply Traffic Control Plan (Yellow) certifications. They will be located near the core road network to provide swift response to incidents.

When the IRT is the first responder, they will manage traffic requirements only, until a relevant lead agency (e.g. NSW Police, Fire, Ambulance and/or TMC Traffic Commander) arrives. The IRT will then follow the direction of the relevant agency in accordance with LSJH safety requirements.

Construction Traffic and Access Management Plan



8 Organisation and responsibilities

An organisational diagram for key personnel involved in the traffic management of the project is shown in Figure 9 and described in the following sections. The summary builds upon the roles and responsibilities in Section 1.5 of the CEMP.

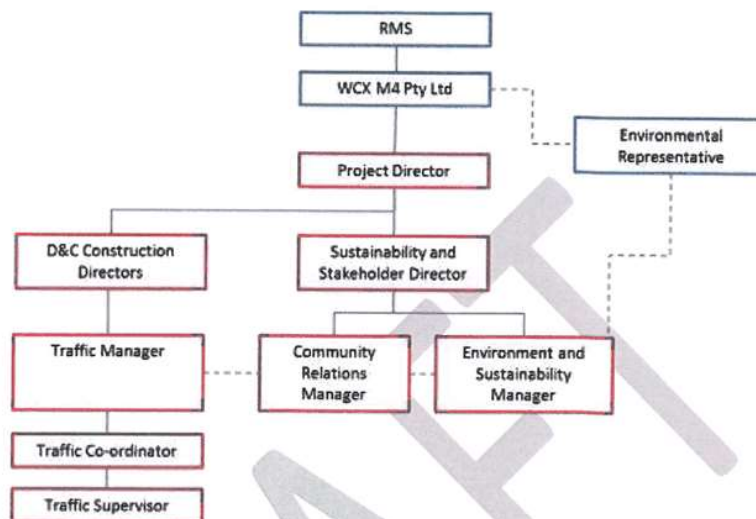


Figure 9 Organogram of the Traffic team and their relationship to the Environment & Sustainability team and Community Relations team

8.1 Traffic Manager

LSJH has engaged a full time Traffic Manager to focus on the road safety and traffic management activities during the design and construction stage. The LSJH Traffic Manager (or an alternate) will be available at all times on a mobile phone. The responsibilities of the LSJH Traffic Manager are:

- Manage the planning, development, implementation, revisions, and approvals with the relevant authorities and stakeholders (where required) of the TMSP, TMPs and TCPs;
- Advise construction engineers to ensure all traffic management measures are planned in accordance with the SWTC and all relevant safety regulations and standards;
- Liaise closely with the communications and community relations team regarding traffic planning, community information initiatives, stakeholder access needs, event planning and complaints;
- Advise construction personnel to ensure all traffic management measures are planned in accordance with possible requirements of relevant stakeholders;
- Liaise, generate and maintain a productive relationship with the RMS, TMC, Local Councils, NSW Police, emergency service agencies and other stakeholders on traffic and incident related issues;
- Manage and chair the TTLG meetings;
- Prepare TSD in consultation with the construction team;
- Advise the design team to facilitate delivery of TWD in accordance with the relevant standards;
- Monitor and evaluate the on-going effectiveness of traffic management activities of the project, including road user delays and where necessary suggest corrective actions to rectify any deficiencies;

Construction Traffic and Access Management Plan



- Manage and maintain detailed records of the project's road safety audit process and direct the construction team to implement resultant corrective actions; and
- Advise the construction team on any issues raised as part of the short and long term Traffic Control Inspections.

8.2 Traffic Co-ordinator

- Create, maintain, apply and manage the ROL and SZA approval process;
- Create and update site specific TCPs for all short term works on the project; and
- Undertake Traffic Control Inspections as required.

8.3 Traffic Supervisor

- Collect road and traffic intelligence and pass on to the TTCR;
- Check and ensure ROLs and SZAs are on-site;
- Respond to incidents (along with the Incident Response Team), unless involved in maintenance activities;
- Monitor maintenance works;
- Undertake Traffic Control Inspections as required; and
- Collect road and traffic intelligence and pass on to the TTCR.

Construction Traffic and Access Management Plan



9 Review and improvement

9.1 Monitoring and inspections

Inspections, observations, monitoring and reporting requirements relevant to the management of traffic management will be in accordance with the TMSP, as identified in Table 21.

Table 21 Monitoring and inspection requirement relevant to traffic management

Inspection	Frequency	Action	Reporting	Responsibility
Pre-start	Daily	Before works start, check approved TCP, ROL and SZA are onsite.	Pre-start Brief	LSJH Construction Foreman
Short term traffic control inspections (day and night)	Fortnightly	Undertaken in accordance with Australian Standard 1742.3 and RMS TCAWs using the drive through video method	Video recording	Site Engineer with Traffic Team assistance
Long term traffic control inspections (day and night)	Fortnightly progressing to quarterly once long term control in place	Undertaken in accordance with Australian Standard 1742.3 and RMS TCAWs using the drive through video method	Video recording	Site Engineer with Traffic Team assistance

9.2 Reporting

LSJH will report to the SMC, TMC, TTLG and other stakeholders on all traffic and transport management issues related to the project. The reporting obligations are described below according to frequency.

9.2.1 Immediate

The LSJH Traffic Manager (or representative) will contact the relevant LSJH representative, SMC and TMC on any incident which has a negative impact on the regular flow of traffic on the road network in close proximity to the project. This includes incident categories such as:

- Motor vehicle accidents (a report will follow within two days, unless otherwise agreed);
- Breaches of any ROL conditions of approval; and
- Impacts to the regular operation of public vehicles, cyclists or pedestrians from construction traffic management.

9.2.2 Weekly

The LSJH Traffic Manager will provide a schedule of current and future ROLs to the SMC on a weekly basis. The forecast schedule will contain full details on locations and timing of all proposed road occupancies for the forthcoming week.

9.2.3 Monthly

A monthly report will be submitted to SMC in accordance with the requirements of the Project Management Plan.

Construction Traffic and Access Management Plan



9.3 Auditing

Environmental audits will be conducted at regular intervals during construction of the project to ensure compliance with the Infrastructure Approval, Management Plans and all other documentation relevant to the CEMP. Internal and external environmental audits will be undertaken in accordance with AS/NZS ISO 19011. Further auditing and reporting requirements are detailed in Section 8.3 of the CEMP.

9.4 Revision of this plan

This plan will be reviewed and updated in accordance with Section 9 of the CEMP. The updated plan must be endorsed by the Environment and Sustainability Manager and approved internally by the Project Director. Minor changes may be approved by the Environmental Representative as detailed in section 9.2 of the CEMP.

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Construction Traffic and Access Management Plan



Annexure A Driver's Code of Conduct

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Construction Traffic and Access Management Plan



DRIVERS CODE OF CONDUCT

Purpose and Objectives

This Driver Code of Conduct aims to minimise the impacts of construction traffic on transport networks and adjoining properties. The purpose of this Code is to clearly define and detail acceptable behaviour for all heavy vehicle drivers operating in connection with the Works including LSJH, materials supply and subcontract drivers.

Responsibilities of Drivers

- Drivers are to follow ALL rules and regulations required by law including:
- Hold a current and appropriate licence for the vehicle they are operating
- Comply with speed limits on all roads
- Obeying posted (road) load limits
- Comply with all road works speed limits
- Obey construction traffic signs and devices
- NO overload or allow vehicles to be overloaded
- Drivers are to practise safe driving and behaviour which includes, but is not limited to:
- Driving in a manner that is appropriate with road and weather conditions
- Not operating any machines whilst suffering from fatigue or under the influence of drugs and/or alcohol.
- Drivers must behave in a professional manner at all times. No yelling at others.
- Drivers must adhere to routes nominated by LSJH for each specific construction activity and they must not use roads if their weight is over the posted load limit
- Routes passing schools and childcare centres should be avoided during school zone periods (08:00-09:30 and 14:30 – 16:00). These locations and times will be identified and confirmed by LSJH during planning of the work and communicated to all drivers.
- Drivers should only park or wait in approved roadside lay-bys or hard shoulders as directed by LSJH (these will be agreed with the RMS and Local Councils). Do not queue at worksite gates.
- Drivers are to arrive and depart from project construction sites during approved hours, 07:00 – 18:00 Monday to Friday and 08:00-13:00 on Saturday, unless alternate approvals have been gained by LSJH. Drivers will be turned away if they arrive outside of approved hours.
- Drivers parking are to engage the park brake and leave the vehicle in gear. Never leave the vehicle with the engine running. Drivers leaving their vehicle must wear appropriate PPE (site standard).
- Vehicles must not transfer dirt or debris onto public roads. If any materials are deposited on the roads, then the LSJH Supervisor must be contacted immediately.
- Prior to leaving site covering truck loads is mandatory and when required, tailgates must be swept clean before leaving site.
- If approached by individuals with enquiries about the Works, drivers are not to engage with the individual beyond providing them with the community information line number (1300 660 248).
- As a courtesy to individuals who may be impacted by driver behaviour, drivers will:
 - Not use compression braking where noise is likely to adversely impact on residents
 - Ensure that there is no littering
 - Remain calm and courteous when in contact with other members of the public
 - Maintain trucks in good working order and a clean and tidy condition
 - Not block residential driveways or any other access points.

Construction Traffic and Access Management Plan



Annexure B Traffic safety risk register

Note: Traffic control plans will be prepared considering the risk identified in this register and as such.

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Construction Traffic and Access Management Plan



Annexure B Traffic safety risk register

Note: Traffic control plans will be prepared considering the risk identified in this register and as such.

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Hazard Event	Potential causes	Potential consequence(s)	Risk Controls currently in place (which are considered when determining the risk rating)	Consequence	Likelihood	Risk rating	Description of Tasks Required to achieve SFAIRP	Consequence	Likelihood	Risk rating
Minor vehicle crashes	Alcohol and drugs Reduced visibility (fog or smoke) Poor traffic control set-up	Serious Injury, Motor Vehicle Accident	Provide a high standard of traffic controls to warn, inform and guide motorists, through the work areas. Implement temporary works that comply with the RMS's TCAMs Manual and Australian Standards, and provide a safe road environment. Assist in providing a high standard of traffic controls to warn, inform and guide motorists, through the work areas	S5: Minor	L2: Likely	3 - Tolerable	If an unplanned incident occurs, notify emergency services, TMC and RMS immediately requested. Support emergency services, TMC and RMS, as requested. Coordinate other planned construction activities to avoid the incident scene and minimise impact on adjacent road network. Monitor the occurrence of crashes to identify trends in consultation with the TMC Implement temporary works that comply with the RMS's Road Design Guide, and provide a safe road environment	S5: Minor	L3: Possible	3 - Tolerable
Transportation of oversize load transport (project and others)	Inadequate planning	Reduced travel times	Prepare all temporary works drawings within wide loads in mind Assist the RMS / TMC to coordinate the movements of over dimension loads along the highway. Notify the RMS / TMC when proposed construction works may restrict the movement of over dimension loads	S5: Minor	L3: Possible	3 - Tolerable	Prepare TCPs that can accommodate the movement of over dimension loads, with minimal inconvenience Instruct all staff to be on the lookout for over dimension loads approaching the work areas, and where required modify the travel paths accordingly	S5: Minor	L4: Unlikely	4 - Broadly Acceptable
Tracking debris onto travel lanes	Poor environmental controls Inadequate supervision	Motor Vehicle Accident	Install primary environmental controls (e.g. wheel washers, sealed driveways, shaker grates etc.) to prevent tracking onto roadways	S3: Major	L3: Possible	2 - Undesirable	When required, apply secondary controls (such as water carts and St sweepers) to remove debris from the road surface Foreman to conduct daily inspection and monitoring of road surface conditions, if necessary to assist installing traffic control to make safe until debris cleared Report on incident for input into review process (preventive action)	S4: Moderate	L3: Possible	3 - Tolerable

Construction Traffic and Access Management Plan



Hazard Event	Potential causes	Potential consequence(s)	Risk Controls currently in place (which are considered when determining the risk rating)	Consequence	Likelihood	Risk rating	Description of Tasks Required to achieve SFAIRP	Consequence	Likelihood	Risk rating
Unsafe traffic control at a work site	Inadequately trained personnel Inadequate implementation of TCP Unplanned changes by construction works	Motor Vehicle Accident	Develop TCPs in accordance with RMS TCAWs manual and Australian Standard 1742.3 requirements	S3: Major	L2: Likely	2 - Undesirable	Regular inspections of traffic control lay outs Toolboxes and team talks to re-literate critical issues Plan and design work to negate the need for traffic control Where possible, work during lowest traffic volume periods	S4: Moderate	L3: Possible	3 - Tolerable
End of queue management	Underestimation of traffic volumes Inadequate traffic control	Motor Vehicle Accident	Analyse traffic volumes to estimate end of queue location for the proposed stoppage time Notify road users about the expected delays Install VMS, as required, to notify and warn approaching traffic	S4: Moderate	L3: Possible	3 - Tolerable	For stoppage of 5 minutes or more, deploy an additional traffic controller with required signs at end of queue position Develop contingency plans for longer stoppages	S4: Moderate	L4: Unlikely	3 - Tolerable
Worker hit by traffic	Inadequate supervision Driver inattention Speeding driver Drivers on alcohol and drugs	Fatality Serious injury	Ensure all workers are site induced SWMS are in place Regular checking of traffic control layouts	S2: Severe	L2: Likely	1 - Unacceptable	Use shadow vehicles for all works near roads Install barriers where possible Change construction method to reduce or remove need to be near road	S4: Moderate	L3: Possible	3 - Tolerable

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Construction Traffic and Access Management Plan



Hazard Event	Potential causes	Potential consequence(s)	Risk Controls currently in place (which are considered when determining the risk rating)	Consequence	Likelihood	Risk rating	Description of Tasks Required to achieve SFAIRP	Consequence	Likelihood	Risk rating
Flooding	Inadequate environmental controls Poorly constructed/maintained drainage Severe Weather	Motor Vehicle Accidents	Liaise with the SES and identify potential flood areas Develop drainage designs for both permanent and temporary works that do not restrict the natural waterways If flooding occurs, notify the SES and Police immediately Implement Project Safety Plan	S3: Major	L4: Unlikely	3 - Tolerable	Follow and execute the relevant site action plan Support emergency service agencies If the road network is affected, notify TMC and RMS Where possible, install appropriate traffic controls and or advance warning signs to warn of hazard Monitor flood levels and review controls accordingly	S3: Major	L5: Rare	3 - Tolerable
Adverse weather conditions within the local area	Nature's whim	Motor Vehicle Accidents	Monitor weather bureau website and notices Implement Project Safety Plan Remove any current short-term traffic control operations and limit the use of Traffic Controllers	S4: Moderate	L3: Possible	3 - Tolerable	Design temporary works with adverse weather in mind	S4: Moderate	L4: Unlikely	3 - Tolerable

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Construction Traffic and Access Management Plan



Annexure C Typical VMP and PMP

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Vehicle and/or Pedestrian Management Plan for description of work		VMP No	Rev
Plan Principles <ul style="list-style-type: none"> • Work Area to be shown to the right • Delivery Area/Point include route to the area • Separation Distances for NON Essential workers • Other work groups to be identified and an exclusion maintained by demarcation • Parking areas to be identified and route to work area – if across haul route/other work areas additional measures to be identified – Minimise reversing to Haul Route • Excavations/ obstructions/ crushing zones/ plant only area to be detailed with method to restricted access. • Plant only areas within work group to be established where possible – show demarcation. • Turning areas to be detailed (or noted where remote from works area) • Danger Zone to be shown and controls to prevent accidental entry by vehicles and pedestrians • Poor Light Lighting to be provided in all areas and pedestrian routes, if working at night • Add/remove principles as required 	Location/Chainage	<p>Use a CURRENT aerial photo, design drawing or detailed hand drawing as a base THEN draw vehicle paths, turning circles, reversing areas, stockpiles and any and all other details required to meet the plan principles you have created on the left of this VMP.</p>	
<p>This VMP must be briefed to all members of the work group at the Prestart Meeting and any additional controls added</p> <p>Changing conditions (e.g. new or extra work group, new work area). Amend plan and agree changes</p> <p>Plan is Mandatory to all works areas and must be approved prior to works commencing</p> <p>Plan is to be checked on a daily basis, approvals recorded on a weekly basis</p>		<p>Plan approval/acceptance</p> <p>Supervisor: _____</p> <p>Plan Date: _____</p> <p>Signature: _____</p> <p>Approval: _____</p> <p>Week 1 Check – Initial & Date</p> <p>Week 2 Check – Initial & Date</p> <p>Week 3 Check – Initial & Date</p> <p>Week 4 Check – Initial & Date</p>	

Construction Traffic and Access Management Plan

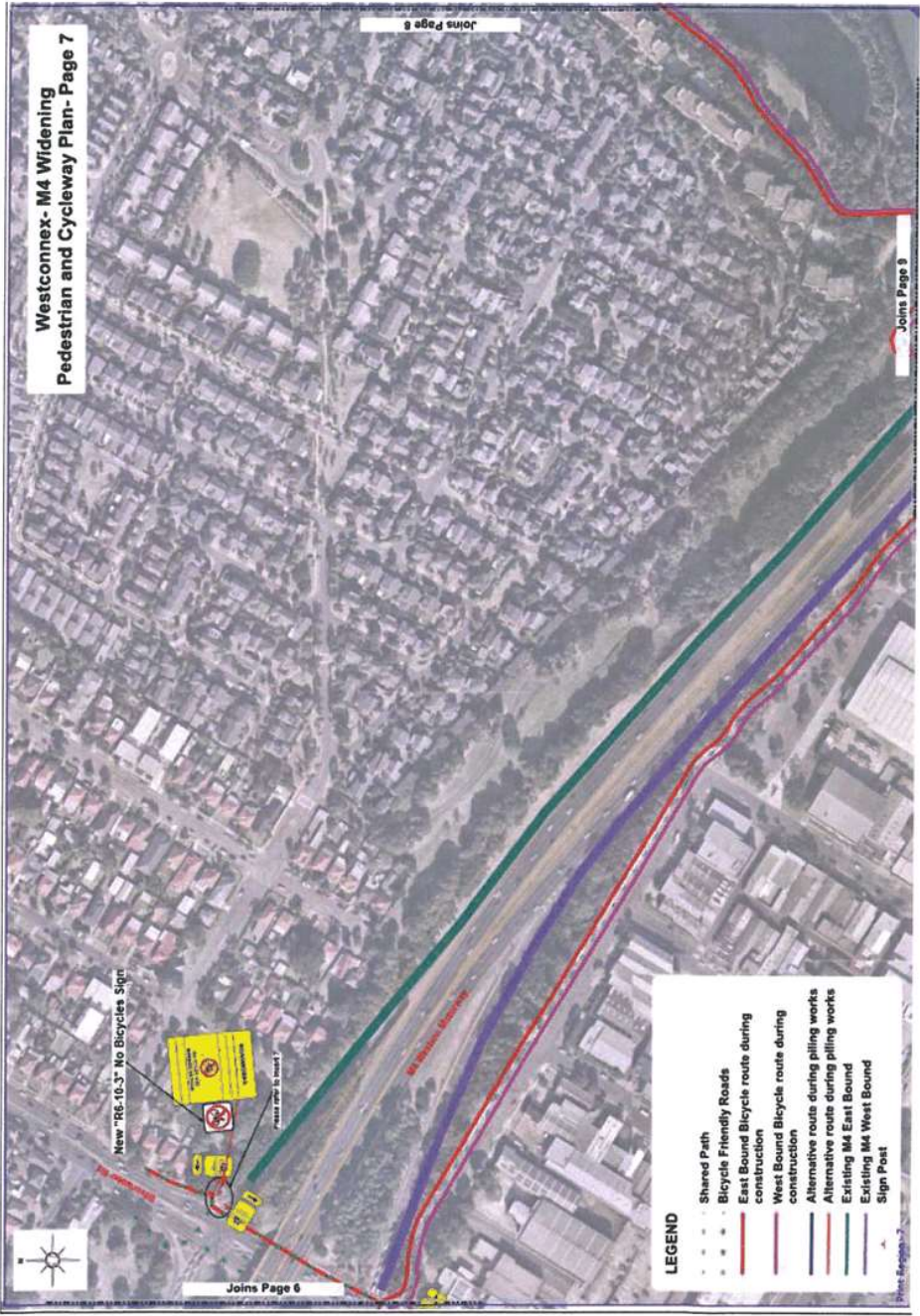


Annexure D WestConnex 1A cycle detour for the M4 Motorway

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Annexure E Evidence of consultation

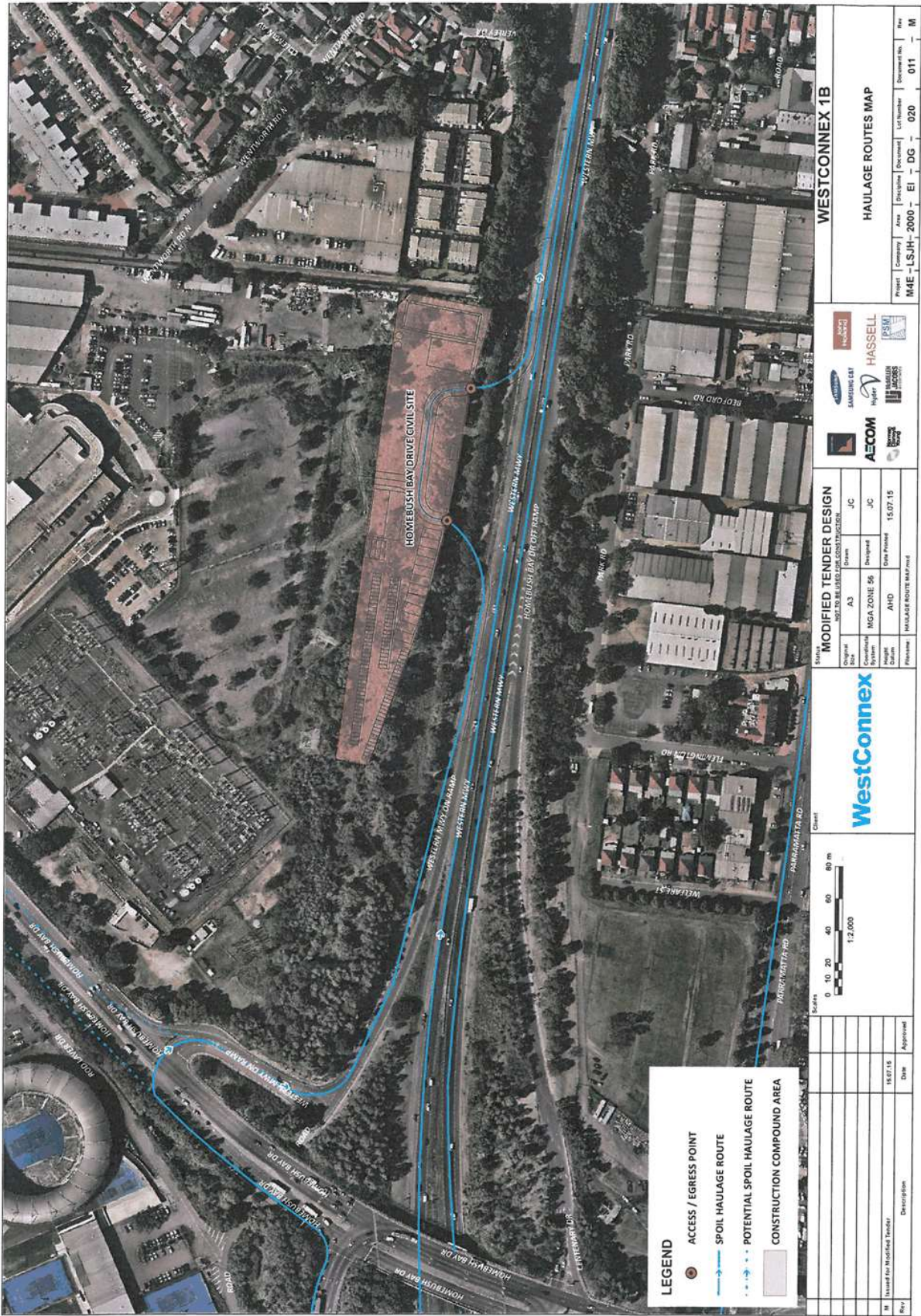
This section will be updated once consultation on the draft TAMP has been undertaken.

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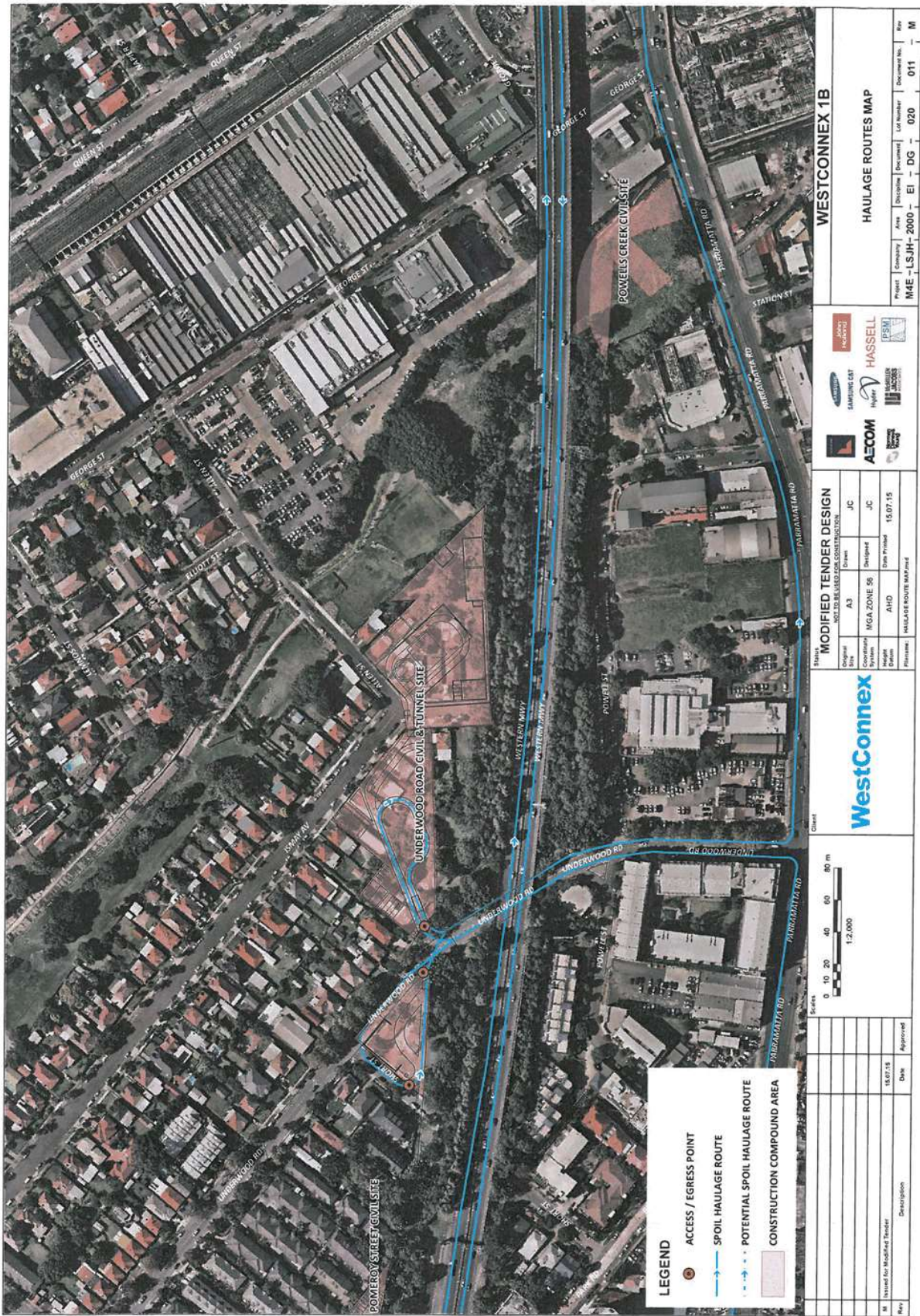


Annexure F Provisional spoil haulage routes

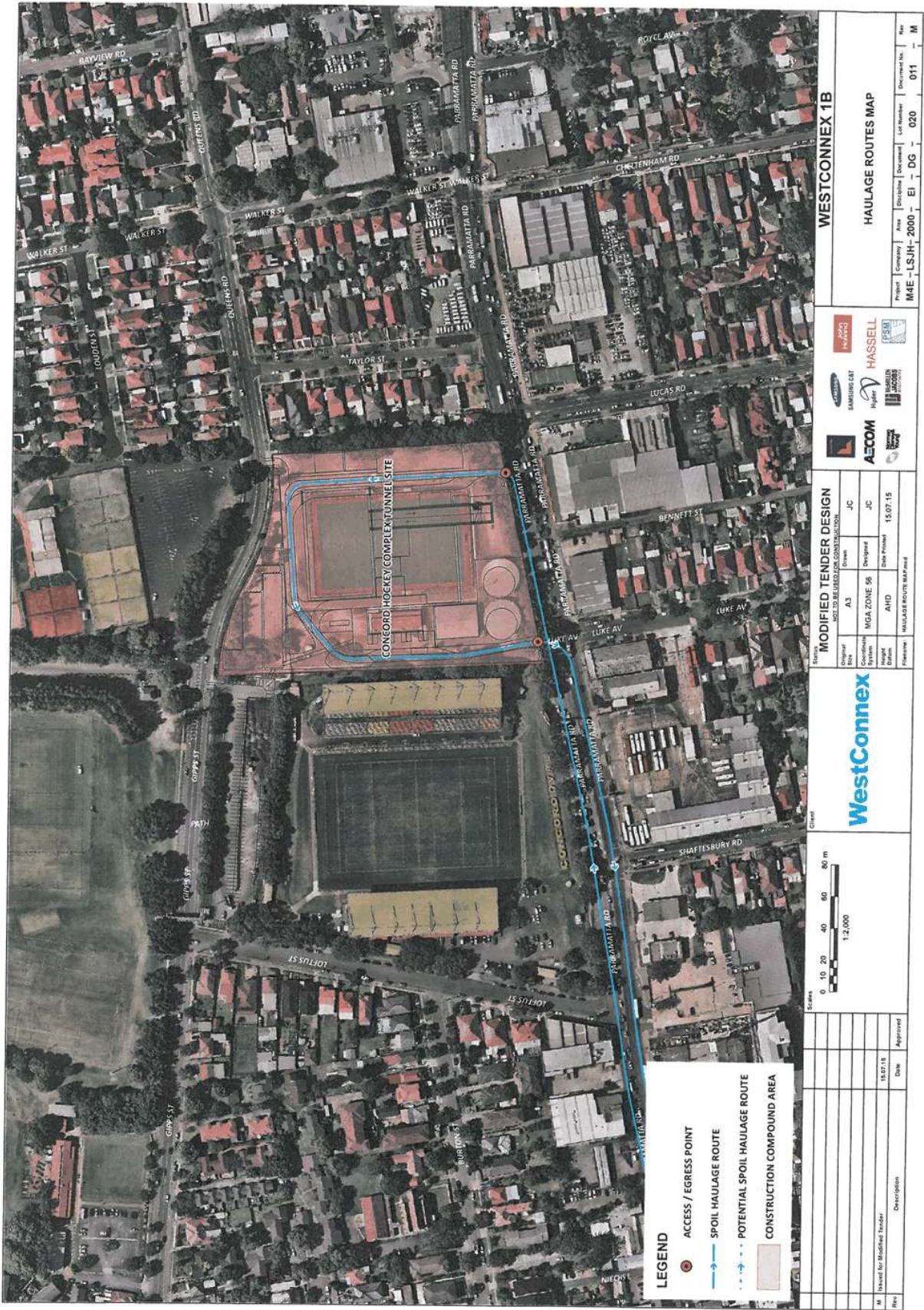
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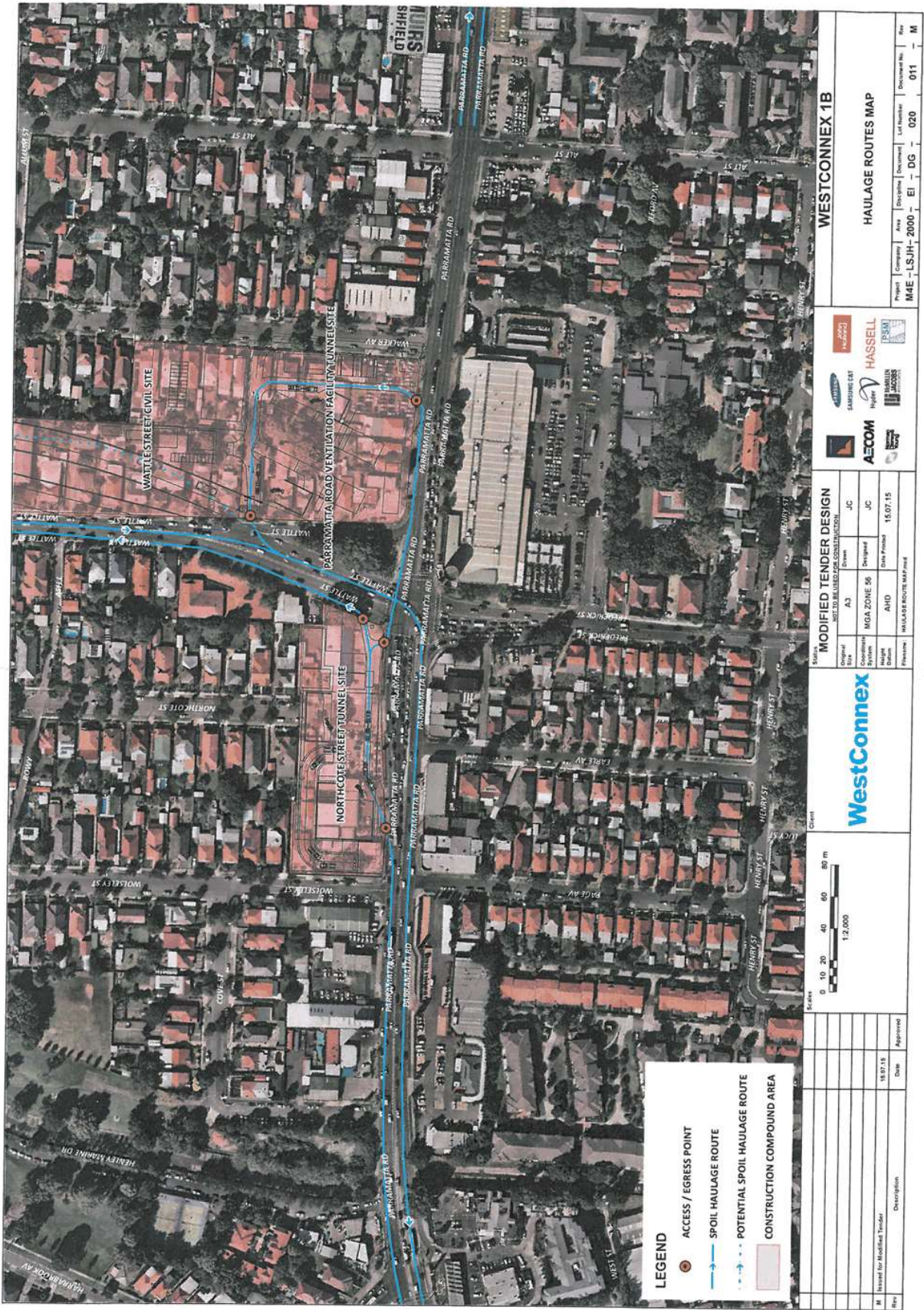


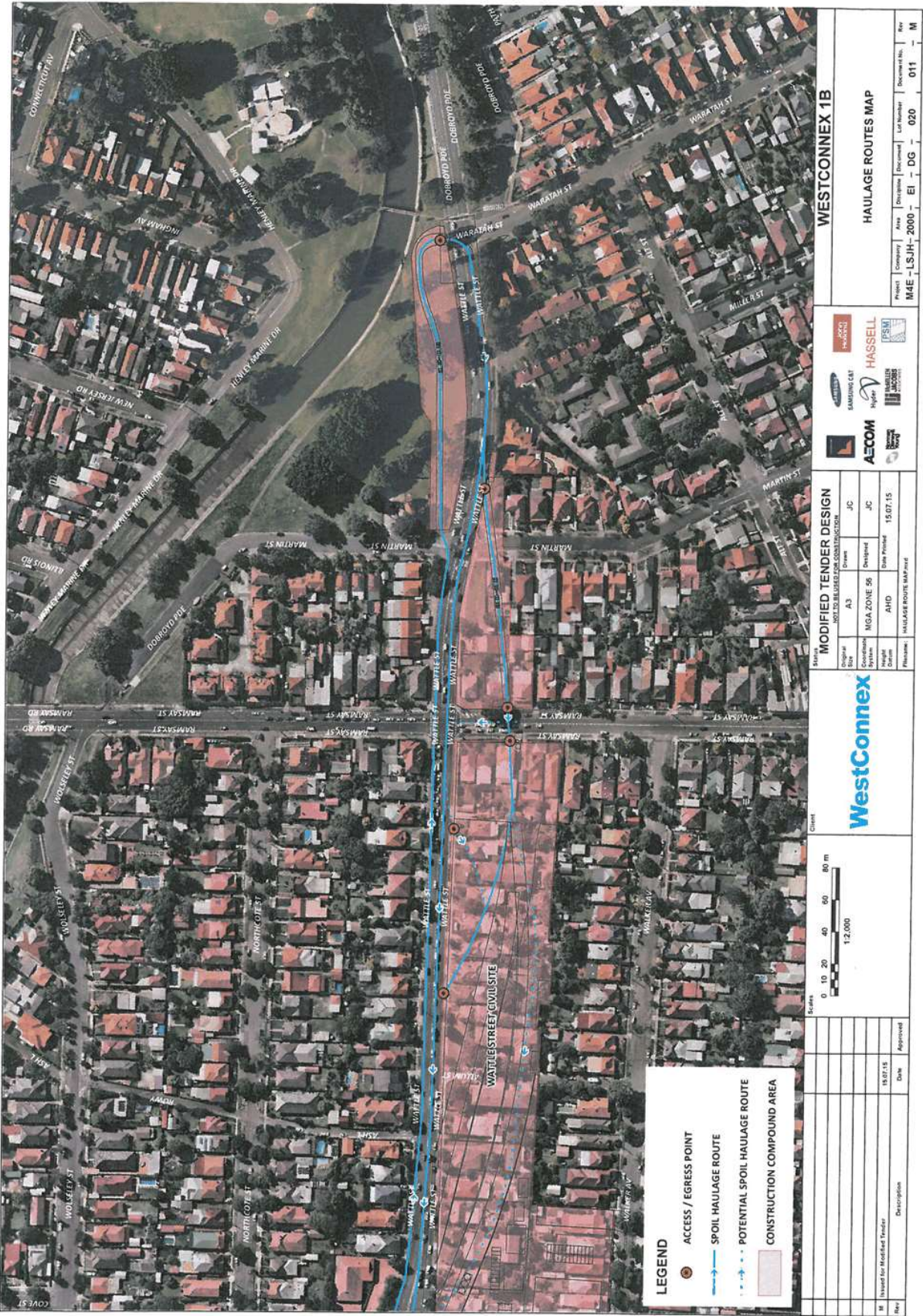


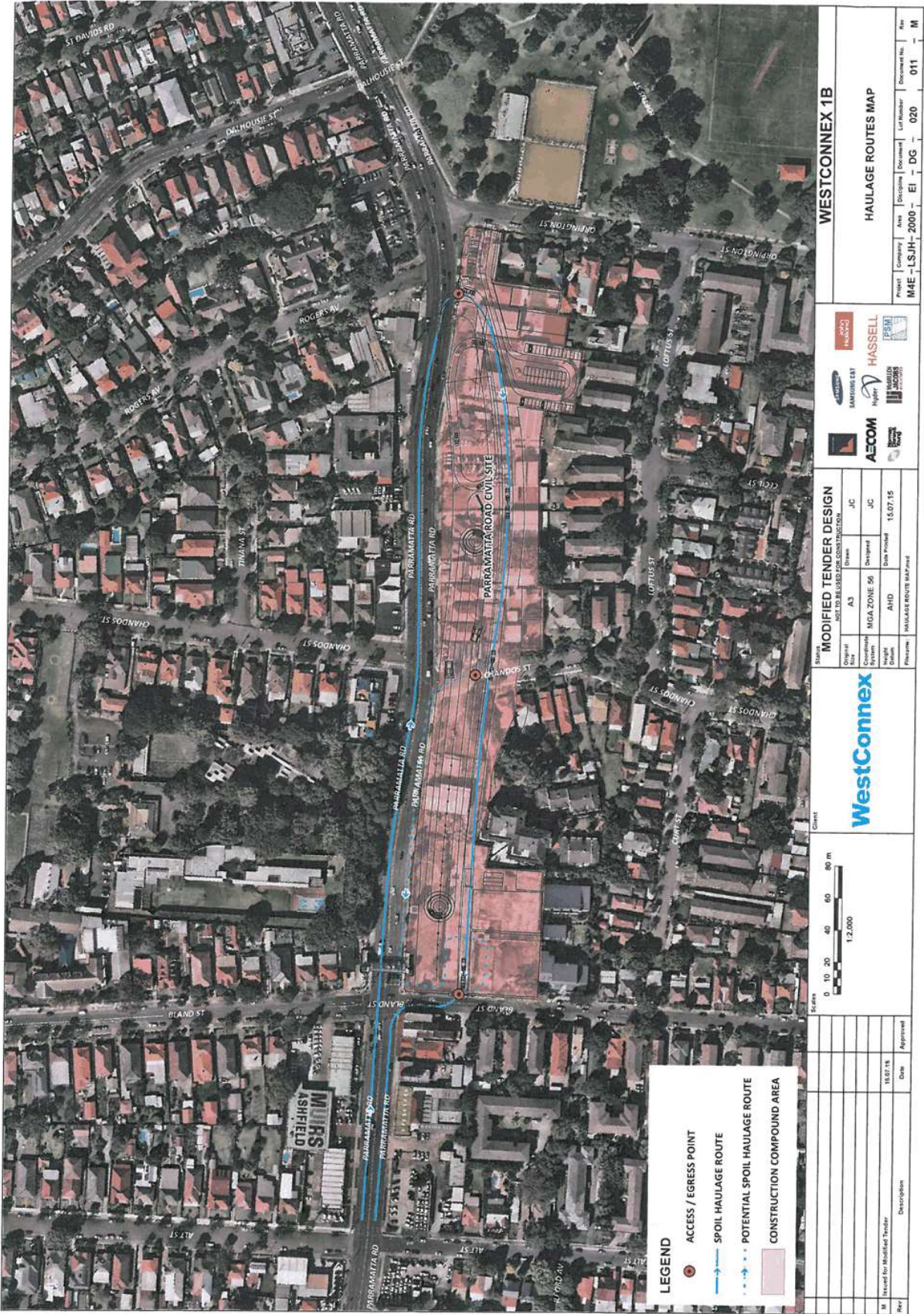














Ashfield Council

MEMO

TO: Delilah Marta - Senior Engineer Infrastructure Design & Traffic Services
FROM: James Brocklebank
DATE: 13 January 2016
SUBJECT: WestConnex - Construction Environmental Management Plan

I refer to the WestConnex M4 East Construction Environmental Management Plan dated 10 December 2015. I have read the CEMP Rev B, The Traffic and Access Management Plan Rev B, The Ancillary Facilities Management Plan and have quickly reviewed the other sub plans and make the following comments.

On 17 December Council lodged a response to the EIS Submissions Report which highlighted that the submissions report had failed to respond to the issues and concerns Council had previously raised in relation to the EIS (lodged with the Planning Minister on 28 October 2015). The Submissions Report had also largely failed to take into consideration or comment on issues raised in Council's EIS submission and its suggested EIS conditions.

The Construction Environmental Management Plan likewise has been prepared with little apparent reference to Council's earlier submissions however establishes a complex and complicated network of management plans governing how the works will be managed. The CEMP focuses on the big picture but still seems to lack sufficient measures to satisfactorily capture and effectively respond to the important local issues relating to the project. There is little scope for the involvement of the community and concern is raised that despite the maze of processes that are being established that the effective and timely management of concerns may still not be appropriately addressed.

In regard to the traffic aspects of the CEMP the following comments are made:

1. Construction Environmental Management Plan

Section 1.3 advises that extensive stakeholder consultation has been undertaken through the development of the concept design. Council would dispute this claim. The consultation undertaken has been minimal and where Council has been asked for its views Council's input has apparently been disregarded or sought too late in the process for changes to be made.

In Section 3.2 it is noted that LSJH acknowledges that it will be required to obtain necessary licences permits and approvals throughout delivery of the project. Council expects these Roads Act approvals to be sought for all works on its roads, footpaths and reserves. These approvals may, in some cases, take some time to obtain if referral of the matter to Council or to the Traffic Committee is required eg for road closures, parking restriction changes. Early engagement with Council officers must take place to ensure works are not delayed.

Section 6.3 discusses stakeholder and community communication, Council EIS submission recommends the creation of a community liaison group for the Ashfield and Haberfield Area to assist



with dissemination of information and more importantly to provide a forum for community representatives to raise issues of concern relating to the construction activities (see discussion on section 6.10 of the Traffic & Access Management Plan).

2. Traffic & Access Management Plan (TAMP)

The Traffic & Access Management sub plan (TAMP) has been reviewed in detail and the following comments are made:

Section 1.3.3 makes reference to the Traffic Management and Safety Plan (TMSP) noting that it deals with the safe and effective management of traffic during the design and construction stages of the project. It is mentioned that it is a subplan of the Project Management Plan. Neither of these documents have been provided to Council for comment which would seem to be significant oversight given the level of impact of this project on Ashfield LGA and the fact that the TMSP will contain the site specific Traffic Management Plans and Traffic Control Plans governing the works. It is also noted that the Revised environmental management measure TT1 requires that the TMSP be developed in consultation with local Councils, this has not (to date) occurred.

Section 1.3.4 discusses the Community Involvement Plan. This document has not been provided to Council for comment which again seems a significant oversight given the level of community concern regarding the project and the likely impact of the work on residents of the Ashfield LGA.

Section 4 discusses the hours of operation. In Council's EIS submission concern was raised in regard to the high number of heavy movements proposed during out of hours periods within the Ashfield LGA. These concerns do not, to date, appear to have been heard. For example, Northcote Street tunnel site (C7) will have heavy vehicles every three minutes during the day. The residents quite rightly might expect some respite in the evenings and on weekends. However, from 6pm to 7am, there will be heavy vehicles every 3.3 minutes. The other construction sites also have high heavy vehicle usage. And Council has recommended in its EIS submission that there be no heavy vehicle movements from 10pm to 7am, without specific approval from the Secretary, proposing instead that night time spoil is be stored on-site at C7, C8, C9 and C10 within acoustic sheds and moved the following day. This would give residents some relief from the noise, traffic volume and pollution impacts generated by the works

Section 5.1 discusses the construction traffic volumes and routes. As was outlined in Council's EIS submission, there is significant concern about the very high number of heavy vehicles accessing the various construction sites. Heavy vehicles create significant noise, pollution and they contribute to congestion. It is of particular concern that there will be heavy vehicles operating 24 hours a day, seven days a week. For example, Northcote Street tunnel site (C7) will have heavy vehicles every three minutes during the day. The residents quite rightly might expect some respite in the evenings and on weekends. However, from 6pm to 7am, there will be heavy vehicles every 3.3 minutes. The other construction sites also have high heavy vehicle usage. Consideration must be given to on-site storage of night time spoil.

Council is particularly concerned that it is proposed to have 300 heavy vehicles per day at the Northcote Street site (C7). It is proposed in the EIS that these vehicles will travel eastbound on Wattle Street, undertake a u-turn at Reg Coady Reserve and then travel back westbound on Wattle Street/ Parramatta Road. This will therefore see 600 heavy vehicles per day driving past the residential properties on Wattle Street. Further, there will some of the 120 vehicles from the Wattle Street site (C9) and 60 vehicles from the Eastern ventilation facility site (C8) also utilising Wattle Street. These Wattle



Street properties will therefore have to contend with between 660 and 960 additional heavy vehicle movements per day. This is not an acceptable impact. It is therefore suggested that heavy vehicles exit the Northcote Street site (C7) directly onto Parramatta. Modifications could be made to the phasing of the lights at the intersection of Parramatta Road/ Wattle Street to facilitate the right turn onto Parramatta Road, to head west.

Prior to the release of the EIS, Council was advised that no local roads would be used for construction vehicle ingress or egress. Egress of heavy vehicles onto a local road is not supported. Council is therefore strongly opposed to the use of Bland Street to exit the Parramatta Road civil site (C10). There are residential properties on the western side of Bland Street, which will be highly impacted by heavy vehicles movements at this site. Further, there are serious safety concerns for pedestrians at this location, particularly given the proximity to the Haberfield Public School, which has primary school aged children. The safety concerns are further exacerbated by the proposed closure of the Bland Street pedestrian bridge during construction. Council was advised prior to the release of the EIS that this bridge would remain open during construction.

Bland Street, at Parramatta Road, is constrained by its width. There are already delays experienced at this intersection because it is very tight for two lanes of northbound vehicles to exit Bland Street onto Parramatta Road at the same time. These queues and delays will increase if heavy construction vehicles utilise Bland Street. Although not supported by Council, *if* this option proceeds, it is essential that the road is realigned, such that it is widened for northbound vehicles on Bland Street. It should be noted that this must not be at the expense of footpath widths. RMS are already acquiring land at this location, and it is expected that the additional road width would be obtained by cutting into what is currently private property. Council's preference as outlined in our EIS submission is that a condition be placed on the project requiring that "vehicles exiting the Parramatta Road civil site (C10) must not utilise Bland Street. They must exit the site onto Parramatta Road, just east of the intersection with Bland Street."

Similarly, Council does not support the use of Chandos Street, Orpington Street and Walker Avenue for light construction vehicles (including light delivery vehicles). No definition has been provided for a "light" construction vehicle. Light vehicles should be limited to utes and passenger vehicles only. Small Rigid Vehicles, Medium Rigid Vehicles (as defined in AS 2890.2) and above should be considered heavy vehicles.

Council expects that during construction, traffic modelling will include the monitoring of heavy vehicles, particularly on local roads. This will allow for compliance checks and enforcement, if necessary.

Section 5.3 discusses intersection performance. As stated in the TAMP intersections already at LOS F "are susceptible to large increases in average delay with only small increases in demand as a result of construction traffic". It is therefore concerning that despite making the above statement no commentary on measures to monitor or attempt to reduce the impacts upon intersection performance are made. The above is even more concerning when the TAMP then goes on to say that several other intersections will deteriorate to LOS F. It is considered essential that all measures to reduce traffic impacts from the works must be examined chiefly measures to reduce worker related private vehicle trips and construction generated vehicle trips on local roads.

Section 5.4 discusses Access Changes. The TAMP outlines what roads are to be closed but does not discuss the implementation and/or investigation of any measures to ameliorate the impacts of those road closures on adjacent residential streets. In Council's EIS submission concern was raised that there has been no consultation with Council regarding the closure of Allum Street, Chandos Street, Northcote



Street, Martin Street and Walker Avenue – all Council owned local roads. The closure of these roads will increase traffic on alternative nearby local roads, including:

- Allum Street
- Alt Street
- Ash Lane
- Bland Street
- Julia Street
- Loftus Street
- Orpington Street
- Ramsay Street
- Walker Avenue
- Waratah Street
- Wolseley Street

As there does not appear to have been any analysis undertaken on the impact of these partial road closures, there is considerable concern that the vehicle volumes on the alternative nearby local roads will increase significantly. This will increase the noise, pollution and congestion on these alternate roads, impacting greatly on the residents. Local road closures require consultation and the approval of the Ashfield Traffic Committee and Council. Prior to referral of the road closures to the Traffic Committee Council expects that pre-closure traffic counts will be gathered in each of the abovementioned roads. A report should then be provided detailing those counts and outlining a process similar to that described in Council's recommended EIS conditions i.e " the Proponent shall as part of its construction stage monitor traffic changes during construction on regional and local streets in Haberfield and Ashfield at six monthly intervals, for a period of one week (outside of school holiday periods). The results of this monitoring shall be made publicly available within one month of collection. Should monitoring indicate traffic intrusion 10% above existing (pre-construction) levels on these streets the Proponent shall prepare and implement LATM for these areas, following consultation with Ashfield Council and the community, to minimise and/or restrict use of local roads."

Section 5.5 which briefly discusses road safety advises that traffic generated by the works is unlikely to significantly impact upon road safety in the vicinity of the project. Council's view differs. It is considered that the addition of over 600 heavy vehicle movements through the Ashfield area has the potential to significantly impact upon road safety in the area. In addition traffic displaced by proposed road closures is likely to significantly impact upon the detour routes creating new road safety blackspots at key intersections. The impact of displaced traffic on adjacent roads and intersections must be closely examined as part of any Traffic Management Plans prepared.

Section 5.7 briefly discusses pedestrians and cyclists and states that construction works will potentially impact pedestrians and cyclists. No discussion of measures to offset those impacts or even to gauge if the works are in fact impacting upon pedestrians and cyclists are discussed. This is a significant omission.

Section 6.1 deals with precondition reporting. It is considered that the pre-condition reporting should include pre-construction traffic volume (AADT and am/pm peak hour traffic) counts in roads likely to be impacted by additional traffic as a result of heavy vehicles or road closures.

Section 6.2.2 discusses haulage routes. As outlined above in comments regarding section 5.1 there is concern about the number of heavy vehicle movements at some worksites and the hours over which this will occur. The extension of work hours into the night is strongly opposed by Council and



considered an unacceptable impost on residents living near those worksites. Council believes that consideration must be given to on-site storage of night time within acoustic sheds with movement of that spoil the following day to minimise truck noise impacts.

As outlined above in comments on section 5.1 Council also raises concerns about the proposed access from Work Site C10 to Bland Street rather than directly to Parramatta Road. Likewise trucks should egress from worksite C7 directly to Parramatta to reduce truck movements on Wattle Street and delays at the Waratah Street intersection.

The TAMP claims that hauling outside of standard construction hours will reduce estimated truck movement peaks. This is not considered to be sufficient justification for approval of out of hours haulage. The impacts on adjacent resident premises of after hours truck movements will be significant and approval of same should be avoided.

Section 6.3.3 discusses delivery routes and advises that delivery drivers will be directed to use the arterial road network. Penalties clauses should be established as part of any contracts for delivery drivers for any documented cases of truck intrusion into local roads or non approved delivery routes.

Section 6.4 deals with construction site traffic and access. It refers at several points to the Traffic Management Safety Plan (TMSP) which will provide a basis road safety and traffic management at worksites it will also be used as a framework for the preparation of worksite Traffic Management Plans (TMPs). The TMSP does not form part of the Construction Environment Management Plan and has not (to date) been referred to Council for comment and Council has not been invited to provide input into its preparation. Given the key role that this document plays and the impact of the works on the Ashfield LGA Council should at a minimum be provided with an opportunity to make comment on the plan.

Section 6.4.1 advises that TMPs will be "discussed, reviewed and finalised in consultation with TMC and RMS at regular Traffic Coordination Group (TCG) meeting" but makes no mention of Council being involved in the TMP approval process. Figure 5 which outlines the approval process also omits any reference of referral of draft TMP's to Council for feedback. It is considered essential that Council be involved in the TMP preparation process to ensure that local traffic implications and the views of local residents are taken into consideration as part of the TMP approval process.

It is noted that section 6.4.7.2 outlines that new permanent VMS are proposed for Dobroyd Parade – Westbound, 100 metres east of Waratah Street; and Parramatta Road – Westbound, 50 metres west of Dalhousie Street. Council's submission on the EIS advised that "No variable message signs are to be installed on Parramatta Road, Dobroyd Parade, Wattle Street or any other road in Haberfield or Ashfield." Council's opposition to the above should be noted and Council expects to be consulted and approval sought prior to the placement of VMS signage on Council land.

Council expects to be consulted in regard to the designs for new and reconfigured fixed traffic signals at Orpington St and Parramatta Rd, Waratah St and Wattle St intersection, Ramsay Rd and Wattle St and Parramatta Rd, Frederick St and Wattle St in order that local traffic considerations can be taken into account.

In section 6.4.8 where the process for obtaining Road Occupancy Licences are discussed it is stated that local councils representative will be "advised" when a lane of a local road is to be closed. Council expects that Council's "approval" will be sought.

Section 6.5 deals with over dimensioned vehicles. Council recognises that there may be a need for occasional over dimensioned vehicles to be utilised on the project. Council expects to be notified in



advance of the purpose and times over which access for such vehicles will be required through the Ashfield LGA. Under no circumstances should such vehicles be utilising roads under Council's control.

Section 6.6 deals with parking impacts of the project. Council has concerns about the impacts of construction worker parking on local roads. Ashfield Station is the closest station to the worksites within the Ashfield LGA being 1.4km from the C7/C8 and 1km from C10. This places the station a 15minute walk from the nearest worksite and it is therefore unlikely that many workers will chose to travel to work by train. Bus Services near the worksites Bus services operating near the worksites (491, 461, 438, 406, L38) are mainly all stops services (except for the L38). These services operate largely on an infrequent basis (30min frequency at most times) from a limited range of origins. Bus Services on these routes also do not operate at all hours with services on the 406 and 491 routes operating infrequently or not at all after 7:00pm at night. As such, travel by bus represents a slow and/or infeasible option for travel with options for night shift workers poor at best. Given the above, travel by public transport does not present a highly attractive travel option for workers on the project and it is likely that most will chose to drive unless a frequent shuttle bus service is available to and from Ashfield Station. Park and Ride options discussed using "existing" bus services from Olympic Park are also considered unlikely to be attractive for workers at worksites within the Ashfield LGA given the distance of Olympic Park from Ashfield.

The option of introducing resident parking restrictions should be further explored however as Council's approach is to introduce resident parking restrictions only on one side of the road the effectiveness of such measures in reducing worker parking impacts is likely to be limited.

Council would also be hesitant to support initiatives which saw workers paying residents or commercial premises for the use of their offstreet parking. Ashfield Council has no paid parking facilities near the worksites and the hiring out of pre-existing residential or commercial "off-street" space to LSJH is considered inappropriate as it doesn't reduce the overall parking demand or reduce resultant traffic congestion levels. It may reduce levels of worker parking on-street but it may result in increased levels of resident or business parking on-street. It also does nothing to reduce the traffic impacts of worker travel.

It is considered that a Travel Management Plan should be developed to examine in detail and make recommendations in regard to the following initiatives to reduce worker parking impacts:

- subsidised travel on public transport by workers
- The provision of a shuttle bus service between Ashfield Station and the worksites operating at a 5-10 minute frequency during drop off and pick up periods
- The adequacy of offstreet parking at worksites
- The merits of introducing a construction phase resident parking scheme in the vicinity of worksites
- Measures to promote and reward carpooling by workers (eg allocation of offstreet worksite parking to carpoolers)
- Measures to support travel to worksites by bike
- Subsidised travel on public transport for residents living within 10km of the worksites

It is noted that some loss of parking is anticipated on local streets to facilitate construction works. Any anticipated loss of parking on local roads must be approved through the Local Traffic Committee process and LSJH will be required to support such applications with both written submissions and by making staff available to attend traffic committee meetings to respond to present and respond to questions.



Section 6.7 discusses management of pedestrians. It is noted that several footpaths within the Ashfield LGA are proposed to be closed. Council's EIS submission outlined that the closure of these footpaths is entirely unacceptable and will result in significant detours for pedestrians. This is not reasonable, particularly for elderly and less mobile people. It is particularly of concern as these residents are more likely to make use of the bus services and their access to the bus will be compromised. Further, Council has grave concerns that pedestrians will not use the alternative routes and will in fact end up walking on the road. These are very busy roads and this would be an extreme road safety concern.

Council would not allow a private developer to close off a footpath for such extended periods of time. There is no reason that WestConnex should be treated differently. It is noted that the footpaths proposed to be closed are Council owned footpaths and recommendations will be made that Council not give consent to their closure.

It is noted that it is proposed to close the westbound bus stop at Chandos Street. If the footpath were to remain open, then this would not need to occur.

Section 6.8 addressed bicycle management. While it is pleasing that the needs of cyclists will be considered concern is raised that cyclists, as the most vulnerable road users may, in practice, be overlooked as a lack of available road space will result in insufficient provision being made for their safety. Given the anticipated closure of footpaths which may result in young cyclists being forced onto roads grave concerns for cyclist safety at those locations are held.

Section 6.10 discusses measures to consult and communicate in regard to traffic management. While the measures proposed to communicate information to the community are supported as is the establishment of a Traffic Coordination Group and a Traffic and Transport Liaison Group the role of these groups will be in regard to the management of the whole project and local issues and concerns may be overlooked. There will also be little or no scope for involvement of the community within these groups which are expected to be for technical representatives of stakeholder groups. Other large roadworks projects have seen the formation of Community Liaison Groups and Council's EIS submission has recommended that:

" The Proponent shall establish an appropriate representative Community Liaison Group (CLG) for the Haberfield and Ashfield community. The Proponent shall:

- Ensure that the first meeting is held prior to substantial construction;
- Allow the CLG to make comments and recommendations about construction progress and implementation, the environmental management plan and sub plans, monitor compliance with these conditions of approval and other matters relevant to the operation of the Project;
- Ensure that the CLG have access to the necessary plans and information for such purposes;
- Consider the recommendations and comments of the CLG and provide a response to the CLG and Minister for Planning;
- Ensure that the CLG shall consist of appropriate community and Council representatives; and
- Bear all costs associated with the establishment and ongoing function and resourcing of the CLG, including the provision of at least two senior staff to administer, attend and participate in the meetings.



The Proponent shall nominate a person(s), to be approved by the Minister for Planning, to serve as the Independent Community Liaison Representative(s) (ICLR). The ICLR shall be experienced in mediating disputes. The role of the ICLR shall include but not be limited to:

- Attending and chairing Community Liaison Group meetings;
- Consulting with the Proponent with regard to consultation strategies;
- Being available for direct contact by the community during standard construction hours; and
- To the greatest extent practicable, resolve community complaints."

3. Ancilliary Facilities Management Plan

Section 4.2 comprises a detailed description of each approved ancilliary facility. In regard to the ancilliary facilities located within the Ashfield LGA the following comments are made:

C7 Northcote St Tunnel site:

Council's EIS submission raised concerns about the heavy vehicle impacts associated with tunnelling works on Wattle Street residents. As a result of combined truck movements generated by worksites C7, C8 & C9 and given that trucks will need to U-turn at Reg Coady to return to the Wattle St/Parramatta Rd intersection residents of Wattle Street will contend with an extra 660 to 900 truck movements per day many of which will occur between 6pm and 7am. Council has recommended in its EIS submission that heavy vehicles exit the C& worksite directly to Parramatta Rd via a reconfiguration of the traffic signals to facilitate a right turn from the worksite to provide some relief for Wattle Street.

It appears from the worksite plan that the footpath on the north side of Parramatta Road may be closed to pedestrian access. This is unacceptable to Council and Council's approval for this to occur is unlikely to be given.

Noise, vibration and dust impacts are listed as key environmental impacts given the proximity of residential premises. These impacts can be significantly reduced by requiring that night time spoil be stored on-site at C7, C8, C9 and C10 within acoustic sheds and moved the following day.

C8 Parramatta Road ventilation facility site:

Council's EIS submission has raised serious concerns about the proposed partial closure of Walker Street to facilitate construction works at this location. No consultation with Council regarding the partial closure, has occurred and no analysis of the impacts of displaced traffic on adjacent local roads and no analysis of the safety implications of the closure of the footpath to pedestrian traffic.

C9 Wattle Street and Walker Avenue civil site:

Council's EIS submission has raised serious concerns about the proposed partial closure of Walker Street to facilitate construction works at this location. No consultation with Council regarding the partial closure, has occurred and no analysis of the impacts of displaced traffic on adjacent local roads and no analysis of the safety implications of the closure of the footpath to pedestrian traffic.

Table 15 raises "Traffic/access impacts on Wattle Street, Walker Avenue and other local streets" as a Key Potential Environmental Impact and affirms that Construction Traffic Access and Management Plan is the key Environmental Control to address those concerns. There is nothing in the TAMP which or in the EIS which discusses the impacts of the access changes on these local roads or that gives an



undertaking to monitor and mitigate against those impacts when they occur. Council views this as essential.

Similarly it is unclear what the impacts will be of the proposed new signalised intersection on Ramsay Street to facilitate construction vehicle access over Ramsay Street. The proximity of this intersection to the existing signalised intersection at Ramsay Street/Wattle Street is anticipated to result in tailback issues and increased congestion levels. This does not appear to have been investigated in the modelling undertaken to date.

C10 Eastern Civil Site

The closure of the footpath on the southern side of Parramatta Rd between Bland and Orpington is a point of major concern for Council. Pedestrians would have to walk up to an additional 260 metres and make up to two crossings of busy Parramatta Road as a result of the works. Parramatta Road provides limited green time to pedestrians which raises significant issues for the elderly and less mobile. The footpath closure results in up to an additional 9.6 minutes of travelling.

The closure of the footpath at the northern end of Chandos Street (at Parramatta Road) is also strongly opposed. As a result of this footpath closure pedestrians would have to walk up to an additional 1,000 metres and have to cross busy Parramatta Road which provides limited green time to pedestrians. The footpath closure results in up to 16.8 minutes of additional travel for pedestrians. It should be noted that pedestrian access to Haberfield Public School situated in Chandos Street (north) will be significantly impacted by the closures of footpaths on Parramatta Rd and Chandos Street(south).

Prior to the release of the EIS, Council was advised that no local roads would be used for construction vehicle access or egress. Egress of heavy vehicles onto a local road is not supported. Council is therefore strongly opposed to the use of Bland Street to exit the Parramatta Road civil site (C10). There are residential properties on the western side of Bland Street, which will be highly impacted by heavy vehicles movements at this site. Further, there are serious safety concerns for pedestrians at this location, particularly given the proximity to the Haberfield Public School, which has primary school aged children. The safety concerns are further exacerbated by the proposed closure of the Bland Street pedestrian bridge during construction. Council was advised prior to the release of the EIS that this bridge would remain open during construction.

Bland Street, at Parramatta Road, is constrained by its width. There are already delays experienced at this intersection because it is very tight for two lanes of northbound vehicles to exit Bland Street onto Parramatta Road at the same time. These queues and delays will increase if heavy construction vehicles utilise Bland Street. Although not supported by Council, *if* this option proceeds, it is essential that the road is realigned, such that it is widened for northbound vehicles on Bland Street. It should be noted that this must not be at the expense of footpath widths. RMS are already acquiring land at this location, and it is expected that the additional road width would be obtained by cutting into what is currently private property.

Similarly, Council does not support the use of Chandos Street, Orpington Street and Walker Street for light construction vehicles (including light delivery vehicles). No definition has been provided for a "light" construction vehicle. Light vehicles should be limited to utes and passenger vehicles only. Small Rigid Vehicles, Medium Rigid Vehicles (as defined in AS 2890.2) and above should be considered heavy vehicles.

Council expects that during construction, traffic modelling will include the monitoring of heavy vehicles, particularly on local roads. This will allow for compliance checks and enforcement, if necessary.



In regard to this worksite Council recommends the following changes

- Vehicles exiting the Parramatta Road civil site (C10) must not utilise Bland Street. They must exit the site onto Parramatta Road, just east of the intersection with Bland Street.
- Failing the above, an appropriately qualified traffic controller must be present at all times on Bland Street, at the exit from the Parramatta Road civil site (C10), to help ensure pedestrian safety, particularly primary school aged children.
- Failing the above recommended condition, Bland Street, at Parramatta Road is to be realigned and widened to allow for two northbound lanes, with no associated reduction in footpath widths (making use of the private property land which has been acquired at this intersection).
- The modifications which need to be made to the Bland Street pedestrian overpass must be made prior to the substantial commencement of construction such that the bridge can remain open at all times whilst the Parramatta Road civil site (C10) is in operation.
- The footpath on the southern side of Parramatta Road, from Bland Street to Orpington Street is to remain open at all times during construction.

Section 6.4 deals with community consultation prior to establishment of ancillary facilities. No mention is made of Council involvement in this process. Council expects to be included within this stage of consultation.

Section 8.1 covers review and monitoring. This monitoring and review should include monitoring of additional traffic within local roads surrounding the ancillary facilities worksites. Particularly those impacted by temporary or permanent part or full road closures or changes to access arrangements. Where increases in traffic volumes or local roads or safety concerns are identified measures to address those concerns must be investigated and implemented.

Heavy vehicle truck intrusion into local streets must also be monitored to ensure site vehicles use approved ingress and egress routes.

Yours sincerely

James Brocklebank
Traffic Engineer

Subject	DISCUSSION PAPER - COMPLYING DEVELOPMENT LOW RISE MEDIUM DENSITY HOUSING
File Ref	SC386
Prepared by	Con Colot - Senior Strategic Planner & Projects
Reasons	Respond to Department of Planning and Environment paper
Objective	Advise Department of Planning and Environment of Council concerns

1.0 OVERVIEW

1.1 Purpose of exhibition

The Department of Planning and Environment (the Department) is requesting feedback on proposed Complying Development controls for particular housing types. They have put on exhibition a Discussion Paper- “One Part of the Missing Middle” - Options for Low Rise Medium Density Housing as Complying Development (**Attachment 1**). Its purpose is described as follows:

“Discusses the following medium density housing forms that could potentially be carried out as complying development depending on lot size:

- *Development resulting in 2 dwellings (dual occupancies) on a single lot with a minimum lot size of 400 sqm*
- *Development resulting in 3-4 dwellings (defined as manor homes) on a single lot with maximum lot size of 500 sqm*
- *Development resulting in 3-10 dwellings on a single lot with a minimum lot size of 600 sqm (townhouses /terraces and or combination of development types resulting in 3-10 dwellings on a single lot)*

The Discussion Paper recommends appropriate complying development standards for proposals that will result in between 2-10 dwellings being erected on a single parcel of land.”

Complying Development is a form of development that can be carried out without obtaining Council approval, subject to a design complying with specific prescribed requirements, and approval being given by an independent certifier such as an accredited Building Surveyor. For example, it is currently possible to obtain Complying Development approval for certain types of houses or additions to houses.

A background paper - Volume 2 is also on exhibition, and consists mostly of research and analytical material.

DISCUSSION PAPER - COMPLYING DEVELOPMENT LOW RISE MEDIUM DENSITY HOUSING

1.2 Proposed New Complying Development Types

The three proposed new building/land use Complying Development types are as follows:

- (i) Dual Occupancies (see part 2.1 Page 12 of Discussion Paper). Comments on this are given below in Part 2.1 of this report.
- (ii) Manor Houses, such as four dwellings appearing as one large house. Comments on this are given below in Part 2.2 of this report.
- (iii) Multi- dwelling Housing – such as Townhouses (but not flats). Comments on this are given below in Part 2.3 of this report.

Definitions for the above are provided below (from the Discussion Paper) which are derived from the LEP standard instrument.

From a planning perspective, these types of development fall under one or more of the definitions in the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument LEP) extracted below:

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

dual occupancy (attached) means 2 dwellings on 1 lot of land that are attached to each other, but does not include a secondary dwelling.

dual occupancy (detached) means 2 detached dwellings on 1 lot of land, but does not include a secondary dwelling.

manor home means a 2-storey building containing 4 dwellings, where:

- (a) each storey contains 2 dwellings, and
- (b) each dwelling is on its own lot (being a lot within a strata scheme or community title scheme), and
- (c) access to each dwelling is provided through a common or individual entry at ground level, but does not include a residential flat building or multi-dwelling housing.

(Note: this definition is contained within *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*)

multi-dwelling housing means 3 or more dwellings (whether attached or detached) on 1 lot of land, each with access at ground level, but does not include a residential flat building.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only 1 other dwelling.

DISCUSSION PAPER - COMPLYING DEVELOPMENT LOW RISE MEDIUM DENSITY HOUSING

1.3 The Department's rationale for the need for proposed Complying Development Types - Key Issues

Reasons for the need for the new Complying Development types are given in the Background Paper. The salient (prominent) arguments are as follows:

(i) Accommodating population increase

One key justification for the Department's proposed Complying Development proposals, is that the proposals are needed in order to contribute to Sydney's (ever growing) projected population increase of 1.6 million people - 664,000 additional dwellings by 2031. The Discussion Paper proposes 'defacto rezonings' since its proposals would permit for example large Manor homes (4 flat type dwellings) and townhouses in R2 Low Density Zones throughout Sydney, including Ashfield.

Officer Response:

The Discussion Paper relies heavily on the above blunt population increase in terms of implying that the population increase is at a new unexpected crisis point and so Complying Development needs to be urgently expanded to address this issue. However, projected large population increases have been around since at least the late 1960's. The Discussion Paper instead implies that R2 Low Density zones, being mostly suburban areas containing houses, should accommodate a large contribution towards the demand for new dwellings, and requests responses to land use and zoning questions for which responses are given below in Part 2 of this report. One needs to keep in mind that given the large forecast population increase of 1.6 million people by 2031, Sydney as a metropolis must also contemplate expansion on the periphery of Sydney. The purpose of local, regional and city wide town planning is to physically look at options that can be pursued without compromising the integrity and liveability of existing places and communities, and how they function. This is also a long standing community expectation.

(ii) Cutting Red Tape

A second key justification given by the Department is that it is necessary to remove red tape and unnecessary delays in obtaining housing approvals, and increase the dependence of qualified professionals, who in other words 'know their job' (e.g. engineers certifying structural work).

Officer Response:

Cutting red tape for straightforward matters is something that is logical. However, it naturally follows that this should be applied ONLY for development that is already permissible, or meets the objectives, in an agreed Local Environmental Plan. The Discussion Paper instead proposes to introduce, for example, townhouses in R2 Low Density Zones. This is action normally would normally require, as a pre-requisite, Local Environmental Plan processes involving community engagement. In relation to this, the Discussion Paper requests responses to land use and zoning questions for Manor Homes and Townhouses, for which a response is given below in Part 2 of this report, and below.

DISCUSSION PAPER - COMPLYING DEVELOPMENT LOW RISE MEDIUM DENSITY HOUSING

1.4 Feedback sought from Council by the Department

Noting the above key issues - for each of the proposed new Complying Development types the Discussion Paper asks for Council and community feedback on a specific set of questions. A recommended response for Council is given below in part 2. It is important that Council respond to the Department because if the Complying Development proposals were implemented in the form proposed they would have long term land use impacts affecting existing low density suburban neighbourhoods:

- For R2 Low Rise Residential Zones it is proposed to permit (and encourage) a second house (dual occupancy) in the rear garden area, even though it is possible to have the same numerical result by having two semi-detached dwellings appear as one house, and so maintain the well established character (morphology) of one house per lot which maintains the pattern of development, site layout of front and rear gardens, and neighbours amenity.
- Compromise the integrity of the character (morphology) and amenity of R2 Low Density Residential areas, since it is implied by the Discussion Paper that these areas should for example have 'Manor houses' (such as 4 dwelling appearing as one large house - two storey house).
- Permit between 3 - 10 townhouse dwellings (2 storeys) on lots commencing at 600 sqm.

Council also needs to make it emphatic that the proposed Complying Development proposals should not apply in heritage areas, given that the paper makes no such explicit differentiation.

2.0 DISCUSSION PAPER

Part 2 of this report concentrates on the Discussion Paper - Volume 1 (contained in **Attachment 1**) which includes the actual controls being proposed, and this planning report provides a response to particular questions being asked in the Discussion Paper, such as in which land use zones the proposed Complying Development types should be permitted.

Volume 2 (not attached but available for viewing on the Department's Major Projects website) consists mostly of analytical material, including a snapshot of population projections by 2031 and arguments for more housing, gives land use definitions, states that the authors of the Discussion Paper have carried out analysis of various Council controls, and gives some examples of approved development applications to illustrate the proposed building types.

DISCUSSION PAPER - COMPLYING DEVELOPMENT LOW RISE MEDIUM DENSITY HOUSING

2.1 PROPOSED DUAL OCCUPANCY AS COMPLYING DEVELOPMENT

Dual Occupancies which are attached dwellings are permissible in R2 Low Density Zones in the Ashfield LEP 2013.

The following table, (from page 20 Part 2.15 of the Discussion Paper), outlines the Complying Development controls proposed for Dual Occupancies:

5.4 Summary of suggested controls for development resulting in 2 dwellings on a single lot

The proposed qualifying and design development standard controls that would apply to a development resulting in 2 dwellings are summarised in the tables below.

Primary Standards

Control	Standard
Minimum lot size	400m ²
Minimum frontage	12.5 (detached form) 15.0m (semi-detached form)

Table 2: Primary Standards – 2 dwellings as complying development

Design Standards

Control	Standard
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater
Minimum floor to ceiling height	2.7m
Garage/parking setback	1.0m behind the front setback
Rear setback	Minimum of 6.0m or 25 per cent of the average of the length of the side boundaries, whichever is greater.
Minimum side boundary setback	900mm and comply with the a building envelope measured at a height of 5.5m at the side boundary and projected at 45 degrees
Minimum landscaped area	30 per cent of the site area
Minimum width of landscaped area	1.5m
Minimum driveway setback	1.0m
Minimum private open space	24.0m ² and minimum dimension of 4.0m for ground level 12.0m ² and minimum depth of 2.4m if provided as a balcony
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater

Table 3: Design Standards – 2 dwellings as complying development

Subdivision Standards

Control	Standard
Minimum subdivision lot size	200m ² (excluding any access handle in a battle axe subdivision) and must front a public road

Table 4: Subdivision Standards – 2 dwellings as complying development

DISCUSSION PAPER - COMPLYING DEVELOPMENT LOW RISE MEDIUM DENSITY HOUSING

Officer Comments:

Landscaped Area

Note that with regard to landscaped area, the definition area does not include walkway pavements, terrace or balcony pavements/floors and driveway areas, and so there would be a larger site area which would be required for open space.

Neighbours Amenity

The above controls do not prevent any overlooking of neighbouring properties, and so there will be a loss of privacy.

The controls will also permit rear dwellings, contrary to Council's LEP objectives. Dual Occupancies which are attached dwellings are permissible in R2 Low Density Zones in the Ashfield LEP 2013. The purpose of this is so that they appear as one large house and so fit in better with the established character, site layout pattern of development including front and rear gardens, and preserve neighbour's amenity (in that a neighbour when stepping out into his or her rear garden is not looking at a neighbouring bulky two storey building).

The following questions are asked in the Discussion Paper shown in grey shading.

Should the development of dual occupancies on a single lot as complying development be permitted in R1, R2 and R3 zones?

Officer Response: Council's LEP already permits semis, two attached houses on their own separate lots, within approx 200m of the railway line, and this was a Council initiative to promote housing choice as is found in Council Urban Strategy 2010. However, since houses can be approved as Complying Development up to 8.5 m high, it is rare that Council now receives development applications for detached dwellings.

The proposed dual occupancy design Complying Development controls are actually better than the existing Complying Development controls for houses. This is because Complying Development is already permitted for individual houses enabling very large buildings up to 8.5 m high and setback only 1.2 from side boundaries. The proposed Dual Occupancy controls would require a 5.5 side wall height and 45 setback plane up to 8.5 metres (similar to controls in Council's IDAP for houses), which provides better levels of winter solar access for neighbours and minimises the visual impact of the resulting building. However, best practise says that such Complying Development should not be allowed unless there are definite clear design controls that ensure minimum levels of design standards and a sympathetic fit with the character of a place. The Discussion Paper recognises this and in its Part 3 – "Implementation issues" recommends a Design Guide (similar in concept to that found in the Apartment Design Guide) should be implemented. This design quality issue is a key matter that is not well documented in the Discussion Paper.

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Should the minimum frontage (for dual occupancies) be reduced to 14m so that the construction of 2 dwellings on a single lot can be carried out as complying development on more existing lots?

Officer Response: Council's LEP already permits semi-detached houses within 200m of the railway, with each semi having a minimum width of 7 m width, giving an overall frontage of 14 metres. This is in order to be able to fit a side car parking space/garage. It is agreed that the minimum frontage should be 14 metres.

Should the height (for dual occupancies) be limited to 8.5 meters?

Officer Response: Yes. Comparable Complying Development standards for houses are already limited to 8.5 m.

Should attic rooms (for dual occupancies) be permitted?

Officer Response: No. Within an 8.5 m maximum height, it is not physically possible to fit attic rooms whilst at the same time accommodating 300 mm floor clearances and then 2.7 m ceiling heights for each level. If the Discussion Paper had produced rudimentary designs this would be self evident.

Should 2.7 metre floor (for dual occupancies) to ceiling heights be imposed.

Officer Response: Yes. Given that the proposal is for Complying Development as opposed to merit assessment under a Development Application process, the 2.7 m ceiling requirement is naturally a minimum environmental standard that must be achieved. Traditionally, most houses in Sydney had up to 10 foot (3 metre) and 12 foot (3.2 metres) ceilings. Also, a 2.7 m ceiling should be an essential component of meeting BASIX –SEPP environmental standards.

Should eaves and roof overhangs be required to comply with the envelope control?

Officer Response: No, providing they are limited to an eaves projection of 600 mm.

Would the application of a 1.2 metre setback and no building envelope be easier to implement.

Officer Response: No, an envelope control should be used as shown from the Discussion Paper below in **Figure 1**. An envelope control is naturally a very basic and easy parameter for a professional qualified designer to observe and use. The envelope control of wall height of 5.5 m and 45 degree setback plane is essential for minimising loss of winter solar access for neighbours and minimising the visual impacts of building scale - these are straightforward spatial design facts. Compliance with an envelope control can easily be measured with use of computer models which almost all professional designers employ for producing designs.

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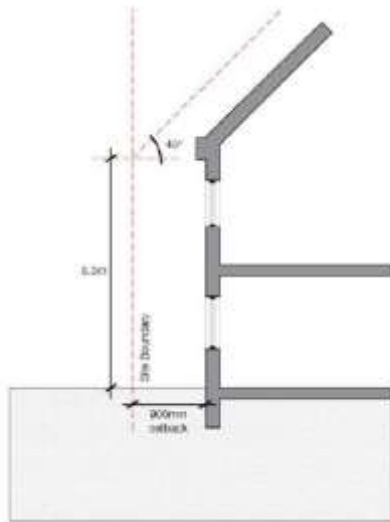


Figure 23: Side boundary setbacks

Figure 1 - Diagram from Discussion Paper illustrating the envelope control in relation to side setbacks.

Should Torrens title subdivision of 2 dwellings on a single lot be permitted as complying development?

Officer Response: Yes, but only after the buildings are completed and only if the new buildings have fully met all the prescribed conditions, e.g. stormwater disposal.

Should subdivision (of dual occupancies) be permitted only after the buildings are completed?

Officer Response: Torrens title subdivisions (allotments) should only be permissible for semis (attached dual occupancies), since they will have a clearly defined rectangular allotment with a front address to the street and front and rear gardens. In other words - the same outcome as traditional terrace housing. Having houses located on clear separate land titles is straightforward, as opposed to houses in back gardens.

2.2 MANOR HOMES

Manor Homes are buildings that would contain up to 4 dwellings – being basically apartments and appear as one large house. They are implicitly proposed to be made permissible in R2 Low Density Residential areas, and there is a specific question the Department is putting in relation to this which is responded to below.

The following table (from page 29 part 2.2.5 of the Discussion Paper), outlines the proposal.

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5.5 Summary of suggested controls for development resulting in 3-4 dwellings

The proposed qualifying and design development standard controls that would apply to a development resulting in 3-4 dwellings are summarised in the tables below.

Primary Standards

Control	Standard
Minimum lot size	600m ²
Minimum frontage	18.0m

Table 5: Primary Standards – 3 to 4 dwellings as complying development

Design Standards

Control	Standard
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m
Minimum floor to ceiling height	2.7m
Garage/parking setback	1.0m behind the front setback No more than 1 driveway access
Rear setback	Minimum of 6.0m or 25 per cent of the average of the length of the side boundaries, whichever is the greater
Minimum side boundary setback	2.0m and comply with the building envelope measured at a height of 5.5m at the side boundary and projected 45 degrees
Minimum landscaped area	30 per cent of the site area
Minimum width of landscaped area	1.5m
Minimum driveway setback	1.0m
Minimum private open space	24.0m ² and minimum dimension of 4.0m for ground level 12.0m ² and minimum depth of 2.4m if provided as a balcony
Minimum internal separation	6.5m
Minimum car parking provision	The Guide to Traffic Generating Developments or the relevant council controls, whichever is less.
Excavation setbacks	Compliance with all applicable building setbacks and a maximum depth of 4.0m.

Table 6: Design Standards – 3 to 4 dwellings as complying development

Officer Comment:

Landscaped Area

Same comments apply as previously noted.

Neighbours Amenity

Same comments apply as previously noted.

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The following questions are asked by the Discussion Paper.

Which zones would be appropriate for Manor homes?

Should manor homes only be permitted on corner lots with dual street access?

Officer Response: This is new building type and since it is essentially provides for four apartment dwellings, this would already be permissible in a medium density Residential R3 Zoning. Council's response should be that Manor homes are only permissible in R3 Zones. In R3 zones, it might be that Complying Development would facilitate/make feasible Manor Houses- which are essentially 4 flats - on smaller sites, and so contribute to dwelling demand.

It is not appropriate to have Manor homes permissible via Complying Development in Low Density R2 Zones – which would be a type of defacto rezoning/land use change. Normal procedure and a community expectation are for a responsible authority to investigate via an LEP amendment which new zonings and specific places would be appropriate for such dwellings.

Hypothetically, having Manor homes on corner blocks would minimise the affectation on neighbours, and potentially have a better fit with the street and built environment, with each frontage having two dwellings addressing the street.

In addition, Manor homes should not be allowed on sites which have a Heritage Item listing or are within Heritage Conservations Areas. Any development on such land must be the subject of careful merit assessment as part of a Development Application process.

Should manor homes on lots that do not have rear lane access be required to have a basement car park?

Officer Response: No.

Instead of council certification of On-Site Stormwater Detention (OSD), could certification by appropriately qualified specialist be provided?

Officer Response: Council engineers advise that given that stormwater discharges into the drainage system which is controlled and managed by Council, it is necessary for Council to approve any such system to ensure the local infrastructure system will work and function adequately.

How should the proposed car parking controls (for Manor homes) be designed to ensure that adverse impacts on the transport network (including on street parking) are minimised and active transport options encouraged.

Officer Response: It is likely that for new dwellings there will be an expectation by the seller or buyer that there will be at least one car space per dwelling. Use of public transport, such as for getting to work, is not likely to be dispensed with by the public because a house contains car space or garage. People will decide whether or not to use public transport depending on many other factors, for example the availability, proximity and user comfort. A car space will still be required for various outside work activities, from

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activities ranging from children's need to be taken to school, transfer of household goods, to that of recreational weekend use. An absence of on-site car parking will simply lead to a loss of on-street parking, and using a cultural social perspective a restricted ability for people to visit each other.

Should subdivision only (of Manor homes) be permitted after the buildings have been completed?

Officer Response: Yes.

2.3 MULTI DWELLING HOUSING – DEVELOPMENT RESULTING IN 3-10 DWELLINGS

Multi dwelling housing is defined as *“3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building”*.

The most appropriate description for this type of dwelling would be townhouses. Such sites require wide frontages to accommodate 5-6m wide driveways for safe two way movements, side landscaped areas, the actual dwelling width, and basement car parking areas. Suitable allotments usually have widths of 30 – 40 metres.

The following table (from page 40 part 2.3.5), outlines the proposed Complying Development Control for multi dwellings/townhouses.

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5.6 Summary of suggested controls for development resulting in 3 to 10 dwellings

The proposed qualifying, design and development standard controls that would apply to a development resulting in 3-10 dwellings are summarised below:

Primary Standards

Control	Standard
Minimum lot size	600m ²
Minimum frontage	18.0m

Table 7: Qualifying Standards – 3 to 10 dwellings as complying development

Design Standards

Control	Standard
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m
Minimum floor to ceiling height	2.7m
Garage/parking setback	1.0m behind the front setback No more than 1 driveway access
Rear setback	Minimum of 6.0m or 25 per cent of the average of the length of the side boundaries, whichever is the greater
Minimum side boundary setback	2.0m and comply with the building envelope measured at a height of 5.5m at the side boundary and projected 45 degrees
Minimum landscaped area	30 per cent of the site area
Minimum width of landscaped area	1.5m
Minimum driveway setback	1.0m
Minimum private open space	24.0m ² and minimum dimension of 4.0m for ground level 12.0m ² and minimum depth of 2.4m if provided as a balcony
Minimum internal separation	6.5m
Minimum car parking provision	The Guide to Traffic Generating Developments or the relevant council controls, whichever is less.
Excavation setbacks	Compliance with all applicable building setbacks

Table 8: Design Standards – 3 to 10 dwellings as complying development

Officer Comment:

Zoning Issues

The Discussion Paper implicitly emphasizes making multi dwelling housing (townhouses) permissible in R2 Low Density Residential areas given the following points in (i) and (ii) below, and there is a specific question the Department is putting in relation to land use zoning (which is responded to below).

- (i) It is not clear how the Discussion Paper can entertain proposing from 3 - 10 by 2 storey dwellings on a minimum 600 sqm lot, even in the off chance/very rare chance that a site had an 18 m frontage. Presumably what is meant is that the number of townhouses that can be accommodated will depend on the amount of

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site left over after compliance with various non-building site layout controls, including landscaped area and areas for driveways and garages. The Discussion Paper has not bothered to provide comprehensive analytical house and site layout designs and how these would appear or fit onto a 600 sqm site - which is a basic form of testing of controls. The separate '*Background Paper- Volume 2*' simply shows some small scale examples of development application approvals, see **Figure 2** below, but these are ones on sites much larger than 600 sqm.



Figure 2 - Example of Multi Dwelling housing from Background Paper.

- (ii) Presumably, what the authors were intending, given that a key design control they recommend is a minimum frontage of 18 metres and that a very high percentage of houses naturally have at most around a 15 m frontage, is that there would be two housing lots amalgamated to create a large and wide enough site for townhouses. This would result in a wide site frontage and a much larger site area to that of the very small 600sqm standard. For example 30 m (two x 15m frontages) x 40m long - i.e. a 1200 sqm site. However, any such lot amalgamations say in a R3 Zoned area would likely lead to a developer seeking the highest financial return, and wanting to lodge a development application with Council for more dwellings, say of three storeys. It can therefore be assumed that the main target for the Discussion Paper's Multi Dwelling Townhouses is R2 Low Density Residential Zones.

Neighbours amenity

The above controls do not prevent any overlooking of neighbouring properties, see **Figure 4** below which shows an example of a building from the Discussion Paper that Complying Development could enable. It would have numerous dwellings with upper level rooms looking sideways into neighbouring house properties.

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Landscape Area

Refer to previous comments.

Separation between dwellings

Also to note in the above table, there is no question put by the Discussion Paper in relation to the proposed 6.5 metre building separation between windows in dwellings and whether this is adequate separation to achieve privacy. The proposed back to back/internal separation of 6.5m in the above table is much too small and should preferably be 12 m, which is in line with the minimum standard in the Department's 'Apartment Design Guide'.

On a standard 40 m deep site, with a wide site frontage, it is possible to have a front row of townhouses and then a rear row of townhouses, with a 12m separation between room windows. This would also mean that habitable room (e.g. living rooms and bedrooms) windows are not facing onto neighbours properties. This is partly demonstrated by one of the examples shown in Volume 2 of the Discussion Paper (see **Figure 3** below), however, the proposed controls would enable different site layouts such as those shown in **Figure 4** below. This demonstrates the inadequacy of the Complying Development's format of a simplistic tick the box table to mandate a specific required design layout, and therefore the need to have a type of design pattern book accompany any Complying Development controls.

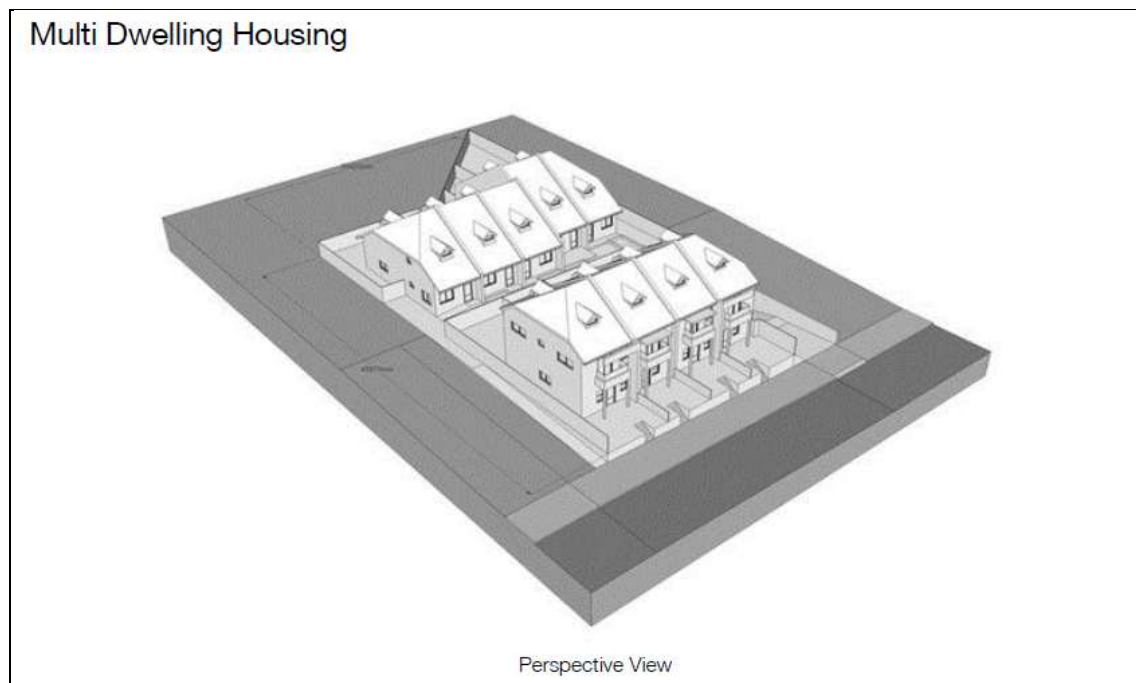


Figure 3 - Example of multi unit dwelling development from Discussion Paper

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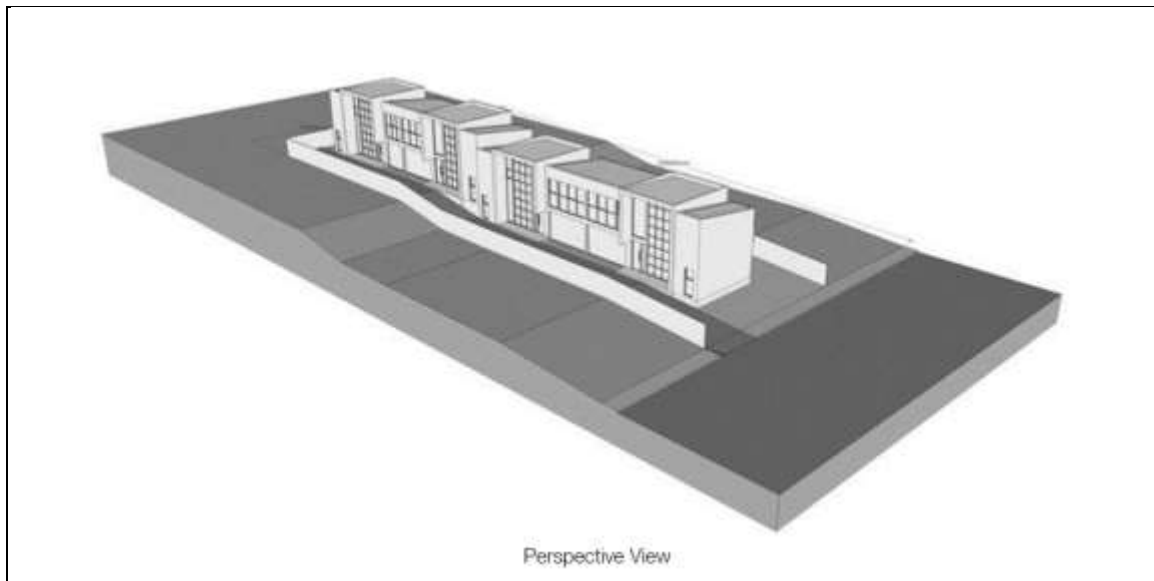


Figure 4 - Example of multi unit dwelling development from Discussion Paper

Heritage affectations

Also to note, there is no question put by the Discussion Paper with regard to heritage listed sites. Multi unit housing should not be allowed on sites which have a Heritage Item listing or are within Heritage Conservations Areas. Any development on such land must be the subject of careful merit assessment as part of a development application process.

The following questions are asked by the Discussion Paper.

In which zones should the development of 3-10 Dwellings (e.g. townhouses) be permitted.

Officer Response: For R2 Low Density Residential Area, this proposal constitutes a major change to a place's town planning land use controls, and spatial community character. It has not gone through any of the normal community consultation processes that an LEP amendment would require. This type of Complying Development should only be allowed where permissible in the Ashfield Local Environmental Plan, as agreed by the community. It should only be allowed in R3 Zones medium density zone.

Instead of council certification of On-Site Stormwater Detention (OSD), could certification by appropriately qualified specialist be provided?

Officer Response: Council engineers advise that given that stormwater discharges into the drainage system which is controlled and managed by Council, it is necessary for Council to approve any such system to ensure the local infrastructure system will work and function adequately.

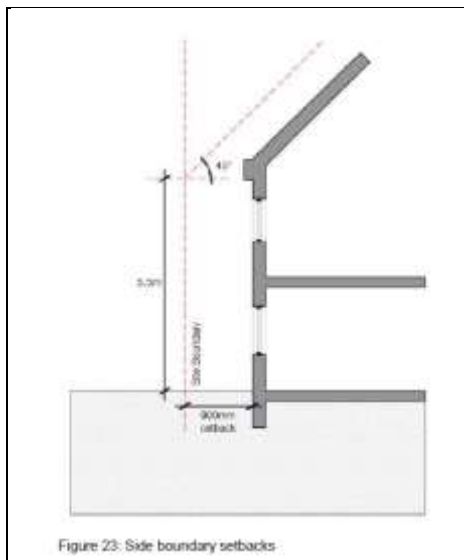
DISCUSSION PAPER - COMPLYING DEVELOPMENT LOW RISE MEDIUM DENSITY HOUSING

Should attic rooms be permitted?

Officer Response: No. Refer to previous comments.

Is the building envelope necessary in this instance. A minimum 2.0 metre setback already dictates a maximum height of 7.5m (a typo they mean 5.5 m) above ground level before the building envelope would be breached.

As development is limited to 8.5 metres is it necessary to also have an envelope control?



Officer response: Even though a building might have a side setback of 2 metres, the building envelope control with a sloping upper level plane is a rational relevant control which takes into account realistic building form and recognises that buildings can have sloping roofs, and compositionally (cognitively) have a top, and so this envelope control should be required. It should not be the other way around, where because it is easy for a crude assessment, that the environment is filled with 'box top' unresolved buildings.

Is the building envelope control as proposed easy to apply?

Officer Response: Yes.

Should the proposed car parking controls be consistent with the requirements of the Guide to Traffic generating Development or should the relevant council controls apply ?

Officer Response: Council engineers advise that one car space should be provided per dwelling in accordance with Council's controls.

2.4 Implementation issues and Discussion

Is it appropriate to permit excavation for basement car parking as complying development?

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What provisions or controls should be in place and information required to accompany an application.

Officer Response: Any excavation should be setback a minimum of 2 metres from side boundaries, as proposed, in order to ensure deep soil periphery for tree planting. Any excavation should also be structurally certified (e.g. piles along the basement walls) so that there no chance of any adverse affectation on neighbouring properties.

Is up front certification by council for On-site Stormwater Detention (OSD) appropriate?

Is it acceptable to have independent certification of OSD against council's policies?

Officer Response: Council engineers advise that given that stormwater discharges into the drainage system which is controlled and managed by Council, it is necessary for Council to approve any such system to ensure the local infrastructure system will work and function adequately.

Should proposed waste management facilities be certified by Council's as part of the process?

Could independent certification of compliance with council's waste management provisions in their DCP be the appropriate mechanism?

Officer Response: Given that waste collection is carried out by Council, in Ashfield's case by contractors and that contractors will not usually travel into a site to collect garbage bins, it is necessary for Council to approve any waste collection design. Otherwise, once the building is finished, it will too late to remedy any problems, and it is not tolerable for example to end up with garbage rooms in front garden area.

What proportion of new housing (e.g. townhouses) should be adaptable housing ?

Officer Response: Council's IDAP controls require that all ground level accessible townhouses have Universal Accessible Design, and this should be the case for the proposed Complying Development.

How easy is the envelope control (for multi unit dwellings-townhouses) to understand?

Is an envelope control necessary given the combination of controls proposed?

Officer Response: Yes an envelope control is necessary and very easy to understand. It is evident it reflects housing/building typologies with sloping roofs, enables better levels of winter solar access to neighbouring (southern side) buildings, and is a very easy design parameter for any professional to use to design a building.

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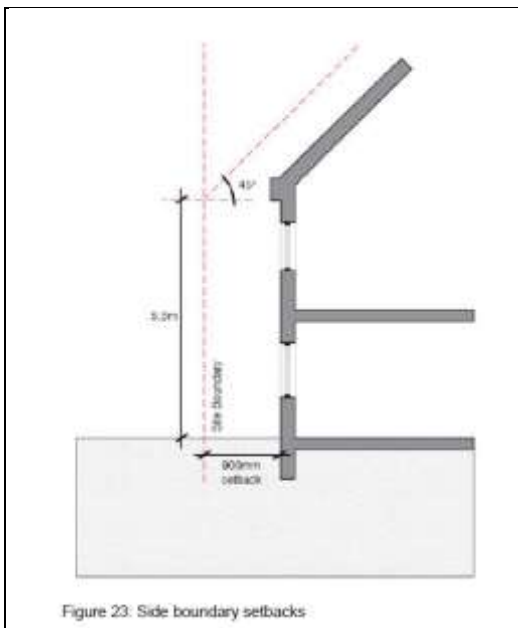


Figure 23: Side boundary setbacks

For development involving 2 dwellings, should the side setback control be mandated at 1.2 m for ease of implementation and assessment?

Officer Response: No. A 1.2 m setback is trivial in combination with an 8.5 m high building, and compositionally creates various built form problems, including crude box like flat topped buildings. A simplistic ease of certification arrangement is not justification for using this type of approach.

Should the setback be 1.5m for easier BCA compliance?

Officer Response: Any setback must naturally comply with the BCA, e.g. building walls which have windows - designers will be aware of this requirement.

Does the suite of suggested control provide certainty of the built form outcome and management of potential impacts?

Are there further controls that may assist in delivering positive outcomes?

Officer Response: The Complying Development written controls provide crudely spatial envelopes into which a building must fit, and so it is evident there is no certainty as to the house building design outcome. Dwelling building and landscape composition is a complicated design process, one which is dependent on the designer and client, and the Complying Development controls as proposed do to address this adequately. As explained in the Discussion Paper Part 3 - Implementation Issues, a similar regime to that of SEPP 65 and the Apartment Design Guide, or having a type of design pattern book for the particular building is required if one is to ensure that the building composition design quality, streetscape impacts and neighbour amenity impacts are acceptable.

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Should guidelines on dwelling size be provided.

Officer Response: This is not necessary.

Are there other forms of supporting information that may be required (such as Stormwater design and BCA compliance).

Officer Response: The list contains the usual requirements. However, certification in relation to design quality is evidently missing, and as explained above, requires a similar regime to that of SEPP 65.

2.4 - DISCUSSION PAPER NEXT STEPS

Officer Comment: This is a short one page section that states the Department will review all public comments and use this to inform the development of any changes recommended in the Discussion Paper. It is not stated what the timetable or next steps will be for further Council and community feedback, and for statutory implementation any of the proposals.

Referrals

Council Engineer's comments have been incorporated into the report.

3.0 CONCLUSION

In summary, this report has identified various land use issues and technical issues that are problematic. In particular, Council should object to the Department permitting land uses which are not currently permitted in the Ashfield LEP 2013, such as Manor Homes and Townhouses in R2 Low Density Zones. Making these land uses permissible will create a major tangible spatial change to existing suburban housing neighbourhoods, including affecting people's living amenity, impact on streetscape, and character of people's neighbourhoods.

ATTACHMENTS

Attachment 1 Discussion Paper Volume 2

49 Pages

**DISCUSSION PAPER - COMPLYING DEVELOPMENT
LOW RISE MEDIUM DENSITY HOUSING**

RECOMMENDATION

- 1. A copy of this report be provided to the Department of Planning and Environment as Council's response to the exhibited Discussion Paper - Options for Low Rise Medium Density Housing as Complying Development.**
- 2. Council opposes having Complying Development apply to land uses which are not currently permissible in Low Rise R2 Low Density Zones of the Ashfield LEP 2013.**
- 3. Council opposes having Complying Development which would permit Dual Occupancies, Manor Homes, Townhouses - Multi Dwelling Housing, on sites which have Heritage items or sites within Heritage Conservation Areas.**
- 4. The controls which would apply for multi dwelling housing, such as that of townhouses, have deficient site area requirements, deficient building separation requirements, and deficient privacy standards for neighbouring properties proposed in the Discussion Paper. Any such design standards must be informed via comprehensive design studies.**
- 5. That the Discussion Paper and certification for Complying Development does not adequately address design quality for new dwelling buildings and their open spaces such as front gardens and urban design impacts on streetscapes.**

PHIL SARIN
Director Planning and Environment

One Part of the 'Missing Middle'

Volume 1 – Discussion Paper November 2015

***Options for Low Rise Medium Density Housing as
Complying Development***

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SJB Planning

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List of Terms

<i>ADG</i>	Apartment Design Guide is a State-wide guideline providing guidance for the delivery of high quality apartment buildings.
<i>Apartment building</i>	A form of housing containing multiple dwellings known as flats or apartments.
<i>Building height</i>	The height of a building measured from the highest point, including the roof pitch, to the existing ground level below that point.
<i>Complying Development</i>	A form of development that can be carried out without lodging a development application with the relevant council, subject to compliance with prescribed requirements.
<i>DCP</i>	The Development Control Plan containing detailed design requirements for development and which supplements the Local Environmental Plan for a council area.
<i>Dual occupancy</i>	2 dwellings on 1 lot which can be separate buildings or within a single building.
<i>Landscaped area</i>	The part of a site wider than 1.5m that is not occupied by buildings and which is planted with lawns or shrubs and trees.
<i>LEP</i>	The Local Environmental Plan containing land use zones and controls applying to a council area.
<i>Manor home</i>	A form of housing where a single building contains 4 dwellings, 2 at ground floor level and 2 at first floor level.
<i>Multi-dwelling housing</i>	A form of housing commonly known as townhouses or villas.
<i>On-Site Stormwater Detention (OSD)</i>	A stormwater control facility that controls the rate of flow of water into a public drainage system.
<i>Private open space</i>	The area allocated to a dwelling that is directly accessed from the internal living area of a dwelling. Private open space can be in the form of a courtyard at ground level or a balcony/terrace area at the first floor level.
<i>Secondary dwelling</i>	A second dwelling on a parcel of land that is smaller than the main dwelling and sometimes known as a granny flat.
<i>Terrace house</i>	A form of housing similar to a Paddington style terrace.
<i>Semi-detached dwelling</i>	2 independent houses that share a central common wall and are commonly

	known as 'semi's'.
<i>SEPP</i>	A State Environmental Planning Policy which is a planning policy that has application to all land within New South Wales.
<i>SEPP 65</i>	State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development is the State-wide policy mandating design quality in apartment building developments.
<i>Setback</i>	The distance a building must be setback from a front side or rear boundary of a property.
<i>Standard LEP</i>	A Local Environmental Plan that is based upon the Standard Instrument – Principal Local Environmental Plan which has made LEP formats, zone descriptions and definitions common across all council areas.
<i>Strata subdivision</i>	A form of subdivision where owners share ownership of common areas and within which individual dwelling entitlements are individually owned.
<i>The Policy</i>	The current State-wide Exempt and Complying Development Codes contained within <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .
<i>Torrens title</i>	A form of land subdivision in which the land and building are individually owned.

1 Introduction

1.0 Introduction

1.1 Purpose

The Department of Planning and Environment (the Department) is examining opportunities to provide greater housing choice and better design for medium density housing across NSW, by broadening the range of development types that can be carried out as complying development under the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (the Policy).

The population of NSW is projected to grow by more than 100,000 people annually, with projections indicating homes will be required for an additional 1.6 million residents by 2031. Metropolitan Sydney alone will require an additional 664,000 dwellings over the next 20 years. It is necessary to explore options to meet this housing demand.

One approach is the expansion of complying development to cover medium density housing options, to assist in the delivery of more housing, provide greater housing choice and better design outcomes for medium density development across the State.

This Discussion Paper has been prepared by SJB Planning, on behalf of the Department, to seek feedback from the community and other stakeholders on the expansion of complying development to cover medium density housing development.



1.2 The 'Missing Middle'

The NSW Planning system currently provides effective State policy guidance for the development of single and 2 storey dwelling houses and higher density residential apartments.

However, a policy gap for the development of medium density housing forms has been identified. This policy gap is known as the 'missing middle'. Medium density housing including terraces, townhouses, manor homes, and dual occupancies are a segment of the missing middle.

The expansion of complying development to cover the missing middle presents an opportunity to provide a consistent State-wide approach for medium density housing forms, such as dual occupancies, manor homes, townhouses and terraces.

Addressing the missing middle through the expansion of complying development can assist in the delivery of housing and housing diversity, and is consistent with a key direction of the Government's *A Plan for Growing Sydney*, which aims to support Government actions that improve housing choice to suit different needs and lifestyles, and to promote good design.

1.3 The Benefits of Complying Development

Complying development is a fast-tracked, streamlined form of combined planning and construction approval for specified types of development. The complying development pathway is for straightforward developments which can only be undertaken if a set of prescribed numerical controls and requirements are fully satisfied. These controls must be fully complied with if a development is to proceed. Complying development approvals can be issued by councils or private certifiers (known as the certifying authority). Any approvals issued are subject to conditions of approval, to protect surrounding uses during the construction period and for the life of the development.

The NSW Government is committed to reducing the cost and time to carry out routine complying developments for homeowners. Since the Policy's commencement in 2009, the number of developments that have been approved as complying development under a streamlined assessment process has increased.

In 2013-2014 the Policy allowed 29 per cent of all development approvals in NSW to be fast-tracked under the complying development pathway, saving time and money for homeowners. More than \$4.4 billion of development was delivered as complying development in this same period, representing an increase of \$1.4 billion from the previous year.

Complying development also represents time savings for homeowners, with complying development applications taking on average 18 days to approve, compared with 70 days for a development application. This fast-tracked process also frees up council resources to focus on other local matters.

The benefits of addressing the missing middle include exploring opportunities to expanding complying development to cover medium density housing options includes:

- improving the quality of the housing provided;
- providing greater certainty to the approval process;
- promoting housing choice to meet different needs;
- streamlining the approval process for medium density housing; and
- achieving better design outcomes.

1.4 The Approach

As part of the approach to address the missing middle, this Paper discusses the following medium density housing forms that could be carried out as complying development, depending on lot size:

- Development resulting in 2 dwellings (dual occupancies) on a single lot with a minimum lot size of 400m²;
- Development resulting in 3-4 dwellings (manor homes) on a single lot with a minimum lot size of 500m²; and
- Development resulting in 3-10 dwellings on a single lot with a minimum lot size of 600m² (townhouses/terraces and/or a combination of development types resulting in 3-10 dwellings on a single lot. For example, a dual occupancy and a manor home on the same lot).

This Paper recommends appropriate complying development standards for proposals that will result in between 2-10 dwellings being erected on a single parcel of land.

A maximum of 10 dwellings and a height limit of 8.5m (2 storeys) is recommended to ensure that the scale and built form of development under complying development is manageable and that any proposed development will fit into an existing residential streetscape.

To inform the recommendations in this Paper, SJB Planning undertook a review and analysis of various development applications from 12 Local Government Areas (LGAs) across metropolitan and regional areas of NSW with a high proportion of dual occupancy and townhouse style development being approved.

This analysis identified trends and similarities across NSW which has been used to inform the suite of controls and development standards recommended by this Paper. The review also identified a number of approved development applications that resulted in poor built form outcomes – for example, inadequate rear setbacks, poor relationship with the streetscape, and privacy/amenity impacts on neighbouring properties. The proposed expansion of complying development provides an opportunity to provide a better built form outcome for medium density development in NSW.

The suggested development standards for medium density development resulting in 2-10 dwellings on a single lot have been tested to compare the potential outcomes of applying these controls with examples of existing approved developments. This testing has identified opportunities to improve built form outcomes for medium density development, particularly in relation to boundary setbacks, dwelling orientation and the management of privacy impacts. The testing, and detailed background research undertaken to inform the recommendations in this Paper is presented in Volume 2 (Background Paper) to this Paper.

This Paper provides recommendations on additional housing types that could be carried out as complying development under the Policy. These options include medium density options, including dual occupancies, manor homes and multi-dwelling housing (i.e. townhouses and terraces) or a combination of dwelling types resulting in up to 10 dwellings on a single lot.

The Paper also provides recommended development standards for each development option and an indication of conditions to be imposed on complying development certificates (CDCs).

1.5 Next Steps

Community feedback and discussion is encouraged to further explore the opportunity to expand complying development to help address the missing middle, as part of the NSW Government's strategy to assist in the delivery of greater housing and housing choice to meet the projected growth demands of NSW.

All feedback and submissions will be reviewed and the results will be used to inform the development of any changes to the Policy.

Please see Part 4 Next Steps of this Paper for instructions on how you can provide feedback and make a submission.

2

Options for Consideration

2.0 Options for Consideration

This Paper recommends that the following development options are considered for inclusion as complying development under the State Policy for exempt and complying development:

- Development resulting in 2 dwellings (dual occupancies) on a single lot with a minimum lot size of 400m²;
- Development resulting in 3-4 dwellings (manor homes) on a single lot with a minimum lot size of 500m²; and
- Development resulting in 3-10 dwellings on a single lot with a minimum lot size of 600m² (townhouses/terraces and/or a combination of dwelling types resulting in 3-10 dwellings on a single lot).

The proposed development standards for these housing types are discussed in more detail in this Section. The proposed development standards are categorised as:

- Primary standards;
- Design standards; and
- Amenity standards.

All of these development standards are required to be met before a development can be carried out as complying development. If these standards are not met, then the development cannot be carried out as complying development, and the applicant must submit a development application.

At present, complying development cannot be carried out on certain land, such as heritage conservation areas, foreshore areas and environmentally sensitive areas (including National Parks and critical habitat). It is proposed that these existing exclusions be retained.



Example of typical townhouse form of development

2.1 Development resulting in 2 dwellings (dual occupancies) on a single lot

It is recommended that the Policy be expanded to enable 2 dwellings on a single lot to be carried out as complying development. A development resulting in 2 dwellings on a single lot could be in the following configurations:

- Side by side (semi-detached or attached dual occupancy);
- One behind the other (attached or detached dual occupancy); and
- One on top of the other (traditional duplex form).

The proposed standards ensure that the resulting built form is of a typical domestic scale that respects maximum building height, minimum boundary setbacks and minimum landscaped area requirements.

Development resulting in 2 dwellings must be attached to be undertaken as complying

development. This paper does not provide recommendations for 2 detached single dwelling houses to be carried out as complying development on a single lot.

It is proposed that the development of 2 dwellings on a single lot will not be allowed as complying development in the following zones:

- R4 High Density Residential;
- R5 Large Lot Residential;
- Rural zones; and
- Environmental living zones.

It is proposed that the R4 High Density Residential zone be excluded as these lands are typically zoned to facilitate higher density development and the zone objectives may be undermined if land in these zones were permitted to be further fragmented by development at a lower density. The large lot residential, rural and environmental living zones are not typically suitable for increased density development.

What do you think?

Should the development of dual occupancies on a single lot as complying development be permitted in R1, R2 and R3 zones?



Contemporary dual occupancy form of development

2.1.1 Proposed Primary Standards

Primary Standard – Minimum lot size

A minimum lot size of 400m² is proposed.

The rationale for this minimum lot size is that the current smallest lot permitted for a single dwelling under the Policy is 200m². For development creating 2 dwellings on a single lot, this minimum lot size is proposed to be doubled.

The construction of 2 dwellings on 1 lot cannot be carried out as complying development if the lot size is less than 400m² in area.

Primary Standard – Minimum frontage

Two minimum frontage or lot width standards are suggested, depending upon the configuration of the development proposed.

The suggested minimum frontages are:

- 15.0m where dwellings are proposed side by side (traditional semi-detached form) (Figure 1); or
- 12.5m if the second dwelling is located behind a front dwelling (Figure 2) or if the dwellings are provided in a ground floor/first floor configuration (a traditional duplex form).

The rationale for 2 minimum lot widths is to recognise that wider lots are required to accommodate 2 new dwellings in a semi-detached form, each with independent car parking and to ensure appropriate separation from existing side boundaries can be achieved.

The narrower minimum lot width of 12.5m would apply where an existing dwelling is retained or added to so as to create 2 dwellings in a 2 storey built form, or a second dwelling is provided in the rear yard of the existing dwelling.

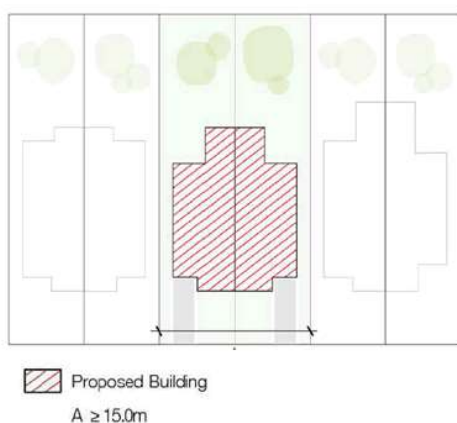


Figure 1: Minimum site width requirement of 15.0m for semi-detached style development

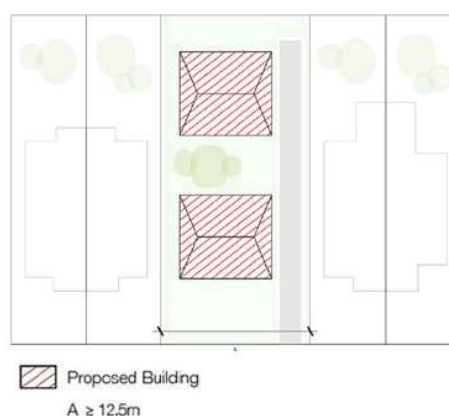


Figure 2: Minimum site width requirement of 12.5m for detached development

What do you think?

Should the minimum frontage be reduced to 14m so that the construction of 2 dwellings on a single lot can be carried out as complying development on more existing lots?

2.1.2 Proposed Design Standards

Design standards are controls to manage the size and location of the buildings. The design standards would establish the building envelope, namely height and boundary setbacks. These standards, in conjunction with landscaped area requirements, limit the height and location of the buildings and create the building envelope, which a proposed building must fit within if it is to be carried out as complying development.

Design Standard – Building height

A maximum building height of 8.5m is proposed.

While some local environmental plans may permit greater building height in their residential zones, a more cautious approach to height is suggested for the purposes of complying development.

This is suggested to minimise potential adverse impacts from buildings such as overshadowing and privacy and to maintain a low rise scale of development that is compatible with lower density housing. A maximum height limit of 8.5m would eliminate attempts to squeeze 3 storeys into a 9.5m height limit for example. The suggested 8.5m height limit provides scope for 2 accommodation levels and a traditional roof form, as well as scope to respond to land slope.

It is not proposed to permit attic rooms due to the complexity of providing uniform development standards for attics, and the potential for adverse overlooking and privacy impacts.

Design Standard – Minimum floor to ceiling height

A minimum floor to ceiling height of 2.7m for habitable rooms is suggested.

A minimum internal height of 2.7m provides living spaces with high amenity and good access to natural light and ventilation.

Design Standard – Front setback

A minimum front setback of 4.5m or the average of the setback of adjoining existing development, whichever is the greater, is contemplated. The setback is demonstrated in Figure 3.

This setback control has been adapted from the current Policy's approach to setbacks.

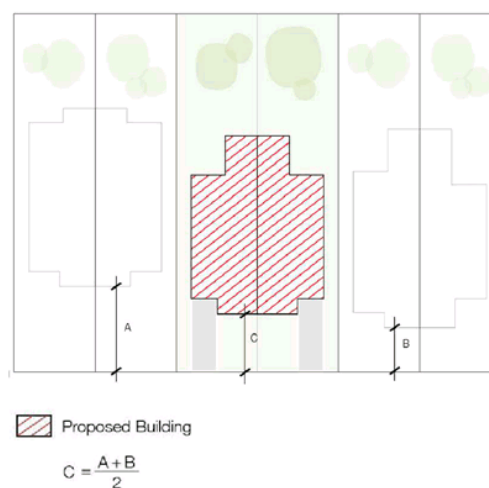


Figure 3: Proposed front setback control

The Background Paper (Volume 2) confirms that a minimum 4.5m, or average of the existing setback, does not substantially conflict with controls in place across NSW.

What do you think?

Should the height be limited to 8.5m?

Should attic rooms be permitted?

Should 2.7m floor to ceiling heights be imposed?

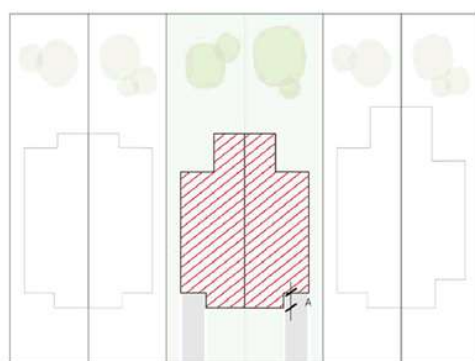
Design Standard – Garage/parking setback

Any garage or carport structure should be setback a minimum of 1.0m behind the front setback. No car parking should be provided forward of the building line as shown in Figure 4.

This setback is proposed to recess any garage or parking structure behind the front building alignment while also assisting in providing some articulation to the streetscape presentation. The setback of any garage or carport will assist in breaking down the streetscape presentation and minimise the dominance of car parking structures, which can be negative elements in the streetscape.



Example of attached dual occupancy form of development





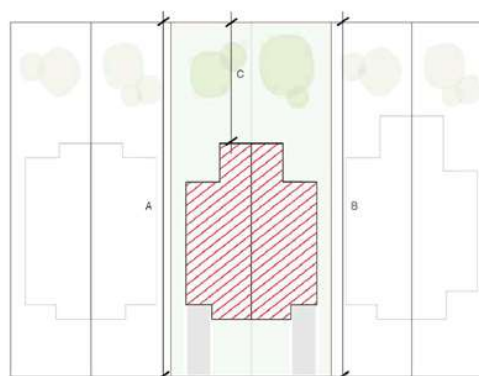
-  Proposed Building
-  Driveway
- $A \geq 1.0m$

Figure 4: Garages or parking structures are to be a minimum of 1.0m behind the building setback alignment.

Design Standard – Rear setback

A minimum rear setback of 6.0m or 25 per cent of the average of the side boundary lengths, whichever is the greater, is proposed. No car parking or car parking structures are permitted in the rear setback. The control is demonstrated in Figure 5.

This suggested rear setback control has been adopted from examples currently administered in existing council development control plans. The proposed control imposes a minimum 6.0m setback of any building from the rear boundary providing opportunity for both landscaped area and private open space that provides good separation from adjoining development. The implementation of a setback of 25 per cent of the average site depth becomes relevant on lots greater than 24m in depth and assists in maintaining a larger rear setback landscaped area in localities that comprise larger and deeper lots.




-  Proposed Building
- $C = \frac{A+B}{2} \times 25\%$

Figure 5: Rear setback control

Design Standard – Minimum side boundary setback

A minimum side boundary setback of 900mm is suggested. In addition, any building is to be located wholly within a plane projected at 45° at a height of 5.5m along the side boundary. The setback is demonstrated in Figure 6.

The proposed minimum setback reflects a typical 900mm setback and the height plane will ensure appropriate setbacks to upper levels are achieved. The height plane would require any element of the building that is 6.4m or higher above ground level at the 900mm setback to be set in from the boundary.

If alternately, a 1200mm wall setback is adopted, a wall height of 6.7m can be achieved before further setback is required. This provides ample scope within which to accommodate a building of up to 2 storeys in height, as well as allowing for topographic variations of the site.

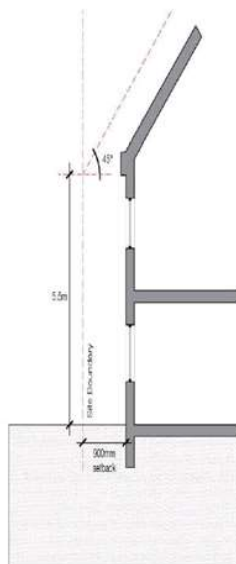


Figure 6: Side setback controls

Design Standard – Minimum landscaped area

A minimum of 30 per cent of the site is to be landscaped area.

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

To be included as landscaped area the portion of the site to be landscaped would require a minimum width of 1.5m as demonstrated in Figure 7.

A 30 per cent landscaped area requirement has been identified to ensure minimum areas of the site are provided to permit water penetration and to accommodate landscape plantings. This minimum width encourages the provision of side boundary setbacks greater than the minimum of 900mm, which facilitates greater vegetation planting and side boundary screen planting opportunities.

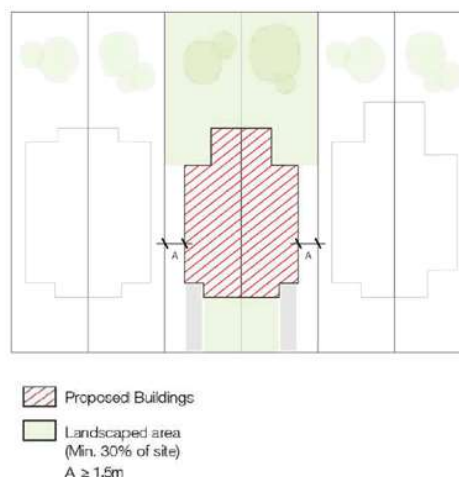


Figure 7: Side setback control

What do you think?

Should eaves and roof overhangs be required to comply with the envelope control?

Would the application of a 1.2m setback and no building envelope be easier to implement?

Design Standard – Minimum driveway setback

It is proposed that any driveway must be setback a minimum of 1.0m from a side boundary as demonstrated in Figure 8.

This setback allows for some vegetation and visual separation between a driveway and the side boundary of a site and the opportunity for landscaping to be included. For the setback area to be included within the landscaped area calculation, it would need to be a minimum of 1.5m setback, which provides an incentive to provide greater than the minimum driveway setback if possible.



Example of contemporary terrace form housing

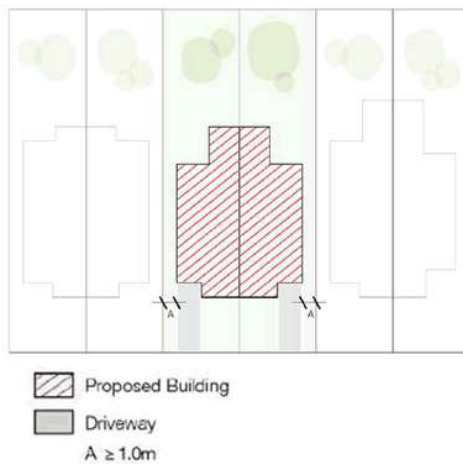


Figure 8: Side setback controls

Design Standard – Minimum private open space

Private open space at ground level should have a minimum area of 24m² with a minimum length and width dimension of 4.0m as demonstrated in Figure 9.

Private open space provided in the form of a balcony that is the only private open space for a dwelling is to have a minimum area of 12.0m² with a minimum width of 2.4m.

These proposed minimum requirements are consistent with the minimum standards contained in the Apartment Design Guideline (ADG) which apply to residential apartments. These standards have been adopted from an accepted minimum guide that provides appropriate outdoor open space. With the minimum rear setback requirement of 6.0m, ground level private open spaces provided would be well in excess of these minimum areas.

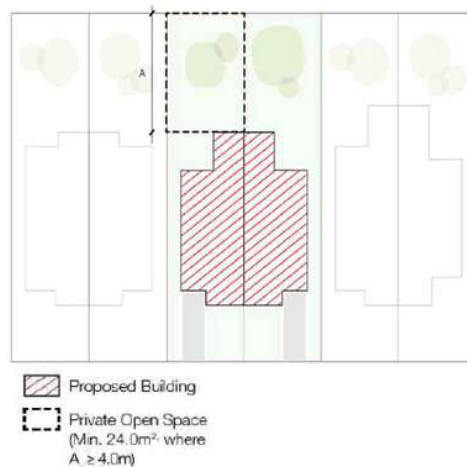


Figure 9: Side setback controls

2.1.3 Amenity Standards

Amenity standards manage the impact upon the amenity of adjoining properties and control the appearance of the building.

These standards have been adapted from the existing provisions in the Policy which currently apply for single dwellings carried out as complying development.

Amenity Standard – Building articulation

To provide variation in building form:

- Buildings must have a front door and a window facing the street;
- Buildings must have a door and a window facing onto a street;
- Buildings may include articulation that encroaches into the street setback; and
- Buildings on a corner lot must have a window that faces and is visible from a secondary road.

Amenity Standard – Building elements within an articulation zone to a primary road

The building elements that are permitted to encroach into the setback can include elements such as porticoes, decks, window boxes, bay windows or shading devices.

Any building articulation elements are not to occupy more than 25 per cent of the street setback.

Amenity Standard – Privacy

Windows with sill levels less than 1500mm above a floor level that is more than 1.0m above ground level must be screened if they are less than 3.0m from a boundary.

Balconies, terraces and decks must include privacy screens where they face onto side boundaries.

Amenity Standard – Car parking requirements

The minimum car parking requirement for dual occupancies are as set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the Council Development Control Plan, whichever is less.

Where the Council Development Control Plan contains maximum rates of parking for this type of development, these will also continue to apply. This approach is consistent with the approach taken under State Environmental

Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65).

If the calculation of the number of parking spaces does not result in a whole number, the total will be rounded down to the nearest whole number. A car parking space can be an open hard stand space or a carport or garage.

Amenity Standard – Vehicle access

Driveways must comply with the relevant Australian Standard and access onto a public road.

Any parking provided on a battle axe lot development must allow cars to enter and leave the site in a forward direction.

Amenity Standard – Removal or pruning of trees

A separate consent is required unless:

- The tree is not listed on a significant tree register or register of significant trees kept by the council;
- The tree or vegetation will be within 3.0m of any development that is a building that has an area of more than 25.0m²; and
- The tree or vegetation has a height that is less than 8.0m and is not required to be retained as a condition of consent to the subdivision of the lot.

Amenity Standard – Earthworks, retaining walls and structural support

Excavation must not exceed a maximum depth measured from ground level (existing) of:

- 1.0m deep if within 1.0m of a boundary;
- 2.0m deep if within 1.0m to 1.5m of a boundary; and
- 3.0m deep if more than 1.5m from a boundary.

Excavation in areas in Acid Sulfate Soils areas mapped as Class 3 or 4:

- Is not to exceed 1.0m in depth.
- Fill is not to exceed 1.0m in depth but must be controlled by retaining walls and cannot be within close proximity to side and rear boundaries.

Amenity Standard – Drainage

All stormwater must be collected and disposed of and drained to a public or an inter-allotment drainage system.

2.1.4 Subdivision of 2 dwellings

The following two options are being considered for the Subdivision of 2 dwellings on a lot as complying development:

- Torrens title subdivision of a lot with a dual occupancy. In this case, subdivision would not be permitted until the building has been constructed, to avoid speculative subdivision being undertaken; and
- Strata subdivision of a dual occupancy.

Development Standard – Minimum lot size for subdivision

For Torrens title subdivision to be pursued as complying development, each resulting lot would need to be a minimum of 200m² (excluding any access handle in a battle axe subdivision) and with frontage to a public road.

This is similar to the current minimum lot size requirement upon which single dwellings can be undertaken as complying development under the Policy.

No minimum lot size would apply to strata subdivision.

What do you think?

Should Torrens title subdivision of 2 dwellings on a single lot be permitted as complying development?

Should subdivision be permitted only after the buildings are completed?



Examples of attached dual occupancy housing forms

2.1.5 Summary of suggested controls for development resulting in 2 dwellings

The proposed development controls that would apply to a development resulting in 2 dwellings on 1 lot are summarised in the tables below.

Primary Standards

Control	Standard
Minimum lot size	400m ²
Minimum frontage	12.5m (detached form) 15.0m (semi-detached form)

Table 1: Primary Standards – 2 dwellings as complying development

Design Standards

Control	Standard
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater
Minimum floor to ceiling height	2.7m
Garage/parking setback	1.0m behind the front setback
Rear setback	Minimum of 6.0m or 25% of the average of the length of the side boundaries, whichever is greater
Minimum side boundary setback	900mm and comply with the a building envelope measured at a height of 5.5m at the side boundary and projected at 45 degrees
Minimum landscaped area	30% of the site area
Minimum width of landscaped area	1.5m
Minimum driveway setback	1.0m
Minimum private open space	24m ² and minimum dimension of 4.0m for ground level 12m ² and minimum depth of 2.4m if provided as a balcony
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater
Minimum car parking provision	The Guide to Traffic Generating Developments or the relevant council controls, whichever is less.

Table 2: Design Standards – 2 dwellings as complying development

Subdivision Standards

Control	Standard
Minimum subdivision lot size	200m ² (excluding any access handle in a battle axe subdivision) and must front a public road

Table 3: Subdivision Standards – 2 dwellings as complying development

2.2 Development resulting in 3-4 dwellings – manor homes

The development of 3-4 dwellings (manor homes) on a single lot is recommended to be permitted as complying development.

The manor home definition was first introduced in the Western Sydney Growth Centres and refers to a 2 storey residential building with 4 dwellings. This was to limit the height and scale of a manor home to be consistent with the character of a low-medium density residential area.

The proposed development standards under this option would apply only to the development of manor homes. Whilst 'manor home' is currently defined in the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to refer to a 2 storey building containing 4 dwellings, it is proposed that this definition be slightly amended for the purposes of complying development to refer to a 2 storey building containing 3-4 dwellings. It is proposed that a new definition for 'manor homes' be inserted into the Policy:

Manor home means a 2 storey building containing 3-4 dwellings, where:

- (a) each storey contains 1 or 2 dwellings, and
- (b) each dwelling is on its own lot (being a lot within a strata scheme or community title scheme), and
- (c) access to each dwelling is provided through a common or individual entry at ground level, but does not include an apartment building or multi-dwelling housing.

The important outcome is that the resulting building mass would be of a typical domestic scale that respects maximum building height, minimum boundary setbacks and landscaped area requirements leading to an appropriate built form and scale. The resulting development could also be strata subdivided.

The following development standards could apply to the development of manor homes as complying development.

It is proposed that the development of manor homes on a single lot will not be allowed as complying development in the following zones:

- R4 High Density Residential;
- R5 Large Lot Residential;
- Rural zones; and
- Environmental living zones.

It is proposed that the R4 High Density Residential zone be excluded as these lands are typically zoned to facilitate higher density development and the zone objectives may be undermined if land in these zones were permitted to be further fragmented by development at a lower scale of density. The large lot residential, rural and environmental living zones are not typically suitable for increased density development.



Example of typical 1 and 2 storey housing forms

2.2.1 Primary Standards

Primary Standard – Minimum lot size

A minimum lot size of 500m² is proposed.

The rationale for this minimum lot size is to cover a typical existing lot size and provide sufficient scope for the building to provide required setbacks, landscape area and car parking.

Primary Standard – Minimum frontage

A minimum frontage or lot width of 15.0m is proposed.

The rationale for the minimum lot widths is to recognise that wider lots are required to accommodate a building containing 2 dwellings at ground floor level, and 2 dwellings at first floor level. Operating in conjunction with the minimum lot width requirement will be a minimum side boundary setback of 1.5m, which leaves a central zone of 12.0m to accommodate the building.

What do you think?

Which zones would be appropriate for manor homes?

Should manor homes only be permitted on corner lots or lots with dual street access?

Should manor homes on lots that do not have rear lane access be required to have a basement car park?

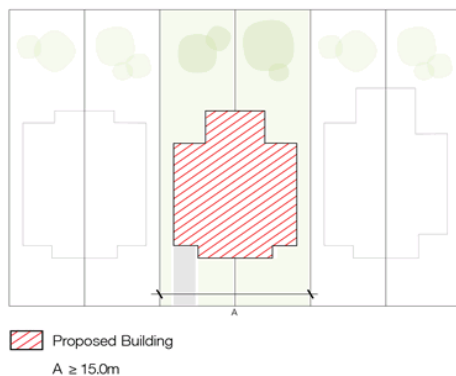


Figure 10: Minimum frontage requirement

The density of development resulting in 3-4 dwelling raises issues such as stormwater management, waste collection, storage and disposal requirements at a greater level of complexity than that associated with single dwelling or dual occupancy development. Accordingly, it will be necessary to examine the provision of primary development standards which address these issues.

Primary Standard – Waste facilities

Before a manor home can be undertaken as complying development, it is proposed that adequate provision for waste storage must be required in accordance with council's development control plan. It is also proposed that written advice must be obtained from council as to the suitability of the proposed waste storage arrangements.

Any waste storage would not be permitted forward of the front building alignment and must also comply with the side and rear boundary setback controls.

Primary Standard – Stormwater management

On-Site Stormwater Detention (OSD) is a method of ensuring that changes in land use do not cause more downstream flooding. It is proposed that approval or certification, as required, of any OSD and associated stormwater management systems must be required before any complying development can be undertaken.

What do you think?

Instead of council certification of On-Site Stormwater Detention (OSD) and waste, could certification by appropriately qualified specialists be provided?

2.2.2 Design Standards

These suggested design standards limit the height and location of the buildings and create the building envelope within which a proposed building must fit if it is to be undertaken as complying development.

Design Standard – Building height

A maximum building height of 8.5m is proposed.

While some local environmental plans may permit greater building height in their R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones, a more cautious approach to height is proposed for manor homes to be undertaken as complying development.

This is primarily to minimise potential adverse impacts from buildings such as overshadowing and privacy and to maintain a low rise scale of development that is characteristic of medium density housing. A maximum height limit of 8.5m precludes attempts to squeeze 3 storeys into a 9.5m height limit for example. The 8.5m maximum height provides scope for 2 accommodation levels and a traditional roof form and scope to respond to land slope.

It is not proposed to permit attic rooms due to the complexity of providing uniform development standards for attics, and the potential for adverse overlooking and privacy impacts.

Design Standard – Minimum floor to ceiling height

A minimum floor to ceiling height of 2.7m for habitable rooms is proposed.

A minimum internal height is proposed to provide living spaces with high amenity and good access to natural light and ventilation.

Design Standard – Front setback

A minimum front setback of 4.5m or the average of the setback of adjoining existing development, whichever is the greater, is proposed. The setback is demonstrated in Figure 11.

The setback control has been adapted from the existing Policy's approach to setbacks. The review of the sample of development control plans has also indicated that a minimum 4.5m setback or the current predominant setback does not substantially conflict with controls in place across NSW.

Design Standard – Garage/parking setback

Any garage or carport structure is to be setback a minimum of 1.0m behind the front setback. No car parking is to be provided forward of the building line.

This setback is proposed to recess the garage or parking structure behind the front building alignment and assist in providing some articulation to the streetscape presentation as show in Figure 12.

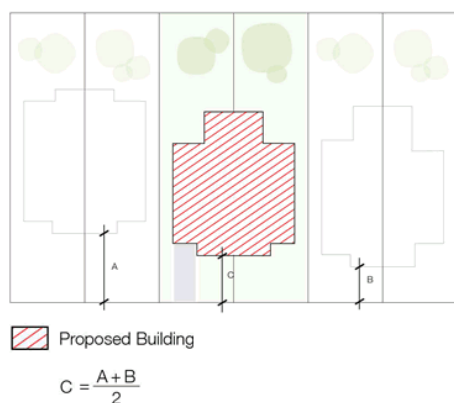


Figure 11: Setback requirement

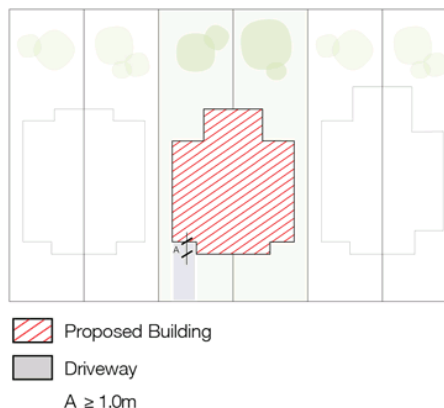


Figure 12: Minimum garage setback requirement

Design Standard – Rear setback

A minimum rear setback of 6.0m or 25 per cent of the average of the side boundary lengths, whichever is the greater is proposed. No car parking or car parking structures are permitted in the rear setback. The control is demonstrated in Figure 13.

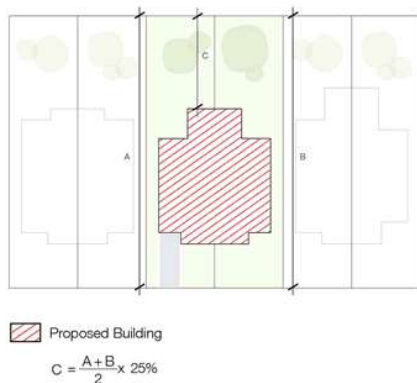


Figure 13: Rear setback requirement

The rear setback control suggested has been adopted from examples currently administered in existing development control plans. The proposed control imposes a minimum 6.0m setback of any building from the rear boundary providing opportunity for both landscaped area and private open space that provides good separation from adjoining development. The implementation of a setback of 25 per cent of the average site depth becomes relevant on lots greater than 24m in depth and assists in maintaining a larger rear setback landscaped area in areas that accommodate larger lots.

This control would not apply to properties with rear lane access and which provide car parking directly off this lane. A minimum separation of 6.0m must be provided between any car parking provided off the lane and any building.



Example of multi dwelling housing

Design Standard – Minimum side boundary setback

A minimum side boundary setback of 1.5m is proposed. In addition any building is to be wholly within a plane projected at 45° at a height of 5.5m above ground level along the side boundary. The setback is demonstrated in Figure 14.

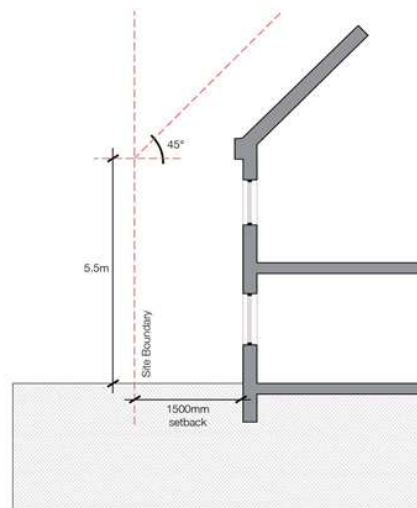


Figure 14: Side boundary setback requirement

The proposed minimum setback reflects a greater setback recognising the greater potential density and facilitating easier BCA compliance.

Design Standard – Minimum landscaped area

A minimum of 30 per cent of the site is to be landscaped area.

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

To be included as landscaped area the portion of the site must have a minimum width of 1.5m and is demonstrated in Figure 15.

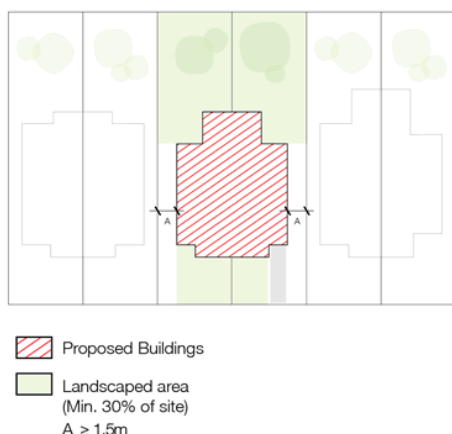


Figure 15: Minimum landscaped area requirement

The proposed 30 per cent landscaped area requirement has been identified to ensure minimum areas of the site are provided to permit water penetration and to accommodate landscape plantings. Requiring a minimum width of 1.5m in order to be included as landscaped area, encourages the provision of side boundary setbacks greater than the minimum of 1.5m facilitating greater vegetation planting and side boundary screen planting opportunities.

Design Standard – Minimum driveway setback

Any driveway is to be setback a minimum of 1.0m from a side boundary. No more than 1 driveway for each street frontage would be permitted.

This proposed setback allows for some vegetation and visual separation between a driveway and the side boundary of a site and the opportunity for landscaping to be provided. For the setback area to be included within the landscaped area calculation, it needs to have a minimum setback of 1.5m as shown in Figure 16. This provides an incentive to deliver a setback which is greater than the minimum driveway setback.

No setback to a rear lane is required.

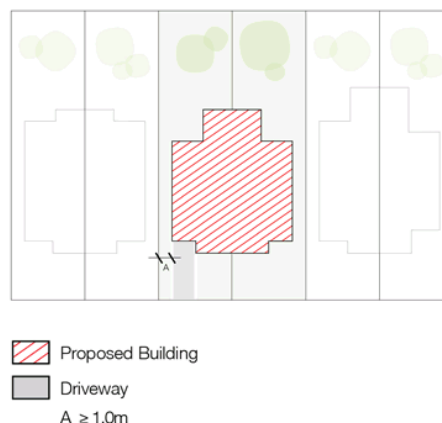


Figure 16: Minimum garage setback requirement

Design Standard – Minimum private open space

Private open space at ground level is to have a minimum area of 24m^2 with a minimum length and width dimension of 4.0m as demonstrated in Figure 17.

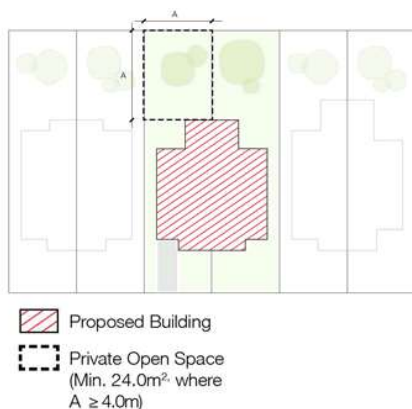


Figure 17: Minimum private open space requirement

Private open space in the form of a balcony that is the only private open space for a dwelling is to have a minimum area of 12.0m^2 with a minimum width of 2.4m .

These proposed minimum requirements are consistent with the minimum standards contained in the Apartment Design Guideline (ADG) which apply to residential apartments. These standards have been adopted from an accepted minimum guide that provides appropriate space for outdoor open space. With the minimum rear setback requirement of 6.0m , the majority of ground level private open spaces

provided would be well in excess of these minimum areas.

Design Standard – Dwelling orientation

No dwelling in a manor home development can be oriented towards a side boundary. The front and rear of any dwelling is to be provided on an axis that is perpendicular to the street as shown in Figure 18. Living rooms and kitchens are not to be oriented to the side boundary.

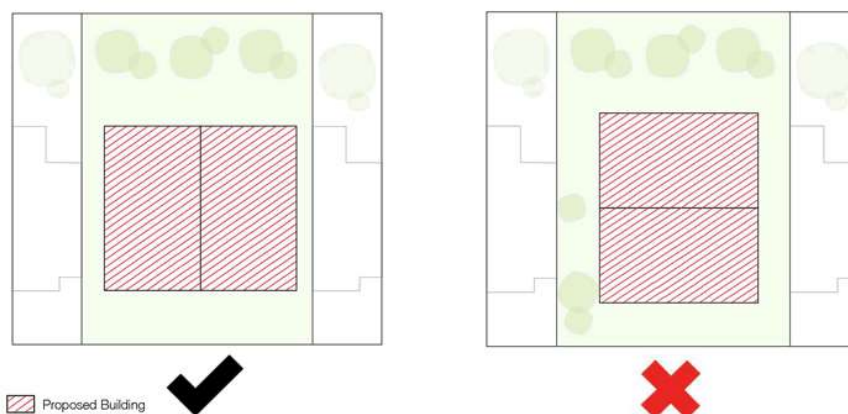


Figure 18: Required dwelling orientation

Design Standard – Car parking

The minimum car parking requirement for manor homes, townhouses and terraces are as set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the Council Development Control Plan, whichever is less.

Where the Council Development Control Plan contains maximum rates of parking for this type of development, these will also continue to apply. This is consistent with the approach taken under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65).

If the calculation of the number of parking spaces does not result in a whole number, the total will be rounded down to the nearest whole number.

Access to car parking is to be designed to facilitate all vehicles to enter and exit the site in a forward direction.

It is considered that there should be no visitor car parking requirement for manor home developments where only 4 dwellings are provided.

Where less car parking is provided in a development councils should not provide on street resident parking permits.

Design Standard – Excavation

Any excavation proposed for a car park basement must comply with all boundary setback requirements.

A standard condition will be required requiring that any excavation greater than 1.0m in depth for car parking will be required to be undertaken in accordance with a design and methodology certified by a geotechnical engineer that is a member of Engineers Australia.

At a minimum, any basement would be setback 2.0m from side boundaries, 4.5m from the front boundary and at least 6.0m from the rear boundary providing ample area within which to manage excavation impacts.

By ensuring that excavation complies with the applicable building setback controls, landscaped area opportunities are not lost, as the resulting setback areas will comply with the definition of landscaped area.

Any excavation will need to be accompanied by geotechnical details confirming the suitability of the site and the ability to protect adjoining development.

What do you think?

How should the proposed car parking controls be designed to ensure that adverse impacts on the transport network (including on-street parking) are minimised and active transport options are encouraged?

2.2.3 Amenity Standards

These suggested provisions generally adopt the existing provisions from the existing Policy applicable to single dwellings and have been summarised to reflect their potential application to manor home developments.

Amenity Standard – Building articulation

To provide some variation in building form:

- Buildings must have a front door and a window facing the street;
- Buildings must have a door and a window facing a parallel street;
- Buildings may include articulation that encroaches into the street setback; and
- Buildings on a corner lot must have a window that faces and is visible from a secondary road.

Amenity Standard – Building elements within an articulation zone to a primary road

The building elements that are permitted to encroach into the setback can include elements such as porticoes, decks, window boxes, bay windows or shading devices.

Any building articulation elements are not to occupy more than 25 per cent of the street setback.

Amenity Standard – Privacy

Windows with sill levels less than 1500mm above floor level must be screened if they are less than 3.0m from a boundary above ground level.

Balconies, terraces and decks must include privacy screens where they face onto boundaries.

Amenity Standard – Vehicle access

Driveways must comply with the relevant Australian Standard and access onto a public road.

Any parking provided on a battle axe lot development must allow cars to enter and leave the site in a forward direction.

Amenity Standard – Removal or pruning of trees

A separate consent is required unless:

- The tree is not listed on a significant tree register or register of significant trees kept by the council;
- The tree or vegetation will be within 3m of any development that is a building that has an area of more than 25m²; or
- The tree or vegetation has a height that is less than 8.0m and is not required to be retained as a condition of consent to the subdivision of the lot.

Amenity Standard – Earthworks, retaining walls and structural support

Excavation in areas in Acid Sulfate Soils areas mapped as Class 3 or 4 is not to exceed 1.0m in depth. Fill is not to exceed 1.0m in depth but must be controlled by retaining walls and cannot be within proximity to side and rear boundaries.

Amenity Standard – Drainage

All stormwater must be collected and disposed of and drained to a public or an inter-allotment drainage system.

2.2.4 Subdivision of a manor home development

Torrens title subdivision of manor home development will not be permitted to be carried out as complying development.

Strata subdivision of manor home development may be permitted as complying development, but only until after the building has been constructed.

What do you think?

Should subdivision only be permitted after the buildings have been completed?

2.2.5 Summary of proposed controls for development resulting in 3-4 dwellings (manor homes)

The proposed primary and design development standard controls that would apply to a development resulting in a manor home development are summarised in the following tables.

Primary Standards

Control	Standard
Minimum lot size	500m ²
Minimum frontage	15.0m

Table 4: Primary Standards – 3 to 4 dwellings as complying development

Design Standards

Control	Standard
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m or the average of the adjoining setbacks, whichever is the greater
Minimum floor to ceiling height	2.7m
Garage/parking setback	1.0m behind the front setback
Rear setback	Minimum of 6.0m or 25 per cent of the average of the length of the side boundaries, whichever is greater (except to rear lanes)
	6.0m setback between rear lane car parking and any building
Minimum side boundary setback	1200mm and comply with the a building envelope measured at a height of 5.5m at the side boundary and projected at 45 degrees
Minimum landscaped area	30 per cent of the site area
Minimum width of landscaped area	1.5m
Minimum driveway setback	1.0m + 1 crossing per frontage
Minimum private open space	24.0m ² and minimum dimension of 4.0m for ground level 12.0m ² and minimum depth of 2.4m if provided as a balcony
Minimum car parking provision	The Guide to Traffic Generating Developments or the relevant council controls, whichever is less.
Excavation setbacks	Compliance with all applicable building setbacks

Table 5: Design Standards – 3 to 4 dwellings as complying development

2.3 Development resulting in 3-10 dwellings (townhouses/terraces)

The following development standards are recommended for the development of multi-dwelling housing forms (e.g. terraces and townhouses), and/or a combination of development types resulting in 3-10 dwellings on a single lot. These standards are not intended to apply to a single manor home building on a single lot.

For example, these development standards would also apply to the construction of a dual occupancy (2 dwellings) and a manor home containing 3 dwellings on the same lot. They would also apply to 3 terrace form dwellings on a single lot.

A further example, these development standards would apply to the construction of a manor home containing 4 dwellings and a row of townhouses containing 4 dwellings on the same lot.

In all of these examples, provided that the suggested development standards are complied with, these forms of development could be carried out as complying development.

In order to ensure that the scale of development that can be carried out as complying development is manageable, the following recommendations apply:

- All dwelling types have an 8.5m (2 storey) height limit, regardless of the number of dwellings proposed;
- A maximum of 10 dwellings are permitted on a single lot.

The development standards for 3-4 dwellings would apply for the construction of single manor home developments on a single lot.

It is proposed that the development of 2 dwellings on a single lot will not be allowed as complying development in the following zones:

- R4 High Density Residential;
- R5 Large Lot Residential;
- Rural zones; and
- Environmental living zones.

It is proposed that the R4 High Density Residential zone be excluded as these lands are typically zoned to facilitate higher density development and the zone objectives may be undermined if land in these zones were permitted to be further fragmented by development at a lower scale of density. The large lot residential, rural and environmental living zones are not typically suitable for increased density development.

What do you think?

In which zones should the development of 3-10 dwellings be permitted?

2.3.1 Primary standards for 3-10 dwellings

Primary Standard – Minimum Lot Size

A minimum lot size of 600m² is proposed.

The current smallest lot permitted under the Policy for the construction of a single dwelling as complying development is 200m². For development creating 3-10 dwellings on a single lot, this minimum lot size is tripled. This does not equate to the requirement that development resulting in a density of 1 dwelling per 200m². The suggested minimum site area is proposed to ensure that a site accommodating between 3 - 10 dwellings should have sufficient site area to accommodate the required setbacks and landscaped area.

Combined with the primary standard relating to minimum frontage, a lot would need to be a minimum of 18.0m wide x 33.4m deep so that construction of multi-dwelling housing can be carried out as complying development on that lot.

Primary Standard – Minimum frontage

A minimum site width requirement of 18.0m is proposed as shown in Figure 19. This proposed width provides the opportunity to have dwellings fronting the street, with appropriate scope for a side boundary setback to accommodate vehicular and pedestrian access to the rear of the site for car parking. As only 1 driveway crossing will be permitted, this width would also provide a landscaped setback frontage of at least 14.0m once a single driveway has been accommodated.

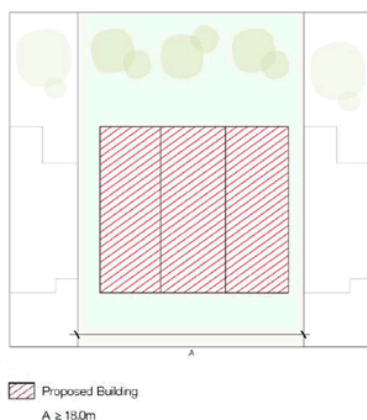


Figure 19: Minimum frontage

Primary Standard – Engineering standards

As discussed earlier in this Paper, the scale of development resulting in 3-10 dwellings raises issues such as stormwater management and waste storage requirements.

Consistent with the approach in the Commercial and Industrial Development Codes (clause 5A.2) in the Policy, it is recommended that approval or certification must be granted by the relevant local authority for any On-Site Stormwater Detention (OSD) system prior to the issue of any complying development approval.

Complying development would not be permitted to be carried out on flood control lots.

Primary Standard – Waste facilities

Waste storage would be required to be provided in accordance with council's development control plan and written advice be obtained from council as to the suitability of the proposed waste storage arrangements. Any waste storage would not be permitted forward of the front building alignment and must also comply with the side and rear boundary setback controls.

What do you think?

Instead of council certification of on-site stormwater detention (OSD) and waste storage, could certification by appropriately qualified specialists be provided?

2.3.2 Design Standards

These suggested design standards limit the height and location of the buildings and create the building envelope within which a proposed building must fit if it is to be constructed as complying development.

Design Standard – Building height

A maximum building height of 8.5m is proposed.

While some local environmental plans permit greater building height in the residential zones that allow multi-dwelling housing, a more cautious height is proposed for development to be carried out as complying development. The height is to be limited to 8.5m primarily to minimise potential adverse impacts from buildings.

A maximum building height of 8.5m also assists in preventing poor built form outcomes, such as overshadowing and privacy and to maintain a lower rise scale of development. A maximum of 2 storeys and no attic rooms are proposed. The maximum building height also precludes attempts for higher density development which should be assessed as part of a development application.

It is not proposed to permit attic rooms due to the complexity of providing uniform development standards for attics, and the potential for adverse overlooking and privacy impacts.

Design Standard – Minimum floor to ceiling height

A minimum floor to ceiling height of 2.7m for habitable rooms is proposed.

Design Standard – Front setback

A minimum front setback of 4.5m is proposed as demonstrated in Figure 20.

Imposing a minimum setback will guide the emerging character of development in these areas identified to permit this form and scale of housing.

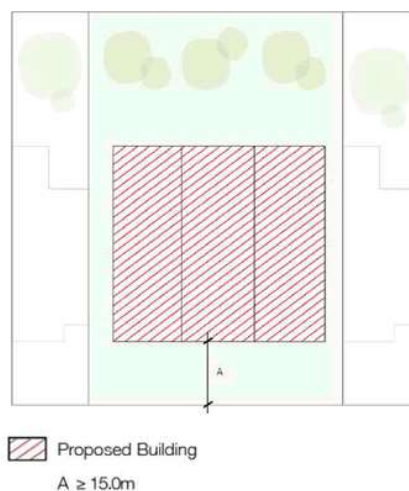


Figure 20: Minimum front boundary setback

What do you think?

The proposed controls do not permit the use of attic rooms. Should attic rooms in the roof be permitted to be carried out as complying development?

Design Standard – Garage parking setback

Any garage or carport structure is to be setback a minimum of 1.0m behind the front setback. No more than 1 driveway crossing per development is permitted as demonstrated in Figure 21.

This setback is proposed to recess any garage or parking structure behind the front building alignment and assist in providing some articulation to the streetscape presentation. Driveway crossings are limited to avoid the creation of multiple driveway crossings and garages that would adversely impact upon the streetscape. Together these controls mean it is not possible to provide a development outcome where there would be a garage fronting the street, as the single permitted driveway is required to provide access to a centralised parking and manoeuvring area.

Design Standard – Rear setback

A minimum rear setback of 6.0m or 25 per cent of the average of the side boundary lengths, whichever is the greater is proposed, consistent with the approach shown in Figure 22.

This control has been adopted from current development control plan provisions imposed by councils. A minimum 6.0m rear setback provides an appropriate minimum separation that also contributes to landscaped private open space area for a site. The alternate setback equivalent to 25 per cent of the site depth addresses circumstances where existing lots are deeper than typical and reflect a local subdivision pattern.

No car parking or car parking structures are permitted in the rear setback.

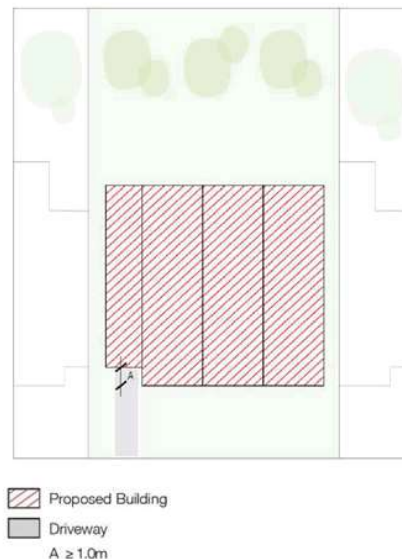


Figure 21: Minimum garage setback

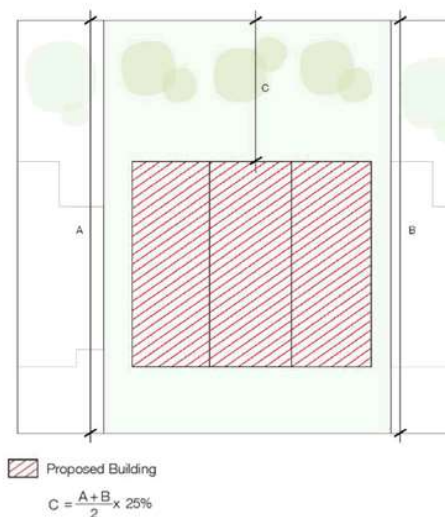


Figure 22: Rear setback

Design Standard – Minimum side boundary setback

A minimum side boundary setback of 2.0m is proposed. In addition the buildings are to be wholly within a plane projected at 45 degrees at a height of 5.5m along the side boundary. The control is demonstrated at Figure 23.

The proposed minimum setback of 2.0m acknowledges that a more intense development would result in, and increases spatial separation and landscaping opportunities to the side boundaries.

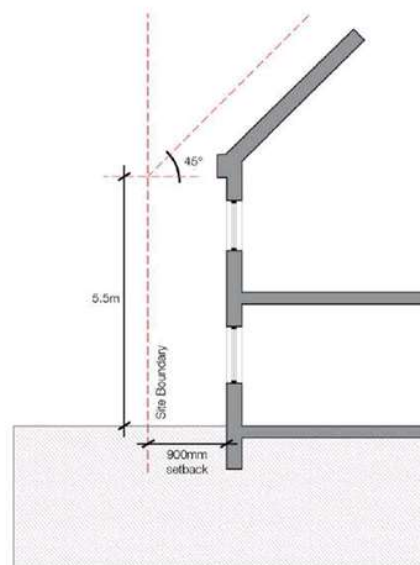


Figure 23: Side boundary setbacks

What do you think?

Is the building envelope necessary in this instance? A minimum 2.0m setback already dictates a maximum height of 7.5 above ground level before the building envelope would be breached.

As development is limited to 8.5m (2 storeys), is it necessary to also have an envelope control?

Is the building envelope control as proposed easy to apply?

Design Standard – Minimum landscaped area

A minimum of 30 per cent of the site is to be landscaped area which is defined as follows:

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

To be included as landscaped area, the portion of the site must have a minimum width of 1.5m and is demonstrated in Figure 24.

The proposed 30 per cent landscaped area requirement has been identified to ensure minimum areas of the site are provided to permit water penetration and to accommodate landscape plantings for the amenity of proposed dwellings.

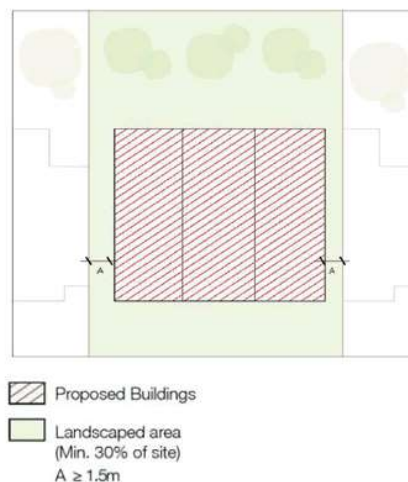


Figure 24: Minimum landscaped area



Example of contemporary townhouse form of development

Design Standard – Minimum driveway setback

Any driveway is to have a minimum setback of 1.0m from a side boundary as demonstrated in Figure 25.

This proposed setback allows for some vegetation and visual separation between the driveway and side boundaries. For the setback area to be included within the landscaped area calculation it would need to be a minimum of 1.5m setback. Again this provides an incentive to provide greater than the minimum driveway setback if possible.

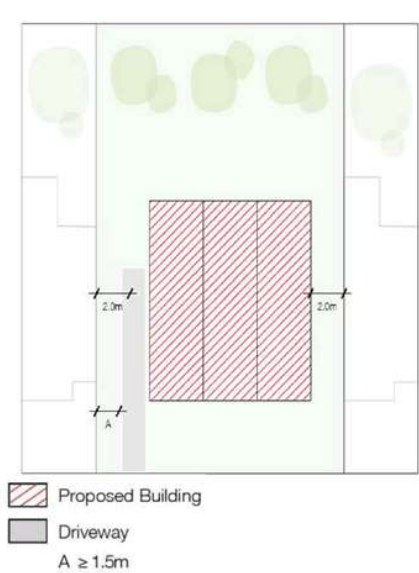


Figure 25: Minimum driveway setback

Design Standard – Minimum private open space

Private open space at ground level is to have a minimum area of 24m² with a minimum length and width dimension of 4.0m as demonstrated in Figure 26.

These proposed minimum requirements are consistent with the minimum standards contained in the Apartment Design Guide (ADG) applying to residential apartments. These standards have been adopted from an accepted minimum guide that provides appropriate space for outdoor open space. With the minimum rear setback requirement of 6.0m, the majority of ground level private open spaces provided would be well in excess of these minimum areas.

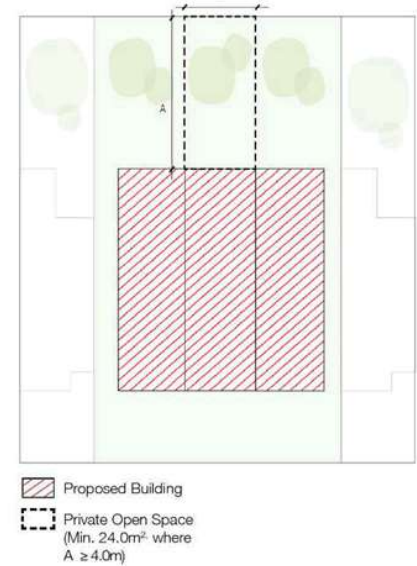


Figure 26: Minimum private open space

Design Standard – Minimum internal separation

A minimum internal separation of 6.0m between dwellings in the same development is proposed as demonstrated in Figure 27.

This proposed minimum separation reflects the rear setback control, provides light and ventilation access between dwellings and allows the opportunity to provide central car parking to service the dwellings.

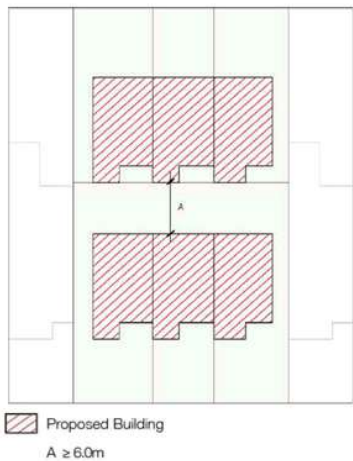


Figure 27: Minimum internal separation

Design Standard – Dwelling orientation

No dwelling in a development can be oriented towards a side boundary. The front and rear of any dwelling is to be provided on an axis that is perpendicular to the street. Living rooms and kitchens are not to be oriented to the side boundary as demonstrated in Figure 28.

This requirement is proposed to deliberately preclude development forms that provide a driveway adjacent to one side boundary running along the length of the site and resulting dwellings running along the length of the site. Such an outcome provides a poor address to the street, but most critically results in adverse overlooking of adjoining buildings from multiple dwellings. Requiring all dwellings to have the front and rear on an axis perpendicular to the street address improves the street presentation and minimises the potential for adverse amenity impacts to adjoining development.

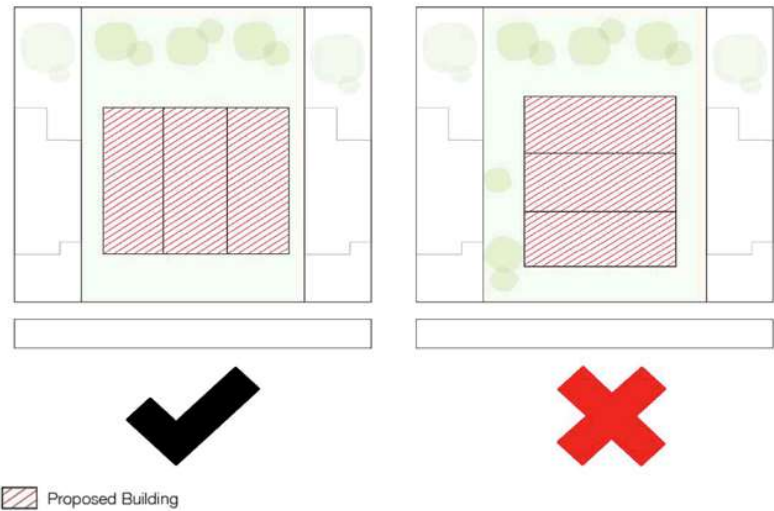


Figure 28: Dwelling orientation

Design Standard – Car parking

The minimum car parking requirement for manor homes, townhouses and terraces are as set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the Council Development Control Plan, whichever is less.

Where the Council Development Control Plan contains maximum rates of parking for this type of development, these will also continue to apply. This is consistent with the approach taken under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65).

If the calculation of the number of parking spaces does not result in a whole number, the total will be rounded down to the nearest whole number.

Access to car parking is to be designed to facilitate all vehicles to enter and exit the site in a forward direction.

It is considered that there should be no visitor car parking requirement for manor home developments where only 4 dwellings are provided.

Where less car parking is provided in a development councils should not provide on street resident parking permits.

Design Standard – Excavation

Any excavation proposed for a car park basement must comply with all boundary setback requirements.

A standard condition will require that any excavation greater than 1.0m in depth for car parking will be required to be undertaken in accordance with a design and methodology certified by a geotechnical engineer that is a member of Engineers Australia. The maximum permitted depth of excavation is suggested to be 4.0m.

At a minimum, any basement would be setback 2.0m from side boundaries, 4.5m from the front boundary and at least 6.0m from the rear boundary providing ample area within which to manage excavation impacts.

By ensuring that excavation complies with the applicable building setback controls, landscaped area opportunities are not lost, as the resulting setback areas will comply with the definition of landscaped area.

Any excavation will need to be accompanied by geotechnical details confirming the suitability of the site and the ability to protect adjoining development.

What do you think?

Should the proposed car parking controls be consistent with the requirements of the Guide to Traffic Generating Developments or should the relevant council controls for parking apply?



Example of contemporary inner urban townhouse form of development

2.3.3 Amenity Standards

Amenity standards manage the impact upon the amenity of adjoining properties and control the appearance of the building.

These standards have been adapted from the existing provisions in the Policy which currently apply for single dwellings carried out as complying development.

Amenity Standard – Building articulation

To provide for variety in built form:

- Buildings must have a front door and a window facing the street;
- Buildings must have a door and a window facing a parallel street;
- Buildings may include articulation that encroaches into the street setback; and
- Buildings on a corner lot must have a window that faces and is visible from a secondary road.

Amenity Standard – Building elements within an articulation zone to a primary road

The building elements are permitted to encroach into the setback can include elements such as porticos, decks, window boxes, bay windows or shading devices,

Any building articulation elements are not to occupy more than 25 per cent of the street setback.

Amenity Standard – Privacy

Windows with sill levels less than 1500mm above floor level must be screened if they are less than 3.0m from a boundary above ground level.

Balconies, terraces and decks must include privacy screens where they face onto boundaries.

Amenity Standard – Vehicle access

Driveways must comply with Australian Standard AS 2890.1-2004, *Parking Facilities – Off-street Car Parking*, and have access onto a public road.

Any parking provided on a battle axe lot development must allow cars to enter and leave the site in a forward direction.

Amenity Standard – Removal or pruning of trees

A separate consent is required unless:

- The tree is not listed on a significant tree register or register of significant trees kept by the council; and
- The tree or vegetation will be within 3.0m of any development that is a building that has an area of more than 25.0m²; and
- The tree or vegetation has a height that is less than 8.0m and is not required to be retained as a condition of consent to the subdivision of the lot.

Amenity Standard – Earthworks, retaining walls and structural support

Excavation in areas mapped as Acid Sulfate Soils Class 3 or 4 is not to exceed 1.0m in depth.

Fill is not to exceed 1.0m in depth but must be controlled by retaining walls and cannot be within proximity to side and rear boundaries.

Amenity Standard – Drainage

All stormwater must be collected and disposed of and drained to a public or an inter-allotment drainage system.

2.3.4 Subdivision of development comprising 3-10 dwellings on a single lot

It is not recommended that Torrens title subdivision of development comprising 3-10 dwellings on a single lot be carried out as complying development, due to the variety of possible dwelling configurations and the difficulty of providing a standardised approach. In addition, Torrens title subdivision is not preferred due to the potential further fragmentation of land and potential complexity resulting from access rights.

Strata subdivision of development comprising 3-10 dwellings on a single lot may be carried out as complying development only after completion of the building.

2.3.5 Summary of proposed controls for development resulting in 3-10 dwellings

The proposed primary, design and development standard controls that would apply to a development resulting in 2 dwellings are summarised below:

Primary Standards

Control	Standard
Minimum lot size	600m ²
Minimum frontage	18.0m

Table 6: Primary Standards – 3 to 10 dwellings as complying development

Design Standards

Control	Standard
Maximum building height	8.5m and 2 storeys (no attic rooms)
Minimum front setback	4.5m
Minimum floor to ceiling height	2.7m
Garage/parking setback	1.0m behind the front setback No more than 1 driveway access
Rear setback	Minimum of 6.0m or 25% of the average of the length of the side boundaries, whichever is the greater
Minimum side boundary setback	2.0m and comply with the building envelope measured at a height of 5.5m at the side boundary and projected 45 degrees
Minimum landscaped area	30% of the site area
Minimum width of landscaped area	1.5m
Minimum driveway setback	1.0m
Minimum private open space	24.0m ² and minimum dimension of 4.0m for ground level 12.0m ² and minimum depth of 2.4m if provided as a balcony
Minimum internal separation	6.5m
Minimum car parking provision	The Guide to Traffic Generating Developments or the relevant council controls, whichever is less.
Excavation setbacks	Compliance with all applicable building setbacks and a maximum depth of 4.0m

Table 7: Design Standards – 3 to 10 dwellings as complying development

3

Implementation Issues and Discussion

3.0 Implementation Issues and Discussion

This Paper provides a suite of proposed controls for the development of the following housing forms to be carried out as complying development under the Policy:

- Development resulting in 2 dwellings (dual occupancies) on a single lot;
- Development resulting in 3-4 dwellings (manor homes) on a single lot; and
- Development resulting in 3-10 dwellings on a single lot (multi-dwelling housing forms and/or a combination of dwelling types resulting in 3-10 dwellings).

Guidance for standard conditions relating to matters such as dilapidation reports, retaining walls and structural support is available in the existing Codes under the Policy.



Further issues for consideration

Community feedback is encouraged on the following specific issues for consideration:

Design Guidelines

The Apartment Design Guideline (ADG) applying to apartment buildings aims to promote and guide high quality outcomes for residential apartment developments.

The expansion of the Policy to include medium density housing forms provides an opportunity to promote design guidance and appropriate baseline controls for this missing middle category of development.

This Paper recommends that consideration be given to the preparation of a Design Guide for medium density housing that would support better design and a more consistent built form outcome for medium density housing development in NSW.

Permissibility

This Paper identifies suitable zones for the construction of dual occupancies on a single lot.

Community feedback is encouraged on the appropriate zones for which other medium density housing forms should be permitted.

Excavation

Excavation for the provision of basement car parking is proposed to be permitted as complying development, provided that all boundary setbacks are complied with and excavation does not exceed 4.0m in depth.

This would apply to development resulting in 3-4 dwellings on a single lot and development resulting in 3-10 dwellings on a single lot. Excavation to this extent raises the issue of the potential need for geotechnical information and oversight of any excavation works and the imposition of appropriate conditions.

What do you think?

Is it appropriate to permit excavation for basement car parking as complying development?

What provisions or controls should be in place and information required to accompany an application?

On-Site Stormwater Detention Systems

It is proposed that any On-Site Stormwater Detention (OSD) systems must be certified by council. However, this raises as an issue the appropriate mechanism to satisfy the OSD design requirements due to the potential additional burden on local government.

An alternative is to adopt the approach taken for bushfire prone land and flood control lots where appropriately qualified engineers certify that the OSD design satisfies the relevant council policy requirements.

What do you think?

Is up-front certification by council for On-Site Stormwater Detention (OSD) appropriate?

Is it acceptable to have independent certification of OSD against council's policies?

Waste management

Development for lower density development, such as single dwellings and dual occupancy development can readily accommodate storage for waste and recycling facilities consistent with the requirements of any development control plan applicable to the locality.

Waste management becomes a more complicated issue when considering development comprising over 3 dwellings. It is suggested that such development will be required to comply with the waste storage requirements of the relevant council DCP. This will involve a combination of information

requirements being lodged with the CDC and specific conditions.

Developments of less than 10 dwellings typically do not require garbage trucks to enter a site for waste collection, with bins collected from the street.

To avoid multiple bins on the street, it may be necessary to mandate common holding areas accessible from the street where a dwelling in a development does not include a ground floor level (e.g. in manor homes). Default conditions and requirements will need to be implemented.

In the case of townhouse forms, it is important that designs include bin enclosure areas that are not located within the building setback areas for bin storage.

Discussion is warranted to ensure that the scale of development proposed can satisfactorily manage the implementation of waste and recycling storage facilities utilising this approach.

What do you think?

Should proposed waste management facilities be certified by councils as part of the process?

Could independent certification of compliance with a council's waste management provisions in their DCP be the appropriate mechanism?

Adaptable housing

Many planning controls require a proportion of dwellings in a new development to be 'adaptable housing'. Adaptable dwellings are designed and built so that they can be easily refitted as a resident's mobility changes.

The provision of a proportion of housing as adaptable housing has not been specified. The housing forms proposed particularly manor homes could readily designed to be adaptable to assist ageing in place.

The quantity of adaptable housing that should be provided and the consequential implications for car parking provision and design are a matter for further discussion.

What do you think?

What proportion of new housing should be adaptable housing?

Building envelope control

A building envelope control is proposed. The question of how readily understood the control is and how readily it can be implemented, particularly on sloping sites, needs to be tested. Is it preferable to mandate a minimum setback of 1.2m for developments involving 2 dwellings and abandon the building envelope approach?

What do you think?

How easy is the envelope control to understand?

Is an envelope control necessary given the combination of controls proposed?

For development involving 2 dwellings, should the side setback control simply be mandated at 1.2m for ease of implementation and assessment?

Should the setback be 1.5m for easier BCA compliance?

Built form certainty

The combination of recommended controls has sought to identify an appropriate siting and scale of development. This has meant mandating maximum height and minimum setbacks in order to quantify potential impacts.

What do you think?

Does the suite of suggested controls provide sufficient certainty of the built form outcome and management of potential impacts?

Are there further controls that may assist in delivering positive outcomes?

Dwelling size

Many planning controls, such as the ADG, provide guidance on dwelling size requirements. No minimum control is suggested in this Discussion Paper.

What do you think?

Should guidance on dwelling size be provided?

Supporting information

There will be a need to identify specific technical documents to be prepared in support of complying development applications. Necessary supporting documentation would include:

- Landscape plans;
- Geotechnical information where excavation is proposed;
- Stormwater design (certified by council where necessary);
- Certification that car parking and access complies with RMS guidelines and Australian Standards;
- Waste management and storage certification;
- BCA compliance statement; and
- BASIX certification.

What do you think?

Are there other forms of supporting information that may be required?

Conditions

A range of conditions will be required to be imposed upon any CDC. These will include matters relating to:

- Survey certificates to ensure set outs comply with setback requirements;
- Certification that landscaping has been implemented consistent with the approved plan;
- Certification that excavation work has been completed consistent with approved plans and specifications;
- Certification that stormwater infrastructure has been completed consistent with approved plans;
- Certification that waste storage has been provided consistent with approved plans;
- Certification that BASIX commitments have been implemented;
- Certification that BCA compliance has been achieved;
- Certification that new driveways and reinstated driveway crossings comply with relevant council standards; and
- Landscape maintenance period requirements.

What do you think?

Are there other matters that should be addressed as conditions of consent?

4 Next Steps

4.0 Next Steps

Have Your Say

The NSW Government is committed to delivering housing and greater housing choice to meet the needs of a growing population. The expansion of complying development to cover the missing middle presents an opportunity to deliver housing, provide design guidance and a consistent State-wide planning approach for medium density housing forms, such as dual occupancies, manor homes, townhouses and terraces.

Community feedback and discussion is encouraged to further explore the opportunity to expand complying development to address the missing middle, as part of the NSW Government's strategy to meet the projected growth demands of NSW.

All feedback and submissions will be reviewed and the results will be used to inform the development of any changes to the Policy.

Further information on the State Policy for exempt and complying development can be found on the Department's website www.planning.nsw.gov.au and the NSW Planning Hub at <http://hub.planning.nsw.gov.au> or by calling 1300 305 695.

If you cannot make a submission online, you can write to us via:

Email: codes@planning.nsw.gov.au
Mail: Manager, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001



*Options for Low Rise Medium Density Housing as Complying Development
Discussion Paper (Volume 1)*

November 2015

Subject	IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM
File Ref	SC631
Prepared by	Lisa Hopkin - Senior Governance Officer
Reasons	To inform Council of the IPART review of the local government rating system.

Overview of Report

The Independent Pricing and Regulatory Tribunal (IPART) has been directed by the Premier of New South Wales (NSW) Mike Baird MP to undertake a review of the local government rating system in NSW.

Background

IPART is the independent regulator that determines local government rates.

Through the operation of section 9 of the *Independent Pricing and Regulatory Tribunal Act* 1992, IPART is conducting a review, at the request of the Premier of NSW Mike Baird MP, to identify and make recommendations for potential reforms to the rating system for local government in NSW [Attachment 1]. The review is to be undertaken in accordance with the attached Terms of Reference [Attachment 2].

IPART's review period is from 22 December 2015 to 23 December 2016, with two reports to be provided to the Minister for Local Government (an interim report within 6 months (July 2016), and a final report within 12 months (December 2016)). At this stage, IPART proposes release of the issues paper in March 2016, with a month for submissions to be received.

The aim of the IPART review is to make recommendations for a framework that supports local government Fit for the Future reforms; namely:

- ‘- Enhance the ability of councils to implement sustainable and equitable fiscal policy, and
- Provide the legislative and regulatory approach to achieve the Government's policy of freezing existing rate paths for four (4) years for newly merged councils.’

Financial Implications

N/A

Other Staff Comments

N/A

Public Consultation

IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

N/A

Conclusion

The Premier of NSW has requested IPART undertake a review of the local government rating system in NSW. A letter from the Premier [Attachment 1] together with the Terms of Reference [Attachment 2] are self explanatory.

Further information will be provided to Council in due course.

ATTACHMENTS

Attachment 1	LETTER FROM THE PREMIER OF NSW DATED 18 DECEMBER 2015	1 Page
Attachment 2	TERMS OF REFERENCE	3 Pages

RECOMMENDATION

That the report be received and noted.

NELLETTE KETTLE
Director Corporate & Community Services



Dr Peter Boxall AO
Chairman
Independent Pricing and Regulatory Tribunal
PO Box K35
HAYMARKET POST SHOP NSW 1240



Reference: A1444504

18 DEC 2015

Dear Dr Boxall *Peter*

Pursuant to section 9 of the *Independent Pricing and Regulatory Tribunal Act 1992*, I am writing to request the Tribunal undertake a review of the Local Government rating system in accordance with the attached Terms of Reference.

The implementation of an efficient and equitable rating system is a key component of the Government's *Fit for the Future* reforms, and will ensure all councils are able to implement sustainable fiscal policies and reforms over the longer-term.

Critically, the Tribunal's review should seek to recommend a legislative or regulatory approach to support the Government's policy of freezing existing rate paths for a period of four years for councils that merge as part of the *Fit for the Future* process.

An interim report outlining options and recommendations to achieve this commitment should be provided to the Minister for Local Government within six months. A final report addressing all aspects of the terms of reference should be provided to the Minister within 12 months.

Should you have any questions or wish to discuss this matter further, please contact Mr John Clark, Executive Director, Local Government Reform on 9228 3570 or john.clark@dpc.nsw.gov.au

Yours sincerely


MIKE BAIRD MP
Premier

Encl: Terms of Reference, Local Government Rating System in NSW

Terms of Reference

The Local Government Rating System in NSW

I, Mike Baird, Premier of New South Wales, approve the provision of services by the Independent Pricing and Regulatory Tribunal (IPART) under section 9 of the *Independent Pricing and Regulatory Tribunal Act 1992* (IPART Act) to the Minister for Local Government for the review of the local government rating system in accordance with these 'terms of reference'.

General

IPART is to undertake a review to identify and make recommendations for potential reforms to the rating system for local government in NSW. These recommendations will aim to:

- Enhance the ability of councils to implement sustainable and equitable fiscal policy and
- Provide the legislative and regulatory approach to achieve the Government's policy of freezing existing rate paths for four years for newly merged councils.

In investigating and making recommendations for this review, IPART is to consider:

- a) the performance of the current rating system and potential improvements, including consideration of:
 - the rating burden across and within communities, including consideration of apartments and other multi-unit dwellings;
 - the appropriateness and impact of current rating categories and exemptions, mandatory concessions and rebates;
 - the land valuation methodology used as the basis for determining rates in comparison to other jurisdictions;
 - the impact of the current rating system on residents and businesses of a merged council and the capacity of the council to establish a new equitable system of rating and transition to it in a fair and timely manner.
 - the objectives and design of the rating system according to recognised principles of taxation.
- b) current examples of municipal best practice rating policies and schemes;
- c) the impact of the current and alternative frameworks for the rating system on communities and businesses and their capacity to pay; and
- d) any other matter IPART considers relevant.

In undertaking its review under these Terms of Reference, IPART is to take account of:

- the importance of Integrated Planning and Reporting in determining the revenue required to deliver services and infrastructure;
- the current financial sustainability of local government in NSW, including the findings and deliberations of the NSW Treasury Corporation report Financial Sustainability of the NSW Local Government Sector, 2013;
- the findings and deliberations of the Independent Local Government Review Panel and subsequent Government response;
- the NSW Government's policy of encouraging urban renewal; and
- the NSW Government's commitment to protect NSW residents against excessive rate increases and to providing rate concessions to pensioners.

Public consultation

IPART should consult with relevant stakeholders and NSW Government agencies by releasing an Issues Paper and Draft Report for their review on the IPART website. IPART should also consult with the Fit for the Future Ministerial Advisory Group.

IPART may also hold public hearings for the purposes of this review.

Timeframe

An interim report with recommendations on the legislative and regulatory approach to achieve the Government's policy of freezing existing rate paths for four years for newly merged councils should be submitted to the Minister for Local Government within 6 months of signing of the Terms of Reference.

A final review report should be formally submitted to the Minister for Local Government within 12 months of signing of the Terms of Reference.

Governance

IPART should provide progress briefings at regular intervals or as requested to the Chief Executive, Office of Local Government.

The Minister for Local Government will decide on the timing of release of the final report.

Supporting information and recommendations

IPART is to collect relevant material and data to establish the impacts to councils, communities and NSW of the current rating system, and to provide reasons for any recommendations for reform.

Background

The Independent Local Government Review Panel (Panel) made a number of recommendations regarding general reform of the local government system in NSW, including options to strengthen the revenue base of local government.

As part of its response to the Panel, the NSW Government has agreed to commission IPART to undertake a further review of the rating system reflecting on issues raised by the Panel regarding the equity of the current system.

The Government also committed to introduce a new Local Government Act from 2016. This review will inform the rating provisions in the new Act.

Subject	APPOINTMENT OF INDEPENDENT MEMBER TO INTERNAL AUDIT COMMITTEE
File Ref	sc271
Prepared by	Nellette Kettle - Director Corporate & Community Services
Reasons	To inform the Council of a vacancy (independent member) on the Internal Audit Committee
Objective	To seek appointment from the Council of a new independent member for the remainder of the current term

Overview of Report

Council's Internal Audit Committee membership comprises three independent members. The current independent members were appointed in August 2014 following an advertised expression of interest process for a four year period ending in 2018.

A casual vacancy has resulted due to the resignation of an independent member. This report recommends the appointment of a replacement independent member for the remainder of the current Committee term.

Background

Ms Catherine Price resigned from Council's Internal Audit Committee with immediate effect in November 2015 following a change in her personal circumstances.

The Internal Audit Committee Charter states:

3.4 The independent external members will be appointed for a period of four (4) years (not Council term) after which they will be eligible for extension or re-appointment following a formal review of their performance. There shall be due consideration during the re-appointment process of whether the length of the external member's prior service on the Audit Committee will result in a perceived impairment of the external member's independence. A maximum of two successive four year terms will be allowed.

If a casual vacancy becomes available amongst the independent external members, the General Manager will recommend a new member for the remainder of the term from a merit list compiled at the previous recruitment. If a suitable applicant is not available from a merit list the Chairperson will recommend to the Committee an appropriate approach to fill, or not, that vacancy.

In accordance with the Internal Audit Committee Charter, a decision is required on the appropriate approach to fill the vacancy. The current term of the Internal Audit Committee commenced in August 2014 and is due to conclude in 2018. With the Committee being

APPOINTMENT OF INDEPENDENT MEMBER TO INTERNAL AUDIT COMMITTEE

less than half way into its four year term, it is highly desirable that the casual vacancy be filled. The role of internal audit and the Internal Audit Committee is particularly important at the current time as the Council approaches what is a likely to be a period of substantial change and upheaval with the impending Council mergers.

There is no merit list to draw from arising from the most recent recruitment process in 2014. Only three expressions of interest were received and all candidates were appointed to the Committee.

The Internal Audit Committee considered an appropriate approach to fill the vacancy at its most recent meeting on 23 November 2015 and recommended:

- 1/3 *That the Internal Audit Committee notes the need to maintain the balance of three independent members.*
- 2/3 *Noting that there is no merit list to draw from that the General Manager approach the two former members of the Committee to assess their interest in re-joining the Committee, as follows:*
 - *if neither of the former members are interested that an advertised expression of interest process be undertaken;*
 - *if only one of the former members are interested, that the General Manager recommend to the Council that that person is appointed to the Committee for the remainder of the current term; or*
 - *if both former members are interested, then the General Manager contact the Chairperson to determine a suitable method of selection...*

The two former members were approached to assess their interest in re-joining the Committee and Ms Lee Wong is the only former member to indicate interest. Ms Wong works in the area of risk and internal audit in the NSW State Government.

Financial Implications

The independent members are paid a nominal fee of \$300 per meeting, which is included in the current budget.

Other Staff Comments

N/A

Public Consultation

N/A

Conclusion

It is recommended that the casual vacancy be filled in order to maintain the balance of three independent members on the Internal Audit Committee

ATTACHMENTS

There are no supporting documents for this report.

APPOINTMENT OF INDEPENDENT MEMBER TO INTERNAL AUDIT COMMITTEE

RECOMMENDATION

That Council appoint Ms Lee Wong as an independent member on the Internal Audit Committee for the remainder of the current Committee term.

NELLETT KETTLE

Director Corporate & Community Services

Subject	ASHFIELD BOWLING CLUB - LEASING ARRANGEMENT
File Ref	SC1127
Prepared by	Lynne Greenwood - Leasing Officer
Reasons	To inform Council of the results of the public consultation relating to the future leasing of the Ashfield Bowling Club.
Objective	To seek Council concurrence and resolution regarding a new lease arrangement for Ashfield Bowling Club.

Overview of Report

This report outlines the current situation in respect of the feedback following the public consultation for the new leasing arrangement for Ashfield Bowling Club.

Background

On 24 November 2015, Council determined to undertake community consultation to seek the views of residents in relation to this intention. The Council's resolution stipulated the following requirements in the new lease:

- 1/3 That Council seek the views of residents of Ashfield about providing a new five year lease starting at the rental rate of 60% of the current market rental value for the property for its existing use as determined by a registered valuer. The 40% discount rate is in recognition that the bowling club provides significant social, sporting and community benefit to residents of Ashfield.*
- 2/3 That should the General Manager receive a generally positive response from Ashfield residents then she should move to negotiate and sign a new lease or licence agreement as the reserve manager of the Ashfield Park Reserve Trust in accordance with the Local Government Act and Crown Lands Act.*
- 3/3 That should the General Manager receive a negative response from Ashfield residents or fail to reach agreement with the Ashfield Bowling Club Ltd then she should report back to Council.*

The public consultation closed on 8 January 2016 and a total of 62 submissions were received. There were 59 positive submissions received and the general response was to retain the Bowling Club as it provides many benefits to the local community. Three objections were received. The general theme of the objections centered on the viability of the Club and the use of the facility to the residents of Ashfield rather than exclusive to members. Attached is a summary of the submissions and objections.

Recognising the concerns mentioned above, enquiries with the Club were made in January 2016 in which the CEO stated that their financial model does not seek to increase revenue through gaming machines.

ASHFIELD BOWLING CLUB - LEASING ARRANGEMENT

Current legal gaming machine entitlement is for 10 machines and that they have had 10 machines in operation for the last 10 years and will remain at this level. The Club's CEO also stated that the Registered Club Act determines that the Club is for Members only, that the Club Membership is \$5 per annum; however a temporary Membership facility of \$nil is allowed and many guests to the Club enter by this means to enjoy the use of the facilities.

In view of the objections, consideration could be given as to whether it is appropriate for the Club to provide a 5 year Business Plan for improving the viability and community benefit of the facility.

The Office of Local Government paper '*Council Decision Making during Merger Proposal Periods - December 2015*' 'General Principles' section states "*Council's and Council officials should not make decisions during a merger proposal period for the purposes of making signification and/or ongoing financial commitments that will be binding on a new Council.*" However, flexibility is provided within the 'Integrated Planning and Reporting' section of the document further stating that "*During a merger, Councils should continue to implement and operate in accordance with their adopted Delivery Program and Operational Plan*".

Financial Implications

Nil

Other Staff Comments

Nil

Public Consultation

Public consultation was undertaken from 1 December 2015 to 8 January 2016 by various mediums. Letters were sent to residents in the Ashfield LGA, signs were posted in and around Ashfield Park, information provided on the Council's website and advertisements were posted in the local newspaper '*Inner West Courier*'.

Conclusion

Council advise whether it wishes to proceed with a new 5 year lease with Ashfield Bowling Club, as per resolution dated 24 November 2015.

ATTACHMENTS

Attachment 1 Submissions Summary Overview

2 Pages

ASHFIELD BOWLING CLUB - LEASING ARRANGEMENT

RECOMMENDATION

- 1/2 That Council advise whether it wishes to proceed with a new 5 year lease with Ashfield Bowling Club, as per resolution dated 24 November 2015.**
- 2/2 The General Manager signs the new lease (or licence agreement) as the Reserve Trust Manager of the Ashfield Park Reserve Trust in accordance with the provisions of the Local Government Act 1993 and the Crown Lands Act 1989, and subject to Crown Lands ministerial approval.**

NELLETT KETTLE
Director Corporate & Community Services

Submissions Summary Overview - Ashfield Bowling Club

Submission	For/Against	Issue
1	Against	Viability/use of facility.
2	Against	Viability/use of facility.
3	Against	Stakeholder Feedback
4	For	Community benefit/use of facility
5	For	Community benefit/use of facility
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Subject **LEASING POLICY**

File Ref SC14 and SC1279

Prepared by Lynne Greenwood - Leasing Officer

Reasons The Leasing Policy was recently updated as part of Council's suite of policy reviews and put on public exhibition during November 2015.

Objective To update the current Leasing Policy within Ashfield Council.

Overview of Report

The current 2012 Leasing Policy has been updated and was placed on public exhibition for 28 days. No submissions were made to Council during this time.

Background

The current Leasing Policy was adopted in August 2012 and is due for periodic update. The policy sets out the principles when negotiating leases and licenses for Council property and access to public land under Council management.

On 10 November 2015, Council resolved to adopt the revised draft Leasing Policy for public exhibition and that a report be brought back to Council following the public exhibition process.

The revised draft policy was advertised in the Inner West Courier Edition 17 November 2015, and copies of the document were available from the Council's website and Customer Service Centre. On 13 November 2015, Council also notified tenants of the public exhibition process.

No submissions were made during the public exhibition.

Financial Implications

Nil

Other Staff Comments

Nil

Public Consultation

The Leasing Policy was placed on public exhibition from 17 November 2015 to 8 December 2015. During this time, no submissions were made to Council.

Conclusion

Formally adopting the updated leasing policy leads to greater accountability and transparency for Council's property related leases and licenses.

LEASING POLICY

ATTACHMENTS

Attachment 1 Leasing Policy February 2016

9 Pages

RECOMMENDATION

That Council adopts the revised Leasing Policy.

NELLETT KETTLE
Director Corporate & Community Services



Ashfield Council

Leasing Policy

February 2016

This policy will be reviewed triennially by: Corporate Governance

Next review date: 2019

(Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council. Council accepts no responsibility for any errors or omissions to documentation within this policy or for information referred to which has subsequently been superceded.)



Ashfield Council

Title:	Ashfield Council Leasing Policy
Summary:	The Leasing Policy provides principles and guidelines when setting terms and negotiating leases and licenses for Council property (land and/or buildings) and access to public land under Council management.
TRIM Record Number:	SC14 and SC1279
Date of Issue:	February 2016
Approval:	Council Resolution dated 9 February 2016
Version Control:	V2
Contact Officer:	Manager Corporate Governance/Leasing Officer
Relevant References:	Internal Audit Report, Internal Audit Committee, Ashfield Council. Report IA-3/11-12, February 2012 Independent Commission Against Corruption, <i>Guidelines for Managing Risks in Direct Negotiations</i> Division of Local Government, Circular 05/51 <i>Public Private Partnerships Legislation and Guidelines</i>
Main Legislative or Regulatory References:	Real Property Act 1900 Conveyancing Act 1919 Local Government Act 1993 Crown Lands Act 1989 Retail Leases Act 1994 Independent Commission Against Corruption Act 1988
Related Ashfield Council Policy & Procedures:	Model Code of Conduct Statement of Business Ethics Debt Recovery Policy Conflict of Interest Probity Policy
Ashfield Council's Delegation of Authority:	As per Ashfield Council's Delegations Schedules & Director Corporate & Community Services



Ashfield Council

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Ashfield Council

1. The Policy

Policy Background

Ashfield Council owns community and operational land, including public roads in the Ashfield Council Local Government Area and also manages Crown Land as Trustee. Council has the responsibility to maintain its land and building asset portfolio in the best interests of the local community and stakeholders. Council's portfolio includes community and sporting facilities, parks, Crown Reserves and commercial property.

(Note: This policy does not cover residential properties, casual hire of venues, road leases and footpath/outdoor dining licenses.)

Policy Purpose

The purpose of this policy is to ensure that when considering the leasing or licensing of Council-owned or controlled assets, including Crown Land, Council explores possible options for the use of the land, applies processes that are demonstrably equitable, consistent and transparent, complies with appropriate legislative requirements and obtains best value results for the Ashfield community.

Policy Objectives

All leasing or licensing of Council-controlled land assets, including Crown Land, will:

- be consistent with Council's economic, social and environmental objectives,
- be undertaken in compliance with legislative and other obligations,
- occur only after consultation with all affected stakeholders and relevant sections of the community taking into account all relevant comments and representations,
- be undertaken with the intention of securing an optimum mix of financial and other benefits for the community,
- be through a fair and open process and include regular market testing,
- be in accordance with ICAC guidelines (*Managing Risks in Direct Negotiations*),
- be open to public scrutiny while maintaining appropriate levels of commercial confidentiality, and
- be conducted in accordance with Council's procedures covering Business Ethics and the Model Code of Conduct.

2. Legislation

Land under Council's control falls into four groups:

Land Classification	Permitted Use	Legislation
Operational Land	Used for Council's administrative and works functions and need not be kept for general community use, eg. the Council administration building and depots, some commercial property	Subject to the Local Government Act 1993 NSW, Real Property Act 1900 NSW,



Ashfield Council

	for community use eg. child care centres.	Conveyancing Act 1919 NSW and Retail Leases Act 1994 NSW
Community Land	Leasing of Community land is restricted as it should be kept for use by the general public. Lease/Licences must be consistent with the core objectives of the category of land, for a use prescribed by the Act or Regulations and expressly authorised under a Plan of Management for that land. A lease or licence for a term exceeding 5 years may be granted only after a tender process, unless it is granted to a non-profit organisation.	Subject to provisions under Sections 45 to 47 of the <i>Local Government Act 1993 NSW</i> . Section 55(3)(e) Provides that Leases and Licences are exempt from tendering requirements unless a lease or licence is in respect of Community Classified Land and for a term exceeding five (5) years. In which case the lease or licence is only exempt from tendering requirements if the proposed lessee is a community organisation.
Crown Land	Land which is owned by the State of NSW, reserved or dedicated for public recreation or similar purpose. Councils may be appointed as the Reserve Trustees on behalf of the Minister for Primary Industries Land & Water to manage and care for the reserved land to facilitate and encourage community use and enjoyment. A Lease/Licence of Crown land enables exclusive use over a particular piece of land for a specified term and purpose. Lease/Licences of Crown land are subject to Ministerial consent. Any Community or Crown Land lease/licence longer than 5 years must be advertised (advising the intention to give consent to the lease/licence) and allow 28 days for submissions to be made.	Crown Lands Act 1989 - Section 99 to 111A. The leasing and licensing of Crown Land will be generally carried out under the same conditions as Council Community land.
Roads	Leasing and licensing of parts of public roads including road closures. (Not covered by this policy).	Subject to the Roads Act 1993.



3. Lease & Licence Definitions & Registration Requirements

- **Lease Agreement** documents a transfer of rights from a Lessor (landlord) to a Lessee (tenant) and provides exclusive possession of a specific area/property/land. The Lease Agreement is made for a fixed period (term) in consideration of a rent payable to the Lessor by the Lessee and is subject to the terms set out in the Lease Agreement.
- **Licence Agreement** documents the granting of permission from a Licensor (landlord) to a Licensee (tenant) and does not necessarily provide exclusive possession of the area/property/land. A Licence Agreement is made for a fixed period (term) in consideration of a fee (rent) payable to the Licensor by the Licensee and is subject to the terms set out in the Licence Agreement.

Type of Agreement	Use of land/ area by tenant	Registration of Agreement with LPI (Land & Property Information)	Legislation
Lease Lessor (landlord) Lessee (tenant)	Exclusive	All Lease Agreements for a total lease term in excess of 3 years are required to be registered with the LPI. All Leases with a total lease term in excess of 5 years (including any option period) may only be registered in respect of the whole of a lot of land. (Note: Land which is part of a lot only will be required to be sub-divided in order to comply with LPI registration criteria.)	Real Property Act 1900 Conveyancing Act 1919 Local Government Act 1993 Crown Lands Act 1989 Retail Leases Act 1994
Licence Licensor (landlord) Licensee (tenant)	Non-Exclusive	Not required to be registered but may be registered in the General Register of Deeds. It is desirable for licenses for longer terms (five years plus) to be registered in the General Register of Deeds.	N/A

4. Lease Categories

The purposes for which a lease or licence may be granted include:

- Commercial and business operations
- Not-for-profit sporting or community groups or clubs,
- Mixed uses, for example commercial activities on land lease/licensed to a non-profit organisation.



Ashfield Council

- Retail businesses (including food kiosks)

Lease Category	Type of Use	Legislation
Commercial Leases	Offices, childcare centres, bowling clubs, sporting facilities and other premises, buildings or land used for the operation of a business operation or facility, regardless of whether the lessee operates as a "for-profit" or "not-for-profit" organisation.	Real Property Act 1900 Local Government Act 1993 NSW Crown Lands Act 1989 (where applicable).
Retail Leases	Shops, kiosks, cafes or restaurants or other premises which involves the sale or transaction of retail goods (including food).	Retail Leases Act 1994.

5. Leasing or Licensing of Council-Controlled Land

i) Assessment of Rent

Prior to leasing or licensing any land or property, Council will obtain a valuation by an independent and suitably qualified consultant. Except in special circumstances, Council will not lease or licence land or property at a market rental below that established by the independent valuation. Special circumstances may include leases or licences to community or sporting bodies or non-profit organisations or where the lease or licence is for a short period (twelve months or less). Where Council resolves to lease or licence land or property at a rent below market rent, Council will specify the reasons for doing so in its resolution.

An assessment of market rent by a registered valuer is an opinion by an expert and should not be taken as an absolute measure of possible market rent reached through a competitive process between two or more interested parties (whether through auction, tender or expressions of interest).

With a competitive process the current market rent is the highest rent offered in a complying proposal. The highest rent offered may not necessarily be determinative of an appropriate lessee and may be outweighed by other factors so long as the public receives value for money from the commercial use of public land.

ii) Leases and Licenses to Commercial Operators

In order to assess the market, where the term of an existing commercial Lease/Licence is due to expire or where a new Lease/Licence is contemplated, Expressions of Interest or Public Tenders will be called. Existing lessees or licensees will have the opportunity to submit Expressions of Interest or Tenders.



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Council may extend the lease or licence for operational reasons for a short period (twelve months or less). The reasons for doing so will be specified and documented.

Council will decide upon the term of the Lease/Licence. Unless otherwise considered appropriate, the period of any lease or licence will not normally exceed five years, with an option of renewal of five years. The lease/licence will include annual rent adjustments, with reviews to market at the commencement of option periods. The lease/licence will also include an annual or seasonal evaluation of the tenant/organisation. This evaluation may include matters such as (but not limited to) the level and appropriateness of community interaction, wear and tear on the facilities and compliance with Council's Code of Conduct.

iii) Leases/Licences to Community or Sporting groups & Not-for-profit organisations

Council recognises that many existing lessees or licensees of community land and Crown Land, notably sporting bodies and community groups, have strong historical and/or social and/or recreational ties to the facilities they use. In some cases, they have contributed financially to the development of these facilities. In considering new or continued leases or licences of such facilities, Council will take these factors into account and may, at its discretion and subject to a report to Council, not require Expressions of Interest or Tenders to be called (subject to the legislative requirements then current).

There is no automatic right to re-new. It should not be assumed that a new Lease/Licence will be automatically granted to the same not-for-profit lessee at the end of a Lease/Licence term. Council will consider the issue of a community benefit to the Ashfield community on each occasion a new Lease/Licence is to be entered.

Similarly, it should not be assumed that a new Lease/Licence will be automatically granted with the same terms and conditions.

Lessee/Licensee Requirements: A not-for-profit, sporting or community organisation requesting a new lease/licence or renewal of a lease/licence of Council premises at less than market rent is expected to provide Council with all the information sought to enable Council to assess the proposed benefit to the Ashfield community based on the organisation's merit. This may include some or all of the following requirements:

- Confirmation of legal entity and ABN
- The last 3 years audited financial statements
- The organisation's Constitution
- Details and copies of any agreements or arrangements with or to any third parties
- A Business Plan for the period of the proposed lease/licence (including any option periods). The Business Plan should demonstrate the proposed Lessee's capabilities to carry out any items specific to the proposed lease/licence during the tenure and provide details and time-lines of any maintenance, improvements or enhancements proposed to be carried out and completed and paid for by the Lessee during the tenure.
- Other benefits (qualitative and quantitative) which may be provided to the wider Ashfield community

A reduction from market rent for a lessee is a subsidy granted by Council to the lessee and to the service or activity which the lessee is providing and must be acknowledged in the lease/licence and by the signage on the premises and in communication (whether electronic or print) by the lessee to its clients and others.



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6. Capital Works

- iv) If the lease/licence requires the tenant to undertake capital works or site improvements (whether to premises or land), the lease/licence will state that any works or improvements will become the property of the lessor (not the lessee) at the expiry of the lease/licence.
- v) Capital works undertaken by the lessee do not give the lessee any interest or claim in the works or improvements or/of the premises/land beyond the elements contained in the lease/licence, nor do capital works give the lessee any claim to the site (premises or land) after the expiration date of the lease/licence. Undertaking capital works during the lease/licence term does not provide or confer any entitlements or residual rights to the lessee or enable the lessee to demand or expect a new lease/licence following the expiry of the lease/licence term.
- vi) Prior written consent from Council is required of all proposed works/improvements which will be fully documented and filed within Council's records.

7. Compliance, Default & Early Termination

- vii) Lessees of Council land and buildings are expected to comply with the terms of their lease/licence. The obligations are specifically set out in the lease/licence agreement and are not reduced (and should not be) because the lessor is a Council rather than a private landlord. If a lessee breaches a lease/licence, the General Manager may serve a Notice of Breach of lease/licence requiring rectification of the breach or payment of compensation for the breach. If a lessee does not comply with a Notice to remedy a breach of lease/licence or to pay compensation, or if the lessee continues to commit breaches of the lease/licence, the General Manager may terminate the lease/licence.
- viii) A default procedure will commence when a tenant falls in breach of the requirements of the lease/licence. Relevant and appropriate measures will be undertaken accordingly to the lease/licence to remedy an issue. Full compliance is expected by the tenant to ensure the matter is resolved quickly and amicably to mitigate further risks and avoid legal action being undertaken. Council's Debt Recovery Policy may also apply. Council reserves the right to terminate the agreement by re-entry in the event of non-payment of rent.
- ix) Lessees of Council are expected to comply with Council's Business Ethics and Model Code of Conduct policies and any other Council policy as the case may be.

8. Lease Management and Control

- x) Lease management and control is an operational matter for the Council administration under the direction of the General Manager. All leases/licences will be managed by a designated staff member of Council who will operate as the Contract Manager and point of contact for enquiries regarding the lease/licence and for all communications involving the lessee/licensee.

End of Leasing Policy October 2015

Subject	REVIEW OF STATEMENT OF BUSINESS ETHICS
File Ref	SC14 and SC1279
Prepared by	Popy Mourgelas - Manager Corporate Governance
Reasons	To adopt a Statement of Business Ethics
Objective	Part of Council's suite of policy reviews

Overview of Report

This report serves to inform Council of Council's Statement of Business Ethics for business dealings between Ashfield Council, the private sector and other parties.

Background

Council's current Statement of Business Ethics was developed in 2008. Notwithstanding the Office of Local Government does not have a model statement of business ethics, Council has reviewed its policy having regard to ICAC material and other Sydney metropolitan council's statement of business ethics. Council has made minor revisions to its Statement of Business Ethics to reflect current external reporting bodies.

The Statement of Business Ethics outlines the mutual expectations that shape the business relationship between Council and other parties.

Financial Implications

Nil, however the Statement of Business Ethics functions to uphold Council's financial integrity in engaging in business transactions with private entities.

Other Staff Comments

Not applicable.

Public Consultation

Not applicable.

Conclusion

Formally adopting the Statement of Business Ethics leads to accountability to the community.

REVIEW OF STATEMENT OF BUSINESS ETHICS

ATTACHMENTS

Attachment 1 Statement of Business Ethics February 2016

7 Pages

RECOMMENDATION

That Council adopt the revised Statement of Business Ethics.

NELLETT KETTLE
Director Corporate & Community Services



Statement of Business Ethics

February 2016

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General Manager's foreward



Ashfield Council is committed to conducting business in a professional and ethical manner. This commitment reflects the values of our organisation and the community we serve. Councillors, staff and delegates are required to observe an exemplary standard of ethical behaviour, comply with legislation and act within the boundaries of our Code of Conduct. The purpose of our Statement of Business Ethics is to set out our core public sector values and practice and the mutual expectations that shape our business relationships.

Council delivers an extensive range of services to the community. Our efforts in delivering high quality services at a reasonable price requires that Council work in partnership with others. We are guided by the principles of professional objectivity, fairness, transparency, sustainability and value for money. This Statement of Business Ethics extends to relationships established in procuring goods and services, use of contractors and consultants, dealings with development and business applicants and objectors, interaction with political lobbyists and other business partnerships.

I believe that a shared understanding of the ethical standards required by Council will promote fair and productive business relationships and ensure that community confidence and trust in the integrity of Ashfield Council is maintained.

I hope you find our Statement of Business Ethics of assistance in your dealings with Council.

Vanessa Chan
General Manager



Ashfield Council

Statement of Business Ethics

1. Why a statement of business ethics?

By Complying with our statement of business ethics, you will be able to advance your business objectives and interests in a fair and ethical manner.

Ashfield Council expects all its customers to comply with this statement of business ethics. Therefore you will not be disadvantaged by complying with the statement.

It is important to be aware of the consequences of not complying with Council's ethical requirements when doing business with us.

Corrupt or unethical behaviour could lead to:

- termination of contracts
- loss of future opportunities with Council
- loss of reputation
- investigation for corruption
- matters being referred for investigation
- loss of development approval

Consequences for Councillors, staff and delegates may include:

- loss of civic office
- investigation
- disciplinary action
- dismissal
- potential criminal charges.

2. Our key commitments to our Community

Ashfield Council's Councillors, staff and delegates must maintain the highest standards of conduct and shall abide by the following values:

- We will work with the community to continually review and revise our shared vision for the future of Ashfield.
- We will work with the community in an open and honest way, and ensure high levels of access and equity in the delivery of Council services.
- We will effectively manage our natural and our man made environments.
- We will show leadership in major public issues and be a strong advocate on behalf of the community with other levels of government.
- We will support community initiatives in Ashfield.
- We will fully inform the public of Council's activities, policies and decisions.



Ashfield Council

Statement of Business Ethics

3. What you can expect from us

Ashfield Council will ensure that all its policies, procedures and practices relating to tendering, contracting, purchasing of goods or services, assessment of development applications, use of consultants and/or contractors and interaction with lobbyists are all consistent with best practice and the highest standards of ethical conduct.

Councillors, staff and delegates are bound by Council's Code of Conduct. When doing business with the community or private sector, Councillors, staff and delegates are accountable for their actions and are expected to:

- use Council resources efficiently and effectively
- act honestly and ethically when dealing with the community and others
- avoid conflicts of interest, both real and perceived.

To achieve probity, Council will consider at all stages of the purchasing, tendering, contracting and development application processes the following essential factors:

- Transparency of process
- Accountability
- Ethically managing conflicts of interest
- Obtaining best value
- Monitoring and evaluating performance
- Environmental considerations
- Comply with Work Health & Safety Standards.

Council's dealings will be transparent, accountable and open to public scrutiny wherever possible. However, there will be times when confidentiality will be required by Council.

Council will only maintain relevant records of organisations and individuals with which business has been conducted.

4. What we ask of you

We require all suppliers of goods and services, applicants, political lobbyists, consultants, contractors, owners and applicants of development applications and anyone doing business with Council to observe the following principles:

- Act ethically and honestly in all dealings with Council.
- Declare actual or perceived conflicts of interests as soon as you become aware of the conflict.
- Comply with Council's procurement policies and procedures.
- Provide accurate and reliable information when required.
- Take all reasonable measures to prevent disclosure of confidential Council information.
- Refrain from engaging in any form of collusive practice including offering Councillors, staff and delegates inducements or incentives designed to improperly influence the conduct of their duties.
- Assist Council to prevent unethical practices in our business relationships.



Ashfield Council

Statement of Business Ethics

5. Guidance Notes

Gifts, benefits and hospitality

Customers doing business with Council should not provide (and Councillors, staff and delegates are not permitted to accept) a wide range of gifts and benefits, including hospitality.

Token gifts may be accepted by Councillors, staff and delegates with the approval of their supervisor/manager. All gifts of value as per the Gifts and Benefits Policy must be declared by Councillors and staff in a gifts register. All attempts should be made to decline gifts of value where possible.

Conflicts of interest

Conflicts or potential conflicts of interest must be disclosed by Councillors, staff and delegates and (where relevant) our customers to ensure their actions withstand public scrutiny.

Conflicts of interest exist when it is likely that a Councillor, staff member or delegate may be influenced or perceived to be influenced by a personal interest in carrying out their public duty.

Conflicts of interest that lead to partial decision making may constitute corrupt conduct. Perceptions of a conflict of interest can be as important as actual conflicts.

Councillors, staff, delegates and customers doing business with Council are required to disclose in writing any perceived or actual conflicts of interest and have that recorded on the relevant file.

Corporate information

Ashfield Council maintains a large amount of information about our customers and the community.

Council has an obligation to protect this information and maintain integrity in its systems. Council expects that customers will treat all information appropriately and all information collected must be used for the purpose it was provided.

Confidentiality

All Ashfield Council information should be treated as confidential unless otherwise indicated.

Intellectual property

In business relationships with Council, all parties will respect each other's intellectual property rights and will formally negotiate any access, licence or use of intellectual property.



Ashfield Council

Statement of Business Ethics

Legislative & policy requirements

Where Councillors, staff delegates and customers are involved in the contracting or tendering for services or supplies, or other business, all legislative and policy requirements must be adhered to by all parties.

Development applications

Throughout the development application process all parties, including Councillors, staff and delegates, should understand that Council in its formal role in determining a development application has to consider the matters prescribed in legislation in a way that is open and transparent and is seen to be fair to all parties involved.

Support or otherwise for proposals for applications, including objections to a proposal, may be seen to influence the decision making process.

Councillors, staff and delegates should not be expected to offer support or otherwise for any party associated with the development application process. Councillors and staff are professional people and will treat all aspects of the development application process in a professional and ethical manner.

Council resources

Ashfield Council resources should only be used for Council purposes and in the public interest. Councillors, members of staff, delegates and customers doing business with council are expected to be efficient, economical and ethical in their use and management of Council resources, including staff time.

6. Reporting unethical Behaviour

Ashfield Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to Council's General Manager on 9716 1901 or the Director Corporate & Community Services on 9716 1909.

Public officials reporting corrupt conduct, serious maladministration, serious or substantial waste, or pecuniary interest contravention (wrongdoing) can be protected by the Public Interest Disclosures Act 1994. This Act protects public officials who make a report about wrongdoing from reprisal action and ensures disclosures are investigated.

External reporting can also be made to:

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Office of Local Government	9289 4000 (Sydney office)



Ashfield Council

Statement of Business Ethics

Who to contact

The Guidance Notes referred to previously in section 5 contain a number of supporting policies. If you have any questions regarding this Statement of Business Ethics or these policies, including how it applies to you, please contact Ashfield Council's Director Corporate & Community Services on 9716 1909.

To view Council's Code of Conduct or other policies visit our website www.ashfield.nsw.gov.au.