

4 March 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 8 MARCH 2016** at **6:30 PM**.

SEE ATTACHED AGENDA

ORDINARY MEETING - 8 MARCH 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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**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 23 FEBRUARY 2016**

**DRAFT MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL HELD ON
LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 23
FEBRUARY 2016, COMMENCING AT 6:37 PM.**

PRESENT

Her Worship the Mayor, Councillor McKenna OAM in the Chair and Councillors Cassidy PSM, Drury, Lofts, Mansour, Passas, Raciti, A Raiola, Stott, Wang and Wangmann

Ms V Chan	General Manager
Ms N Kettle	Director Corporate and Community Services
Mr P Sarin	Director Planning and Environment
Ms C Edwards-Davis	Director Works and Infrastructure
Ms Kelly Loveridge	Manager Operations
Ms Popy Mourgelas	Manager Corporate Governance
Mr Quinton Kohler	Acting Senior Governance Officer

ACKNOWLEDGEMENT OF LOCAL ABORIGINAL COMMUNITY

"Let us acknowledge that we are meeting on country for which the members and elders of the local Aboriginal community have been custodians for many centuries, and on which Aboriginal people have performed age old ceremonies. We acknowledge their living culture and unique role in the life of this region."

APOLOGIES

RESOLVED: Mansour/Lofts

That an apology for non attendance be received and accepted from Councillor M Raiola.

CONDOLENCE AND SYMPATHY MOTIONS

PASSING OF MRS PHYLLIS SINTRAS

RESOLVED: Passas/Drury

That a letter of condolence be sent to Mrs Sintras' sons, John and Peter, and that, in lieu of flowers, Council donate \$150 to Cerebral Palsy Australia.

MOMENT OF PRIVATE CONTEMPLATION

The chairperson invited Councillors, staff, members of the press and gallery to stand and observe a moment of private contemplation.

DISCLOSURES OF INTEREST

Councillor Cassidy PSM declared a Significant, Non-Pecuniary Interest in item CM10.6 – Ashfield Traffic Committee Minutes - on the basis that he and his family have proprietary

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 23 FEBRUARY 2016**

interest in property nearby. Councillor Cassidy PSM will leave the chamber and not participate in this item.

Councillor Raciti declared a Less-than Significant, Non-Pecuniary Interest in item NM8/2016 – Ashfield is where we live and play: This is what we stand for, supporting Community Sport - due to her husband being the President of APIA Leichhardt Tigers FC, who also use Hammond Park. Councillor Raciti will remain in the chamber and participate in this item as the conflict is such that it will not influence her in carrying out her public duty.

CONFIRMATION OF MINUTES

RESOLVED: Lofts/Mansour

That the minutes of the Council Meeting held on Tuesday 9 February 2016 be confirmed.

ASHFIELD TRAFFIC COMMITTEE-MINUTES OF MEETING HELD ON 5 FEBRUARY 2016

CM 10.6

Councillor Cassidy PSM left the Chambers at 6.47pm having previously declared a Significant, Non-Pecuniary interest in this item.

Members of the public addressed the meeting.

Craig Thornborough addressed Council at 6.48pm and concluded at 6.53pm.

Andrew Hebden addressed Council at 6.54pm and concluded at 6.55pm.

Lara Leibbrant addressed Council at 6.55pm and concluded at 6.56pm.

Ahmed Diab addressed Council at 6.57pm and concluded at 7.03pm.

Mike Knock addressed Council at 7.04pm and concluded at 7.05pm.

Nick Reynolds addressed Council at 7.05pm and concluded at 7.07pm

Colin Jones addressed Council at 7.07pm and concluded at 7.09pm

Councillor Raciti left the meeting at 7.30pm and returned at 7.33pm.

**DRAFT MINUTES OF ORDINARY MEETING
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Motion Stott/Raciti

1/2 That the Minutes of the Ashfield Traffic Committee held on 5 February 2016 be confirmed and the recommendations contained in the Minutes, items 001 to 009, be adopted.

2/2 That resident parking in the area around William Street Ashfield be investigated.

FIRST WARNING

The Mayor issued a first warning to Councillor Passas for interrupting the meeting.

Amendment: Passas/A Raiola

That Items 005 and 009 of the Traffic Committee minutes be voted on separately.

A division was called and the voting was as follows:-

For the Amendment

Councillors Wangmann, A Raiola, Raciti and Passas.

Against the Amendment

Councillors Stott, Mansour, Wang, Lofts, Drury and McKenna OAM.

The Amendment was Lost.

The Motion was then put.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors A Raiola, Raciti and Passas.

The Motion was Carried.

[NOTE: A Notice of Rescission regarding CM10.6 – Ashfield Traffic Committee Minutes, items 005 and 009, was received at the meeting, and will be considered at the next Ordinary meeting on 8 March 2016].

**DRAFT MINUTES OF ORDINARY MEETING
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**ASHFIELD IS WHERE WE LIVE AND PLAY: THIS IS WHAT WE STAND FOR
SUPPORTING, COMMUNITY SPORT**

NM8/2016

Councillor Passas left 7.43pm and returned 7.54pm
Councillor A. Raiola left 7.43pm and returned 7.57pm
Councillor Cassidy returned 7.45pm
Councillor Raciti left 7.55pm and returned 7.57pm
Councillor Mansour left 7.55pm and returned 8.00pm

Members of the public addressed the meeting.

Mrs Gough addressed Council at 7.43pm and concluded at 7.48pm.
Mrs Rina Smit addressed Council at 7.48pm and concluded at 7.52pm
Mr Robert Honeybrook addressed Council at 7.52pm and concluded at 7.57pm
Mr Jean Kouriel addressed Council at 7.58pm and concluded at 8.04pm
Mr Ben Hershman addressed Council at 8.18pm and concluded at 8.21pm
Mr Alan Jones addressed Council at 8.22pm and concluded at 8.27pm.

RESOLVED: Drury/Lofts

That Ashfield Council notify the residents of Ashfield and letterbox residents in the immediate proximity that the Ashfield Pirates football club is seeking a 5 year lease and alteration of one of the current change rooms into a canteen that they will operate on Saturday mornings during the football season.

That the notification seek community feedback about the proposed lease and proposed modification of the change room into a canteen. Council will then determine if the change to the change rooms can proceed and, if so, request the General Manager to arrange a lease.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Wangmann, Cassidy PSM, A Raiola, Raciti and Passas.

The Motion was carried

**DEVELOPMENT APPLICATION: 10.2014.012.2
425 LIVERPOOL ROAD ASHFIELD**

CM 10.1

Councillor Wangmann left 8.45pm and returned 8.50pm
Councillor Passas left 8.46pm and returned 8.49pm
Councillor Passas left 8.52pm and returned 8.53pm
Councillor Wang left 8.55pm and returned 9.10pm

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Members of the public addressed the meeting.

Ms Rhonda Kruger addressed Council at 8.45pm and concluded at 8.51pm. Ms Kruger also made representations on behalf of Ms Elizabeth Boedeker.

Mr Chris Guy addressed Council at 8.51pm and concluded at 8.59pm

MOTION: Lofts/Stott

- A. That Council as the consent authority pursuant to section 96(1A) of the Environmental Planning and Assessment Act 1979 (as amended) refuse modification of development application no. 10.2014.12.2 for, construction of a mixed use residential and retail development above basement car parking and strata subdivision on Lot 1, DP 700804, known as 425 Liverpool Road, Ashfield, for the reasons outlined on pages 23-24 of the business paper.

FORESHADOWED MOTION: Cassidy/Passas

That the Section 96 Application be approved and the Section 94 Contribution be adjusted accordingly.

The Substantive Motion was put.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, Mansour, A Raiola, Raciti and Passas.

The Motion was Carried.

The Foreshadowed Motion was not addressed.

[NOTE: A Notice of Rescission regarding CM10.1 – DA10.2014.012.2 425 Liverpool Road Ashfield – has been lodged and will be considered at the next Ordinary meeting on 8 March 2016].

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 23 FEBRUARY 2016**

DEVELOPMENT APPLICATION: 10.2015.180.1
46 EDWARD STREET SUMMER HILL

CM 10.2

Councillor Passas left the meeting 9.17pm and returned at 9.18pm

RESOLVED: Stott/Lofts

- A. That the variation requests pursuant to clause 4.6 of Ashfield Local Environmental Plan 2013 regarding clause 4.3(2A) of Ashfield Local Environmental Plan 2013 in respect of height of buildings and clause 4.4 of Ashfield Local Environmental Plan 2013 in respect of floor space ratio be supported.
- B. That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) grant consent to Development Application No. 10.2015.180.1 for the demolition of existing structures and the construction of a four storey residential flat building with two levels of basement parking and 25 dwellings on Lot 1 in DP 235141, known as 46 Edward Street, Summer Hill, subject to conditions, including the addition of a condition specifying that the site be maintained to the satisfaction of Council.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury, A Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

MAYORAL MINUTES

COMMUNITY ORGANISER

MM5/2016

Councillor A Raiola left the meeting at 9.19pm and did not return.
Councillor Raciti left the meeting at 9.21pm and returned at 9.27pm.
Councillor Wangmann left the meeting at 9.23pm and returned at 9.26pm.

Members of the public addressed the meeting.

Mr Chris Elenor addressed Council at 9.21pm and concluded at 9.22pm.
Ms Sharon Laurar addressed Council at 9.22pm and concluded at 9.23pm
Ms Joanne Tierney addressed Council at 9.23pm and concluded at 9.24pm.

**DRAFT MINUTES OF ORDINARY MEETING
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RESOLVED: McKenna OAM

That:

- 1/4 Ashfield Council support the continuation of the community organiser position.
- 2/4 Ashfield Council allocate \$7,500.00 exclusively for the employment of the community organiser.
- 3/4 Ashfield Council be represented on the steering committee.
- 4/4 A Memorandum of Understanding be established.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Raciti and Passas.

**SUBMISSION TO THE BOUNDARY REVIEW ON THE MERGER PROPOSAL FOR
ASHFIELD, LEICHHARDT AND MARRICKVILLE COUNCILS**

MM6/2016

Councillor Raciti left the meeting at 9.43pm and returned 9.54pm

Councillor Passas left the meeting 9.52pm and returned 9.55pm

MOTION: McKenna OAM

- 1/3 That this proposal be included in our submission to the delegate as part of the boundary review process.
- 2/3 That Council write to the appropriate delegates and Boundary Commission strongly objecting to Burwood Council's proposal to include parts of Ashfield LGA, i.e. Croydon and Croydon Park, into the proposed amalgamated council currently incorporated in Burwood LGA.
- 3/3 That Council again calls upon the NSW Government to release the full KPMG Report on the amalgamations.

The Motion was put to the vote and item 1/3 was voted on separately.

Item 1/3

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Wangmann, Cassidy PSM, Raciti and Passas.

**DRAFT MINUTES OF ORDINARY MEETING
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Item 1/3 was Carried.

Items 2/3 and 3/3

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, Raciti and Passas.

Items 2/3 and 3/3 was Carried.

SUBMISSION TO COUNCIL BOUNDARY REVIEW PROCESS

CM 10.12

Councillor Cassidy PSM asked if item 10.12 could be considered with MM6/2016 and the Mayor concurred.

RESOLVED: McKenna OAM/

That Council adopt the draft Submission to the Boundary Review, as amended if required.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, Raciti and Passas.

MOTION TO DISSENT

A motion to dissent from the ruling of the Chair was moved by Councillor Passas, seconded by Councillor Raciti.

A division was called and the voting was as follows:-

For the Motion

Councillors Cassidy PSM, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

The Motion to Dissent was Lost

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WASTE COLLECTION SERVICES TENDER

CM 10.10

Councillor Passas left the meeting at 10.05pm and returned 10.07pm

RESOLVED: Drury/Mansour

- 1/4 That the report be received and noted.
- 2/4 That Council appoint Transpacific Cleanaway, as the Waste Collection Service Provider under the terms and conditions of the RFT 15/43900.
- 3/4 That authority is granted to the General Manager to execute the contract.
- 4/4 That the General Manager inform the unsuccessful tenderers of Council's resolution to decline to accept those tenders.

NSW GOVERNMENT CONTAINER DEPOSIT SCHEME DISCUSSION PAPER

CM 10.9

Councillor Lofts left the meeting at 10.15pm and returned 10.16pm

MOTION: Drury/Mansour

- 1/3 That the information be received.
- 2/3 That Council in principle support the SSROC draft submission to the NSW EPA.
- 3/3 That Council in principle support the LGNSW submission to the NSW EPA.

FORESHADOWED MOTION: Cassidy/Passas

That Council advises SSROC that Council rejects the notion of a container deposit on all containers as it is no more than a back door Goods & Services Tax.

The Substantive Motion was put.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, Raciti and Passas.

The Motion was Carried.

The Foreshadowed Motion was not addressed.

**DRAFT MINUTES OF ORDINARY MEETING
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SECOND QUARTER BUDGET REVIEW 2015-16

CM 10.4

RESOLVED: Drury/Mansour

That Council receives the Quarterly Budget Review Statement for the period 1 October 2015 to 31 December 2015 and adopts the recommended budget adjustments outlined in the report, with an additional \$100,000 funding allocated to a new PAMP budget.

INVESTMENT REPORT JANUARY 2016

CM 10.5

RESOLVED: Drury/Mansour

That the Investment Report for January 2016 be received and noted.

SECOND QUARTER REVIEW AGAINST THE COUNCIL PLAN - 2015-2019

CM 10.11

RESOLVED: Drury/Mansour

That Council note Council's performance over the Second Quarter 2015/16 and the report be published on Council's website.

NOTICES OF MOTION

ILLEGAL DRUGS

NM7/2016

MOTION: Passas/Raciti

That the State Member for Summer Hill publicly apologise to constituents and parents for her grossly irresponsible statements and publicly declare her support for all involved in the eradication of illegal drugs.

A division was called and the voting was as follows:-
For the Motion

Councillors Cassidy PSM, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury and McKenna OAM.

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MOTION: SUSPENSIONS

NM10/2016

MOTION: Passas/Raciti

That Notice of Motion NM10/2016 – Suspensions, be withdrawn and resubmitted to the next meeting of Council.

The Motion was Lost

Councillors Passas and Raciti left the meeting at 10.47pm and did not return.

**ASHFIELD IS WHERE WE LIVE: THIS IS WHAT WE STAND FOR, ADDRESSING
FREDERICK ST PARKING AND TRAFFIC PROBLEMS**

NM9/2016

RESOLVED: Drury/Stott

That Ashfield Council writes to the Minister for Roads to advise him that our community does not want advertising trailers continuously parked alongside Hammond Park and we need his department to work with Council to resolve this issue.

EXTENSION OF TIME

RESOLVED: Mansour/Lofts

That the meeting be extended by 15 minutes, the time being 10.50pm.

ALLIED MILLS SITE - LAND DEDICATIONS

NR7/2016

MOTION: Cassidy/Mansour

That resolution of Item CM10.9 – Allied Mills Site – Land Dedications, passed at the Ordinary meeting of Council held on 09 February 2016, be rescinded.

A division was called and the voting was as follows:-

For the Motion

Councillors Cassidy PSM and Mansour.

Against the Motion

Councillors Stott, Wangmann, Wang, Lofts, Drury and McKenna OAM.

The Motion to Rescind was Lost.

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**ANNUAL NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION
CONFERENCE**

CM 10.7

RESOLVED: Lofts/Mansour

That Council approve the attendance of The Mayor Councillor Lucille McKenna and Councillors Wang and Wangmann at the Annual NSW Australian Local Government Women's Association Conference.

PHASE 1 CHANGES TO LOCAL GOVERNMENT LEGISLATION

CM 10.8

RESOLVED: Cassidy/Lofts

The matter be deferred and a Workshop be organised, with Councillors and staff, to review the proposed amendments.

GREENWAY PROGRESS REPORT - 2015

CM 10.3

RESOLVED: Lofts/Drury

That Council:

1. Notes this Progress Report.
2. Notes the GreenWay Progress Report 2009-2014, prepared for the Councils and GreenWay Steering Committee.

As the Motion to withdraw NM10/2016 was lost, the matter was put for consideration.

MOTION: SUSPENSIONS

NM10/2016

The Notice of Motion NM10/2016 lapsed for want of a mover and seconder.

PROCEEDINGS TERMINATED AT 11.07pm

Chairperson of the meeting of Ordinary Meeting
when the Minutes were confirmed

Chairperson

Date

NOTICE OF RESCISSION BY
COUNCILLORS JULIE PASSAS, VITTORIA RACITI AND ADRIANO RAIOLA

NOTICE OF RESCISSION - Ashfield Traffic Committee Minutes

That Council rescind the previous resolution in relation to CM10.6 – Ashfield Traffic Committee Minutes of meeting 05 February 2016, Items 005 and 009 - passed at the Ordinary meeting of Council held on 23 February 2016:

1/2 That the Minutes of the Ashfield Traffic Committee held on 5 February 2016 be confirmed and the recommendations contained in the Minutes, items 001 to 009, be adopted.

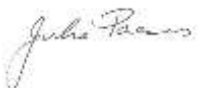
2/2 That resident parking in the area around William Street Ashfield be investigated.

ATTACHMENTS

There are no supporting documents for this report.

Accordingly, we move:

That resolution of CM10.6 – Ashfield Traffic Committee Minutes of meeting 5 February 2016 – items 005 and 009, passed at the Council meeting of 23 February 2016, be rescinded.



_____**Julie Passas**



_____**Vittoria Raciti**



_____**Adriano Raiola**

NOTICE OF RESCISSION BY

COUNCILLORS EDWARD CASSIDY PSM, JULIE PASSAS AND VITTORIA RACITI

NOTICE OF RESCISSION - 425 LIVERPOOL ROAD ASHFIELD

We, the undersigned, move that Council rescind the previous resolution in relation to CM10.1 –DA10.2014.012.2, 425 Liverpool Road Ashfield - passed at the Ordinary meeting of Council held on 23 February 2016, namely:

- A. That Council as the consent authority pursuant to section 96(1A) of the Environmental Planning and Assessment Act 1979 (as amended) refuse modification of development application no. 10.2014.12.2 for, construction of a mixed use residential and retail development above basement car parking and strata subdivision on Lot 1, DP 700804, known as 425 Liverpool Road, Ashfield, for the reasons outlined on pages 23-24 of the business paper.

If successful, we intend to move:

That the application for Section 96 variation to the approved development application be approved and the Section 94 Contribution be varied accordingly.

ATTACHMENTS

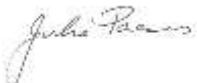
There are no supporting documents for this report.

Accordingly, we move:

That the resolution with regard to CM10.1 – DA10.2014.012.2, 425 Liverpool Road Ashfield – passed at the Council meeting held on 23 February 2016, be rescinded.



Edward Cassidy PSM



Julie Passas



Vittoria Raciti

Subject **DEVELOPMENT APPLICATION: 10.2015.240.1**
11A MOONBIE STREET SUMMER HILL

File Ref DA 10.2015.240.1

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 alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons and use of part of the building as a medical centre.

Background

2.0 Summary Recommendation

The proposal exceeds the floor space ratio for the site, provides inadequate parking, overlooks adjacent residential properties and fails the character test. In addition, the medical centre component does not appear to have consent for its operation and inadequate detail has been provided on which to make an assessment.

The development is recommended for refusal.

3.0 Application Details

Applicant	:	Mr J Calavassy
Owner	:	MGC Wealth Pty Ltd
Value of work	:	\$3,400,000
Lot/DP	:	Lot C, DP 310221
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 Moonbie Street, bounded by Short Street to the north and Regent Street to the south.

DEVELOPMENT APPLICATION: 10.2015.240.1
11A MOONBIE STREET SUMMER HILL

Surrounding development comprises single and double storey dwellings and three storey residential flat buildings. 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)
11A Moonbie Street	C	310221	Torrens	1,578.21m ²
TOTAL AREA				1,578.21m ²

5.0 Development History

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

No.	Date	Proposal	Determination
16.2003.3	18.03.2003	Fire upgrade	Approved
6.1978.440	30.10.1978	Internal alterations to hospital	Approved
6.1978.336	20.08.1978	Alterations to hospital	Approved
6.1976.74	15.03.1978	Internal alterations	Approved
6.1963.4496	21.05.1964	Amendment to BA 4288/62	Approved
6.1963.4449	28.03.1963	Operating theatre	Unknown
6.62. 4288	30.11.1962	Convert dwelling to private hospital	Approved

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
23.11.2015	Development Application lodged "As-is"	10.2015.240.1
07.01.2016	Request for further information/amended plans.	10.2015.240.1
18.02.2016	Request for extension of time received.	10.2015.240.1

6.0 Zoning/Permissibility/Heritage

The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013.

The site is located adjacent to:

- Heritage item I-551 (15-17 Moonbie Street);

The site is located in the vicinity of:

- Heritage item I-548 (2 Moonbie Street);
- Heritage item I-554 (28 Moonbie Street);
- Heritage conservation area C-53 (Tavistock Estate Conservation Area).

DEVELOPMENT APPLICATION: 10.2015.240.1

11A MOONBIE STREET SUMMER HILL

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 R2 Low Density Residential	Boarding House	Yes
			Medical Centre	Yes
4.3	Height of buildings	8.5m	8.3m	Yes
4.4	Floor space ratio	0.7:1	0.72:1	No
4.6(3)	Exceptions to development standards	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	Written request submitted (refer to Attachment 5).	Yes
4.6(3)(a)	“	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Not demonstrated.	No
4.6(3)(b)	“	That there are sufficient environmental planning grounds to justify contravening the development standard.	Not demonstrated.	No
4.6(4)	“	Development consent must not be granted for development that contravenes a development standard unless:		
4.6(4)(a)	“	The consent authority is satisfied that:		

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4.6(4)(a)(ii)	“	The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3), and	Not adequately addressed.	No
4.6(4)(a)(iii)	“	The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	The proposed development is not consistent with the objectives of the standard or of the zone.	No
5.10	Heritage Conservation	Located adjacent to: <ul style="list-style-type: none"> • Heritage item I-551 (15-17 Moonbie Street); Located in the vicinity of: <ul style="list-style-type: none"> • Heritage item I-548 (2 Moonbie Street); • Heritage item I-554 (28 Moonbie Street); • Heritage conservation area C-53 (Tavistock Estate Conservation Area). 		
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.	No
5.10(5)	Heritage assessment	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 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 been submitted. Assessed as unsatisfactory.	No

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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 and floor space ratio.

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 use of the site for the purposes of a hospital and previously for residential use, 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.	R2 Low Density Residential	Yes
27	Development to	(1) This Division applies to	Boarding house proposed in	Yes

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	which Division applies	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.	R2 Low Density Residential zone	
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	0.72:1	No
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	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 R2 Low Density Residential zone (residential flat buildings NOT permitted)	N/A

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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	N/A	N/A
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, 8.5m Maximum height	8.2m	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 unsatisfactory: • The location of car parking spaces in front of the building line	No
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,	The communal open space is well located in relation to the internal areas, in particular the communal living area but is not well configured (i.e. the planted area in the centre the functional use of the central part of the space).	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 that accommodation,	Provided.	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	4	No

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		<p>least 0.4 parking spaces are provided for each boarding room, and</p> <p>(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,</p> <p>Required: 6.4 spaces</p>		
29(2)(f)	Accommodation Size	<p>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:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>The following rooms are shown as single occupancy rooms and exceed the maximum permitted size:</p> <p>Room 3; Room 4; Room 5; Room 6; Room 7; Room 8; Room12; Room 13; Room 14; Room 17; Room 18; Room 20; Room 22; Room 24; Room 23; Room 24; Room 25; Room 26; Room 27; Room 29; Room 30; Room 31; Room 32.</p>	No
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 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	One room has been provided for a manager.	Yes

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		provided for a boarding house manager,		
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. Bicycle: 6 Motorcycles: 6	Provided: Bicycle: 4 Motorcycles: 6	No
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.	The assertive cubist modernist aesthetic is strongly at odds with the character of the streetscape which consists primarily of two storey structures with pitched roofs. The relationship of the additions to the remaining part of the existing building is awkward and unsympathetic to the streetscape.	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 fails to satisfy multiple provisions of SEPP (Affordable Rental Housing) 2009.

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.

The Ashfield Interim Development Assessment Policy 2013 (IDAP) specifically addresses how the ADCP 2007 is to be interpreted in the context of ALEP 2013. 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. 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 27 November 2015 until 21 December 2015. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

Sixty submissions and one petition (**Attachment 4**) were received during the notification of the development application.

Name & Address
Petition
B M Williamson 17 Moonbie Street Summer Hill 2130 Head Petitioner
Individual Submissions:
J Cummins 14 Church Street, Ross Tas 7209
A McCready lex.mcc@gmail.com

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M Cahill & R Honnery 14 Regent Street Summer Hill 2130
M & T Sabolch 21 Moonbie Street Summer Hill 2130
D Mullins 3 Moonbie Street Summer Hill 2130
K Hogan 25 Moonbie Street Summer Hill 2130
M True 5/26 Moonbie Street Summer Hill 2130
C Freitas 7/24 Moonbie Street Summer Hill 2130
Gulseren Hil Ali Hil 27 Moonbie Street Summer Hill 2130
P & D Gallagher 9 Moonbie Street Summer Hill 2130
D Smith 11 Moonbie Street Summer Hill 2130
K & S McKee 5 Moonbie Street Summer Hill 2130
S & T Mabuchi 3/26 Moonbie Street Summer Hill 2130
T Duncanson 20 Moonbie Street Summer Hill 2130
T & E Munro 16 Moonbie Street Summer Hill 2130
D Carter & C Dean 6/24 Moonbie Street Summer Hill 2130
G Jones & E Savage 27 Short Street Summer Hill 2130
B J Robertson 215 Victoria Street Ashfield 2131
C Martin 15 Moonbie Street Summer Hill 2130
C C Nakkash PO Box 182 Balmain 2041
C C Nakkash 2 Bartlett Street Summer Hill 2130
S & L Murray 7 Moonbie Street Summer Hill 2130
Carly Roy carlygoepelroy@gmail.com
Naomi Lane-Collins naomi252@yahoo.com.au
A McCready 2/24 Moonbie Street Summer Hill 2130
A McCay 15 Moonbie Street Summer Hill 2130
M Kearns 6 Henson Street Summer Hill 2130
J Cummins 1/24 Moonbie Street Summer Hill 2130
M Boland & G Davies 1 Lorne Street Summer Hill 2130
P Kelly 11 Moonbie Street Summer Hill 2130

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C Drake 15 Moonbie Street Summer Hill 2130
J Burns 14 Moonbie Street Summer Hill 2130
B & P Williamson 17 Moonbie Street Summer Hill 2130
P & R McKeon 4 Moonbie Street Summer Hill 2130
K Curr & R Smith 30 Moonbie Street Summer Hill 2130
S Terravecchia L L & O Ringrose 12 Moonbie Street Summer Hill 2130
R Payne 18 Moonbie Street Summer Hill 2130
S & P Nassis 25 Short Street Summer Hill 2130
E Cox 5/24 Moonbie Street Summer Hill 2130
M Austin 4 Bartlett Street Summer Hill 2130
S Proud 11 Moonbie Street Summer Hill 2130
G Jones & E Savage 27 Short Street Summer Hill 2130
B Jamieson 24 Moonbie Street Summer Hill 2130
P She 6 Moonbie Street Summer Hill 2130
A & S Quirk 8 Bartlett Street Summer Hill 2130
Jie Lin 10 Bartlett Street Summer Hill 2130
A & P Farag 16A Gower Street Summer Hill 2130
K Wright 18 Moonbie Street Summer Hill 2130
B & J Robertson 215 Victoria Street Ashfield 2131
L Lynch & L Paroissien 13 Bartlett Street Summer Hill 2130
R Issac 11 Bartlett Street Summer Hill 2130
A Hasapis 15 Bartlett Street Summer Hill 2130
R Murray 1 Moonbie Street Summer Hill 2130
C Garrigan 9 Bartlett Street Summer Hill 2130
S Manzo 12 Regent Street Summer Hill 2130
R Zhang 9/26 Moonbie Street Summer Hill 2130
B & P Williamson 17 Moonbie Street Summer Hill 2130

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P Gaukrodger President Summer Hill Public School Parents & Citizens Association Moonbie Street Summer Hill 2130
A & S Quirk 8 Bartlett Street Summer Hill 2130
J & T Nice 19 Moonbie Street Summer Hill 2130

Submission Issue	Assessing Officer's Comment
Inadequate parking.	Agreed.
Excessive scale.	Agreed.
Excessive number of residents.	Agreed.
Potential for excessive noise.	No acoustic report has been provided as required.
Inappropriate aesthetics.	Agreed.
Not compatible with heritage character of street.	Agreed.
Boarding rooms too small.	The rooms are generally either of adequate size or larger than permitted by the applicable legislation.
Inappropriate location for a boarding house.	The location is permissible under the applicable planning legislation.
Inadequate complaints management system in POM.	Agreed.
Overlooking of adjacent properties.	Agreed.
Poor aesthetic integration of proposal with existing building.	Agreed.
Social problems and loitering outside drug clinic.	Inadequate information provided on which to make an assessment.
Poor disabled access.	Due to the provision of a lift, disabled access is adequate.
Inadequate clinic parking.	Agreed.
No disabled access for clinic.	Agreed.
Excessive overshadowing of property to the south.	Inadequate information provided on which to make an assessment.
Methadone clinic never properly approved.	Inadequate information has been provided by the applicant to demonstrate that the existing clinic has development consent.
Lack of consultation with neighbours.	The Council notification process is designed to provide a formalised consultation function.

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:

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Ashfield Interim Development Assessment Policy 2013 Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C11 Parking (applies to Medical Centre component only)				
3.3	Parking Credits	Do not apply if more than 50% of the building is being demolished.	More than 50% of the existing buildings are to be demolished and as such no parking credits are applicable.	N/A
4.1	Car Parking for People with Disabilities	5% of required parking spaces to be accessible. TOTAL = 0 spaces	0 spaces	Yes
4.2	Bicycle and Motor Cycle Parking	Bicycle spaces: • N/A Motor cycle spaces: • 1 space per 25 spaces = 0	Bicycle spaces: • 0 Motor cycle spaces: • 0	Yes
4.3	Parking Rates for Specific Land Uses	Medical Centre: • 1 space per 25m ² = 5	Medical Centre: • 1 space	No
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. It results in excessive overshadowing of 15 Moonbie Street and adverse privacy impacts on 11 and 15 Moonbie Street and on 6 Bartlett Street.	No
2.2 Objective (a)		Enable improved residential amenity for future occupants through careful building layout and design.	The Internal amenity of upper level rooms is poor due to the minimal outlook resulting from the screening required to address privacy impacts upon adjacent properties. Room 27 has no external window except in the bathroom.	No
2.3 Objective (a)	Building form and appearance	All developments, including alterations and additions to boarding houses are to maintain consistency with	The assertive cubist modernist aesthetic and the saw tooth roof form to the rear is strongly at odds with	No

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		the character of the locality and design objectives contained in Ashfield LEP2013 and, the relevant Parts of Ashfield Interim Development Assessment Policy	the character of the streetscape which consists primarily of traditional two storey structures with pitched roofs. The relationship of the additions to the remaining part of the existing building is awkward and unsympathetic to the streetscape.	
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: <ul style="list-style-type: none"> The proposal would overshadow a north facing window of 11 Moonbie Street which may be a living room window. b. Privacy: <ul style="list-style-type: none"> The proposal would overlook the private open spaces of the adjacent properties to the north, south and west. Overlooking results from inappropriate site planning which directs the outlook of the majority of the boarding rooms to the north and south sides and the provision of balconies to the upper level rooms. 	No
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	Access for people with disabilities is to be provided as required under the Building Code of Australia. Vol. 1, cl. D3.1: 3 accessible sole occupancy units 3 dwellings required	3	Yes
2.6	Car Parking	Car parking shall be provided as required in the ARH SEPP as follows: In the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (i) In the case of	4 spaces	No

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		development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and: (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,		
2.7(a)	Operational Plan of Management / On-site Management and Registration	The Operational Plan of Management shall address 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;	A construction certificate matter.	Condition
		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;	Not addressed.	No
		d) Measures to ensure that guest numbers do not exceed those proposed should development consent be granted;	Addressed.	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	The house rules are clearly stated but no sample of the display notice has been provided.	Condition

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		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 ;		
		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 kitchens and bathrooms shall be cleaned/disinfected to a professional standard at least once a week.)	This is addressed.	Condition
		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	Rules for outdoor spaces have been clearly articulated.	Yes

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		for Class 3 boarding houses to minimise noise impacts to residential uses if adjacent;		
		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 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;	Conditions will be imposed on any consent requiring compliance.	Condition
		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,	Conditions will be imposed on any consent requiring compliance.	Condition

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		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.		
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 be obtained from Council's Customer Service Centre.	Applicant has indicated use of private waste collection services.	Noted
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	Conditions will be imposed on any consent requiring compliance.	Condition

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		approved Emergency Management and Evacuation Plan.		
2.9(d)		<p>Premises providing shared accommodation must provide annual certification for the following:</p> <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 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>	Conditions will be imposed on any consent requiring compliance.	Condition
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

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Part D1	Planning for Less Waste			
	Bin Numbers	Boarding House (43 beds): <ul style="list-style-type: none"> Garbage: 43 x 60L/week = 11 bins Recycle: 43 x 20L/week = 4 bins TOTAL: 15 bins 	The bin enclosure appears large enough to accommodate only 7 bins	No
	Bin Presentation		Not adequately resolved. Inadequate space for linear bin presentation along the Bartlett Street 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.

8.0 Referrals

Referrals		
Referral	Comments	Support
Building Surveyor	Supported subject to conditions	Yes
Traffic Engineer	Does not support for following reasons: (1) Clause 29(2)(e) of SEPP ARH states that consent may not be refused for a development in an accessible area which provides at least 0.2 parking spaces for each boarding room. The development provides 4 parking spaces (2 of which are in a tandem/stacked arrangement) which does not meet the requirement of 6.4 spaces. In addition 1 space for the resident caretaker/manager is required. The shortfall in car parking is concerning particularly considering that on-street parking occupancy rates on Moonbie Street have recently been found to be in excess of 85% of available supply. At these levels vehicles find it difficult to obtain on-street parking. Although Council will shortly be introducing resident parking restrictions on one side of Moonbie Street to improve the availability of parking for residents, Council's Resident Parking Permit Policy states that "Boarding Houses will be treated as a single household, and not considered on the basis of the number of bedrooms. The maximum number of permits allowable for a Boarding House is two (2) and priority for these permits will be given to the resident owner/manager/caretaker." Most of the residents of the boarding house, if they drive, will therefore be ineligible for resident parking permits and unable to park off-street. They will therefore need to compete for parking on the unrestricted side of the street which will remain highly congested. It is therefore considered vital that the car parking requirements of the SEPP ARH, at a minimum, should be met. (2) Council's Interim Development Assessment Policy permits stacked parking although its use is not favoured. Where stacked spaces are utilised it is specified that they must only be used by persons employed at the premises, i.e. the blocked space must be for the use of the on-site manager. This means that the 3 remaining spaces would need to cater for the car parking needs of the 43 person's resident at the boarding house. This supply is considered inadequate. At least 6 spaces should be provided for the tenants of the boarding house plus a space for the caretaker/manager.	No

DEVELOPMENT APPLICATION: 10.2015.240.1
11A MOONBIE STREET SUMMER HILL

	<p>(3) The existing tenancy on the site, Uniting Gardens Clinic, currently relies upon the available off-street parking for client and staff parking. Under the development proposal only 1 parking space will remain available for that tenancies use. This aspect of the proposal has not been examined in the traffic and parking assessment report however it is considered that 1 parking space will be inadequate to cater for the parking needs of that tenancy.</p> <p>(4) Clause 30(1)(h) requires that consent not be granted unless at least one parking space will be provided for a bicycle and one for a motor cycle for every five boarding rooms. The development proposes 6 bicycle spaces and 8 motorcycle spaces. The requirements in terms of bicycle and motorcycle parking are therefore met. The spaces are all appropriately sized</p> <p>(5) As noted above there are 4 accessible rooms, however, no accessible parking spaces are provided on site to service these rooms. Although SEPP ARH is silent in regard to requirements for accessible rooms Council's Interim Development Assessment Policy requires one accessible parking space to be provided for each accessible unit. This means that 4 accessible parking spaces are required. These should be sized and marked in accordance with AS 2890.6.</p> <p>On the basis of the above comments approval of the development application in its current form is not recommended</p>	
Drainage Engineer	<p>Does not support for following reasons:</p> <p>(1) As per Section 4.9 of Council's Stormwater Code (SWC) with the exception of single residential developments and dual occupancies all other are required to connect directly to a Council pipe or channel system. The plans submitted do not comply with this requirement.</p> <p>(2) Supplement 4.2 of Council's SMC states "The Maximum impervious areas to be used for the purpose of pre-development impervious area calculations shall not exceed 60% of the total site area". The calculations provided do not reflect this requirement.</p> <p>(3) Section 5.1 requires - Where sites that require OSD can't drain the whole site through the single or multiple storages to be installed, additional attenuation of flows through the storage and extra volume are required to compensate. The portion of the site adjoining Bartlett Street appears to be unaccounted for.</p>	No
Heritage Adviser	Does not support – see attached comments.	No
Environmental Health Officer	<p>Comments:</p> <p>(1) An Acoustic Consultant's report is required regarding noise from air conditioners; reduction in noise nuisance to residents and neighbouring premises; noise attenuation from security gates.</p> <p>(2) Floor waste drain and water tap to garbage bay area.</p> <p>(3) Clothes dryer and washing machine shall be provided in each bedroom or provide a sufficient number of washing and drying machines in a communal laundry room by the proprietor or owner.</p> <p>(4) All work shall comply with Ashfield Council's DCP 2007 Part C18 BOARDING HOUSES.</p> <p>(5) Boarding house shall be maintained and comply with the Place of Shared Accommodation under the Local Government (General) Regulation 2005 of the Local Government Act 1993 (As Amended) and Boarding House Act 2012 No.74</p> <p>(6) An application form for the Registration of the Place of Shared Accommodation shall be completed and submitted to Council prior to the release of the Occupation Certificate by Authority.</p> <p>(7) An annual inspection will be carried out by Council Officers and the premises shall be readily accessible by Council Officer at the arranged mutually convenient time.</p>	No

DEVELOPMENT APPLICATION: 10.2015.240.1
11A MOONBIE STREET SUMMER HILL

	<p>(8) An inspection and Administration fees is applicable for the required annual inspection to be carried out to the Boarding House.</p> <p>(9) An application form for the Boarding House registration shall be completed and submitted to NSW Fair Trading as required under the Boarding House Act 2012 No 74.</p> <p>(10) A Management Plan shall be submitted and be readily available to visitors and occupants indicating rules and guidelines to be followed.</p> <p>(11) A room shall be provided in the complex with sufficient area for the storage of goods awaiting disposal.</p>	
Waste Management	<p>Does not support for following reasons:</p> <p>(1) At a minimum, the development of a 43 occupant boarding house will require 11 x 240L garbage bins collected once per week and 11 x 240L recycling bins collected once per fortnight. The proposed areas for storing 22 bins are not adequate for storage of the number of bins.</p> <p>(2) The drawings do not specify the location of the bulky waste interim storage room. This provision should be for 4m² for a commercial development of this size.</p> <p>(3) The waste and recycling bin storage area will both need a hot and cold water outlet with hose cock for cleaning of room and bins, and be drained to an approved drain. Adequate ventilation is to be provided in compliance with the provisions of <i>Australian Standard 1668:2012 The use of air conditioning and ventilation in buildings</i>. Consideration to adjoining neighbours, would require an actually structure to be used to house the bins.</p> <p>(4) As there is limited frontage to Bartlett Street, (close to proposed bin storage) it is not appropriate to present on Bartlett Street for collection</p>	No
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.

DEVELOPMENT APPLICATION: 10.2015.240.1
11A MOONBIE STREET SUMMER HILL

The proposal exceeds the floor space ratio for the site, provides inadequate parking, overlooks adjacent residential properties and fails the character test. In addition, the medical centre component does not appear to have consent for its operation and inadequate detail has been provided on which to make an assessment.

The development is therefore recommended for refusal.

ATTACHMENTS

Attachment 1	Plans of Proposal	6 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advice	1 Page
Attachment 4	Submissions	198 Pages
Attachment 5	Clause 4.6 Variation Request	10 Pages

RECOMMENDATION

- A. That the request pursuant to clause 4.6 of the Ashfield Local Environmental Plan 2013 regarding contravention of clauses 4.4 in respect of floor space ratio are not well founded and should not be supported.
- B. 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. 10.2015.240.1 for partial demolition of existing structures and alterations and additions to an existing building and change of use to 32 room boarding House accommodating 43 persons and continuation of the use of part of the building as a medical centre on Lot C, DP 310221, known as 11A Moonbie Street, Summer Hill, for the following reasons:

Reasons for Refusal

1. The proposed development is excessive in bulk and scale and represents an overdevelopment of the site.
2. The existing medical centre used for the purposes of drug counselling and rehabilitation does not appear to have prior development consent and the application does not provide adequate information regarding this use to make an assessment.
3. The proposed development does not comply with State Environmental Planning Policy (Affordable Rental Housing) 2009, as follows:
 - a. cl. 29(1)(a), FSR: The floor space ratio exceeds the maximum permitted under ALEP 2013.

DEVELOPMENT APPLICATION: 10.2015.240.1
11A MOONBIE STREET SUMMER HILL

- b. cl. 29(2)(b), Landscape Area: The landscape treatment of the front setback area is inconsistent with the character of the locality.
 - c. cl. 29(2)(e), Parking: The provision of parking spaces is inadequate.
 - d. cl. 29(2)(f), Accommodation Size: Multiple rooms exceed the maximum permitted floor area for their documented occupancy.
 - e. cl. 30(1)(h), There is inadequate provision of bicycle parking spaces.
 - f. cl. 30A, Character of local area: The proposal is inconsistent with the character of the local area as follows:
 - i. The assertive cubist modernist aesthetic and saw-tooth roof are strongly at odds with the character of the streetscape which consists primarily of two storey structures with pitched roofs.
 - ii. The relationship of the additions to the remaining part of the existing building is awkward and unsympathetic to the streetscape.
4. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:
- a. cl. 4.4, Floor space ratio: The floor space ratio exceeds the maximum permitted.
 - b. cl. 4.6, Exceptions to development standards: The written request submitted under this clause is not considered well founded.
 - c. cl. 5.10(4), Heritage Conservation: The character of the proposal would have an unacceptable impact upon the heritage items and conservation areas in the vicinity of the site.
5. The proposed development does not comply with Ashfield Interim Development Assessment Policy 2013, as follows:
- a. Part C11, Parking:
 - i. cl. 3.3, Parking Credits: More than 50% of the existing buildings are to be demolished and as such no parking credits are applicable to the medical centre use.
 - ii. cl. 4.3, Parking Rates: Parking provision for the medical centre is deficient.
 - iii. cl. 5.0, Design Requirements: The design of the parking spaces is inadequate.
 - b. Part C18, Boarding Houses:
 - i. cl. 2.2, Site planning: The site planning results in excessive overshadowing and adverse privacy impacts.
 - ii. cl. 2.2, Objective (a), Site planning: The Internal amenity of upper level rooms is poor due to the minimal outlook resulting from the screening required to address privacy impacts upon adjacent properties. Room 27 has no external window except in the bathroom.

DEVELOPMENT APPLICATION: 10.2015.240.1
11A MOONBIE STREET SUMMER HILL

- iii. cl. 2.3(a), Building form and appearance: The proposal is not consistent with the character of adjacent properties and the streetscape as follows:
 - a. The assertive cubist modernist aesthetic and saw-tooth roof are strongly at odds with the character of the streetscape which consists primarily of two storey structures with pitched roofs.
 - b. The relationship of the additions to the remaining part of the existing building is awkward and unsympathetic to the streetscape.
 - iv. cl. 2.3(a), Building form and appearance: The proposal adversely impacts on adjoining properties as follows:
 - a. Overshadowing:
 - The proposal would overshadow a north facing window of 11 Moonbie Street which may be a living room window.
 - b. Privacy:
 - The proposal would overlook the private open spaces of the adjacent properties to the north, south and west.
 - Overlooking results from inappropriate site planning which directs the outlook of the majority of the boarding rooms to the north and south sides and the provision of balconies to the upper level rooms.
 - v. cl. 2.6, Car parking: The car parking provision is inadequate.
 - vi. cl. 2.7(a)(c), Operation Plan of Management: A schedule of room occupancy has not been provided.
 - vii. cl. 2.8, Waste: Inadequate waste storage facilities are provided.
 - c. Part D1, Planning for Less Waste:
 - i. Bin numbers: The proposal only provides inadequate storage space for the required number of bins.
 - ii. Bin presentation: The space available along the frontage to Bartlett Street is too narrow to accommodate the required 15 bins for collection.
 - d. Part E4, Stormwater Management Policy:
 - i. The proposal does not comply with the policy.
6. The proposal is not in the public interest.

PHIL SARIN
Director Planning and Environment

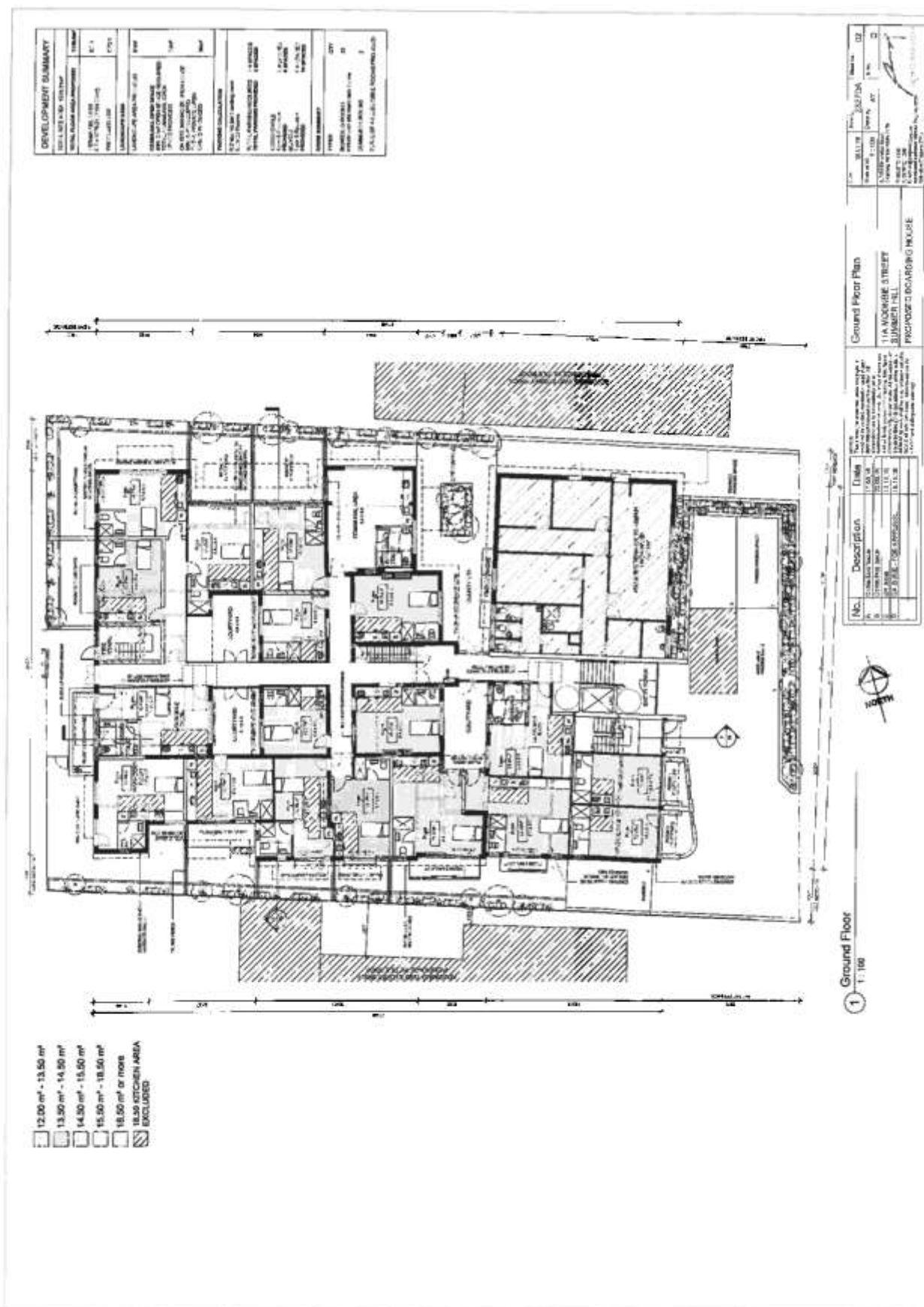


RT
11A MCNIB STREET
SUMNER HILL

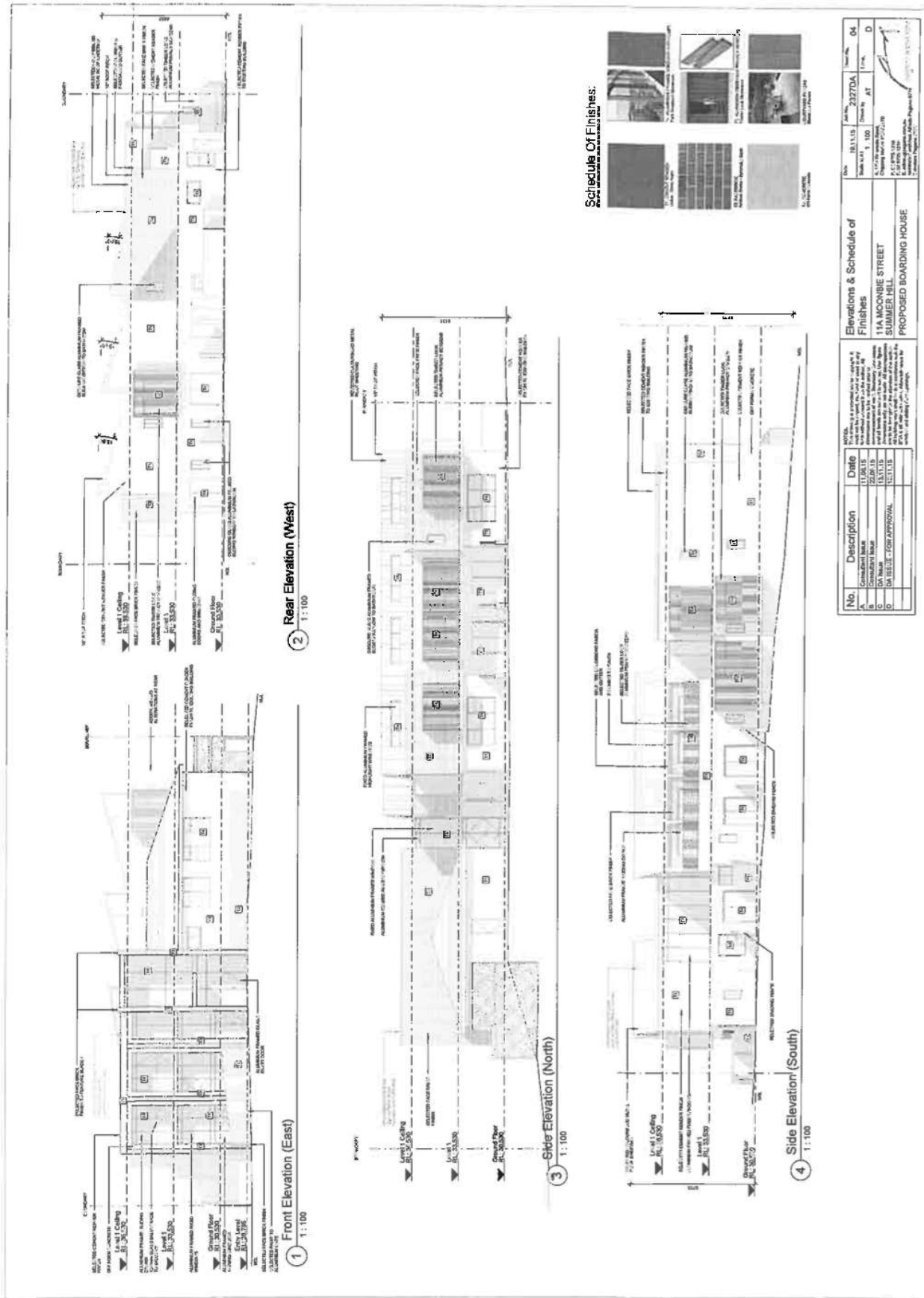
PROPOSED BOARDING HOUSE
11A MCNIB STREET
SUMNER HILL

Sheet List		Sheet Name	Current Revision	Revision Date
01	Cover Page		C	18.11.15
02	Site Analysis & Site Plan		D	18.11.15
03	Site Analysis & Site Plan		D	18.11.15
04	Site Analysis & Site Plan		D	18.11.15
05	Site Analysis & Site Plan		D	18.11.15
06	Site Analysis & Site Plan		D	18.11.15
07	Site Analysis & Site Plan		D	18.11.15
08	Site Analysis & Site Plan		D	18.11.15
09	Site Analysis & Site Plan		D	18.11.15
10	Site Analysis & Site Plan		D	18.11.15
11	Site Analysis & Site Plan		D	18.11.15
12	Site Analysis & Site Plan		D	18.11.15

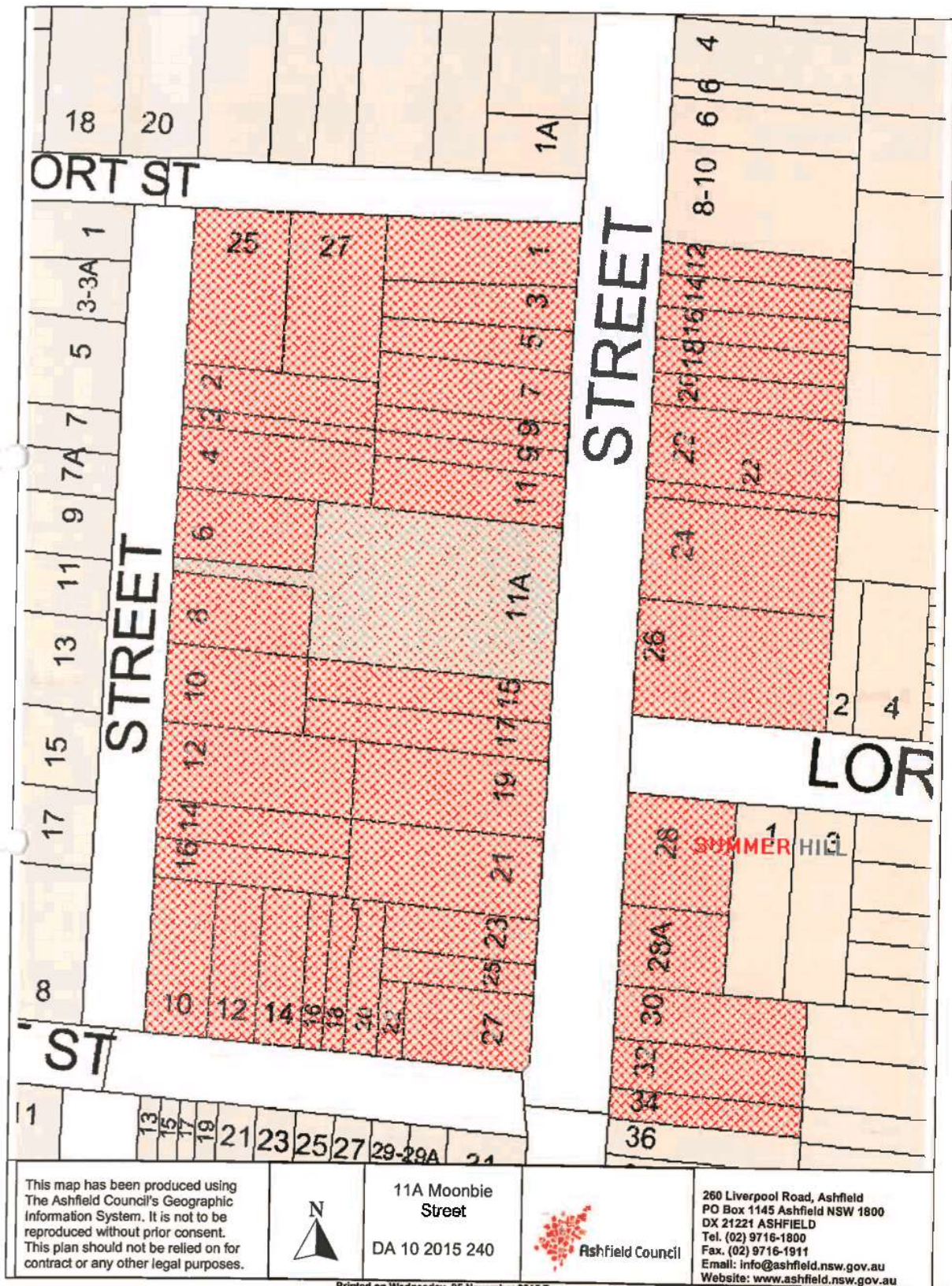














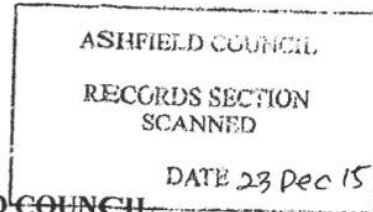
DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	11A Moonbie Street SUMMER HILL	File No: 10.2015.240.1
ADVISOR	Robert Moore	
DATE	29 February 2016	
STATUS	In the vicinity of Heritage Items	
DESCRIPTION	Alterations and additions and change of use to a boarding house	
PREVIOUS COMMENTS	NA	
<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 checked="" type="checkbox"/>	Not acceptable
Discussion:	
<p>I have examined the drawings for this proposal and the statement of Heritage Impact prepared by Mr Greg patch. Pertinently Mr Patch draws attention to Part C18 of Council's AIDAP 2013 and specifically Clause 2.3. In my opinion the proposal currently fails to meet this control. In my opinion the proposal may be capable of amendment to address some of the concerns about its integration with its context and that should be discussed at council. However I understand that there are other planning concerns and it would be sensible for Council's whole response to the application to be considered before any dialogue is arranged.</p>	

Robert Moore



PETITION TO ASHFIELD COUNCIL

We, the undersigned, object to the works proposed for 11A Moonbie Street Summer Hill, Development Application No: 10.2015.240, namely

Alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons. Part of the existing ground floor of the building will continue to be used for health related issues.

We request that Council reject this proposal because

1. it is not compatible with the character of the locality and surrounding buildings and
2. it is an overdevelopment of the site which would have numerous adverse impacts on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2

	Name	Address	Telephone	Signature	
1.	B.M. WILLIAMSON	17 Moonbie St Summer Hill 2130	9776 8824	Bulle	19/12/2015
2.	P. WILLIAMSON	17 moonbie st Summer Hill	0401020520	P	"
3.	E. MUNRO	16 Moonbie St Summer Hill	0409665779	E. Munro	"
4.	Therese Munro	16 Moonbie St	0413 985 224	Therese	"
5.	Susan Terravecchia	12 Moonbie St. S.H.	6411738445	S. Terravecchia	"
6.	ROGER MCKEON	4 MOONBIE ST	97983218	R. McKee	"
7.	Penny McKee	4 MOONBIE ST	97983218	Penny McKee	"
8.	Bronte Arns	1A Moonbie St	brontearns@ yahoo-canada	Bronte Arns	"
9.	Vikki Ford	1A Moonbie St		Vikki Ford	"
10.	DAVID MURPHY	2 Moonbie St	97978118	D. Murphy	"
11.	C. TRYFONOPOLIS	113 SMITH ST.	97987975	C. Tryfonopolis	"
12.	ANTHONY BOULOS	115 SMITH ST SUMMER HILL	0411 627 786	A. Boulous	"

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	Name	Address	Telephone	Signature	19/12/2015
13.	DAN STEVENSON	24 KENSINGTON RD SUMMER HILL 2130	0431876004		"
14.	ZIGGY MACANLIDE	52 SMITH ST SUMMER HILL	0416223809		"
15.	DARIO	111 SMITH ST SUMMER HILL	9799-9977		"
16.	SUMMER HILL SUBJECTS	123 SMITH ST SUMMER HILL	0438 792291		"
17.	Jane Nice	19 MOONBIE ST SUMMER HILL	0499 777873		"
18.	Tim Nice	19 MOONBIE ST SUMMER HILL	0420459353		"
19.	Kathryn McKee	5 MOONBIE ST SUMMER HILL	0407 958233		"
20.	Justin McKee	5 MOONBIE ST SUMMER HILL	0400 471 460		"
21.	Stewart McKee	5 MOONBIE ST SUMMER HILL	041727510		"
22.	Scott Murray	7 MOONBIE ST SUMMER HILL	0407 224778		"
23.	Lisa Murray	1 MOONBIE ST SUMMER HILL	0418455269		"
24.	Robert Smith	3 MOONBIE ST SUMMER HILL	0408228787		"

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	Name	Address	Telephone	Signature	
25.	Alex Potziokas	56 Moonbie St Summer Hill	0219 998 294		19/12/2015
26.	Elizabeth Redden	56 Moonbie St Summer Hill	021 229 705		"
27.	Caroline Steele	54 Moonbie St. Summer Hill	0402850281		"
28.	STEVE PAGE	58 MOONBIE ST SUMMER HILL	0413260756		"
29.	Chris + Sharon Bellemore	41 Moonbie street	0401997840		"
30.	Bing + Borge	37 Moonbie st	0425217270		"
31.	Suzanne Howard	76 Moonbie St	0407907065		"
32.	Denise Wall	78 Moonbie St	0414598016		"
33.	William Newman	90 MOONBIE ST	0417227974		"
34.	Paul GALLAGHER	9 Moonbie St	0408766675		"

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Name	Address	Telephone	Signature	
35. MAUREEN AUGER	14 Bartlett St Summer Hill	0419 168898	M. Auger	20/12/15
36. KATHY KANDILAS	17 BARTLETT ST Summer Hill	023 059770	[Signature]	20/12/15
37. ANIL KISHORIS	15 BARTLETT ST Summer Hill	9798 7381	[Signature]	20/12/15
38. LIZ LYNCH	13 BARTLETT ST SUMMER HILL	0406 403709	[Signature]	20/12/15
39. Eileen Jones	27 Shaw St Summer Hill 2130	9798 6433	[Signature]	20/12/15
40. Allison Blake	15 Moonbie St	0407 842 120	[Signature]	20/12/15
41. CLAIRE DRAKE	15 MOONBIE ST Dulwich Hill	0400 190737	[Signature]	20/12/15
42. Anna Williamson	14 Manchester St Dulwich Hill	0411 652 693	[Signature]	21/12/15
43. Claudia Carter	14 Manchester St Dulwich Hill	9564 6656	CMC	21/12/15

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Name	Address	Telephone	Signature	
44, Nadia Vaile	2/26 Moonbie St Summer Hill	97983796	Nadia Vaile	20/12/15
45, Dario Mossup	1/26 Moonbie St Summer Hill	97980224	Dario Mossup	20/12/15



App no. 10.2015.240 (11a Moonbie St, Ashfield)

Judith Cummins

to:

info

02/12/2015 10:20 AM

Hide Details

From: Judith Cummins <judithmcummins@gmail.com>

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

I wish to reply to the application notification received today dated 27th November 2015.

As an owner of 2 units at 24 Moonbie St, Ashfield I strongly object to this development IF off street parking is not provided within the lot. This area is troubled by street parking and more accommodation becoming available will create a huge problem. Please let me know if this has been planned for by the developer and being monitored by the council.

Yours faithfully,
Judith Cummins.

Ph: 0363815234
0413459871,
14 Church St,
Ross 7209.



Alex McCready

02/12/2015 02:56 PM

From: Alex McCready <lex.mcc@gmail.com>

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

I have just received notice of additions to the building at 11a Moonbie Street Summer Hill, adding a 32 room boarding house and accommodation for 43 people.

If it is an extension of the existing clinic, will there be any measures to be taken to ensure the integrity of the street is maintained?

Kind Regards
Alex McCready

[illegible]



DA 10.2015.240 submission

Michael Cahill@honnery.com 10: Ashfield Council/Ashfield/AU
Cc: "rachel@honnery.com"

13/12/2015 05:28 PM

To the Director of Planning and Environment

Dear Mr Sarin,

We are residents of 14 Regent Street Summer Hill, around the corner from 11A Moonbie Street, subject of DA 10.2015.240.

We have a number of concerns about the development, primarily due to the scale of the proposed building and the number of residents.

The developers want to cram as many people as possible into the site, but the provision of 4 tandem parking spaces for 43 people is clearly inadequate. Regardless of the concessions available to this type of development, the reality is that on-street parking is already at capacity in the area. Residents of Moonbie Street regularly park in Regent Street because no parking is available closer to their homes. The clinic on the site also has an influx of vehicles for the morning and evening shifts.

With the on-site parking inadequate, new residents will overflow onto streets that are already at capacity, and the clients of the clinic will have nowhere safe to park during visits. Moonbie Street is the main route for hundreds of students walking to and from Summer Hill Public School each day, so this proposal risks the lives of children by forcing residents and clients to park illegally.

Ideally, the proposal would be altered to provide at least 10 parking spaces at the rear of the property, accessed via the existing driveway from Bartlett Street. Space for bikes and motorbikes could be provided at the front. That is a more realistic number of car spaces for the proposed number of residents and would reduce the danger to children walking along Moonbie Street.

Another issue caused by this oversized proposal is noise pollution for existing residents, both during construction and from the concentration of residents once the work is complete. The development should include noise shielding for surrounding residents (as One Penny Red was required to install). Ideally, noise shielding would be provided by planting large trees on the site, but there is no space in the current proposal where trees could grow.

The proposed "blade" box-like design is completely at odds with any other building nearby, including the adjoining heritage-listed homes. The existing building on the site has a tile roof – ideally any new development would keep the existing roofline across the whole of the front, not just above the clinic on the right hand side, and the 8+m high bulk would be kept to the rear.

Lastly, we note that the site is metres away from Summer Hill Children's Centre, which cares for 40 children aged 3-6 and has been operating for over 30 years. These children already regularly witness police staking out the clinic in order to arrest clients on a variety of charges. Any development and new use of the site should be sensitive to the needs of these children and not expose them to any new risks.

Sincerely,
Michael Cahill and Rachel Honnery
14 Regent Street, Summer Hill NSW 2130
02 9705 9660



Comments on 11A Moonbie St, DA 10.2015.240

dengartone@gmail.com to: Ashfield Council/Ashfield/AU

17/12/2015 11:42 AM

1 attachment



Comments on 11a Moonbie Street.docx

To The General Manager,
Ashfield Council.

I take this opportunity to send you our comments on the DA for a
boarding house at 11A Moonbie Street, Summer Hill.
Please refer to attached letter.

Regards,
Mark and Therese Sabolch
21 Moonbie Street.

21 Moonbie Street, Summer Hill

17 December 2015.

The General Manager
Ashfield Council
260 Liverpool Rd, Ashfield

RE: Development Application No: 10.2015.240; 11A Moonbie Street, Summer Hill; Change of Use to 32 Room Boarding House

Thank you for the opportunity to comment on the proposed development at 11A Moonbie Street.

As a general principal, it is expected that the proponent of a proposed development would commit to mitigation measures that fully address impacts that are directly related to their development.

In this instance, I don't believe that the proponent has committed to adequate mitigation measures. We have a couple of points to make in regard to this proposed development, namely:

1. Street frontage does not address heritage character
2. Inadequate social impact mitigation
3. Unsustainable complaints management.

Unsympathetic Street Frontage

The proposed development is not sympathetic to the character of Moonbie Street.

The new development proposes to construct a modern building, with a very "modern" looking façade to its street frontage. This is completely out of character with the largely Victorian and Federation character of its neighbours. There are no other "modern" developments in Moonbie Street that this development can relate with.

Current dwellings in Moonbie Street have a unique heritage character as indicated by their brick, stone, timber and tile building materials and heritage detailing. Many of these dwellings have been cared for and sympathetically renovated in recent years. Importantly, many of these are represented in Council's heritage register.

The heritage impact statement for the development advises that the existing heritage dwellings in Moonbie Street are shielded by trees and vegetation, and are therefore not visible from the street. This is a poor justification for advancing an unsympathetic development. Trees and vegetation are transient structures with a limited life that can be readily cut or trimmed, whilst the built form is a long-term, permanent feature.

The proposed new development uses building materials, bulk and detailing which is completely out of character with the existing built environment of Moonbie Street.

SUGGESTION: We ask that the new development, as it stands, be rejected on the grounds that it is not sympathetic to the existing built environment in the street.

Poor Social Impact Mitigation

The Social Impact Statement supporting this development is very brief, light on facts and unsubstantial.

The Social Impact Statement makes no reference to the existing community in the Moonbie Street residential area, nor any local or state government community support services. There is no information and data for a social baseline assessment. A social baseline should be supported by recent on-the-ground research. There should be an assessment of the existing social environment, and an analysis of how the new development will impact upon that social environment.

The proposed boarding house dwelling units are each individually very small. The Social Impact Statement provides no discussion on the target tenant and their demographic background, and their social needs. It is likely that their social and community needs are far greater than just access to shops and public transport.

There is no discussion on how the proposed development would interact with social and community support structures to help meet the needs of the target tenant. What is the relationship between the tenants and the existing health clinic? What will be the likely relationship between the tenants and other local or regional community support services? What will be the likely relationship of the tenants to the current United Gardens Clinic? What are the risks for anti-social behaviour? Could the community expect greater or less calls/visits from the Ashfield Police? None of these important social matters are adequately addressed by the proponent.

Without broader community integration of the tenants, the new boarding house will fail to provide a worthwhile facility.

The Social Impact Statement should address the question as to why this address at Moonbie Street is the best social setting for a boarding house of this size. Currently it fails to do that.

The Proponent should make commitments that are outcomes-focused and relevant to the social impacts needing mitigation.

SUGGESTION: We ask that the social mitigations be re-examined. The Social Impact Statement should be thoroughly rewritten, addressing the existing social baseline, describing the social aspects and needs of the incoming boarders, and the resulting relationships with and impacts on the community. Stakeholders should be consulted during the development of the Social Impact Statement, and a mechanism be put in place for on-going consultation during the life-cycle of the new development with:

- existing residents in the neighbourhood
- local and state social services agencies
- the local Police
- other local stakeholders.

Unsustainable Complaints Management system

It is acknowledged that the new boarding house development has included some house rules and a complaints system. However we have a concern that these systems, as they stand, are not sustainable over the years to come.

A number of questions remain, that this development is yet to address, namely:

- Success of the system lies on the shoulders of the site manager. What will be the background, competency and training of the site manager(s)?
- What support will the site manager(s) receive in order to implement house rules?
- What is the process to address the situation if complaints or repeat complaints are not addressed?
- How will house rules be reviewed and updated and re-introduced over the life-cycle of the built development?

How will the community be given confidence that the operation of the boarding house is socially acceptable, and that the house rules and the complaints management system is adequate over the life of the development?

SUGGESTION: The Operational Plan of Management, especially the complaints management system, includes regular monitoring and reporting to the local community/council throughout life of the development, including:

- how often its performance is reported, for example annually
- providing outcomes-focused performance indicators
- how the complaints management system will be accessible to the community.

We believe it is important that the proponent of this development commit to acceptable management of the boarding house, not just for the first year or two, but on-going over the life of the development.

As mentioned, it is a general principal that the proponent of a development should commit to mitigation measures that fully address impacts that are directly related to their project.

We are happy to discuss these issues further.

Regards

Mark and Therese Sabolch

The General Manager
Ashfield Council
PO BOX 1145
ASHFIELD NSW 1800



15 December 2012

RE: APPLICATION NO: 10,2015,240
11A Moonbie Street, Summer Hill LOT: C DP: 310221

I am writing to lodge an objection to the above-mentioned Development Application.

The area in question, Moonbie Street, Lorne Street and surrounds, are residential areas within the Summer Hill village.

The proposed development, adding being 30 rooms (and a total occupancy of 43 people) to the existing site would be deleterious to the local village environment and represent an overdevelopment of the site.

As it stands, Moonbie Street is a busy street.

The current tenant of 11A Moonbie Street generates a significant level of traffic (including police cars monitoring the clients of the methadone clinic) and a significant number of visitors to the clinic. There is very limited parking within the Street; customers of the local restaurants, cafes and shops already take parking away from existing local residents – the addition of 43 further residents will make this all the worse.

Moonbie Street is a thoroughfare for school children from Summer Hill Public and St Patricks Catholic Primary School, with students from both schools frequently walking to and from the train station and after-school care in Smith Street. The additional traffic poses a risk to these students.

Further, whilst I will not be directly affected by this, the size of the proposed development will be such that neighbouring properties will be overlooked by the additional level included in the development proposal.

Good quality local developments are to be encouraged.

The redevelopment of the 'industrial' area of Summer Hill (including the Buckle Factory development) is to be encouraged, bringing a vibrancy and renewal to the local area. The construction of boarding accommodation on the top of the current methadone clinic is not in keeping with the local area and not in keeping with what has otherwise been a considered redevelopment of Summer Hill.

This development application should, therefore, be rejected.

Kind regards,

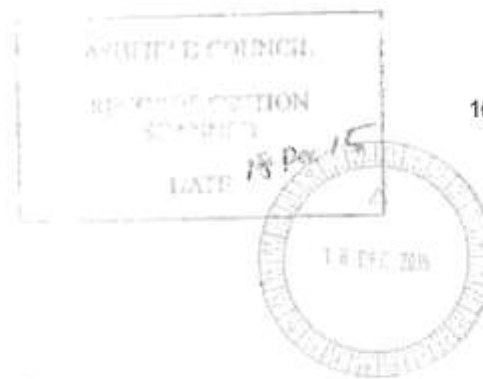
A handwritten signature in dark ink, appearing to read 'David Mullins'.

David Mullins

3 Moonbie Street,
Summer Hill
Phone: 0421 411 007 / davidkmullins@hotmail.com



ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Summer Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 178 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: KYLIE HOGAN

Home address: 25 MOONBIE ST, SUMMER HILL 2130

Email address: wassail.kylie@bigpond.com

Phone number: 0409929969

Signature/s



16 December 2015

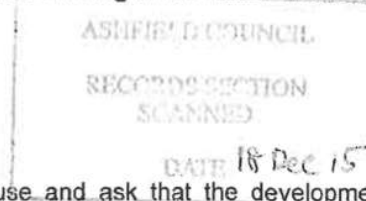
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Please add the above concerns to my earlier letter

Name: *Ms MARGARET TRUE*

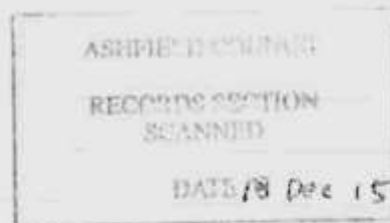
Home address: *5/26 MOONBIE ST, SUMMER HILL*

Email address:

Phone number: *(02) 9799 3946*

Signature/s

M. True



5/26 Moonbrie,
Summer Hill
PH: 9799 394
17 December

The General Manager
Ashfield Council

Re: Development Site 11 A MOONBRIE ST

Application # 10.2015.240

Receipt is acknowledged of Notification of D/A.

I am the owner & occupier of the above Unit direct opposite the Building in question. It has been my life for the past 30 years.

Moonbrie St has in the past been a quite resident street particularly used by a number of young school children & mothers using the day care centre on of Home St. The street has an ambience which will be destroyed by the coming & going of 43 persons plus those using the "health related clinic".

No mention is made of when the boarding house will be accommodating. If it is at all connected to the "health related clinic" I am seriously concerned about security, the street & around our homes. The present "health related clinic" is now very well run but this has not always been the case over the years when police attended regularly to people on & control the noise. I also feel there would be serious noise issues with boarding house residents gathering in Moonbrie St to smoke & chat.

Margaret True
(MARGARET TRUE)



URGENT...URGENT: 11A MOONBIE ST

Carmen Freitas

to:

info@ashfield.nsw.gov.au

18/12/2015 11:37 AM

Cc:

"carmen.freitas@bigpond.com"

Hide Details

From: Carmen Freitas <CarmenFreitas@mcgrath.com.au>

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

Cc: "carmen.freitas@bigpond.com" <carmen.freitas@bigpond.com>

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

2 Attachments



11A MOONBIE - PG. 2.pdf



11A MOONBIE - PG. 1.pdf

ATTN: General Manager,

Please find attached my support for the current objection for the proposed development at 11a Moonbie St, Summer Hill.

Please do not hesitate to contact me if you require further detail.

Thank you

Carmen Freitas

0411 450 681

Carmen.freitas@bigpond.com

Please click [HERE](#) for the latest McGrath Magazine

Attention:

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16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Thank you for your preparation with the detailed information.

Yes, I agree with the reasons of this objection and would feel concerned if this was to proceed.

As mentioned we have had some intrusions into our block which Police have had to follow up.

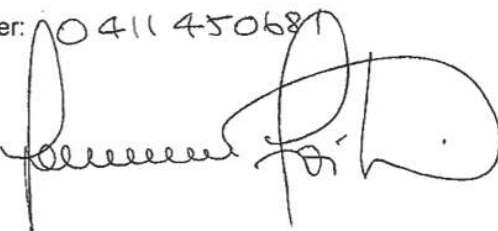
Name: Carmen Freitas.

Home address: 7/24 Moonbie St. Summer Hill

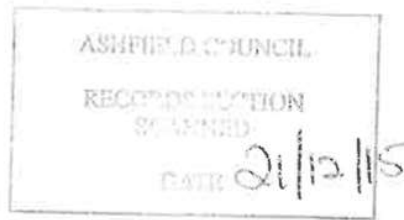
Email address: carmen.freitas@bigpond.com

Phone number: 0411 450681

Signature/s



ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill -- Lot: C DP: 310221

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Name:

Ms. Gwladys Hil. ALI Hil

Home address:

27 MOONBIE ST SUMMER HILL

Email address:

Phone number:

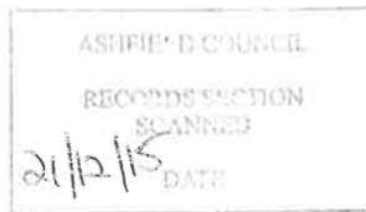
824 114 22

Signature/s

 Gwladys Hil

9 Moonbie St
Summer Hill
NSW 2130

The General Manager
Ashfield Council
PO Box 1145
Ashfield
NSW 1800



Dear Madam,

RE: DEVELOPMENT APPLICATION 10.2015.240
PROPERTY: 11A MOONBIE ST SUMMER HILL

I am the owner of 9 Moonbie St. Summer Hill and wish to lodge an objection in regard to the proposed development at 11a Moonbie St. Summer Hill.

The proposal for a 32 room boarding house providing housing for 43 will have a detrimental effect on the amenity of the immediate vicinity, create problems which compromise the safety and wellbeing of residents, and is totally out of character for the area.

I wish to lodge an objection to Ashfield Council for the following reasons.

1. Insufficient parking.
2. Removal of safe client access to the Methadone clinic.
3. Poor disabled access.
4. Design is incompatible with the streetscape.

1. PARKING.

1.1 Number of parking spaces.

The Development proposes only 4 car spaces when 7 is required. The Legislation require a boarding house to provide "at least" 0.2 spaces for each boarding room (State Environmental Planning Policy (Affordable Rental Housing) 2009 Sect 29 ss (e) i.) (SEPP 2009), a boarding house of 32 boarding rooms requires 6.4 spaces (32 x .2). Where there is a part number ie., 0.4 the accepted NSW Planning Department practice is to go to the higher number, therefore a total of 7 spaces are required. The proposal allows for only 4 spaces which does not satisfy the SEPP.

1.2 Managers' Car Space.

The SEPP 2009 (s29, (2) (e) (iii)) states that "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,
The manager will no doubt have a motor vehicle and occupying one of the 4 thus limiting the remaining available spaces to just 3 for a total of 43 residents.

1.3 Methadone Clinic

The removal of available car spaces for the clinic create an unacceptable risk as patients will be forced to double park in a busy street and block neighbours driveways.

There are upwards of 100 persons accessing the clinic each day with a large number arriving by motor vehicle and needing somewhere to park. During the Clinic hours from 6.00am to 4.00pm patients park on the concrete apron in front of the building with up to 6 cars together with large and small trucks.(see photograph 1).

Even with the current level of usage the area is inadequate for the number of patients attending the clinic as many double park and block neighbours driveways.

The clinic employs 3 permanent staff in addition to a visiting Doctor each morning. They have no choice but to park in the surrounding streets. Added pressure arises from the extended opening hours of the restaurant on the corner of Moonbie and Smith Streets which was approved for up to 80 patrons with no designated parking.

Furthermore, NSW Health Accreditation Standards require that a methadone clinic have " parking available for patients" which the proposal does not provide.

1.4. Ashfield Council recently approved a resident parking scheme which reserves parking on one side of Moonbie St. for those with a resident parking sticker. The proposed boarding house is assessed a single dwelling and as there is provision for 4 car spaces on site no resident parking stickers would be issued to any of the residents of the boarding house. If we can assume that at the very minimum one third of residents will have a motor vehicle they will have no option but to park in the street. The additional twelve cars will have a severe impact on parking availability not only in Moonbie St. but also surrounding streets.

2. REMOVAL OF SAFE ACCESS TO THE METHADONE CLINIC.

2.1 The proposal removes the existing pedestrian access to the clinic and replaces it with one car space. This will force people attending the clinic, including those making deliveries and the daily pathology pick-up, to attempt to get past any motor vehicle parked in the space. Should a vehicle park close to the right hand side boundary fence access will be completely blocked particularly for those with mobility issues as many patients unfortunately have.

2.2 Ashfield Council Interim Development Assessment Policy 2013 Part C11 (ACIDAP) "Design Principles" state that parking spaces *"that require vehicles to reverse on to main roads, other busy roads or near intersections will not generally be accepted for safety reasons"*.

The parking space proposed for the clinic will require vehicles to reverse out of the space into busy Moonbie St., the main thoroughfare into the village centre from the South. More importantly, this mode of entry and exit will jeopardize the safety of the large number of students and parents from Summer Hill primary school who walk past the clinic every school day.

3. ACCESSIBLE PARKING

The ACIDAP states " *Accessible* means complying with the provisions of Australian Standard 1428 Parts 1 and 4 "Design for Access & Mobility" so that most people with disabilities can enter and use the premises and their facilities" and that "*Continuous accessible path of travel* means an uninterrupted route to or within premises or buildings and providing access to all services and facilities. It should not contain any step, stairway, turnstile, revolving door, escalator, hazard or other impediment which would prevent it being safely negotiated by people with disabilities".

3.1 While it is acknowledged the Clinic never has had access for disabled clients in conformity with legislative standards nevertheless any ability for disabled patients to safely access the clinic will be removed. Having to access the clinic via a parked car presents a hazard to not only those with a disability but anyone entering the premises.

3.2 The proposal indicates that adjacent to the accessible car space is a "shared area". Australian Standard 2890.6, Clause 2.2.1 (e) requires a bollard at a height of 1300 (AS2890.1, Clause 2.4.5.3(b)). However, this cannot be installed as the "bollard space" will be a shared area. If a car is parked in the shared area a disabled driver will be unable to exit their car safely.

4. BUILDING FORM AND APPEARANCE

The main planning control plans which affect the property and identify the primary considerations that apply to a boarding house development are :

1. Ashfield Local Environmental Plan (LEP) 2013,
The LEP states that all boarding house developments " are to maintain consistency with the character of the locality and design objectives and, "must not adversely impact on adjoining properties through loss of privacy, overshadowing, noise and view loss".

2. Ashfield Council Interim Development Assessment Policy (ACIADP)
The ACIDAP Part C18 states that " the overall built form and appearance of a Boarding House will be determined to a large extent by the immediate context of the site and the desired future character of the area".

3. SEPP (Affordable Rental Housing) 2009, (SEPPARH)
SEPP 2009 Sect. 30A: Character of Local Area states " 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".

The term "character", "compatible", and "local area" are not defined in either the LEP or SEPP ARH , however, it is generally accepted that if the words are not defined in legislation they should be given their ordinary meaning, subject to the context to which they are to be used.

The Land and Environment Court has clarified the approach that should be taken in assessing these terms. (*Project Venture Developments v Pittwater Council [2005]*)

This was an appeal against the refusal by council for an affordable in-fill housing project of residential flats on the grounds that it was incompatible with the local context. It was determined that in order to judge whether there is compatibility between a building character and its surrounds it is desirable to look at two major aspects :

Physical impact, which measures the proposal's affect in areas such as noise, privacy for adjoining neighbours, and overshadowing each of which are capable of being objectively assessed.

Visual impact, which examines the relationship that is created by building height, setbacks, landscaping, architectural style and materials to the surrounding built environment.

The Court concluded that for a local character analysis to be valid it should show that a property be compatible with not only the immediate context (the site and adjoining properties) but also the street context and the wider suburb context. Essentially a development should be "capable of existing together in harmony".

Using this as a guide, the "character test" of the current proposal is the relationship between the proposed development and the physical and visual impact to the adjoining properties, immediate streetscape and the 'wider context' within 500 metres of the subject property.

Summer Hill is a pleasant, quiet agreeable suburb and is unique in the inner west as it has retained the atmosphere of a small village, with narrow tree lined streets and predominantly Victorian and Edwardian detached and semi-detached cottages interspersed with the occasional modest home unit buildings.

4.1 Physical Impact

4.1.1 Noise

The clinic hours are from 6.00am to 4.00pm each weekday and 8.00am to 11.30 weekends and public holidays. There is often a congregation of patients who wait outside before opening at 6.00am. (see enclosure) They are often extremely noisy anxiously waiting for the clinic to open. Loud motor vehicles with noisy exhausts and radios blaring start arriving from 5.30am and continue throughout the day. The operation of the proposed boarding house will only increase the noise as residents leave for work and start their motor vehicles in the street.

I acknowledge that there will be a Plan of Management in place and the duties of the manager is to control noisy residents and unacceptable behaviour. However, generally residents in boarding houses are either transient or intend staying only for a short period and more likely than not have minimal obligation to respect the rules.

However, the writer recognises that boarding house residents cannot be stereotyped into any particular behavioural group and is not objecting as such. The issue of the impact of boarding house residents upon the amenity of the area was considered in *New Century Developments Pty Limited v Baulkham Hills Shire Council* [2003] NSWLEC 154 and it was found that "the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be

objectively assessed before a finding can be made of an adverse effect upon the amenity of the area".

Already Police regularly patrol the streets of Summer Hill and "stop and search" persons whom they suspect of illegal activity. These people are either associated with the clinic or possibly either selling or buying drugs. Despite there being a rule that patients and associates cannot gather at the front of the Clinic it is never enforced by the staff as I have been advised by staff that as it is a public street they have no legal power to move people on.

The evidence is clear that building a property housing 43 young vulnerable people in accommodation that will have a methadone clinic on the same premises is not compatible with providing a safe environment for boarding house residents. In addition, the proximity of a high density residential development breaches the NSW Health Guidelines for where a methadone clinic can be situated.

4.1.2 Privacy for neighbours:

Both the South side and North side will overlook existing properties. Despite screens being installed on the verandas there is an unacceptable loss of privacy

4.1.3 Overshadowing.

The shadow diagrams clearly indicate that the building will overshadow the property on the south side. The property is one of a pair of a unique two storey Victorian Villas which have been extensively restored so that they retain the architectural elements of the era. Ashfield Heritage study described the two properties as having attractive detailing, including expansive cast iron work and distinctive architrave and keystone ground floor windows.

4.2 Visual Impact:

4.2.1 Architectural styles.

The proposal is to demolish a large section of the existing single storey building and replace it with a modern two storey addition while retaining the Methadone clinic in the North East corner of the building.


The streetscape of Moonbie St. has a number of buildings of Heritage importance which provide a sense of coherency, modulation and rhythm which all contribute to the character of the whole. This is consolidated through repetition of identical building elements such as modulation, shingles gables, chimneys, doors or windows, terraces, entrances, fences, building material or other building details along the streetscape. (see Ashfield LEP Schedule 5, Nos. 2,3,5,15-17,21,30-32,36-38,41,58,74-76 Moonbie St.)

It is almost impossible to comprehend that an architect could have imagined that juxtaposing a modern two storey building against a single storey unimposing building could possibly have any architectural merit. The façade of the proposal is of a style which could be best described as "office modern" and totally the opposite to the architectural styles of the street. The bulk and scale of the new development will have an adverse visual impact on the existing character of the street,

Features such as exposed brickwork, brick pillars with aluminium and glass in-fills, square box- like verandas and extensive use of exposed glass , aluminium framed

windows and the 'saw tooth' roof are not compatible and consistent with the overall context of the street.

Overall, the development does not satisfy the relevant aims, objectives and standards outlined in the above documents. It is inconsistent with the residential character of the neighbourhood and introduces a further element of disruption to an already stressed village environment. Not by any stretch of the imagination that the development could be considered to be "in harmony" with the area.



Paul and Denise Gallagher
9 Moonbie St.
Sumner Hill
0458776675
16th December 2015

(See enclosure)



1) Parking by patients



2) Parking by patient with truck



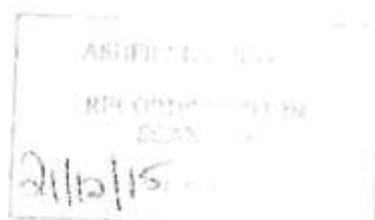
3) Parking by patients



4) Typical congregation of patients outside clinic

16 December 2015

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131



Attention: Mr Philip North

Dear Philip

Re: Your Reference: Development Application No. 10.2015.240
Proposed Alterations & Additions, First Floor Additions, Change Of Use To Boarding House
11a Moombe Street, Summer Hill, NSW, 2130

Further to the receipt of your notification of the above development application we hereby submit the following objection to this proposal. Matters for concern are as follows:

Car Parking

The extent of proposed on-site car parking to be provided is considered substantially inadequate. Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Clause 29 (2)(e) sets out minimum car parking standards as:

(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room

Although the application purports to provide 4 on-site car parking spaces, review of the proposed scheme reveals a proposed parking arrangement that includes for 2 of these spaces configured as tandem parking spaces.

Tandem parking is considered impractical, unwarrantable and non-compliant with the relevant standards. Therefore under the current scheme only 3 potentially viable car parking spaces are provided. This represents a significant shortfall from the 6.4 spaces that would be required under the SEPP for a proposed accommodation rate of 32 boarding rooms.

Floor Space Ratio

With a site area of 1,570.21m², the application cites a total proposed floor area of 1,145.6m² resulting in an FSR conversion of 0.72:1. Under the terms of the SEPP an FSR of 0.7:1 is permitted.

Closer review of the proposed development and approximate measurement of the floor plans (including the floor area of the existing retained tenancy on site) informs an approximate total proposed floor area in the order of 1,275m². This converts to an FSR of around 0.81:1 and represents a proposed overdevelopment of permissible floor space in the order of 170m².

Streetscape & Heritage

Although the subject premises is not listed for any historical significance it both abuts and lies amongst a number of heritage items located on Moombie Street and Bartlett Street, as well as a general heritage conservation area to its east.

The current single storey building bulk and central tower form part of a unique, coherent and memorable streetscape. The proposed partial redevelopment of the Moombie Street fronting building is considered aesthetically odd with the result being an incohesive façade and an incoherent Moombie Street streetscape.

Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009 Clause 30A it is considered that the design of the development is not compatible with the character of the local area.

Scale & Building Bulk

The current building form is single storey throughout the site. The development proposes substantial modifications and extensive first floor additions both at the Moombie Street alignment as well as centrally within the site.

The proposed first floor additions, particularly those located centrally within the site, are considered intrusive and unsympathetic to the predominantly private open space and modest single storey scale of the immediate surrounding neighbours' rear yards.

Standards related to landscape ratios, private open space, accommodation size etc. have not been considered in this submission.

Conclusion

Given the short fall within respect to on-site parking, the excessive FSR proposed, the incohesive Moombie Street streetscape and the excessive and unsympathetic building bulk proposed, particularly centrally within the site, it is considered that the scale and proposed population density of the development represents significant overdevelopment of the site.

Accordingly we hereby request Council refuse the above development application.

We trust that you find the above satisfactory and request Council notify us of progress and the outcome with respect to the above development application. Should you have any queries or wish to discuss any of the above further please do not hesitate to contact the undersigned as necessary.

Yours faithfully

David Smith (tenant)
11 Moombie St.
Summer Hill

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill -- Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Summer Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 178 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

I wholeheartedly disagree with the council opposing this proposal. For all the above mentioned reasons, any development will have detrimental effects not only for the residents of Moonbie, but also surrounding streets that form the suburb of Summer Hill as a whole.

Name: Kathryn & Stewart McKee
 Home address: 5 Moonbie Street, Summer Hill 2130.
 Email address: stewartm@silicancontrols.com
 Phone number: 0407 958 233 0417 279 590
 Signature/s: *K McKee* *Stewart McKee*

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

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Name: Seigo MABUCHI Tomoko MABUCHI

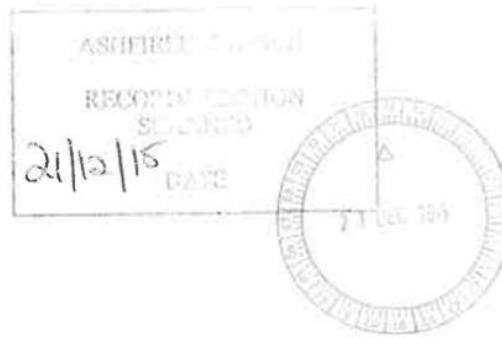
Home address: 3/36 Moonbie Street

Email address: seigomabuchi@gmail.com

Phone number: 040 2671077

Signature/s  

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill - Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

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The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

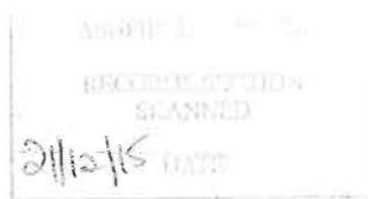
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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: **TRANQ DUNCANSON**
Home address: **20 MOONBIE ST SUMMER HILL NSW 2130**
Email address: **trang.duncanson@gmail.com**
Phone number: **0405 437 898**

Signature/s





Friday 18th December 2015

Thorin & Eugenia Munro

16 Moonbie Street

Summer Hill NSW 2130

ASHFIELD COUNCIL

PO BOX 1145

ASHFIELD NSW 1800

RE: Development Application 10.2015.240 / 11a Moonbie Street Summer Hill

"Alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons."

To The General Manager,

As long term owners and residents of 16 Moonbie Street, my wife and I **strongly object** to the current Development Application for 11a Moonbie Street.

1. The proposed purpose, design and scale of the building are completely out of character with the surrounding locality.
2. A 32 room building is not a 'house' but an apartment complex. This would be a large concentration of boarding house residents and raises concerns about how these residents would integrate with the current community.
3. The proposed retention of a small section of the current building occupied by the methadone clinic, dwarfed by a larger complex is an aesthetically poor outcome for the streetscape.
4. Resident parking on Moonbie Street (and surrounding streets) is already a major problem. The DA proposes to include only 4 car spaces for 43 residents. This is completely inadequate.

This proposal reminds me of the battle Summer Hill residents fought over the train station upgrade. The initial (cheap and nasty) proposal for the train station was completely out of character with Summer Hills village atmosphere. Resident pressure eventually forced State Rail to design a station in keeping with the village feel and today everyone enjoys the amenity of a valued piece of infrastructure.

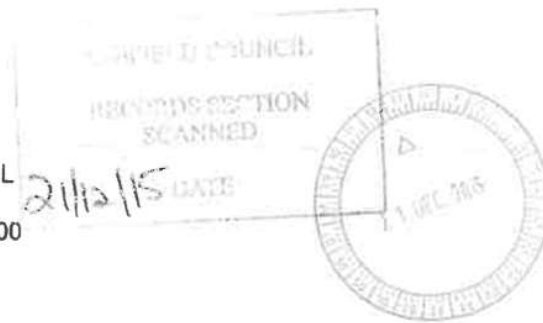
The current developments along Smith Street and at the Mill are also in general keeping with the suburbs character as a result of the high community expectations. In contrast to the past excessive apartment complex development proposed above the IGA Supermarket which was rightly rejected.

We agree 11a Moonbie Street DOES need to be redeveloped. The current proposal is very poor and we want Ashfield Council to reject it and advise the developer to 'go back to the drawing board'.

Thorin Munro

Eugenia Munro

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill -- Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Sumner Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 178 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: DAVID CARTER + CHIEL DEAN

Home address: 6/24 MOONBIE ST, SUMNER HILL, NSW 2130

Email address: drcarter007@gmail.com

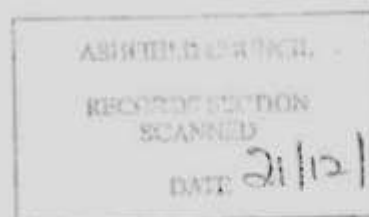
Phone number: 04179 79426

Signature/s

19 December, 2015

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131



Attention: Mr Philip North

Dear Philip,

Re: Your Reference: Development Application No. 16.2015.249
Proposed Alterations & Additions, First Floor Additions, Change Of Use To
Boarding House 11a Moonbie Street, Summer Hill, NSW, 2130

We have a number of concerns about this proposal which are set out below.

Parking

The legislated minimum parking space requirement for a boarding is 0.2 spaces for each boarding room. This proposal is for 32 boarding rooms requiring 7 (32 x 0.2=6.4) parking spaces, but only 4 spaces are planned, of which 2 are tandem. This does not satisfy the SEPP and is considerably below what common sense suggests will be the actual parking demand generated by 43 boarding house residents and their visitors.

Furthermore, the proposal also appropriates the parking spaces currently used by the clients and staff of, and suppliers to, the United Gardens Clinic (UGC), which is planned to continue to operate on the site. The whole of the existing car parking area is in continual use during UGC opening hours. This displaced parking together with the parking demand, unaccommodated by the boarding house, will place even more pressure on the already stretched parking available in surrounding streets.

Traffic and pedestrian movement around the UGC can be chaotic and the restricted parking access is likely to pose a safety hazard especially since exit will require backing into Moonbie St. The proximity of a child care centre adds further importance to considerations of safety.

Site overdevelopment

The proposal follows the footprint of the existing building, which fills almost the entire block, and extends it to a second storey. The only exceptions to this height expansion are the front half of the building used by the UGC and the proposed rear deck. While the application acknowledges that the FSR exceeds the limits specified in Ashfield LEP 2013 and DAP 2013, inspection of the plans submitted suggests that the quoted FSR may be a severe understatement. Council should investigate the veracity of the claimed FSR. Particular issues are the treatment of the floor space of the existing UGC, deck and the driveways.

In addition, the proposal does not meet Ashfield DAP C15, for R2-zoned areas, which requires 50% of the area of sites of more than 601m² to be landscaped. Reduction of the building footprint, a smaller two storey expansion and provision of suitable landscaping might partially mitigate the impact of the immense scale of the proposal on the surrounding houses and the streetscape of Moonbie St.

Building form and appearance

Moonbie St. contains a number of buildings of heritage importance which provide a sense of coherency, modulation and rhythm and which all contribute to the character of the whole. This is consolidated through repetition of identical building elements such as modulation, shingles, gables, chimneys, doors, windows, terraces, entrances, fences, building material and other building details along the streetscape. (see Ashfield LEP Schedule 5).

The proposed boarding house form and appearance is not compatible with the design principles set out in Ashfield LEP and DAP 2013. Parts C15 and C18. Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009 Clause 30A the design of the development is not compatible with the character of the local area.

The two story extension of the rear has a saw tooth roof which will introduce massive bulk right up to the boundaries of the neighbouring houses. The scale of the saw tooth extension dominates, giving a strongly industrial feel to the elevation completely out of character with the surrounding Victorian and Federation houses. This roof with its coarse industrial appearance will be visible in Moonbie St and is inconsistent with any other roof form in the immediate area. It will be particularly jarring in the context of Moonbie St.

The existing uniform front elevation provided by the post-war hospital and the central tower of the original building, will be broken in half and the tower demolished. On the right of the elevation facing Moonbie it is proposed to keep the section used by the UGC (together with its decidedly temporary looking timber lattice and stair entrance) while at the left, the uniform façade will be broken by a group of four bays of two storey glass and aluminium framed studio apartments (rooms). The overall effect is to produce what looks like four separate buildings, each with its own design aesthetic and with no consideration given to integrating the whole. Only perfunctory consideration has been given to any softening of the complexity by the use of landscaping which is relegated to minimal planter boxes.

Social Impact

The UGC is a focal point for frequent police operations combating drug and other criminal behaviour. The co-location of a boarding house with the UGC presents serious risks of amplifying the anti-social behaviour that occurs outside the clinic.

Loss of Privacy for neighbours.

The proposed development will significantly compromise the privacy of the neighbouring properties especially 11 and 15 Moonbie and 6 and 8 Bartlett. Notwithstanding the provision of privacy screens, the proposed second-storey balconies and large glass-framed windows are so close to the boundaries of

neighbouring houses that they will look directly onto their bedrooms, bathrooms living areas and outdoor space. As such, it is in conflict with Ashfield Council standards as set out in the Ashfield Development Control Plan 2007, Section C15, part 5.5.

Conclusion

The proposal it is not compatible with the character of the locality and surrounding buildings and it is an overdevelopment of the site. It would have numerous adverse impacts on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2.

We regard these issues as being sufficiently serious to request Council reject the development application.

We request that Council notify us of progress with its consideration of the development application and the outcome. Should you have any queries or wish to discuss any of the above further please do not hesitate to contact us.



Glenn Jones and Elizabeth Savage

27 Short St.
Summer Hill
NSW 2130

phone 9798 6433
0409999617
email glennstewartjones@gmail.com
elizabeth.savage@uts.edu.au



Mr B J Robertson
215 Victoria Street
Ashfield NSW 2131

20th December, 2015

General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131

Submission, Re Development Application for – 11A Moonbie St, Summer Hill.
Lot: C DP: 310221

Application No: 10.2015.240

Dear Sir/ Madam,


I am the owner of 2/26 Moonbie Street Summer Hill, a ground floor unit opposite the proposed development. Having viewed the application and plans for the application, I provide the following comments and concerns.

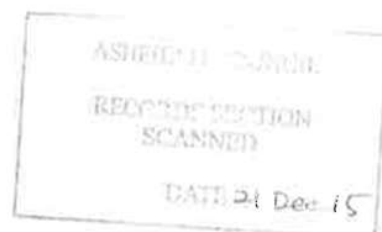
Only four car parking spaces for a complex housing 32 rooms is of concern, especially given that it was deemed necessary to introduce restricted parking very recently. It was because of existing lack of parking in the immediate area. Residents, their guests and delivery services to the building will require much more parking than that shown in the plan.

The overall complex lacks visual appeal. It is to be formed from a hodge-podge of profiles. Of major concern is the northern face of the building when looking south from Moonbie Street. You are presented with a two storey bland brick windowless wall. This detracts from the aesthetic appeal of the street.

I would like to thank Council for the notification of the development and the opportunity to express my opinions on it. I hope you take my points into consideration when appraising the development application's current form.

Yours sincerely,


Bernie Robertson





OBJECTION TO DA FOR 11A MOONBIE STREET SUMMER HILL

Craig Martin

to:

info

20/12/2015 11:28 PM

Cc:

cestott, the.lofts, jeanettewang168, monicawangmann, ecas, lucille.mckenna, vittorias.raciti, mark_drury, mansour.morris, max, craig

Hide Details

From: "Craig Martin" <craig@kareela.net.au> Sort List...

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

Cc: <cestott@hotmail.com>, <the.lofts@bigpond.com>,

<jeanettewang168@gmail.com>, <monicawangmann@gmail.com>,

<ecas@bigpond.net.au>, <lucille.mckenna@bigpond.com>,

<vittorias.raciti@gmail.com>, <mark_drury@bigpond.com>,

<mansour.morris@gmail.com>, <max@ashfieldliberals.com.au>,

<craig@kareela.net.au>

5 Attachments



image001.jpg image002.jpg image003.gif image004.gif DA 10.2015.240 Objection 20 December 2015.pdf

Hello Ashfield Council Planning Dept.

Please find my letter of objection to DA 10.2015.240 attached.

I object to this application as it is an over development of the old hospital and will socially and environmentally effect the amenity of my and other properties around 11A Moonbie Street. The methadone clinic has been a social issue in Moonbie St, but the proposed boarding house above it will amplify the issues and make Policing the area much harder.

Please notify of your receipt of this letter. Thanks.

Regards,

Craig Martin
Director



P 0415 074 578
E info@kareela.net.au
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NSW 276100C

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20 December 2015

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131

OBJECTION TO DA FOR 11A MOONBIE STREET SUMMER HILL – BOARDING HOUSE

Application No: 10.2015.240

Works proposed

Alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons. Part of the existing ground floor of the building will continue to be used for health related issues (presumably the current methadone dispensary, United gardens Clinic).

Overall Objection

The proposal should not be approved because

1. it is not compatible with the character of the locality and surrounding buildings and
2. it is an overdevelopment of the site which would have numerous adverse impacts on neighbouring properties and the amenity of their residents.
3. The methadone clinic has never been an approved business within the old hospital building.
4. This is a totally inappropriate social experiment in a quiet suburban street and suburb

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2

Preamble

In summary, this is a poorly conceived and designed development proposal and should not be approved. The plans are ugly and do not accurately show the proposed building and the effects on the neighbouring properties. There is no privacy for the neighbours. There will be an unacceptable amount of shading to neighbours.

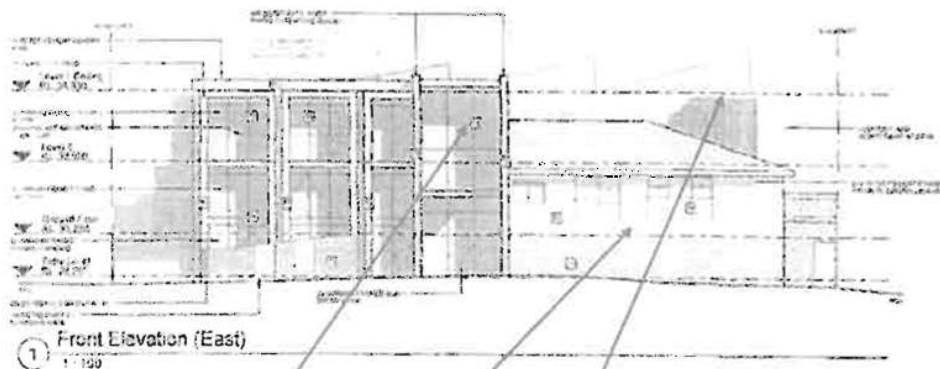
This development appears to be marketed/targeted to the drug community that require the methadone clinic. How will antisocial behavior be managed? How will loud noise and smoking be managed so as to not effect the neighbours? How is traffic and parking going to be managed when the street is already straining at the moment? How is potential drug abuse going to be managed within the building.



Current view of 11A Moonbie Street with 19th century houses at either side. Taken from Google Street View

The original Victorian portico can be seen.

Note person loitering outside the clinic. At times this can grow to a crowd of up to 10 people, even though people are not allowed to loiter around the front of the clinic.



Proposed view 11A Moonbie Street.

Existing Methadone clinic to remain in place and not match the new ultra-modern structure and not in character with the predominately 19th century housing.

The new ultra-modern structure will remove the last remaining original Victorian feature of this building, the old front entry Portico

Industrial saw tooth roof profile at the rear of the proposed development is not in character with the predominately 19th century housing.

Detailed Objections and Proposed Actions



11A Moonbie Street original frontage in back ground

1. It is not compatible with the character of the locality and surrounding buildings

The original ornate Victorian frontage of 11A Moonbie Street was predominately demolished in the early 1960's to create a private hospital, United Gardens.

The building is currently an eyesore and not in keeping with the remainder of the heritage houses in the street. Luckily the original raised Portico is still visible above the ugly concrete block frontage.

The proposed development plans show the retention of half the ugly 1960's frontage, with a

modern industrial and cubist exterior build beside it and behind. There is no relationship or cohesion within the design. The elevation is totally out of character with the predominately 19th century housing in the street and is considered to be an eyesore on the street for future generations.

The elevations are inaccurate to disguise the bulk of the proposed structure. The drawn existing roof line has been doubled in pitch to what is on site. The dimensions don't match from one plan to the next. No overall height from the street has been declared.

The reference to boarding houses in the area is inaccurate, as they have failed, closed down and have become family homes. There is no medium density in the street other than a few 1960's unit blocks. No more have been built or proposed as the area is a low rise family area that attend the local school and day care.

The retention of the methadone clinic half of the building demonstrates this is a money orientated development. The chemist in the village dispenses methadone and could easily take up the extra clientele. In fact, almost all chemists dispense methadone and therefore a clinic in a suburban street is not appropriate.

2. It is an overdevelopment of the site which would have numerous adverse impacts on neighbouring properties and the amenity of their residents.

Over Development: As a resident of Ashfield Municipality, how would you like to have up to 43 people living next door, or across the road, on a property that should house 3.75 dwellings x 3-4 people per residence? This is an over development by 28 persons or 20.75 bedrooms and should not be allowed in any area of the Municipality.

Car Parking: As a property owner in Moonbie Street, we regularly find it extremely difficult to find parking for our car and have to park streets away from our house. We found the majority of people attending the methadone clinic came by car or taxi, thereby clogging the street and regularly double parking. I believe that the clinic should have at least 10 off street parking spots for staff and clients. This is in addition to the requirements of the proposed boarding house.

It has been calculated that the boarding house development requires a minimum of 6 spaces to comply. This calculation is assuming that only 13.9% or only 6 people out of 43 will have a car. The 2001 Census found that 44% of people in Summer Hill drove their car to work daily. The 2011 Census found that there is an average of 1.1 motor vehicles per dwelling/residence. Therefore base on this Census information, I calculate that there will be an additional 19 to 35 cars looking for parking spots in Moonbie Street if the development is approved.

Fire prevention The proposed development is inside 2.00m from the boundary. What precautions are planned for fire prevention from the proposed building into my heritage home next door?

Loss of amenity:

View and Summer Sea Breezes

The plans for the proposed development do not show the visual impact on 15 or 11 Moonbie Street. The single storey building that has been there for 50 years will be replaced with a very bulky 2 storey structure.

The plans show the proposed building to be 4.500m above natural ground. This is only achievable if the floor to ceiling heights were 1.5m. The street frontage will actually be approx. 10.5m above the curb or 9.0m above the current driveway.

All views and summer sea breezes will be blocked to the 1st floor windows to 15 Moonbie Street. Google photo below, taken in late Autumn showing the amount of sunlight on the north wall of 15 Moonbie.

The bulk of the proposed structure will impact the properties on Bartlett Street. The properties of 6 to 17 Bartlett Street will lose views to the city and North Sydney.

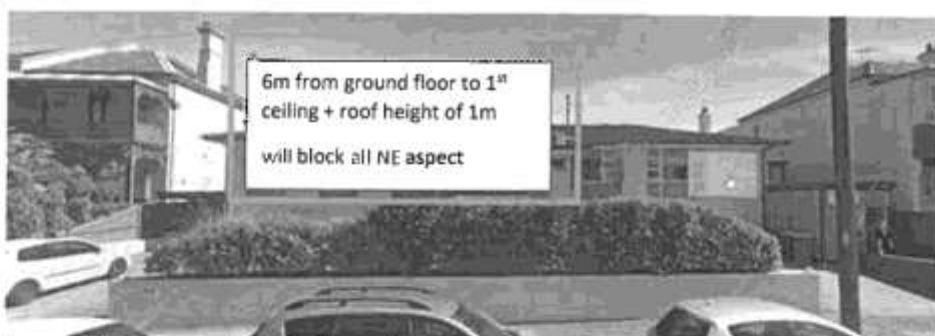


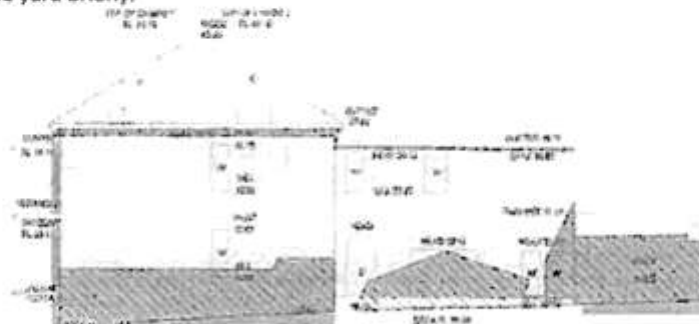
Image of the proposed bulk of the application. Approximately 10.5m above street level. The existing roof of 11A is not accurately depicted in the DA plans.

Over Shadowing: The supplied shadow diagram showing the existing shading to 15 Moonbie Street from the existing building at 11A is grossly exaggerated. The proposed development shadowing to 15 Moonbie is considered to be accurate and should not be allowed to proceed.

The excellent feature of 15 Moonbie, is that the North Elevation receives full sun all day

throughout winter, thereby passively warming the house. If the existing 11A building created as much shading to 15 Moonbie as shown, we would not have as much sun damaged furniture, window furnishings and window timber.

The back yard is sunny almost all year long, with the exception of the mornings where our own house shades the yard briefly.



3 Elevation Existing impact - 12pm Winter

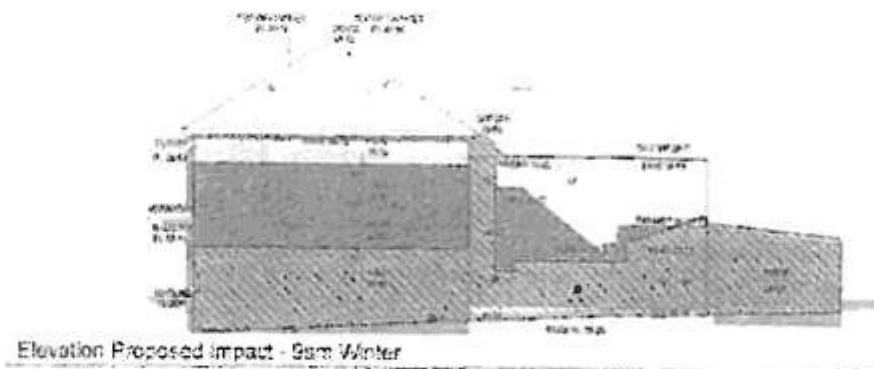


If the rear yard of 15 Moonbie St received the shading that the developer shows in the shadow diagrams for winter, the boys wouldn't be casting a shadow. The north side fence is only 2.5m behind the boys.



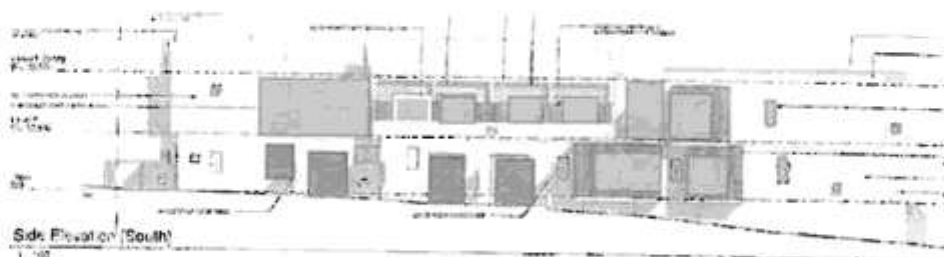
If the living rooms of 15 Moonbie St received the shading that the developer shows in the shadow diagrams for winter, the rooms wouldn't be so sunlit. The north side fence is only 0.9m behind the right hand wall.

If the development is approved, these rooms and side yard would be in constant shadow for at least 6 months of the year.



Loss of Privacy

The proposed plan shows a lot of glazing facing into the private rear yard and windows of 15 Moonbie Street. This is totally unacceptable and would make living in our house like living in a fish bowl as there is no privacy.



The windows marked in yellow are considered to view directly into the rear yard and the north facing windows. There is only 3m between the two buildings and the proposed privacy screens will be ineffective for privacy, reducing noise and smoking smells blowing into the north facing bedrooms of 15 Moonbie St.

The windows marked in brown and the 1st floor balconies are considered to be locations where people will smoke and drink and be noisy at all hours of the day and night.

When 11A was being used as a care facility for epileptic patients, we lodged complaints with management about staff congregating on the southern side of the building to smoke and talk loudly at all times of the night and day. The noise and smoking smells was disruptive to our young children and will be the same for our tenants children.

3. The methadone clinic has never been an approved business within the old hospital building.
When the NSW state government shut down the United Gardens Private Hospital in the late 1980's the property owners opened a methadone clinic. They claimed that the same/similar business was being carried out and no DA for change of use was required. The use has changed from a hospital with patients, to a walk in walk out drug dispensary where people take the methadone with them for weekends. The staff arrive at 5.30am and the clients start arriving from 5.45am for a 6.00am opening.

Clients of the clinic do loiter around the front of the building before and after their treatment. Sometimes this loitering can be for hours at a time. Needles have been found on the footpath in front of 15 Moonbie St. Police have been called to break up disputes and drug deals in front of the clinic and also in the Summer Hill plaza. With the proposed addition of accommodation for 43 people on the same site, it will become impossible for the Police to patrol and monitor antisocial behaviour.



4. *This is a totally inappropriate social experiment in a quiet suburban street and suburb*
Quite honestly this DA is complete madness and will result in a social disaster that will haunt Summer Hill for evermore. Drugs, crime, violence and traffic issues.

This is a proposed boarding house for socially disadvantaged and vulnerable people that are probably trying to get their lives back in order due drug addiction, domestic violence or time spent in goal. Common sense says that these are the last people that should be housed above a methadone clinic as they are trying to escape some of the characters/elements that frequent the clinic.

Any person that honestly wants to escape drugs and that crowd wouldn't want to live at this proposed boarding house. I sincerely believe the tenants will be undesirable and drug dependant, resulting in the boarding house ending up being a drug den or brothels.

Social experiments have found that putting people with the same issues together result in all the subjects getting worse, not better. So, unfortunately I envisage drug effected people using the rooms for sales, distribution and drug taking. The big concern would be an ICE epidemic

within this building and the potential violence to other residents and neighbours.

Conclusion - Vision for a sympathetic development for 11A Moonbie St.

This proposal should be rejected as it is not compatible with the character of the locality, surrounding buildings and it is an overdevelopment of the site. It would have numerous adverse environmental, visual and social impacts on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2.

Unfortunately, the current building on the site has no merit and has a negative impact on neighbours and streetscape. The best solution is demolition.

The size of the site would allow two pairs of 2-storey semi-detached houses (four family dwellings). These should be aligned with and of similar style to Nos 15 and 17 Moonbie St, which are heritage listed. If the design, construction and materials were of high quality, they would sell for at least \$2,000,000 each on the current market and return a good profit for the developer. Such a development would enhance Moonbie St and improve the amenity of its residents, which is surely what all land development should do.

The dominant current character and desired future character of the vicinity is single family dwellings, which is what the site should be used for, not for methadone clinics or boarding houses. Previous boarding homes in the street failed and became family homes.

Summer Hill is a family suburb with a great sense of community and does not deserve this poorly and inappropriately planned development, that is a grab for profits at the expense of the local people by this developer. Please reject this development application for the change of use of the hospital into a boarding house.

Thank you for considering my submission. Please contact me (details below) for further discussion of this matter.

Craig Martin
Owner
15 Moonbie Street, Summer Hill 2130.

Phone 0415 074 578
Email craig@kareela.net.au



Your Reference DA 10.2015.240
Christian Nakkash
to:
info
18/12/2015 01:49 PM
Hide Details
From: "Christian Nakkash" <christian@nakkasharchitects.com.au>
To: <info@ashfield.nsw.gov.au>,
Please respond to <christian@nakkasharchitects.com.au>

1 Attachment



151218 Ashfield Council Letter Of Objection 11a Moombie Street Summer Hill DA 10.2015.240 LH.pdf

To the General Manager

Dear Sir/Madam

Re:

**Your reference: DA 10.2015.240 – 11A Moombie Street, Summer Hill, NSW, 2130
Proposed Alterations & Additions including first floor additions to existing building and
change of use to a 32 room boarding house accommodating 43 persons**

Please find attached our letter of objection to the above DA for your consideration and file.

Any queries, please don't hesitate to call.

Thanks & regards,
Christian

Christian C. Nakkash

Nakkash Architects
Architecture | Interiors | Project Management
Registration No. 7002

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18 December 2015

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131

Attention: Mr Philip North

Dear Philip

Re: **Your Reference: Development Application No. 10.2015.240**
Proposed Alterations & Additions, First Floor Additions, Change of Use to Boarding House
11a Moombie Street, Summer Hill, NSW, 2130

Further to the receipt of your notification of the above development application we hereby submit the following objection to this proposal. Matters for concern are as follows:

Car Parking

The extent of proposed on-site car parking to be provided is considered substantially inadequate. Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Clause 29 (2)(e) sets out minimum car parking standards as:

(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room

Although the application purports to provide 4 on-site car parking spaces, review of the proposed scheme reveals a proposed parking arrangement that includes for 2 of these spaces configured as tandem parking spaces.

Tandem parking is considered impractical, unworkable and non-compliant with the relevant standards. Therefore under the current scheme only 3 potentially viable car parking spaces are provided. This represents a significant shortfall from the 6.4 spaces that would be required under the SEPP for a proposed accommodation rate of 32 boarding rooms.

Floor Space Ratio

With a site area of 1,578.21m², the application cites a total proposed floor area of 1,145.6m² resulting in an FSR conversion of 0.72:1. Under the terms of the SEPP an FSR of 0.7:1 is permitted.

Closer review of the proposed development and approximate measurement of the floor plans (including the floor area of the existing retained tenancy on site) informs an approximate total proposed floor area in the order of 1,275m². This converts to an FSR of around 0.81:1 and represents a proposed overdevelopment of permissible floor space in the order of 170m²

Streetscape & Heritage

Although the subject premises is not listed for any historical significance it both abuts and lies amongst a number of heritage items located on Moombie Street and Bartlett Street, as well as a general heritage conservation area to its east.

The current single storey building bulk and central tower form part of a unique, coherent and memorable streetscape. The proposed partial redevelopment of the Moombie Street fronting building is considered aesthetically odd with the result being an incohesive façade and an incoherent Moombie Street streetscape.

Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009 Clause 30A it is considered that the design of the development is not compatible with the character of the local area.

Scale & Building Bulk

The current building form is single storey throughout the site. The development proposes substantial modifications and extensive first floor additions both at the Moombie Street alignment as well as centrally within the site.

The proposed first floor additions, particularly those located centrally within the site, are considered intrusive and unsympathetic to the predominantly private open space and modest single storey scale of the immediate surrounding neighbours' rear yards.

Standards related to landscape ratios, private open space, accommodation size etc. have not been considered in this submission.

Conclusion

Given the short fall with respect to on-site parking, the excessive FSR proposed, the incohesive Moombie Street streetscape and the excessive and unsympathetic building bulk proposed, particularly centrally within the site, it is considered that the scale and proposed population density of the development represents significant overdevelopment of the site.

Accordingly we hereby request Council refuse the above development application.

We trust that you find the above satisfactory and request Council notify us of progress and the outcome with respect to the above development application. Should you have any queries or wish to discuss any of the above further please do not hesitate to contact the undersigned as necessary.

Yours faithfully



Christian C Nakkash
Nakkash Architects

c/o: 2 Bartlett Street, Summer Hill, NSW, 2130 email: christian@nakkasharchitects.com.au



11A MOONBIE STREET, SUMMER HILL – DEVELOPMENT APPLICATION NO:
10.2015.240 - LETTER OF OBJECTION

Scott Murray

to:

info

18/12/2015 05:54 PM

Hide Details

From: Scott Murray <scottmurray222@gmail.com>

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

1 Attachment



Letter to Ashfield Council 18.12.15.pdf

Please see attached letter of objection.

Can you please confirm receipt.

Thank you

Scott Murray

18 December 2015

Ashfield Council
General Manager
P.O. Box 1145
Ashfield NSW 1800

**RE: 11A MOONBIE STREET, SUMMER HILL – DEVELOPMENT APPLICATION NO: 10.2015.240 -
LETTER OF OBJECTION**

Dear General Manager

As you are aware Council has received a Development Application No 10.2015.240 (DA) for alterations and additions to the existing building at 11A Moonbie Street (**Premises**) and also change of use to a 32 room boarding house. It is proposed the boarding house will accommodate 43 persons, with part of the ground floor to be used for health related uses.

I am writing to you to formally object to the DA.

I (with my family) have been the owner/resident of the property at 7 Moonbie Street for the last 19 years. Our house is approximately 30 metres away from the Premises and we are the third closest neighbour on the northern side of the Premises.

We are all extremely concerned by the proposed development which is a gross intensification of the current use of the Premises. Having reviewed the publicly available information it is clear the DA contravenes the relevant planning controls and will result in multiple adverse impacts and it should be refused by the Council. Further given the nature of the proposed use as described in the DA it is fundamentally at odds with the public interest.

Our objection to the proposed development is as follows.

1. No adverse impacts on adjoining properties

Section 1 of the Ashfield Interim Development Assessment Policy 2013 (IDAP) – Part C18 Boarding Houses identifies the objective that the development should *‘ensure an acceptable level of amenity and accommodation in Boarding House premises such that they meet the needs of both residents and have no adverse impacts on adjoining properties’*.

Section 2.2– Part C18 of the IDAP further states *‘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'. Section 2.3 (b)– Part C18 of the IDAP states boarding houses 'must not adversely impact on adjoining properties through loss of privacy, overshadowing, noise and view loss'.

Privacy

The proposed development will compromise our privacy. Whilst it is difficult to assess on the limited information available, a two storey building built to the back of the Premises, is likely to have views into our backyard (and swimming pool) area which is used by my family as our 'private area'. Currently no other buildings have a view of this area. This is an unacceptable impact to the amenity of our residence. A second storey that allows such views should not be permitted.

Traffic and Parking

The proposed parking and traffic management arrangements have an unacceptable impact on the amenity of Moonbie St for all users of the street. The increase in traffic further represents a safety risk.

The planned car parking provisions (1 car parking space per 6.4 residents) contravene the minimum 1:5 ratio prescribed by New South Wales Government State Environmental Planning Policy (SEPP) for Affordable Rental Housing. The assumption that 43 residents and their associated visitors would only require 4 car spaces is inaccurate and under-represents actual use. On any objective assessment the proposed use will generate a higher level of parking demand which is clearly unacceptable in an already congested area.

This issue is compounded when you consider the traffic and parking required by the clients and staff of the United Gardens Clinic (UGC) which operates from part of the building. Nearly every day of the year upwards of 50 cars visit the UGC and these cars sometimes double park from approximately 6am in the morning. This creates a danger for road users and pedestrians alike. Much of the available street parking is already used by train commuters and local residents and businesses. Council officers would be aware of this.

The parking pressures identified above would result in a significant adverse impact to local traffic flows and a significantly increased hazard to pedestrians, as increased numbers of vehicles circle the Moonbie St area to find a car park. Moonbie St is the main daily pedestrian route for several hundred students of Summer Hill Public School and Summer Hill Children's and Community Centre. It is the main route to and from the station, to the SHARE out of school hours care program and to Darrell Jackson Gardens. Many students currently walk or ride bikes and scooters unaccompanied by adults along the footpath. It is one of the key student thoroughfares in Summer Hill and Ashfield. Most importantly it is predominantly used by primary school students, parents and carers. It is unreasonable to expect vulnerable young people to be aware of and responsive to the risks created by increased traffic and parking on Moonbie Street. Further it is obvious the Premises

cannot cater for the increased parking demand on site and therefore the only alternative is on-street parking which is clearly unacceptable.

Noise

We currently suffer noise impacts from the Premises mainly from the vehicles of clients of UGC and from the regular loud conversations from pedestrian patients walking to UGC from Summer Hill Station from early in the morning. This noise will only be exacerbated by a construction period followed by the noise generated by 43 extra residents and associated traffic throughout the day and night. Two of our bedrooms are at the front of our house and I am concerned that the development will cause a material increase in sleep disturbance for my family. Any Operational Plan of Management to purportedly address noise is unsatisfactory. The reality is that any plan will not be able to be properly and fully policed or enforced.

2. Scale & Overdevelopment

The building proposed at the Premises is of inappropriate bulk and scale in comparison to the surrounding homes and will produce a negative visual impact for Moonbie Street. It represents gross over development of the site. The building sits close to all boundaries, proposes minimal landscaping, trees or green spaces. The proposal to devote the front of the development as a driveway is unlike the rest of the street. Put simply it is incompatible with the context, design, site coverage, setbacks, bulk and scale of the local area. I urge the Council officers to take a walk down Moonbie Street and to see for themselves how the current building and the proposed new building are out of character with the streetscape and the ambience of the pedestrian and a pre and primary school environment.

The proposed boarding house building is contrary to Council's own to: *"to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views"* and *"all developments, including alterations and additions to boarding houses are to maintain consistency with the character of the locality"* and identifies as a control that developments must aim *"to integrate buildings successfully within the existing streetscape in terms of their built form and environmental impact"*.

I am reliably informed that the proposed building also infringes the Floor Space Ratio in the Ashfield LEP 2013.

3. Social and economic impacts

This application fails to address the fact there is an intrinsic social risk to residents of co-locating a boarding house with the UGC (a clinic treating clients for drug addiction). It is well known that UGC and its clients are subject to frequent Ashfield Police attention to control the risk of drug-dealing and other criminal and anti-social behaviour occurring outside the clinic (so called 'honey pot' effect). As beneficiaries of affordable housing provisions, boarding house residents have been identified as

particularly vulnerable members of the community. In addition the co-location presents unacceptable social and safety impact to local and neighbouring residents including school children.

The application fails to address what is the relationship with UGC. Is it intended that UGC clients will become residents on the boarding house? Presumably the developer is seeking to maximise commercial return on its investment in the property. In this case is this 43 person facility designed to become part of the infrastructure for Sydney's response to the program for treatment and rehabilitation for the devastating drug 'ice' which has \$300M in funding as recently announced by the Turnbull Federal Government? Alternatively will it be one of the so called 'new generation boarding houses' which is used as luxury studio apartments? The local community has a right to know what is planned and a detailed social/economic impact study is warranted. Given the nature of the proposed use combined with the over intensification of the proposed use of the Premises the applicant should be requested to prepare a Social Impact Assessment of the proposed development

4. Lack of Consultation

The applicant has undertaken no consultation whatsoever with the neighbours in relation to the DA. I do not see how this can meet the requirements for community engagement under the current Ashfield LEP, other statutory requirements or what is considered to be best practice. At a minimum I believe there should be a required face to face meeting so that we can understand and question the applicant. I think this shows a level of disregard for the concerns of the community by the applicant. I also believe that the timing of the application in the busy lead up to Christmas period was designed to minimise the community consultation on the development.

For all the above reasons (and those expressed by other objectors) we consider that the proposed development is inappropriate, will result in breaches of multiple planning controls, and in light of the significant impacts on us, and the local area, it is appropriate that Council refuse the development application. The issues raised are very real and not perceived.

Thank you for considering our comments on the proposal. We would be happy to elaborate on any of these points. We also request that you notify us if the DA is considered at any Council meeting, as we would like the opportunity to address the Council before any decision is made.

Yours faithfully


Scott & Lisa Murray

7 Moonpie Street
Summer Hill NSW 2130
scottmurray222@gmail.com

Note Disclosure of any reportable political contribution or gift

Neither I nor any member of my family has ever made any reportable political contribution, donation or gift to Ashfield Council, its current standing councillors or any political party.



Objection to Application 10.2015.240

Carly Roy

to:

info@ashfield.nsw.gov.au

20/12/2015 11:13 AM

Hide Details

From: Carly Roy <carlygoepelroy@gmail.com>

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

Hello,

I am a resident of summer hill and I am writing to voice my concerns about the development application for 11a Moonbie St.

As the mother of small children I am concerned about the location of the proposed methadone clinic and accommodation in relation to the public school and daycare centres. I have been told by other parents that there has been a methadone clinic operating illegally without proper approval since the state government shut it down as a private hospital. This has resulted in needles being left around for kids to find and people high drugs being driving away from the clinic. How does council plan on keeping our kids safe if allowing this development?

I am also concerned the original heritage front that still exists will be destroyed and replaced with a massive factory looking building will wrap around the side and rear of the existing methadone clinic. This will take away from the existing village feel in Summer Hill.

Another concern is parking. The development only has four parking spaces but will have 43 residents, friends and clinic users and staff. There is already limited parking available on the street, are there plans in place to help deal with the additional traffic and parking being generated by this development?

Kind regards

Carly Roy

Sent from my iPhone



RE: Applicaton No: 10.2015.240
Naomi Lane
to:
info
20/12/2015 01:19 PM
Hide Details
From: Naomi Lane <naomi252@yahoo.com.au>
To: info <info@ashfield.nsw.gov.au>,

Attn: General Manager,

I was recently made aware of the proposal to develop 11A Moonbie Street.

I was a resident of number 10 Moonbie Street for three years. In that time my husband and I were witness to a raft of antisocial behaviour from clients of the United Gardens clinic. This would range from screaming arguments between clients at 6am when they made their way to the clinic to users hiding drugs in the storage units beneath our apartment block. I have found used syringes in the grass beneath our communal washing line. I have witnessed parents abused in front of their children when they requested clients tone down the language they used when arguing in the street. I have called the police on more than one occasion.

I recall coming home after taking my newborn for a walk to discover half a dozen police officers questioning/arresting clients who were using drugs in the rear carpark.

We have since moved several streets away and I do experience a degree of relief knowing that my child won't be exposed to this behaviour. I am however still a local resident and find this development proposal alarming. While I understand the need for rehabilitation this premises does not, in mind mind appear suitable for the expansion of these services. I believe it will bring an increase of these incidents which is concerning due to the proximity to the child care centre and Summer Hill Primary school. Additionally Moonbie and the surrouding streets are already at capacity with parking as the area is frequented by commuters.

I would hope that Coucillors who look to these issues before approving this development. Should you wish to contact me regarding this letter my phone number is 0418414701.

Kind regards,
Naomi Collins.



RE: Development Application 10.2015.240 @ 11a Moonbie Street Lot: C DP: 310221
Alex McCready
to:
info
21/12/2015 09:18 AM
Hide Details
From: Alex McCready <lex.mcc@gmail.com>
To: info@ashfield.nsw.gov.au,

2 Attachments



83867 - Ashfield Council - DA Notice for 11A Moonbie.pdf Letter to the Manager.pdf

To whom it may concern,

Please find enclosed the development application paperwork and letter of protest raising various issues with the proposed development for consideration.

Thank you

Alex McCready
lex.mcc@gmail.com

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27 November 2015

PROPRIETORS OF STRATA PLAN 83867
C/- CONTI PROPERTY GROUP
PO BOX 443
CONCORD NSW 2137

NOTIFICATION OF DEVELOPMENT APPLICATION

DEVELOPMENT SITE: 11A MOONBIE STREET, SUMMER HILL LOT: C DP: 310221
(Near Lorne St)
APPLICATION NO: 10.2015.240

Council has received an application for the following works at the above address:-

Alterations and addition including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons. Part of the existing ground floor of the building will continue to be used for health related uses.

使用场所作为一个宿舍

L'utilizzo dei locali come una pensione

Any person may make a submission to Council on this application. A submission may contain comments, which express either concern or support for all or any particular aspects of a proposal/policy/plan. Submissions must contain a name and address, and preferably, phone and fax numbers or e-mail address. It is important to note that any submissions received may be made publicly available, including via Ashfield Council website as part of the Council business paper.

You may inspect the application and plans, at Council's Customer Service Centre (Monday to Friday, 8:30am to 5pm) and at Ashfield Library until **21 December 2015**. If you wish to make a submission, please do so by 5pm on this date, in writing addressed to the General Manager.

If a petition is received, then the head petitioner, or first signatory to the petition, will be responsible for notifying the other signatories of the progress and outcome of the application.

Please note that, if no submissions are received, the application may be determined under delegated authority.

If you do make a submission, Council will consider your comments before making a final decision and will then advise you by letter. If the application is referred to a mediation meeting, we will contact you and provide details of the date, time and location of the meeting. If the application is referred to a Council meeting, we will invite you to address the Council meeting and we will contact you to provide details of the meeting date, time and where you can view the report.

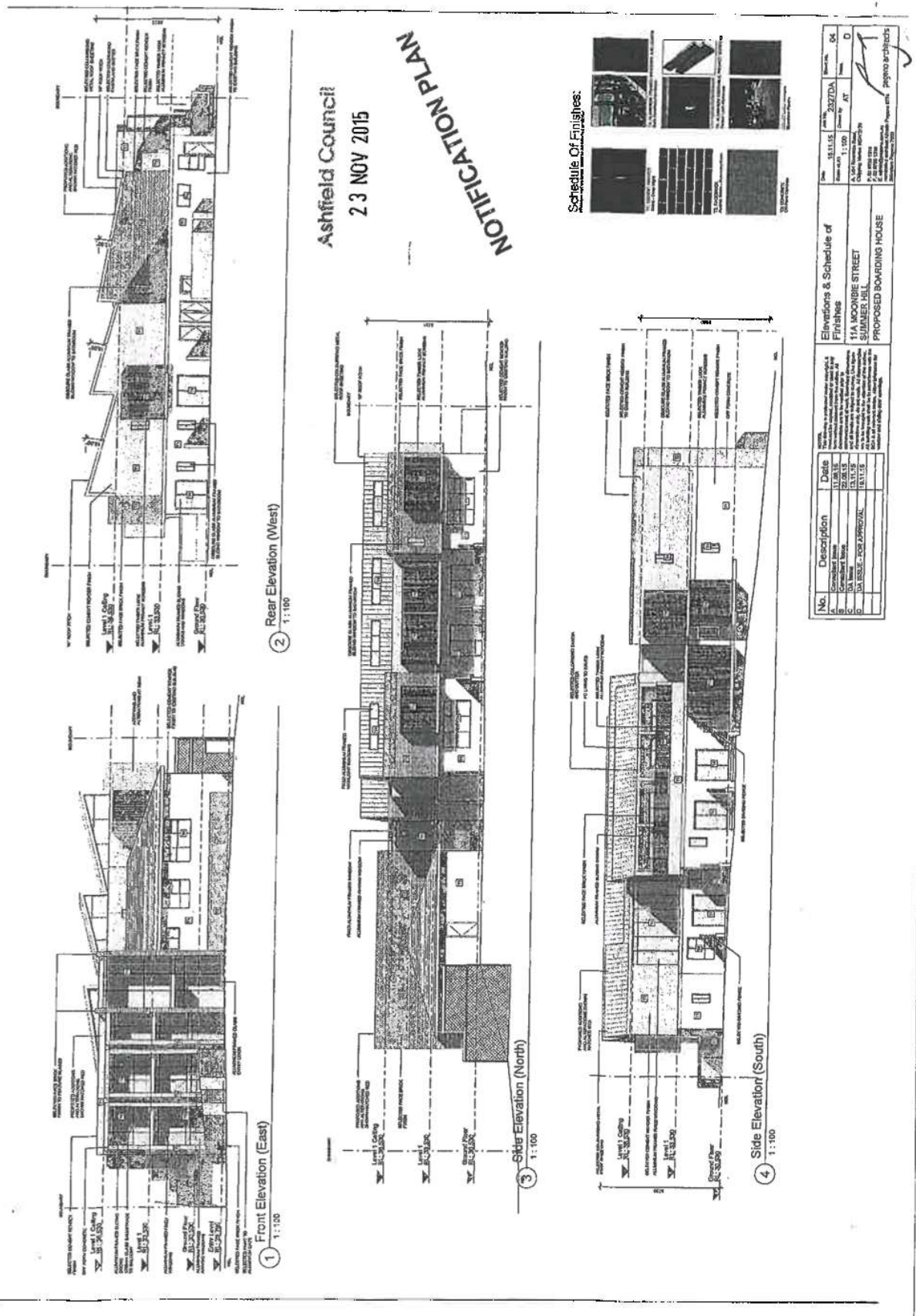
Note: If you are the owner of a residential flat building which is not strata titled you are requested to notify any tenants of this development application within the notification period specified.

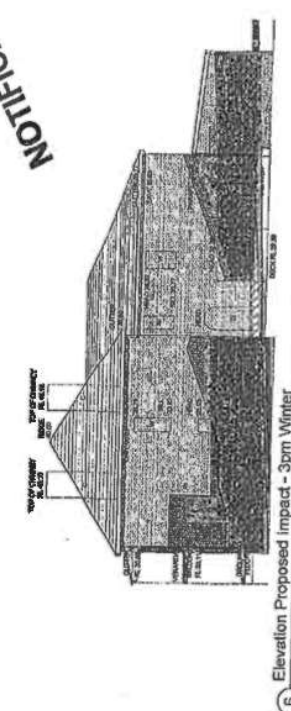
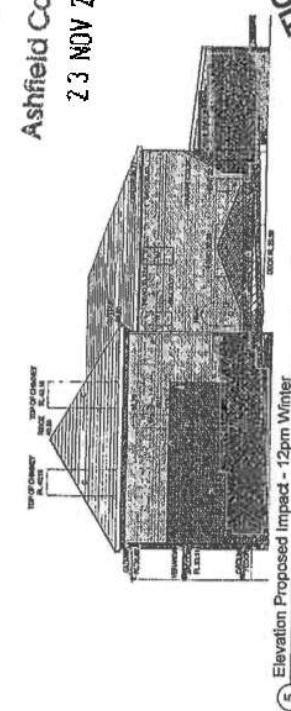
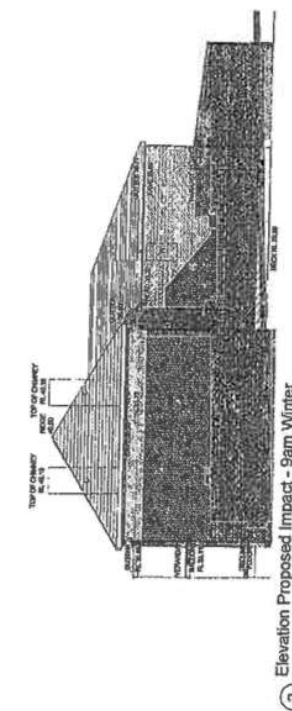
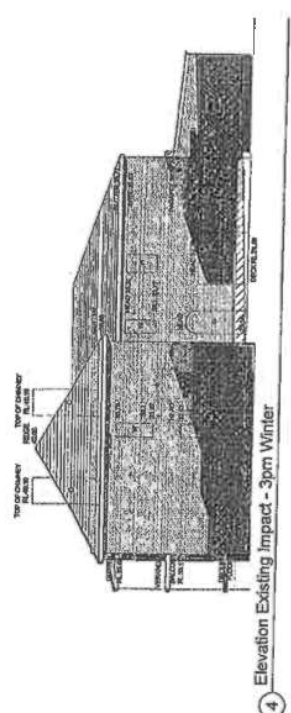
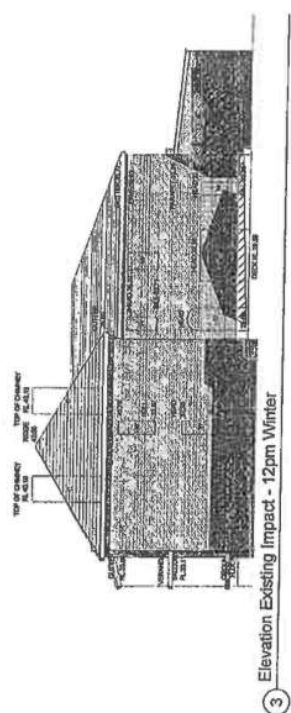
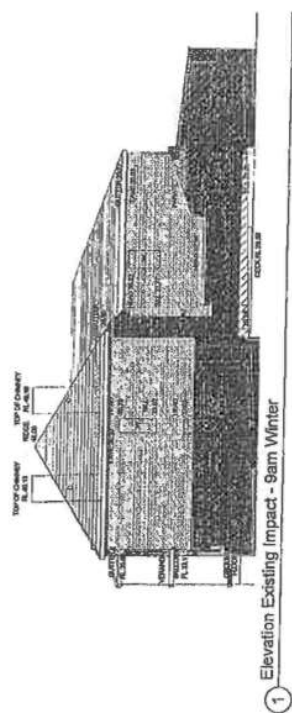
Political Donations and Gifts Disclosure

Please note that any person who makes a written submission on a development application and has, within the past two years, made a political donation or gift to any local Councillor or employee of the Council in excess of \$1,000.00 in value or intends to make a political donation or gift before the application is determined must complete and submit a political donations and gifts disclosure statement to the Council. For further information please check Council's website: www.ashfield.nsw.gov.au or contact Council on 9716 1800 for an information pack

280 Liverpool Road Ashfield NSW 2131 DX 21221 Ashfield Tel (02) 9716 1800 info@ashfield.nsw.gov.au
PO Box 1145 Ashfield NSW 1800 ABN 11211068961 Fax (02) 9716 1911 www.ashfield.nsw.gov.au
Director Planning and Environment







Ashfield Council
23 NOV 2015

NOTIFICATION PLAN

EXISTING SHADOWS	ADDITIONAL SHADOWS	SHADOWS REMOVED
		

[illegible]



16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill -- Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Summer Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 178 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: Alex McCready
Home address: 2/24 Moonbie Street Summer Hill
Email address: LEX.MCC@GMAIL.COM
Phone number: 0403 267 944

Signature/s

Alex McCready



URGENT OBJECTION TO APPLICATION 10.2015.240 11a Moonbie Street Summer Hill

Amanda McCay

to:

info

21/12/2015 09:33 AM

Cc:

cestott, the.lofts, jeanettewang168, monicawangmann, ecas, lucille.mckenna, vittorias.raciti, mark_drury, mansour.morris, max, craig

Hide Details

From: "Amanda McCay" <cala4@bigpond.com> Sort List...

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

Cc: <cestott@hotmail.com>, <the.lofts@bigpond.com>,

<jeanettewang168@gmail.com>, <monicawangmann@gmail.com>,

<ecas@bigpond.net.au>, <lucille.mckenna@bigpond.com>,

<vittorias.raciti@gmail.com>, <mark_drury@bigpond.com>,

<mansour.morris@gmail.com>, <max@ashfieldliberals.com.au>,

<craig@kareela.net.au>

1 Attachment



Objection to App 102015240.docx.pdf

URGENT OBJECTION TO APPLICATION 10.2015.240 11a Moonbie Street Summer Hill

This is an URGENT objection required by close of business today to your General Manager and Planning Department. Please consider my application and contact me should you require any further clarification.

Kind regards

Amanda McCay

0414 614880

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131

19 December 2015

**OBJECTION TO DA FOR 11A MOONBIE STREET SUMMER HILL
– BOARDING HOUSE**

Application No: 10.2015.240

Works proposed

Alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons. Part of the existing ground floor of the building will continue to be used for health related issues (presumably the current drug addiction service, United Gardens Clinic).

Overall Objections

This proposal should be denied for the following reasons:-

1. Context and character of the building incorrectly referenced. Properties are predominately heritage fronted, single family homes.
2. The building's intended use was of a Victorian designed family home. ***Boarding homes and nursing home have failed in this location and returned to residential properties due to better suitability.***
3. Heritage impact should be considered with reference to LEP 2013 Part C10, Clause 37 – the likely effect on neighbouring heritage items.
4. The proposal does not meet the requirements of the planning codes due to the over development of the site.
5. Landscaping site coverage has not been included and therefore does not meet the DAP C15.
6. The building form and appearance is of an ugly nature and in complete detriment to the neighbouring properties, in way of look, axis, bulk and street appeal. It is not compatible to principles set out in Ashfield LEP and DAP 2013, Parts C15 & C18.
7. Parking is grossly under provided and at minimum do not meet the DAP Part C18 and will add pressure to already stretched resources for street parking.
8. Significant adverse impacts to neighbouring properties from verandas located at the side of the property and over development include loss of **privacy and quiet enjoyment**, overshadowing, loss of solar access, loss of view and health concerns. This would have significant impact on property prices.
9. An unacceptable risk to the wellbeing of the residents and visitors to the area having 43 lower socio-economic boarders in one location and in the immediate vicinity of drug dependent attendees to the methadone clinic.

Amanda McCay

OBJECTION TO DA FOR 11A MOONBIE STREET, SUMMER HILL

1

10. No Social Impact Statement or explanation has been garnered as to who will reside in the property. Surely full documentation on target market, house rules and obligations, noise limitations, regulations etc form a framework to this proposal and cannot be considered external to it.

Detailed Objections

1. Context and character of the area

I was drawn to Summer Hill in the early 1990s due to its village feel and heritage homes. In 2001 we purchased the Victorian semi terrace at 15 Moonbie Street in 2001 which is the immediate neighbor to 11a. Our house along with neighbouring houses in the street had at some point been converted to boarding houses and in time were deemed unacceptable in this capacity and returned to that of a family home. In the time we have owned the property NO new medium or high density developments have occurred in our immediate vicinity.

Therefore, I find reference to the developer's application incorrect that properties are giving way to medium density residential and aged persons' complexes.

In fact, I believe the failure of boarding houses and nursing home for severely affected epileptic patients at 11a Moonbie, have in themselves set the precedent for acceptable housing in this locality.

Summer Hill is a very small suburb, filled with heritage properties and narrow streets and minimal parking. R2 zoning implemented by Council heeds the necessity to not over develop and over crowd therefore ensuring the area remains low density residential.

A high density modern factory looking unit, housing 43 inhabitants, amongst singular family homes would be out of context, character and landscape of the area.

2. History of 11A

11a was originally a Victorian home, later developed as a private surgical hospital eventually deemed unacceptable to upgraded standards enforced by NSW Health Dept. The methadone clinic, started within these facilities on a technicality, was not part of community consultation. The facility is situated amongst family homes, day care and local school. We believe this is a totally unsatisfactory and unacceptable location for such a facility. We have many times voiced our concerns of this facility to the Council due to noise, loitering, fighting, syringes left in the day care grounds and neighbouring gardens and even someone urinating in the street whilst waiting for a patient to return to

their car. The drug itself is dispensed in chemists and we believe is purely a money making exercise for this facility.

The hospital itself was never intended as a nursing home for the aged. It only acted as a nursing facility for severely affected epileptic patients for a period of 10 years within approximately 130 years of its life span.

Again this nursing home was deemed unsatisfactory and all patients were relocated to standard housing across numerous suburbs. The property has remained empty.

3. Heritage Impacts

The heritage value of Moonbie Street encumbers Victorian, Federation and Between the Wars style houses, it is rich in nature. Regrettably a few 1960s units were developed as was the front of 11a and they have detracted from the look of the streetscape. Once these beautiful homes are destroyed there is little to remedy the situation without full, thorough and careful designing and redevelopment.

The Council, as custodian of the look, feel and heritage impact of the area can only learn from the past and ensure future losses are mitigated and existing homes are not further compromised. In order to do this Council have identified and documented 5 single buildings, 4 pairs of houses and 1 large group of houses (74-90) in Moonbie St immediately flanking 11a in its LEP 2013 Part C10, *Schedule of Heritage Items*. Clause 37 of this document states

Council must assess and take into consideration the likely effect of the proposed development on a heritage item, . . . and on its setting, when determining an application for consent to carry out development on land in its vicinity. (p.109)

If 11a was to be taken back to its original heritage condition the beauty afforded to the streetscape would be significant. Instead the proposed façade has been poorly considered, the property is more in keeping with an industrial estate and the removal of a garden would make the front of the property a permanent concrete parking lot. This will significantly affect the streetscape and reduce the heritage nature of the street, in particular the Scheduled Heritage homes of number 15 and 17.

4. Site overdevelopment

The proposed development is on a massive scale taking up almost the entire site without any consideration for landscaping or private open space for the tenants or how it impinges neighbouring properties. The size and bulk of the property and excessive height further lead to the extreme over development of the site. It is understood that the DA documents exceed the limits specified in Ashfield LEP 2013 and DAP 2013.

The FSR and height of the proposed development in particular should be carefully reviewed by an independent consultant with rulings being administered for the overall design.

5. Landscaping

The application has not allowed for any landscaping, deemed necessary in the Ashfield DAP C15, which applies in R2-zoned areas, requires 50 percent of the area of sites of more than 601 sqm to be landscaped.

Landscaping would do much to soften the look of the property, create some degree of privacy for neighbouring properties, as well as providing relief from man-made materials for those residing within the property and for the streetscape. All other properties in this vicinity have front gardens and minimal car parking to the fronts of the property.

An internal courtyard with verandas overlooking it, rather than neighbours gardens, should also be considered, affording more privacy to neighbours and providing a healthy, attractive residence for lodgers.

The original intention of this property was that it be a home, not a commercial facility, concreting the entire front to become some form of parking lot shows further disregard for its setting, its relationship to heritage properties next door and the occupants and neighbours alike.

6. Building Form and Appearance

The proposed building's form and appearance is not compatible with the design principles set out in Ashfield LEP and DAP 2013, Parts C15 and C18.

The proposed development is akin to a bulky, ugly industrial development. There is no cohesion of finishes or style of the façade of the building. The finishes and architectural style of the body and saw-tooth industrial roof of the building are in no way sympathetic to the heritage neighbouring properties.

The addition of the second storey continues far past the second storey of 15 and 17 Moonbie and with the addition of verandas along this southern wall the result is significant loss of privacy, sunlight, views, sky views, breezes, and quiet enjoyment within the garden of our property at 15 Moonbie Street.

Unlike all its neighbouring properties, no consideration has been made for gates or fences to the front of the property. With the only provided parking being at the front there will be no landscaping, just concrete.

The side elevation is of particular concern due to both lack of cohesion of the design and the numerous verandas that will completely negate the right to privacy for the occupants of neighbouring properties.

Disabled access has not been documented and may well lead to further ugliness with the installation of lengthy ramps to the front of the building.

7. Parking

4 car spaces are grossly under providing for up to 43 tenants, on-site manager, clinic staff and attendees. The people attending the clinic arrive mostly by car and utilize the front parking spaces. It is extremely short sighted to expect tenants to not own cars. Public transport doesn't always provide the easiest route to all locations. In this area street parking is of an extreme premium and cannot be expected to absorb both the tenants and their visitor's cars. 4 car parking spaces are less than the 6.4 required by DAP Part C18.

A further concern is attendees to the clinic simply racing in to park and then reversing out, taking little heed of the many children who walk the path to home, day care, school or after care and residents alike.

Parking should be provided under the building, accessed from the rear or demolishing the rear of the building and providing car spaces.

8. Adverse impacts on adjoining properties

Loss of privacy

The side elevations show the second-storey units with glass doors and balconies looking straight into the side windows of No 15, and overlooking the private back gardens of Nos 11, 15 and No 17. The rear elevation overlooks adjoining private back gardens of at least three single-storey houses in Bartlett St. This is unacceptable in an R2 zone.

This is a significant issue and any consideration of a second storey should not be permitted beyond the 2-storey rear building lines of No 15 & 17, or where private outdoor space at the side (Nos 15 and 11) or back (Bartlett St) can be overlooked.

Overshadowing and loss of solar access

The shadow diagrams to No 15 are not accurate and do not show the full extent of the increase of overshadowing to both the home and the garden. This would affect the light to the garden throughout the year and thermal quality of the home throughout winter and this in turn would affect the adjoining home of number 17.

In order to gain privacy further screening would need to be built or grown at No 15 further diminishing any light entering the property from its north facing side. With No 17 attached on the southern side of the building the entire home would remain in considerable shadow throughout the year.

The proposal must comply with requirements of Ashfield DAP Part C15.

Loss of view

Due to the bulk of the 2-storey form which extends to the back fence of Nos 11, 15 and 17, and adjoining Bartlett St houses, we will be deprived of a substantial section of our view of the sky from our gardens. A view of sky alone from private rear gardens is a reasonable expectation in a R2 low density residential zone.

We also presently enjoy views from top floor bedrooms across the top of the houses all the way to the shopping precinct and bell tower of nearby church, these would be completely blocked from view.

Noise

Due to the ill placed United Gardens Clinic, patients arrive as early as 5.45am in considerable numbers, almost exclusively by car, slamming doors, talking, loitering, starting engines etc. This has been of considerable issue to residents of the area and we have complained to Council.

The addition of 43 residents in one building would surely make noise levels unbearable. The Operational Management Plan submitted states that noise will be controlled by the manager. This is simply not achievable, how can they govern against that many people living in one location, who are simply watching TV with their doors/windows open or playing music or chatting on the balconies outside with friends when my resident's children are trying to sleep. As long as there are verandas, windows or doors to the side of the property, noise will emit. If there was one house or one or two units on that side of the property it could in some way be managed, however, this many people in one location makes controlled noise near on impossible.

This plan does not take into consideration visitors noise to the units and clinic, which could see the numbers of people on site swell to considerably more than the proposed numbers at any given time.

Health

No doubt many of the residents may be smokers and may smoke on their balconies or at the front or rear of the property. This second hand smoke can float over to our property affecting the lives of the young family living in this property. Little could be done to mitigate this issue.

With this many tenants, of a lower socio economic status, it would be deemed statistically viable that some are drug dependent or are even living in the property to access the medical facility, therefore with the growing momentum of ICE and other hard drugs, how could the safety of our tenants or our family upon our return, be guaranteed. Particularly if occupants found that we complained because of their behavior.

We loved living in this property, as have our tenants, due to the family atmosphere and long term resident neighbours who take loving care of their homes and their kind consideration. We feel this would be severely compromised with a high turnover of short term tenants which could severely affect the peace and mental health of residents at No 15 and beyond.

9.0 Request for exemptions from planning controls

The DA proposal requests exemptions to the requirements of Ashfield LEP 2013 and DAP 2013 Parts C15 and C18. With a proposal of this magnitude and extensive amenity issues impacting neighbouring properties no exemptions can be justified. The sheer size and bulk and finish of the design is of such a low standard that it would significantly impinge the streetscape. It is incompatible with the context, design, site coverage, setbacks, bulk and scale of the local area and is a total over-development of the site.

10. Social Impact Statement

No Social Impact Statement or explanation has been garnered as to who will reside in the property. Surely full documentation on target market, house rules and obligations, noise limitations, regulations etc form a framework to this proposal and cannot be considered external to it.

Consideration within this statement should be proven that high-density affordable boarding houses work and empower tenants rather than grouping them so they feed off the worst aspects of each other. More success is surely found by dispersing these people amongst suburbs in low density affordable houses. Higher density boarding homes have not proven their success in the long term in our vicinity.

Conclusion

11a was never intended to become a massive boarding home and drug related clinic. It resides in a locality of family homes, day care and primary school.

With proper consideration a far better result would be the development of family residences of high caliber that would add benefit to all involved for many years to come. No one in a residential setting such as this could rightly consider 43 under privileged tenants and drug rehabilitation members of the public as acceptable neighbours all in one building. I cannot imagine that boarders who are struggling to get their lives back on track would also consider this a successful means to do so.

It seems that this entire development is about maximizing profits to the detriment of our homes, lives and neighbourhood and the ripple effect on to our lovely village. It flies in the face of common sense and does not even consider the true needs of its occupants or developmental policies.

Thank you for considering my submission. Please contact me (details below) for further discussion of this matter.

Amanda McCay

Of 15 Moonbie St, Summer Hill 2130
Residing at 19 Boulevard Place, Hillvue NSW 2340
Phone: 0414 614880
Email: cala4@bigpond.com.au



Attention General Manager DA 10.2015.240
Margot Kearns

to:
info

21/12/2015 10:14 AM

Hide Details

From: Margot Kearns <margot.kearns0589@gmail.com>

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

1 Attachment



DA objection 10.2015.240.docx

Please find attached an objection to DA 10.2015.240,

Your sincerely
Margot Kearns
6 Henson St
Summer Hill
0419884188

Margot Kearns

6 Henson St Summer Hill

margot.kearns0589@gmail.com

Submission against DA 10.2015.240 11A MOONBIE STREET SUMMER HILL

I am writing to object to the above DA application.

This is yet another attempt to overdevelop an existing property which will impact greatly on the amenity of the neighbouring properties and the Summer Hill precinct.

Proudly Summer Hill has a very diverse demographic which adds to the culture and feel of the community. There are already a considerable number of boarding houses in the area. Currently the services available to these residents, employment, healthcare – including mental health, occupational health, social services, community programs etc. seem very limited. This results in many of the residents spending their days walking the streets aimlessly and one begging for money at various vantage points in the village. To increase the number of boarding house residents by another 43 persons in this DA in Moonbie St (and the proposed 48 resident boarding house building on 23 Prospect Rd DA 1-0.2015.239) would further compound the shortage of services and I believe skew the demographics too far.

While boarding houses address tertiary homelessness generally boarding house accommodation is a temporary option for often the marginalised persons in society – whether from socioeconomic, health, disability or other contributing factors. These residents need a range of social and community services. The proposed 32 bedroom residence is well above the average number of bedrooms per boarding house in Melbourne as reported by Chamberlain (2012). This data indicated the average size for Inner Melbourne was 14 bedrooms and the average for suburban Melbourne was 8 bedrooms [<http://www.homeground.org.au/assets/microsoft-word-conference-paper-ahuri-rmit-v2.pdf>].

The large concentration boarding house residents proposed in this development does not pose an optimal housing option which results assimilation of residents into the community but may result in a ghetto of transient and marginalised homeless persons.

I strongly object to the size of this overdevelopment and urge Council to address the services required to tend to the current population of boarding house residents before increasing this part of the Summer Hill demographic.

Margot Kearns



Development Application 10.2015.240 @ 11a Moonbie Street
Judith Cummins

to:

info

21/12/2015 09:59 AM

Hide Details

From: Judith Cummins <judithmcummins@gmail.com>

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

2 Attachments



Letter to the Manager.pdf 83867 - Ashfield Council - DA Notice for 11A Moonbie.pdf

To the General Manager

Please find attached the development application paperwork, along with my letter of complaint about the impact on the street and surrounding houses.

Thank you.

Regards, Judith Cummins

judithmcummins@gmail.com

16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill -- Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: *Judith Cummins*
Home address: *1/24 Moonbie Street, Summer Hill*
Email address: *judithcummins@gmail.com*
Phone number: *0413 48 9871*

Signature/s

J Cummins



27 November 2015

PROPRIETORS OF STRATA PLAN 83867
C/- CONTI PROPERTY GROUP
PO BOX 443
CONCORD NSW 2137

NOTIFICATION OF DEVELOPMENT APPLICATION
DEVELOPMENT SITE: 11A MOONBIE STREET, SUMMER HILL LOT: C DP: 310221
(Near Lorne St)
APPLICATION NO: 10.2015.240

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L'utilizzo dei locali come una pensione

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If a petition is received, then the head petitioner, or first signatory to the petition, will be responsible for notifying the other signatories of the progress and outcome of the application.

Please note that, if no submissions are received, the application may be determined under delegated authority.

If you do make a submission, Council will consider your comments before making a final decision and will then advise you by letter. If the application is referred to a mediation meeting, we will contact you and provide details of the date, time and location of the meeting. If the application is referred to a Council meeting, we will invite you to address the Council meeting and we will contact you to provide details of the meeting date, time and where you can view the report.

Note: If you are the owner of a residential flat building which is not strata titled you are requested to notify any tenants of this development application within the notification period specified.

Political Donations and Gifts Disclosure

Please note that any person who makes a written submission on a development application and has, within the past two years, made a political donation or gift to any local Councillor or employee of the Council in excess of \$1,000.00 in value or intends to make a political donation or gift before the application is determined must complete and submit a political donations and gifts disclosure statement to the Council. For further information please check Council's website: www.ashfield.nsw.gov.au or contact Council on 9716 1800 for an information

PO Box 1145 Ashfield NSW 1500 DX 21221 Ashfield Tel (02) 9716 1800 info@ashfield.nsw.gov.au
PO Box 1145 Ashfield NSW 1500 ABN 11211068961 Fax (02) 9716 1911 www.ashfield.nsw.gov.au
Director Planning and Environment

126

1 Front Elevation (East)
1:100

2 Rear Elevation (West)
1:100

3 Side Elevation (North)
1:100

4 Side Elevation (South)
1:100

Ashtfield Council
23 NOV 2015

NOTIFICATION PLAN

Schedule Of Finishes:

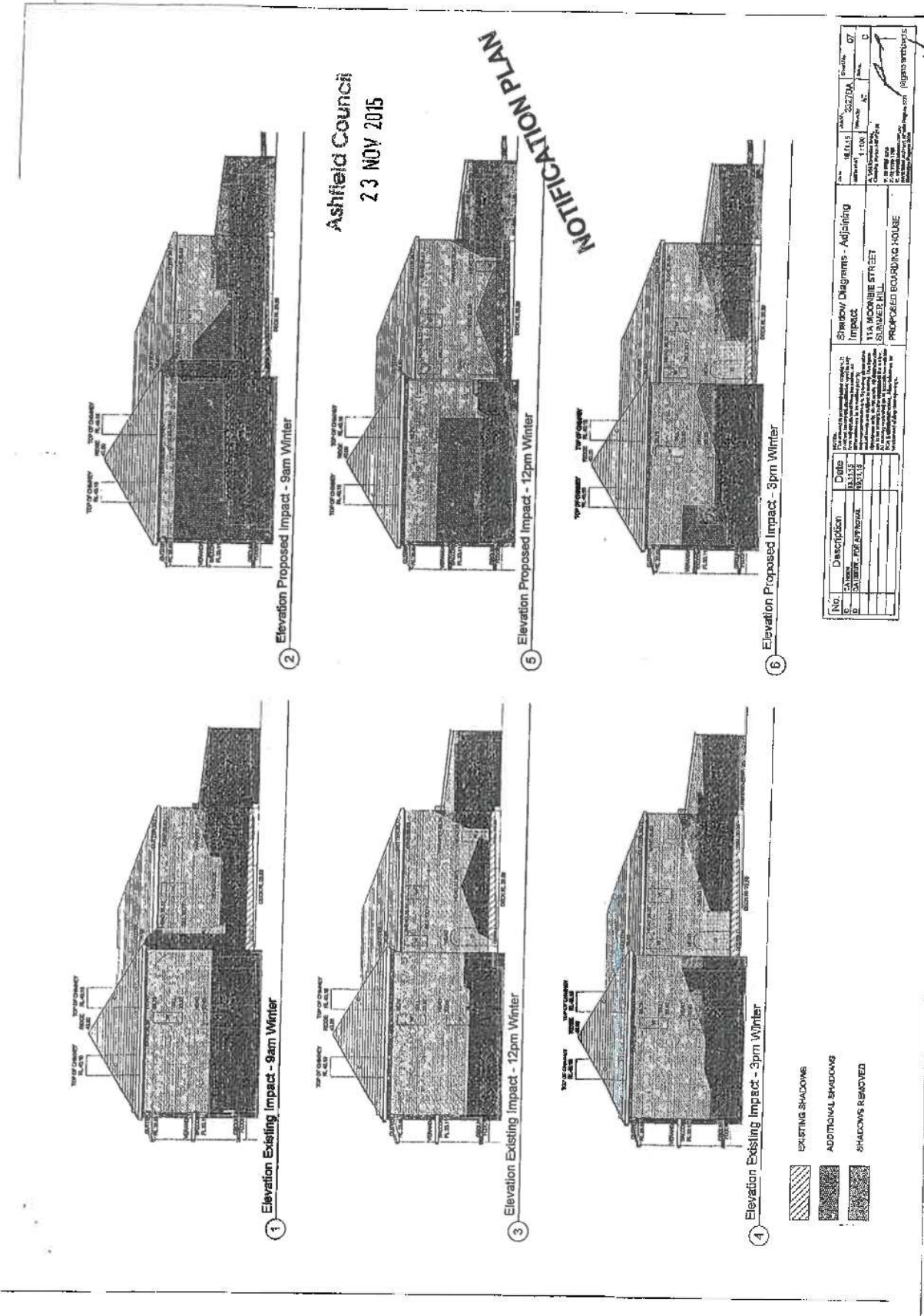
1. External Walls	2. Internal Walls	3. Ceilings	4. Floors	5. Roofs	6. Windows	7. Doors	8. Stairs	9. Bathrooms	10. Kitchens
Rendered	Plastered	Plastered	Timber	Asph/Flt	UPVC	Timber	Timber	Timber	Timber

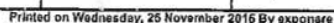
Elevations & Schedule of Finishes

11A MOONBIE STREET
SUMMER HILL
PROPOSED BOARDING HOUSE

No.	Description	Date
1	Original	11/01/15
2	Revised	11/01/15
3	Revised	11/01/15
4	Revised	11/01/15
5	Revised	11/01/15
6	Revised	11/01/15
7	Revised	11/01/15
8	Revised	11/01/15
9	Revised	11/01/15
10	Revised	11/01/15

Prepared by: [Signature]
Checked by: [Signature]
Date: 23/11/15







DA 10.2015.240 - 11a Moonbie St
Greg Davies

to:
info@ashfield.nsw.gov.au
21/12/2015 04:52 PM

Hide Details

From: Greg Davies <greg@gregdavies.com.au>

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

1 Attachment



DA10.2015.240 - 11a Moonbie Street.docx

Please find attached our response to the proposed development at 11A Moonbie St, Summer Hill – your reference DA 10.2015.240.

Regards,

Greg Davies
1 Lorne St
Summer Hill NSW 2130
p. 0412 845 094

1 Lorne Street
Summer Hill NSW 2130
21 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX21221

Re: Development Application 10.2015.240
11A Moonbie Street Summer Hill—Lot: C DP: 310221

To the General Manager

We are objecting to the proposed development at 11a Moonbie Street. There are three grounds for our objection:

- The social impact arising from the proposed changes to the building configuration, potential client group and location
- The impact on the streetscape and local character
- The impact on parking.

Boarding houses are a much needed form of accommodation. When sensitively designed and managed they offer compact low cost housing for a range of low income households. Consequently, our objection is not to boarding houses per se.

Rather, our objection is based on this proposal being neither sensitively designed nor (apparently) managed.

Building use—social impact

This is the most concerning issue, and one that is complex because of the interplay between the built form, likely occupants and location.

Specifically:

- While it is not possible to be definitive as there are no details of the internal arrangements, given the Floor Space Ratio and the number of units, it appears that units are the minimum size permissible. This suggests an approach aimed at maximising developer/operator profit rather than creating modest housing for low income individuals and couples, which would be the objective of new generation boarding houses.
- The small unit size and density of development suggests that only those most desperate will elect to live there. Coupled with the adjacent Uniting Gardens drug substitution operation, this has the potential to create significant social problems. To be specific, there is already evidence of heightened crime (break and entry), loitering, potential substance trading and other antisocial activity. While this is coupled with heightened police presence, it leaves vulnerable boarding house occupants exposed to situations that could worsen their life circumstances (for example, bringing them into intimate proximity to known drug users and dealers).

- There is a high number of children's services in the immediate vicinity. If, as it would appear, the operation concentrates highly vulnerable people, it creates a moral danger for children. 11a Moonbie Street is:
 - 29 metres from the Uniting Church Child Care Centre
 - 300 metres from Summer Hill Public School
 - 270 metres from KU Henson Street Preschools.
- There are no details of the intended operations. While a wide range of people use boarding houses, given our argument that only those most desperate will elect to live there, there is likely a higher chance of ex-offenders. We note that there are currently restrictions on the distance that known paedophiles can live from facilities with children such as schools and preschools and seek assurances that the management is capable of adhering to all current requirements.

Streetscape

The current building form has an overall integrity and is somewhat sympathetic to the local character, in which many of the surrounding properties are zoned heritage.

By contrast, the proposed redevelopment has no design coherence. It leaves what is currently half the building in situ, while bolting on a redevelopment with no design relationship to the remaining existing structure. It is out of context with the surroundings and lacks any sense of aesthetics. In addition, the proposed design exceeds extant Floor Space Ratio guidelines.

Parking

The proposal incorporates four parking spaces, below the level required for boarding house zoning (which would be 9 spaces). It is appropriate that affordable accommodation have reduced requirements for on-site parking. Nevertheless, it is highly likely that more than 4 out of 43 residents at this site will have vehicles. It is also likely that the onsite manager would use a vehicle.

There is insufficient street parking for current residents, particularly in the day time, as the available spaces are occupied by commuters, people shopping in Summer Hill and people accessing the methadone clinic in United Gardens. The introduction of parking restrictions may alleviate the impact of commuter parking to some extent, but unless the 43 residents are excluded from the parking scheme—a situation that would be absurd—there will be a significant impact on current parking access in the neighbourhood.

Lack of due process

Finally, we note that we were not provided with any notice of this development, despite being located less than 40 metres from the development. This represents a breach of due process. We would appreciate a full explanation of how this occurred, and why it was left to our conversations with neighbours for us to discover the proposed changes.

Yours sincerely

Maura Boland and Greg Davies

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Summer Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 178 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name:

PETER KELLY

Home address:

11 MOONBIE ST. SUMMER HILL

Email address:

—

Phone number:

0420798818

Signature/s

P Kelly

Vanessa Chan
General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800
DX 21221



21 December 2015

Dear Ms Chan

Re: NOTICE OF DEVELOPMENT APPLICATION
DEVELOPMENT SITE: 11A MOONBIE STREET, SUMMER HILL, LOT C DP: 310221
APPLICATION NO: 10.2015.240

Please accept our submission regarding the planned development at 11A Moonbie St, Summer Hill, Development Application 10.2015.240. We object to the proposed development and request that the development application be refused.

As the tenants of 15 Moonbie St, Summer Hill which is the immediate neighbour to 11A Moonbie St, we contend that the development proposal contravenes multiple aspects of Ashfield council planning controls.

1. The proposed development will result in multiple adverse impacts to the adjoining property at 15 Moonbie St: specifically, significantly detrimental effects on privacy, health and overshadow.
 - Section 1 of the Ashfield Council Interim Development Assessment Policy 2013 – Part C18 Boarding Houses identifies the objective that the development 'ensure an acceptable level of amenity and accommodation in Boarding House premises such that they meet the needs of both residents and have no adverse impacts on adjoining properties' [emphasis mine].
 - Section 2.2 further states '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'.
 - Section 2.3 (b) states boarding houses 'must not adversely impact on adjoining properties through loss of privacy, overshadowing, noise and view loss'.

The development as proposed does not comply with the council's identified objectives and controls in relation to boarding houses.

- a. The proposed development will significantly compromise our privacy. The four second-storey balconies and large glass-framed windows proposed for the south side of the building look directly onto bedroom, bathroom and

living areas of our residence. They also overlook all of our outdoor space. This contradicts Ashfield Council standards as set out in the Ashfield Development Control Plan 2007, Section C15, part 5.5, which states 'To achieve this, placement of windows on upper level storeys should not occur on the side elevations, and those windows shall be placed in position which looks into their own site'. As a family with young children, we value being able to rely on the privacy of our own home. The development as proposed would prevent our children from playing freely in their own bedrooms and backyard. This is a significant adverse impact to our lifestyle and an unacceptable impact to the amenity of our residence.

- b. The proposed development presents an unacceptable health risk due to the likelihood of exposure to second-hand smoke. As the house rules prevent smoking indoors, residents and their guests will use the outdoor areas adjacent to our home to smoke. The private open space areas along the south side of the development directly adjoin our property and there would be no escape from cigarette smoke drift. The balconies along the south side of the development are 1.4 metres from our fenceline and 3 metres from our children's bedrooms. By way of comparison, these distances do not comply with public health regulations: for example, the *Smoke Free Environment Act 2000 (NSW)* prohibits smoking within 10 metres of children's playgrounds and 4 metres of pedestrian access points to public buildings. This presents an adverse effect to our health and would significantly interfere with our use and enjoyment of the premises.
 - c. The overshadow impact contravenes Ashfield Council standards as set out in the Ashfield Development Control Plan 2007, Section C15, part 5.2, as on the information provided, it will reduce winter sunlight to less than three hours between 9am and 3pm to more than 50% of our principal private area of ground-level private open space. The impact to the rear garden is not mapped and difficult to assess, however, the size and scale of the development, together with the impact to the principal private area, suggests that it would be similar. The development proposal significantly increases the overshadow to our residence: effectively halving the amount of winter sunlight received at 9am and 12pm, and reducing it by one quarter at 3pm. This will have a detrimental effect on both indoor and outdoor spaces and, as tenants, we have no means to compensate for it by making structural changes to our residence. The adverse impact from the proposed overshadow to our residence is absolute as it fundamentally changes the amenity of our home.
2. The proposed parking and traffic management arrangements impose an unacceptable impact on the amenity of Moonbie St for all users of the street. They further represent a safety risk. We therefore request that a detailed traffic and parking study, which explicitly addresses the concerns raised below, be conducted. We further request that the findings of this study are incorporated into the development proposal and specific provisions are made to ensure that the actual

current and future parking requirements of residents, staff, visitors and clients of 11A Moonbie St are addressed within the site plan itself.

- a. The planned car parking provisions contravene the New South Wales Government State Environmental Planning Policy (SEPP) for Affordable Rental Housing. The provision of 1 car parking space per 6.4 residents exceeds the 1:5 ratio mandated in the SEPP. Additional bicycle and motorcycle spaces do not compensate for this shortfall, as they are not interchangeable. No provision at all is made for visitors. It is noted that private sector affordable housing developments are required to provide 1 car space for every 2 residents, and this is itself a lower ratio than required for other medium density developments. Studies such as the Local Government Association of NSW Affordable Rental Housing SEPP Review 2011 have noted that inadequate parking provisions have been a repeated source of complaint, suggesting the 1:5 or even 1:2 provisions underestimate car ownership amongst affordable housing tenants. The Assessment of Traffic and Parking Implications provided with the development proposal has not made any effort to identify the actual parking requirements of the boarding house residents or quantify the likely number of car-using visitors to the premises. The assumption that 43 residents and their associated visitors would only require 4 car spaces is inaccurate and grossly under-represents actual use.
- b. Parking on Moonbie St is currently at or above capacity, a fact that has been recognised by Ashfield Council's proposal to introduce timing restrictions and residential permit zones along the eastern side of the street. It is therefore not feasible to rely on street parking to capture any overflow parking requirements from the boarding house, without creating an unreasonable impact on other users of car parking on Moonbie St, including tradespersons, local business owners and employers, visitors and local residents themselves.
- c. The Assessment of Traffic and Parking Implications provided with the development proposal does not consider the parking requirements of the United Gardens Clinic (UGC). Upwards of 50 vehicles are observed visiting the premises on any given day, and generally park in the driveway. There are several periods each day where more than 8 cars are parked in the existing driveway. Numbers can increase during business hours when street parking is generally unavailable. The development proposal makes no provision for UGC clients or staff parking, and as noted here and above, it cannot be reasonably assumed that this volume of regular traffic could be accommodated within existing street capacity.
- d. The parking pressures identified above would result in a significant adverse impact to local traffic flows and a significantly increased hazard to pedestrians, as increased numbers of vehicles circle the Moonbie St area to find a car park. Moonbie St is the main pedestrian route for several hundred students of Summer Hill Public School and Summer Hill Children's and

Community Centre. It is the main route to and from the station, to the SHARE out of school hours care program and to the Darrell Jackson Gardens. Many students currently walk or ride bikes and scooters unaccompanied by adults. It is unreasonable to expect vulnerable young people to be aware of and responsive to the risks created by increased traffic. The increased risk of injury to a young person from a vehicle is foreseeable, as numerous Australian and International studies have demonstrated a correlation between increased traffic volumes and injury to child pedestrians.

3. The proposed development will create detrimental social impacts for boarding house residents, neighbouring residents and visitors, and community safety. Notwithstanding that Ashfield Council does not have a specific social impact assessment tool, section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979 No 203 (NSW)* requires that a consent authority consider 'the likely impacts of that development, including ... social and economic impacts in that locality'. The development proposal and associated assessment documentation contains no such consideration. We contend that the risks arising from the co-location of a boarding house with the United Gardens Clinic (a service offering a drug substitution program and addiction treatment) are a fundamental planning issue, and cannot be adequately addressed through management practices identified in an Operational Plan of Management.
 - a. The co-location of the boarding house with the UGC presents a social and criminal risk to the well-being of boarding house residents. UGC and its clients are subject to frequent Ashfield Police attention to control the risk of drug-dealing and other criminal and anti-social behaviour occurring outside the clinic. As beneficiaries of affordable housing provisions, boarding house residents have been identified as vulnerable members of the community. Some may have taken active steps to distance themselves from such behaviours. The Operational Plan of Management does not address how the boarding house will manage risks to its residents relating to activity associated with the UGC. However, as these risks arise from co-location rather than management approaches, they are intrinsically a planning problem.
 - b. The co-location of the boarding house with UGC presents an unacceptable social and safety impact to local and neighbouring residents. Currently, UGC operations occur within limited hours and with an enforced no-loitering policy, which makes it easy to identify behaviour which is out of keeping with clients' treatment agreements. Ashfield Police are proactive and responsive, and problems are managed quickly and with minimal impact on local residents. A co-located boarding house would see large numbers of residents and their visitors moving in and out of the premises at extended hours of the day and night. It would be difficult for any party to distinguish problematic behaviour by UGC clients and their associates, and proactively manage it as occurs now. The Operational Plan of Management does not address these risks. Furthermore, as these risks arise from a planning decision – to co-locate

a Boarding House with a drug substitution and addiction treatment facility – they cannot be mitigated by management practices.

- c. The intended demographic of the boarding house residents needs to be clarified to enable an informed view on the proposal. The proposed co-location of the boarding house and UGC could offer a convenient accommodation option for some of the UGC clients who attend the clinic daily for treatment. The three-month leases of the boarding house would also be compatible with time-limited treatment options at UGC, for example, UGC provides three month's free treatment for people exiting the prison system. However, if it is intended that UGC clients comprise the majority of occupants of the boarding house, making it a de facto residential addiction treatment facility, that would require explicit consideration and a detailed social impact study.
4. The Operational Plan of Management is insufficient and will result in unreasonable impacts to adjoining premises: specifically in relation to traffic, social and noise impacts. Furthermore, any Operational Plan of Management cannot compensate for the social and parking impacts outlined above, as these are planning outcomes which cannot be mitigated by management practices.
- Section 2.7 of the Ashfield Council Interim Development Assessment Policy 2013 – Part C18 Boarding Houses regarding the Operational Plan of Management identifies the objective as ensuring 'that suitable management practices are in place to minimise impacts on adjoining owners' and that controls must include 'measures to minimise unreasonable impact to the habitable areas of adjoining premises'.

As currently drafted, the Operational Plan of Management does not contain adequate measures to prevent unreasonable impact, which is in contravention of Ashfield Council policy.

- a. We contend that the parking and traffic impacts outlined above (point 2) constitute an unreasonable impact on adjoining owners.
- b. We contend that the adverse social impacts outlined above (point 3) constitute an unreasonable impact on adjoining owners.
- c. Noise controls are inadequate and will result in unreasonable noise impacts on 15 Moonbie St. The Operational Plan of Management only prohibits excessive noise between 12am and 7am, meaning that we are liable to be exposed to significant noise for more than two thirds of any 24-hour period. Furthermore, alcohol is permitted on the premises and the Operational Plan of Management allows for all 43 residents to be outdoors at one time in the 81sqm of outdoor space, the majority of which is directly adjacent to the primary living and sleeping areas of our residence. We contend this constitutes an offensive noise as defined on the Ashfield Council website as 'likely to interfere unreasonably with the comfort or repose of a person who

is outside the premises from which it is emitted.' This is an unreasonable impact which, as tenants, we would have no means of mitigating.

5. The proposed development is inconsistent with the character of the area and insensitive to the heritage significance of adjacent and nearby dwellings.
 - * Section 2.3 of the Ashfield Council Interim Development Assessment Policy 2013 – Part C18 Boarding Houses identifies objective (a) that 'all developments, including alterations and additions to boarding houses are to maintain consistency with the character of the locality' and identifies as a control that developments must aim 'to integrate buildings successfully within the existing streetscape in terms [emphasis in original] of their built form and environmental impact'.
 - * Section 5.10 (1) (b) of the Ashfield Local Environment Plan 2013 identifies the objective 'to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views'.
 - a. The height, shape and materials of the new building areas are not in keeping with the area and specifically the heritage properties surrounding the site. The Statement of Heritage Impact acknowledges that the proposed building contains 'structural thickness above the ceiling height and fascia' of 15 Moonbie St. The flat roofline at the front and pitched industrial roof shape at rear are unlike any other building on Moonbie St, all of which have traditional pitched shapes. The colouring and materials, specifically the large glass frontages and aluminium louvres, proposed for the new construction are inconsistent with materials used anywhere else on Moonbie St. The two-storey form at the rear of the property is incompatible with the rear building lines of all other buildings on the west side of Moonbie St. The overall design of the proposed building is fundamentally out of keeping with the character of the area, and contrary to Ashfield Council policy, diminishes the fabric, setting and views of adjoining heritage items.
 - b. The development exceeds the Floor Space Ratio (FSR) specified in the Ashfield Local Environment Plan 2013. The additional space, amounting to 40.85 sqm, is a significant area in size, allowing for the accommodation of an additional 2-5 people on the site, depending on how it is ultimately used. The Statement of Environmental Effects acknowledges that this beyond-capacity space is contained in the new first floor area on the south-east corner of the proposed building. It argues that as this area is the same height as the existing roof level, compliance with the FSR standard is unnecessary. However, the change in shape, as noted at point 5.a. above, represents a significant departure from the architectural character of the area. It further creates a problematic overshadow, as addressed at point 1.c. In view of these issues, the development proposal has satisfied any reasonable view that FSR provisions are unnecessary for this site.
 - c. The size of the building is of inappropriately large scale to the other buildings on Moonbie St. Unlike the few more modern unit blocks on the street, it sits

close to all boundaries, proposes minimal landscaping, trees or green spaces. It will therefore overshadow surrounding residences and impose heavily on the streetscape – fundamentally changing its visual character. We note that the Ashfield Council DCP – Part C15 Houses and Dual Occupancies, which is selectively quoted in the Statement of Environmental Effects in support of the development proposal, specifies that at least 50% of the available ground level area of a site greater than 600sqm is landscaped. We contend that the maximum bulk considerations which would apply to any new residential development in Moonbie St should also be applied to the property at 11A Moonbie St in order to conserve the character and heritage nature of the surrounding area.

- d. The proposal to devote the Moonbie St frontage of the development to driveway is unnecessary and out of keeping with the architecture of the street. In contrast to existing residences, there are no trees or landscaping to soften the appearance of the building. As there is rear driveway access to the site, it is therefore unnecessary that the front be solely devoted to cars. This aspect of the proposal is out of keeping with the character of the area and diminishes the setting, views and streetscape of the adjoining heritage properties.

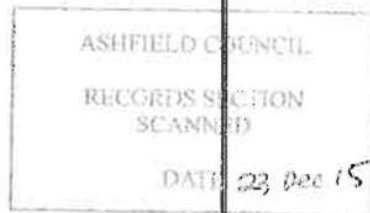
We therefore dispute that the new development proposal achieves the objectives set out in the relevant planning and policy documents for Ashfield Council.

Thank you for considering our comments on the proposal. We would be happy to elaborate on any of these points.



C Drake
15 Moonbie St
Summer Hill NSW 2130
Email: cdab.adm@gmail.com

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

P.1

0297986411

SUMMER HILL POST OFFICE

Dec 15 03:26p



Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Summer Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 118 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: JANET BURNS

Home address: 14 MOONBIE ST SUMMER HILL

Email address:

Phone number: 9799 3214

Signature/s

JBURNS

1

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131



17 December 2015



OBJECTION TO DA FOR 11A MOONBIE STREET SUMMER HILL – BOARDING HOUSE

Application No: 10.2015.240

Works proposed

Alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons. Part of the existing ground floor of the building will continue to be used for health related issues (presumably the current drug addiction service, United Gardens Clinic).

Overall Objection

The proposal should be refused because

1. it is not compatible with the character of the locality and surrounding buildings and
2. it is an overdevelopment of the site which would have numerous adverse impacts on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2

Detailed Objections and Proposed Actions

1. Context and character of the area

1.1. Incorrect description of 11A's surroundings in DA documents

The DA documents describe the changing built environment of Moonbie St and Bartlett St inaccurately in several places. For example,

"The site is located in an area largely comprised of traditional single dwellings which are *giving way* (my italics) to new medium density residential and aged persons complexes as a transformation of the precinct takes place with the urban consolidation process."

DA 10.2015.240, *Assessment of Traffic and Parking*, p.2

The reverse is true. Thirty years ago, when we moved to No 17 Moonbie St as owner-occupiers, Nos 11, 15, 17, 19, 21 Moonbie St were either boarding houses (several boarders each) or divided into flats. Now, only No 11 remains as flats. The others have been sensitively and historically accurately restored to their original purpose as single family dwellings. This trend is obvious throughout the whole of Summer Hill, with the exception of obsolete industrial sites in the business centre and on the eastern perimeter.

There are no boarding houses, multiple-occupancy houses, or nursing homes in Moonbie St and the block bounded by Moonbie St, Short St, Regent St and Bartlett St. Moreover, the modern home unit blocks opposite 11A Moonbie St were constructed in the 1960s and no more have been constructed in the 45 years since then. The single family houses include Victorian, Federation and Between the Wars styles.

The R2 zoning of the surrounding area provides certainty that the desired future character of the area is low density residential. Therefore, the insertion of a 43-resident boarding house in Moonbie St is quite out of keeping with the area's current character and desired future character.

1.2 Incorrect information about 11A's former use

Before United Gardens (UGC) drug addiction treatment clinic was established 25 years ago in the small front suite of 11A, the premises were United Gardens Hospital, a private surgical hospital, which closed when NSW Health Dept introduced upgraded standards. *It was never a nursing home for the aged, as stated in the proposal's documents.* Since UGC was established, the only co-tenant was the Epilepsy Association, which ran Fairholm, a nursing home for severe epileptic patients at the premises for about 10 years. Most of the premises have been vacant for about 15 of the last 25 years.

1.3 Heritage Impacts

While the streetscape of Moonbie St is mixed (Victorian, Federation and Between the Wars style houses and a few 1960s home unit blocks), this does not mean there is no heritage value to be protected. Indeed, the street exemplifies the history of Sydney building styles from Victorian to post World War II periods. Council has identified 5 single buildings, 4 pairs of houses and 1 large group of houses (74-90) in Moonbie St in its LEP 2013 Part C10, *Schedule of Heritage Items*. Clause 37 of this document states

Council must assess and take into consideration the likely effect of the proposed development on a heritage item, . . . and on its setting, when determining an application for consent to carry out development on land in its vicinity. (p.109)

The impact of the ugly pastiche of the proposed façade is even more adverse than the façade of the current building and will reduce the heritage value of the street and particularly of the Scheduled Heritage items. Victorian semi-detached next door neighbours, Nos 15 and 17.

Error Note: The photo of Nos 15 and 17 in the proposal's Statement of Heritage Impact, Appendix 1, is incorrect; the photo shown is of Nos 36 and 38 Moonbie St, further south.

2 Site overdevelopment

2.1 Floor-space ratio and height

The stated FSR and heights stated in the DA documents exceed the limits specified in Ashfield LEP 2013 and DAP 2013. Moreover, visual inspection of the site plan and elevations suggest that these measurements may be greater than stated.

Also, we seek clarification from Council in regards to the site area for the purposes of calculating FSR. Should the rear driveway be excluded from the calculation of site for the purposes of applying the Floor Space Ratio? Ashfield LEP clause 4.5(1) (b) i) may indicate the rear driveway area may not be excluded.

The height of the 2-storey building at the front seems to exceed the maximum 6m wall height control in the *Interim Development Assessment Policy Part C15 Houses and Dual Occupancies in Residential Zones* Section 2 clause 2.3.

Action: We request that Council engage an independent consultant to calculate the FSR and heights from the larger scaled plans to verify that the FSR and heights stated by the applicant are correct.

2.2 Minimum landscaped area

Ashfield DAP C15, which applies in R2-zoned areas, requires 50 percent of the area of sites of more than 601 sqm to be landscaped. This proposal would not meet this requirement. The only sizeable part of the site not built on is the front, which seems to be mostly concrete driveway and parking.

Nearly all buildings in Moonbie St, even the unit blocks, have front gardens and are limited to one 3m-wide drive, although many do not have any driveway or onsite parking. No 11A must be required to conform to this context. If all the area in front of the building, apart from a 3m-wide drive were landscaped with suitable ornamental plants, shrubs and trees, much would be done to reduce the current severe and ugly impact on the streetscape.

Action: All the area in front of the building, apart from a 3m-wide drive, should be landscaped with suitable ornamental plants, shrubs and trees. Some of the rear and side additions should be demolished to conform to the required minimum landscaped area of 50 percent. Several (eg 2-4) large trees with a mature height of 12-18m should be required in the front garden landscape area with a condition that these trees be installed at a minimum height of 4m.

3 Building Form and Appearance

The proposed building's form and appearance is not compatible with the design principles set out in Ashfield LEP and DAP 2013, Parts C15 and C18.

3.1 Architectural composition and quality

The architectural composition and quality are unsympathetic to the mixed architectural context described in 1. above and particularly to the adjoining pair of semi-detached Victorian terraces listed in the Ashfield Heritage Plan (Nos 15 and 17).

A two storey form is proposed right to the rear of the property. This is incompatible with the rear building lines of the neighbours, would introduce bulk into the rear garden zones of neighbours, would have negative visual impact, reduce view of sky, and is of an unsympathetic and inappropriate scale to the surrounding context.

Action: Any 2 storey element should align at the rear with the 2 storey rear building lines of the adjacent neighbours.

3.2 Façade

The front elevation presents an ugly mish-mash of 2-storey concrete box, half the existing single-storey front addition to the original Victorian house, with a saw-toothed factory roof rearing behind. The design has no aesthetic value and no discernible style. It is also incompatible and out of context with the architectural character of the surrounding neighbours.

3.2.1 Fences and gates

Plans for fences and gates are not provided on the site plan. Almost all Moonbie St houses and unit blocks have front fences, most in an appropriate style. Without well-constructed front fences and gates of high quality materials, 11A would be even more unsympathetic and out of character with the context.

Action: The façade and roofline, including landscaping, fences and gates be re-designed to present an aesthetically pleasing and harmonious addition to the streetscape.

3.3 Materials and finishes

The finishes of black render, off-form concrete and dark bricks are completely incompatible with the architectural context.

Action: The materials and finishes be changed to reflect, complement and enhance the streetscape.

3.4 Disabled access

The plan specifies several wheelchair-accessible rooms, but does not state details of the necessary provisions for these. Currently the driveway is too steep for wheelchair access and there are stairs to the front door.

Co-location of a disabled facility with an addiction treatment clinic may not be appropriate. UGC attracts drug dealers and frequent visits from Ashfield police. This may not be a comfortable environment for vulnerable people.

Action: The proposal must detail (with accurate RL levels and slope gradients on the plans) how the required disabled access to the facility is to be achieved.

3.5 Parking

Only 4 car spaces are provided on site, less than the 6.4 required by DAP Part C18. Those 4 spaces are all in front of the building, making it impossible to meet the minimum requirement for soft landscaped area of 50% of the site. Almost all buildings in Moonbie St, even the unit blocks, have front gardens with soft landscaping and trees and are limited to one 3m-wide driveway. No 11A must be required to conform to this context.

As 11A, has rear lane access, there is no need to have any parking at the front of the building. Demolition of part of the rear of the building could provide the required car spaces.

Action: Car spaces should be removed from the front of the building and accommodated at the back, by demolishing part of the existing building.

4 Adverse impacts on adjoining properties

4.1 Loss of privacy

The side elevations show the second-storey rooms with glass doors and balconies looking straight into the side windows of No 15, and overlooking the private back gardens of Nos 11, 15 and No 17. The rear elevation overlooks adjoining private back gardens of at least three single-storey houses in Bartlett St. This is unacceptable in an R2 zone.

Action: A second storey should not be permitted beyond the 2-storey rear building lines of neighbours, or where private outdoor space at the side (Nos 15 and 11) or back (Bartlett St) can be overlooked.

4.2 Overshadowing and loss of solar access

The shadow diagrams show that No 15 to the south would suffer greatly increased overshadowing, both to the house and garden. The gardens of Nos 15 and 17 will be deprived of sunshine from the north, especially in winter. However, there is no shadow diagram for No 17 supplied.

Action: The proposal must comply with requirements of Ashfield DAP Part C15. In addition, we request a shadow diagram for the rear garden of No 17 Moonbie St.

4.3 Loss of view

Due to the bulk of the 2-storey form which extends to the back fence of Nos 11, 15 and 17, and adjoining Bartlett St houses, we will be deprived of a substantial section of our view of the sky from our gardens. A view of sky from private rear gardens is a reasonable expectation in a R2 low density residential zone.

Action: A second storey should not be permitted beyond the rear building lines of neighbours, where its looming bulk would reduce residents' open views.

4.4 Noise

Moonbie St residents already suffer noise from 11A, from the vehicles of patients attending UGC, and loud and often obscene arguments on the street between the patients.

It is inevitable that 43 residents will create additional noise, particularly in the private open spaces and balconies adjacent to the fences of No 15 and No 11, where social gatherings, drinking and smoking will occur. The Operational Management Plan submitted states that noise will be controlled by the manager. However, nowhere in the document is the target market for the boarding house stated. If the market

includes psychiatric patients or patients treated for drug addiction, experience suggests significantly more noise could be expected.

Motorcycles leaving parking spaces in the rear lane to Bartlett St would also create significant noise for the houses on either side.

Action: We request a marketing plan for the boarding house be supplied to neighbourhood residents.

5 Request for exemptions from planning controls

The DA proposal requests exemptions to the requirements of Ashfield LEP 2013 and DAP 2013 Parts C15 and C18. Exemptions cannot be justified due to the numerous amenity impacts to neighbours caused by incompatible bulk and scale. The design is a low standard of architectural composition and is even worse than the current ugly building. In short, the proposal is an over development of the land and does not comply with planning controls. It is incompatible with the context, design, site coverage, setbacks, bulk and scale of the local area.

Conclusion - Vision for a sympathetic development for 11A Moonbie St.

Unfortunately, the current building on the site has no merit and has a negative impact on neighbours and streetscape. The best solution is demolition.

The dominant current character and desired future character of the vicinity is single family dwellings, which is what this site should also be used for, not for methadone clinics or boarding houses.

The size of the site would allow two pairs of 2-storey semi-detached houses (four family dwellings). These should be aligned with and of similar style to Nos 15 and 17 Moonbie St, which are heritage listed. If the design, construction and materials were of high quality, they would sell for at least \$2,000,000 each on the current market and return a good profit for the developer. Such a development would enhance the environment of Moonbie St and improve the amenity of its residents, which is surely what all land development should do.

Thank you for considering our submission. Please contact us (details below) for further discussion of this matter.



Bernadette and Peter Williamson



17 Moonbie St, Summer Hill 2130
Phone: 9716 8324
Email: williamson_bn@yahoo.com.au

Development Application 10.2015.240
@ Fairholme, 11A Moonbie Street Summer Hill
Lot C DP: 310221
20/12/2015

Dr Penny McKeon
Mr Roger McKeon
4 Moonbie Street
Summer Hill 2130

To the General Manager,

We write to express our concerns regarding the boarding house proposed at 11A Moonbie Street and respectfully ask that Council reject the development application.

The design and scale of the boarding house consisting of 32 rooms for 43 tenants are excessive, particularly in comparison with other dwellings on the western side of Moonbie Street. Two storey freestanding terraces are on either side of 11A. We are not experts; nonetheless, it appears the plan is an overdevelopment of the site. Existing adjacent households would find their homes subject to overshadowing and their individual privacy compromised by the presence of overlooking windows and balconies. The number of residents in the new space will bring with it an increase in noise, and one cannot be confident that such a speculative development will incorporate thoughtful noise abatement measures into its construction.

Then there is the vexatious problem of parking. This is a big issue where residents with no driveway must park on the street. The absence of adequate parking provisions within the development is, in our view reprehensible. Are rooms to be let only to tenants without cars? This is unlikely, and unenforceable. The Council's current "Go Get" car share and resident parking scheme initiatives indicate your awareness of the scope of this problem.

We do not propose the NIMBY defence as the United Gardens Methadone Clinic has been in place for many years and is performing a necessary public health service. We purchased in Summer Hill in 1977 and have experienced five home break-ins over this time, all drug related, including one where an exceptionally emaciated woman broke in by smashing a locked window, slithering through a security grill, and threatening me with a knife. We have taken responsibility for our security with a back to base alarm, grills, and deadlocks.

However, the impact on local school populations of an increased presence of transient residents with mental health and/or substance abuse issues is problematic. Lurking is commonplace. I have witnessed clients of the Clinic harassing primary school students as they walk up Moonbie Street to Summer Hill Public School and parents with children attending the Uniting Church Child Care Centre, which is across the road and a short distance from the existing facility.

We urge the Council to refuse the application for the reasons set out here. The proposal is badly designed, not compliant with floor space ratios set out by Council, lacking in appropriate off street parking and inappropriately located in relation to the Summer Hill Public school and United Church Child Care Centre.

Yours Sincerely



Ashfield Council
P.O.Box 1145
Ashfield NSW 1800
DX21221



20th December 2015

**Re: Development Application 10.2015.240 at
11A Moonbie Street Summer Hill - Lot C DP:310221**

Proposal: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons

To the General Manager,

We would like to voice our objections to the proposed boarding house and ask that the development application as described be refused.

The proposal is an overdevelopment of the site. The land comprises 1578.21m² and is subject to a maximum floor space ratio of 0.4:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m². As a resident who had a modest proposed extension of my house refused in the late 1980s on the basis that it would exceed the floor space ratio by a smaller amount, I would ask that the Council apply the same rules to all rate payers.

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of the existing development of the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss of privacy where second storey balconies and windows overlook existing properties and change the way the private space is used.

There is already an acute shortage of street parking in Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on streets within walking distance of the Summer Hill Station. The allowance of only 4 car parking spaces for 48 residents is inadequate. Joe Hockey's assumption the "Poor people don't drive cars" has already been proved inaccurate. Providing parking for less than 10% of residents for a new development appears to me to be very shortsighted. The residents of this development will be competing with other residents, workers, commuters, visitors, clients of United Gardens methadone clinic and tradespeople for the very few untimed parking spots in Moonbie Street. It is worth noting that the car spaces for United Gardens will be reduced to one there are regularly 8 cars parked at the clinic currently.

The continuation of the United Gardens Methadone clinic within this proposed development is in contravention of the Department of Health's own guidelines as acknowledged in Parliament Questions and Answers No. 61, Wednesday 14 May 1997

"Clinics are not allowed to operate in residential areas or in the vicinity of schools, colleges or places where children and young people congregate."

The location of this clinic is in a residential area, less than 30 metres from a preschool, and on the direct route to at least two schools. I acknowledge that it has been allowed to continue in contravention of all planning guidelines because it was deemed to be a pre existing service. I feel this development application is for a new business and as such the pre-existing exemptions should no longer apply.

I am concerned about the lack of amenities shown in the plans for this boarding house. The plans show that the proposed building takes up the complete block. There will be 32 rooms in the building with a total of 43 residents, there appears to be insufficient recreational spaces outside the building that would allow them to get any fresh air or exercise without having to leave the site.

The planning application makes no mention of a management plan for the boarding house. These types of residential buildings are most likely to be homes for people with a need for support services to ensure they are able to live well in the community. Is the business plan subject to a separate development application? What measures are being put in place to ensure that this institution is well run for the benefit of both residents and the surrounding community?

In order to ensure that this development is an appropriate fit for the surrounding community, including the schools and preschool, I urge the Council to fund a detailed Social Impact Assessment as the current statement focuses on the residents and omits considerations of the impacts on the surrounding residents.



Kate Curr

30 Moonbie Street

Summer Hill

97983653, 0429990168

kate.curr@gmail.com



Robert Smith



PETITION TO ASHFIELD COUNCIL

We, the undersigned, object to the works proposed for 11A Moonbie Street Summer Hill, Development Application No: 10.2015.240, namely

Alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons. Part of the existing ground floor of the building will continue to be used for health related issues.

We request that Council reject this proposal because

1. it is not compatible with the character of the locality and surrounding buildings and
2. it is an overdevelopment of the site which would have numerous adverse impacts on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2

	Name	Address	Telephone	Signature	
1.	B.M. WILLIAMSON	17 Moonbie St Summer Hill 230	9746 8824	<i>Biddle</i>	19/12/2015
2.	P. Williamson	17 moonbie st Summer Hill	0401026920	<i>P.W.</i>	"
3.	E. MUNRO	16 Moonbie St Summer Hill	0409665749	<i>E. Munro</i>	"
4.	Therese Munro	16 Moonbie St	0413 985 224	<i>Therese</i>	"
5.	Susan Terravecchia	12 Moonbie St. S.H.	0411738445	<i>S. Terravecchia</i>	"
6.	ROGER MCKEON	4 MOONBIE ST	97983218	<i>R. McKee</i>	"
7.	Penny McKee	4 MOONBIE ST	97983218	<i>Penny McKee</i>	"
8.	Bronie Arns	1A Moonbie St	broniearns@ yahoo.com.au	<i>Bronie Arns</i>	"
9.	Vicki Ford	1A Moonbie St		<i>Vicki Ford</i>	"
10.	DAVID MORT	2 Moonbie St	97978118	<i>David Mort</i>	"
11.	C. TRYPANOPOLIS	43 SMITH ST.	97987275	<i>C. Trypanopolis</i>	"
12.	ANTHONY BOULOS	115 SMITH ST SUMMER HILL	0411627786	<i>Anthony Boulous</i>	"

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	Name	Address	Telephone	Signature	19/12/2015
13.	DAN STEVENSON	24 KINGSINGTON RD SUMMER HILL 2630	0431876009		"
14.	REGGY WILKINSON	57 SMITH ST SUMMER HILL	0416225809		"
15.	DARLO	21 SMITH ST SUMMER HILL	079999977		"
16.	SUMMER HILL SWEETS	125 SMITH ST SUMMER HILL	0455792291		"
17.	JANE NICE	19 MOONBIE ST SUMMER HILL	0499777873		"
18.	TIM NICE	19 MOONBIE ST SUMMER HILL	0420459353		"
19.	KATHRYN MURPHY	5 MOONBIE ST SUMMER HILL	0407958255		"
20.	JUSTIN MCFARLANE	5 MOONBIE ST SUMMER HILL	04001171460		"
21.	STEWART MCKEE	5 MOONBIE ST SUMMER HILL	0417279590		"
22.	SCOTT MURRAY	7 MOONBIE ST SUMMER HILL	0407224798		"
23.	LISA HORTON	7 MOONBIE ST SUMMER HILL	0418455269		"
24.	ROBERT SMITH	30 MOONBIE STREET	0408228707		"

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	Name	Address	Telephone	Signature	
25.	Alex Potelokas	56 Moorbie St Summer Hill	0419 998 294		19/12/2015
26.	Elizabeth Leides	90 Moorbie St Summer Hill	041 224 705		21
27.	Caroline Stiles	54 Moorbie St Summer Hill	0602550251		11
28.	STEVE PAGE	58 MOORBIE ST SUMMER HILL	0613260756		11
29.	Chris + Sharon Hemphre	41 Moorbie Street	0401947840		11
30.	Bright Edge	37 Moorbie St	0425217230		11
31.	Suzanne Hinch	76 Moorbie St	0407907065		11
32.	Paul Wall	78 Moorbie St	0414598016		11
33.	Paul Gallagher	90 Moorbie St	0417227575		11
34.	GALLAGHER	9 Moorbie St	0407706675		11

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Name	Address	Telephone	Signature	
35. Laurence Austin	11A Moonbie St Summer Hill	0449 163298	M Austin	20/12/15
36. KAREY ANDERSON	17 KARLE ST Summer Hill	0433 89770	K Anderson	20/12/15
37. ARI KENNEDY	15 GARRIST ST Summer Hill	9798 7381	A Kennedy	20/12/15
38. LIZ WATSON	13 BARTLETT ST Summer Hill	0406 403709	L Watson	20/12/15
39. Glen Jones	27 Mount St Summer Hill 2130	9798 6455	G Jones	20/12/15
40. Allison Blake	15 Moonbie St	0401842 120	A Blake	20/12/15
41. CLAIRE DRAKE	15 MOONBIE ST	0400190737	C Drake	20/12/15
42. Anne Williams	14 Manchester St Dutchess Hill	0411652693	A Williams	21/12/15
43. Claudia Carter	14 Manchester St Dutchess Hill	95646656	C Carter	21/12/15

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Name	Address	Telephone	Signature	
44. Nadia Vaila	2/26 Moonbie St Summer Hill	9798 3796	Nadia Vaila	20/12/15
45. Dario Musup	1/26 Moonbie St Summer Hill	9798 0124	Dario Musup	20/12/15

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131
Attention: Mr Philip North



Dear Philip,

Re: Your Reference: Development Application No. 10.2015.240

Proposed Alterations & Additions, First Floor Additions, Change Of Use To Boarding House 11a Moonbie Street, Summer Hill, NSW 2130

We have numerous concerns about this proposal which are explained in detail below.

Parking

The legislated minimum parking space requirement for a boarding house is 0.2 spaces for each boarding room. This proposal is for 32 boarding rooms requiring 7 ($32 \times 0.2 = 6.4$) parking spaces, but only 4 spaces are planned, of which 2 are tandem. This does not satisfy the SEPP and is considerably below what common sense suggests will be the actual parking demand generated by 43 boarding house residents and their visitors. It would be more reasonable to suggest that at least half of the boarders will own their own vehicle, and need somewhere to park. Parking is already a major issue for the residents of Moonbie St and neighbouring streets, and adding these extra cars to the mix will only exacerbate an already difficult situation.

Furthermore, the proposal also appropriates the parking spaces currently used by the clients and staff of, and suppliers to, the United Gardens Clinic (UGC), which is planned to continue to operate on the site. The whole of the existing car parking area is in continual use during UGC opening hours. (Their opening hours increased dramatically over a year ago, and residents were not notified about this by the way. Nor have the changes been reflected on the UGC website.) This displaced parking together with the parking demand, unaccommodated by the boarding house, will place even more pressure on the already stretched parking available in surrounding streets. United Gardens Clinic will be left with one parking spot, which is utterly and completely inadequate.

Traffic and pedestrian movement around the UGC can be chaotic and the restricted parking access is likely to pose a safety hazard especially since exit will require backing into Moonbie St. *The proposed boarding house sits on the main thoroughfare for children to get to Summer Hill Public School (850 students), many of whom have to navigate past the UGC traffic issues already. On a daily basis I witness traffic coming and going from that site at unsafe speeds and disregard for pedestrians, many children, who need to cross its two driveways that have their vision blocked by a high hedge.*

Surely with a development of this scale, an independent traffic report is in order.

Social Impact

The UGC and the surrounding area, especially Moonbie Street, is a focal point for frequent police operations combating drug and other criminal behaviour. Police have verbally told residents (us) that the area is 'definitely a crime hot spot', and many residents, including the children in the area, have been affected directly by UGC related crime, whether it be home invasions, or witnessing the fights, drug deals, dangerous driving, and profanity that some UGC clients bring to our street. Our children should *not* have to grow up

fearing walking down their own street. The co-location of a boarding house with the UGC presents serious risks of amplifying the anti-social behaviour that occurs outside the clinic, affecting all residents, children included. Mixing together people with histories of substance abuse, crime and mental illness with any type of boarding house is a proposal that can only be driven by greed, as it makes absolutely no common sense.

Impact on Neighbours

The proposed development will significantly compromise the privacy of the neighbouring properties especially 11 and 15 Moonbie and 6 and 8 Bartlett. Notwithstanding the provision of privacy screens, the proposed second-storey balconies and large glass-framed windows are so close to the boundaries of neighbouring houses *that they will look directly onto their bedrooms, bathrooms living areas and outdoor space*. As such, it is in conflict with Ashfield Council standards as set out in the Ashfield Development Control Plan 2007, Section C15, part 5.5. If residents of Moonbie Street have had DAs knocked back because windows may face in the direction of their neighbour's backyard, how can this development be justified in any way, shape or form?

Furthermore, any development that blocks major hours of sunlight to anyone's property means more energy use for that property. With a loss of backyard sun, neighbours will use their dryers more frequently rather than hanging laundry out. With less sun on their houses in winter, neighbours will be turning on their heaters more frequently. From an environmental perspective, this DA is undesirable and against what Ashfield Council is striving for in regards to energy use.

Noise is another concern for all residents within 100m of this property. With 43 extra people living in this small site, there will undoubtedly be more noise. Boarding houses accommodate singles, and not families like the rest of the neighbourhood. With this will come "single" noise: late parties in the yard, coming and going at all hours both on foot past our front bedroom windows and in their vehicles, extra delivery and maintenance noise. A boarding house lifestyle is not compatible with the rhythm of our residential street.

Site overdevelopment

The proposal follows the footprint of the existing building, which fills almost the entire block, and extends it to a second storey. The only exceptions to this height expansion are the front half of the building used by the UGC and the proposed rear deck. While the application acknowledges that the FSR exceeds the limits specified in Ashfield LEP 2013 and DAP 2013, inspection of the plans submitted suggests that the quoted FSR may be a severe understatement. Council should investigate the veracity of the claimed FSR. Particular issues are the treatment of the floor space of the existing UGC, deck and the driveways.

In addition, the proposal does not meet Ashfield DAP C15, for R2-zoned areas, which requires 50% of the area of sites of more than 601m² to be landscaped. Reduction of the building footprint, a smaller two storey expansion and provision of suitable landscaping might partially mitigate the impact of the immense scale of the proposal on the surrounding houses and the streetscape of Moonbie Street.

Building form and appearance

Moonbie St. contains a number of buildings of heritage importance which provide a sense of coherency, modulation and rhythm and which all contribute to the character of the whole. This is consolidated through repetition of identical building elements such as modulation, shingles, gables, chimneys, doors, windows, terraces, entrances, fences, building material and other building details along the streetscape. (see Ashfield LEP Schedule 5).

The proposed boarding house form and appearance is not compatible with the design principles set out in Ashfield LEP and DAP 2013, Parts C15 and C18. Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009 Clause 30A the design of the development is not compatible with the character of the local area.

The two story extension of the rear has a saw tooth roof which will introduce massive bulk right up to the boundaries of the neighbouring houses. The scale of the saw tooth extension dominates, giving a strongly industrial feel to the elevation completely out of character with the surrounding Victorian and Federation houses. This roof with its coarse industrial appearance will be visible in Moonbie St *and is glaringly inconsistent* with any other roof form in the immediate area. It will be particularly jarring in the context of Moonbie St.

The existing uniform front elevation provided by the post-war hospital and the central tower of the original building, will be broken in half and the tower demolished. On the right of the elevation facing Moonbie it is proposed to keep the section used by the UGC (together with its decidedly temporary looking timber lattice and stair entrance) while at the left, the uniform façade will be broken by a group of four bays of two storey glass and aluminium framed studio apartments (rooms). The overall effect is to produce what looks like four separate buildings, each with its own design aesthetic and with no consideration given to integrating the whole. Only perfunctory consideration has been given to any softening of the complexity by the use of landscaping which is relegated to minimal planter boxes.

It would be particularly inequitable for a development of this scale and appearance to be approved, considering that long standing families who own houses on Moonbie Street have had their applications to 'go up' refused, applications of just a couple of bedrooms to accommodate growing families.

Conclusion

The proposal it is not compatible with the character of the locality and surrounding buildings and it is a gross overdevelopment of the site. It would have *numerous adverse impacts* on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2.

We regard these issues as being sufficiently serious to request Council reject the development application. We value the nature and character of our community and urge Council to insist on a detailed Social Impact Assessment (on the residents living in the area already!) and a Traffic Study.

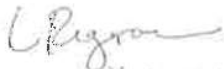
We request that Council notify us of progress with its consideration of the development application and the outcome. In the meantime, if Council *would hold a special meeting for concerned residents with the owner of 11a Moonbie Street present, perhaps he/she could answer face to face to some of these and other concerns.*

Sincerely,

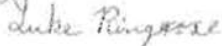
Susan Terravecchia



Leigh Ringrose



Luke Ringrose (age 12)



Owen Ringrose (age 8)



12 Moonbie Street

Summer Hill, NSW 2130

97997672

0402118356



21st December 2015

18 Moonbie Street
Summer Hill, 2130, NSW

Ashfield Council
PO Box 1145
Ashfield NSW 1800

Attention: Mr Philip North

Re: Development Application No. 10.2015.240. Proposed Alterations & Additions. First Floor Additions. Change Of Use To Boarding House 11a Moonbie Street. Summer Hill. NSW. 2130

Dear Philip,

In the Community Report for 2015, Ashfield Council talks about the importance of 'representing the voice of our community', and ensuring 'the views of the community are heard.'

It is with some astonishment, then, that the residents of Summer Hill – and in particular the Tavistock Estate – discover only at the eleventh hour of a plan to construct a new boarding house to co-exist alongside the existing United Gardens methodone clinic.

To move forward at this pace on such a proposal – in a street with both childcare and primary school facilities – without significant community consultation, reflects an apparent level of irresponsibility that makes one wonder if the proposed merger of Inner West councils cannot come soon enough.

In an area where the heavy presence of Ashfield's already overworked police men and women is already necessary to ensure the safety of local children and the security of property, this proposal is likely to have considerable social impact.

In addition to this obvious and troubling social impact, I herein lodge my objection to the proposed development application no 10.2015.240 on the following grounds:

- The development application does not specify the room size. The minimum size for a single room is 12m², and it is unclear from the DA on how large (or small) they will be.
- Lack of open space. While the DA lists 72m² as the communal open space, this seems to include the parking facing Moonbie Street as part of that total. The parking area is inappropriate as 'communal open space' due to the noise impacts on the street, as well as the fact that Moonbie Street is a popular pedestrian thoroughfare. Moonbie Street already has issues with clients of United Gardens waiting on the opposite fences until the clinic opens. The open area around the building is very small and given the number of residents compared to the space, and the noise will adversely impact the surrounding neighbours.
- Parking. The legislated minimum parking space requirement for a boarding is 0.2 spaces for each boarding room. This proposal is for 32 boarding rooms requiring 7 (32 x 0.2 = 6.4) parking spaces, but only for spaces are planned, two of which are tandem. This does not satisfy the SEPP and is considerably below what common sense suggests will be the actual parking demand generated by 43 boarding house residents and their visitors.



- * Increase in traffic on Moonbie Street. An extra 32 individuals and their visitors will significantly increase traffic on the street. This will have a detrimental impact on the enjoyment of the resident's quiet amenity. Additional vehicles also present a serious safety risk to children, particularly those from the before and after school care that use it to get to and from school.
- * The design, with its aluminium framing is not in keeping with the streetscape and Ashfield Council's desire to protect and preserve the heritage feel of Summer Hill. The building will be out of character and impose a very different feel to the neighbourhood environment. The proposed façade on Moonbie Street will overwhelm other houses.
- * The application states that the development will exceed the FSR limits. This should be reduced to better fit within the streetscape.
- * Privacy. The new rooms directly face Moonbie Street, with no privacy for the residents or the residents of the apartment building on the other side of the street. This contravenes the standards set out in Ashfield Development Control Plan 2007, Section C15.
- * Noise impact of 32 additional residents. There is no noise impact statement included within the development application. The number of residents within the boarding house will have a serious impact on the quiet enjoyment of the street by the existing residents.
- * Impact of construction. Construction will pose a serious safety risk as well as increased noise pollution in a residential street. There is also a kindergarten across the street which will be severely impacted by the noise and dust created by the construction.

The present proposal it is not compatible with the character of the locality and surrounding buildings, and represents a clear and common-sense overdevelopment of the site – with countless adverse impacts on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2. I regard these issues as being sufficiently serious to request Council reject the development application.

I request that Council notify myself and all impacted residents of the progress of the development application and the outcome. Should you have any queries or wish to discuss any of the above further please do not hesitate to contact:

Rodney Payne
18 Moonbie Street
Summer Hill NSW 2130
0412 624 036
rodneypayne@gmail.com

Sincerely,



Rodney Payne

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Summer Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 178 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Start again Somewhere else:

Name: 1) CAS NASSIS & 2) PAMELA NASSIS
Home address: 25 STOKER ST Summer Hill 2)
Email address: WORKING @ UPFRONT.COM AU / pamelanass 2)
Phone number: 1) 0405831134 2) 040686575. 2 me.com

Signature/s

1) *Cas Nassis*
2) *Pamela Nassis*

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015

ASHFIELD COUNCIL
RECORDS SECTION
SCANNED

DATE 23 Dec 15

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

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Name: *Emma Cox*
Home address: *5/24 Moonbie St Summer Hill 2130*
Email address: *ec88a@hotmail.com*
Phone number: *97984473*

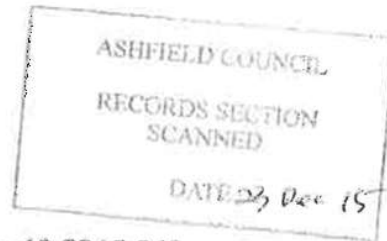
Signature/s

EC

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill -- Lot: C DP: 310221

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: Maureen Austin

Home address: 4 Bartlett St, Summer Hill NSW 2130

Email address:

Phone number:

Signature/s M. Austin.

P.T.O for my ^{personal} objections & details.

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill - Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

- As the next door neighbours some of the highly disturbing occurrences (last night) include:
- ① Lethal weapon (20 cm serrated, rusty knife) brandished & driving wall by distressed ^{child}
 - ② addicts lying on our driveway asleep; others simply trespassing
 - ③ MACHETE Wielding Addict HACKING AWAY AT TREE TRUNK DURING HAUSTORIAL
 - ④ Addicts filling up our garbage bins with stolen clothing unwanted by them (pilfered from St. Vinces Bins, street cleanups etc).
 - ⑤ Rubbish strewn on our property by these individuals.
 - ⑥ Clothing stolen from our lines ⑦ Many more lesser incidents

Name:

Stephen Proud

Home address:

11 Moonbie St Summer Hill (tenant).

Email address:

Phone number:

0420 997 729 or
0405 958 507

Signature/s

Steph Proud

PLEASE DO NOT MAKE THE
SITUATION EVEN WORSE !!



Objection to DA 11A Moonbie St
Glenn Jones

to:
info

21/12/2015 11:42 AM

Hide Details

From: Glenn Jones <glennstewartjones@gmail.com>

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

1 Attachment



Jones objection.doc

Dear Council,

I attach a copy of an objection to DA 10.2105.240 that I lodged by hand on Friday 18th December. I wish to make sure that my objection is received by the deadline today.

Regards

Glenn Jones
27 Short St
Summer Hill
NSW 2130

9798 6433

19 December, 2015

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131

Attention: Mr Philip North

Dear Philip,

Re: Your Reference: Development Application No. 10.2015.240
Proposed Alterations & Additions . First Floor Additions . Change Of Use To
Boarding House 11a Moombie Street. Summer Hill. NSW. 2130

We have a number of concerns about this proposal which are set out below.

Parking

The legislated minimum parking space requirement for a boarding is 0.2 spaces for each boarding room. This proposal is for 32 boarding rooms requiring 7 (32 x 0.2=6.4) parking spaces, but only 4 spaces are planned, of which 2 are tandem. This does not satisfy the SEPP and is considerably below what common sense suggests will be the actual parking demand generated by 43 boarding house residents and their visitors.

Furthermore, the proposal also appropriates the parking spaces currently used by the clients and staff of, and suppliers to, the United Gardens Clinic (UGC), which is planned to continue to operate on the site. The whole of the existing car parking area is in continual use during UGC opening hours. This displaced parking together with the parking demand, unaccommodated by the boarding house, will place even more pressure on the already stretched parking available in surrounding streets.

Traffic and pedestrian movement around the UGC can be chaotic and the restricted parking access is likely to pose a safety hazard especially since exit will require backing into Moonbie St. The proximity of a child care centre adds further importance to considerations of safety.

Site overdevelopment

The proposal follows the footprint of the existing building, which fills almost the entire block, and extends it to a second storey. The only exceptions to this height expansion are the front half of the building used by the UGC and the proposed rear deck. While the application acknowledges that the FSR exceeds the limits specified in Ashfield LEP 2013 and DAP 2013, inspection of the plans submitted suggests that the quoted FSR may be a severe understatement. Council should investigate the veracity of the claimed FSR. Particular issues are the treatment of the floor space of the existing UGC, deck and the driveways.

In addition, the proposal does not meet Ashfield DAP C15, for R2-zoned areas, which requires 50% of the area of sites of more than 601m² to be landscaped. Reduction of the building footprint, a smaller two storey expansion and provision of suitable landscaping might partially mitigate the impact of the immense scale of the proposal on the surrounding houses and the streetscape of Moonbie St.

Building form and appearance

Moonbie St. contains a number of buildings of heritage importance which provide a sense of coherency, modulation and rhythm and which all contribute to the character of the whole. This is consolidated through repetition of identical building elements such as modulation, shingles, gables, chimneys, doors, windows, terraces, entrances, fences, building material and other building details along the streetscape. (see Ashfield LEP Schedule 5).

The proposed boarding house form and appearance is not compatible with the design principles set out in Ashfield LEP and DAP 2013, Parts C15 and C18. Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009 Clause 30A the design of the development is not compatible with the character of the local area.

The two story extension of the rear has a saw tooth roof which will introduce massive bulk right up to the boundaries of the neighbouring houses. The scale of the saw tooth extension dominates, giving a strongly industrial feel to the elevation completely out of character with the surrounding Victorian and Federation houses. This roof with its coarse industrial appearance will be visible in Moonbie St and is inconsistent with any other roof form in the immediate area. It will be particularly jarring in the context of Moonbie St.

The existing uniform front elevation provided by the post-war hospital and the central tower of the original building, will be broken in half and the tower demolished. On the right of the elevation facing Moonbie it is proposed to keep the section used by the UGC (together with its decidedly temporary looking timber lattice and stair entrance) while at the left, the uniform façade will be broken by a group of four bays of two storey glass and aluminium framed studio apartments (rooms). The overall effect is to produce what looks like four separate buildings, each with its own design aesthetic and with no consideration given to integrating the whole. Only perfunctory consideration has been given to any softening of the complexity by the use of landscaping which is relegated to minimal planter boxes.

Social Impact

The UGC is a focal point for frequent police operations combating drug and other criminal behaviour. The co-location of a boarding house with the UGC presents serious risks of amplifying the anti-social behaviour that occurs outside the clinic.

Loss of Privacy for neighbours.

The proposed development will significantly compromise the privacy of the neighbouring properties especially 11 and 15 Moonbie and 6 and 8 Bartlett. Notwithstanding the provision of privacy screens, the proposed second-storey balconies and large glass-framed windows are so close to the boundaries of

neighbouring houses that they will look directly onto their bedrooms, bathrooms living areas and outdoor space. As such, it is in conflict with Ashfield Council standards as set out in the Ashfield Development Control Plan 2007, Section C15, part 5.5.

Conclusion

The proposal it is not compatible with the character of the locality and surrounding buildings and it is an overdevelopment of the site. It would have numerous adverse impacts on neighbouring properties and the amenity of their residents.

Therefore, it contravenes the basic requirements of Ashfield Development Assessment Policy 2013 (DAP) Part C18, Boarding Houses p.2.

We regard these issues as being sufficiently serious to request Council reject the development application.

We request that Council notify us of progress with its consideration of the development application and the outcome. Should you have any queries or wish to discuss any of the above further please do not hesitate to contact us.

Glenn Jones and Elizabeth Savage

27 Short St.
Summer Hill
NSW 2130

phone 9798 6433
0409999617
email glennstewartjones@gmail.com
elizabeth.savage@uts.edu.au



Development Application 10.2015.240 @ 11a Moonbie Street
Alex and Ben

to:
info

21/12/2015 11:45 AM

Hide Details

From: Alex and Ben <mcjamieson2016@gmail.com>

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

2 Attachments



Letter to Manager.pdf 83867 - Ashfield Council - DA Notice for 11A Moonbie.pdf

Hi There

I want to submit my complaint about the 11a Moonbie Street development and the problems it will cause.

Please see attached letter and development proposal info.

Regards, Ben Jamieson

16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: Ben Jameson

Home address: 24 Moonbie Street Summer Hill

Email address: jamesonben@gmail.com

Phone number: 02 738 159

Signature/s





27 November 2015

PROPRIETORS OF STRATA PLAN 83867
C/- CONTI PROPERTY GROUP
PO BOX 443
CONCORD NSW 2137

NOTIFICATION OF DEVELOPMENT APPLICATION
DEVELOPMENT SITE: 11A MOONBIE STREET, SUMMER HILL LOT: C DP: 310221
(Near Lorne St)
APPLICATION NO: 10.2015.240

Council has received an application for the following works at the above address:-

Alterations and addition including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons. Part of the existing ground floor of the building will continue to be used for health related uses.

使用场所作为一个宿舍

L'utilizzo dei locali come una pensione

Any person may make a submission to Council on this application. A submission may contain comments, which express either concern or support for all or any particular aspects of a proposal/policy/plan. Submissions must contain a name and address, and preferably, phone and fax numbers or e-mail address. It is important to note that any submissions received may be made publicly available, including via Ashfield Council website as part of the Council business paper.

You may inspect the application and plans, at Council's Customer Service Centre (Monday to Friday, 8:30am to 5pm) and at Ashfield Library until **21 December 2015**. If you wish to make a submission, please do so by 5pm on this date, in writing addressed to the General Manager.

If a petition is received, then the head petitioner, or first signatory to the petition, will be responsible for notifying the other signatories of the progress and outcome of the application.

Please note that, if no submissions are received, the application may be determined under delegated authority.

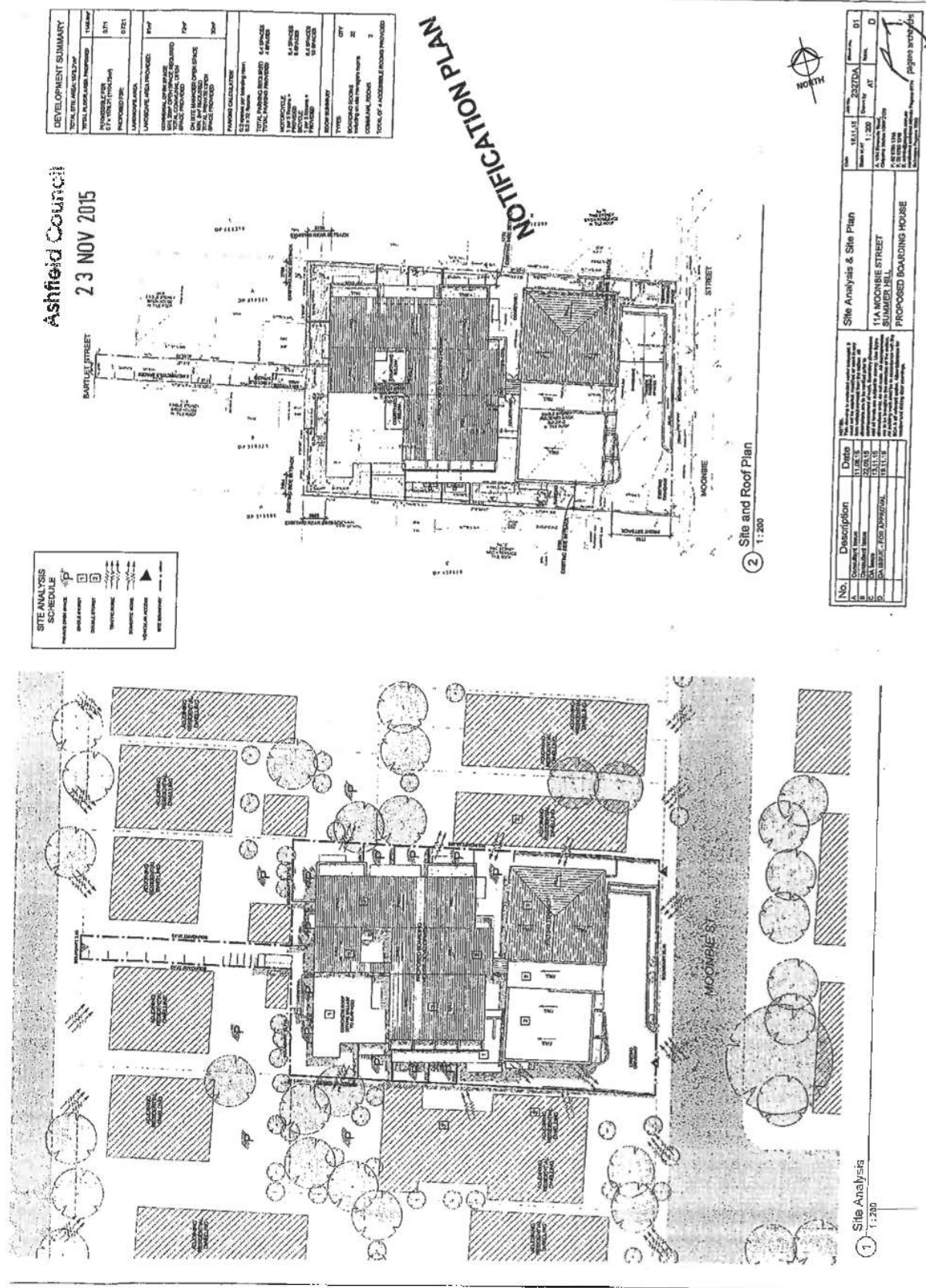
If you do make a submission, Council will consider your comments before making a final decision and will then advise you by letter. If the application is referred to a mediation meeting, we will contact you and provide details of the date, time and location of the meeting. If the application is referred to a Council meeting, we will invite you to address the Council meeting and we will contact you to provide details of the meeting date, time and where you can view the report.

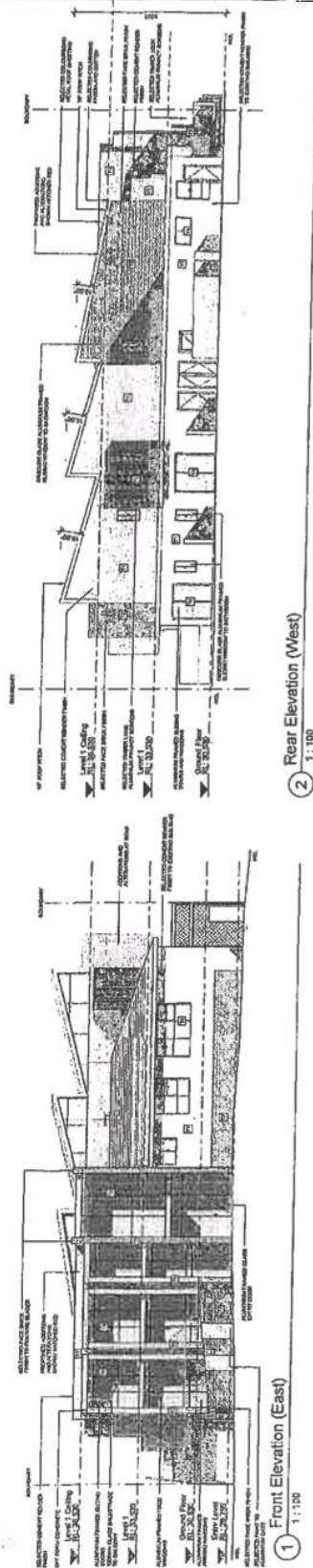
Note: If you are the owner of a residential flat building which is not strata titled you are requested to notify any tenants of this development application within the notification period specified.

Political Donations and Gifts Disclosure

Please note that any person who makes a written submission on a development application and has, within the past two years, made a political donation or gift to any local Councillor or employee of the Council in excess of \$1,000.00 in value or intends to make a political donation or gift before the application is determined must complete and submit a political donations and gifts disclosure statement to the Council. For further information please check Council's website: www.ashfield.nsw.gov.au or contact Council on 9716 1800 for an information pack.

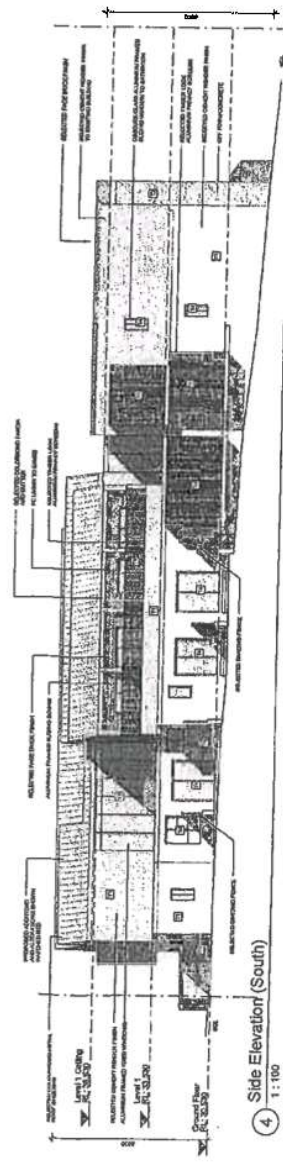
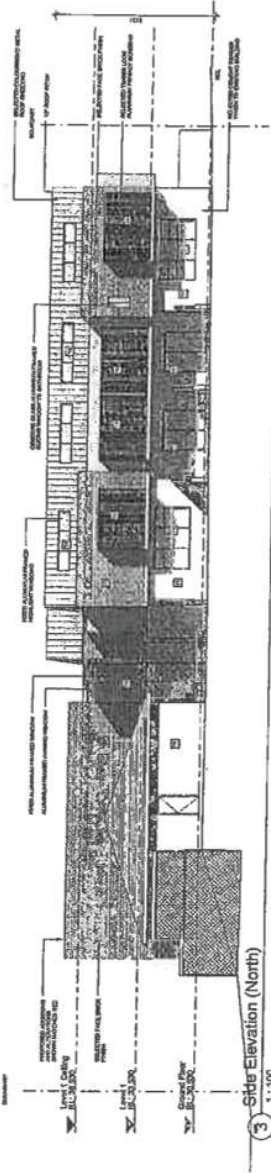
280 Liverpool Road Ashfield NSW 2131 DX 21221 Ashfield Tel (02) 9716 1800 info@ashfield.nsw.gov.au
PO Box 1145 Ashfield NSW 1800 ABN 11211068961 Fax (02) 9716 1911 www.ashfield.nsw.gov.au
Director Planning and Environment



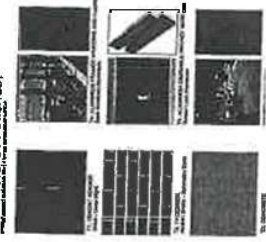


Ashfield Council
23 NOV 2015

NOTIFICATION PLAN

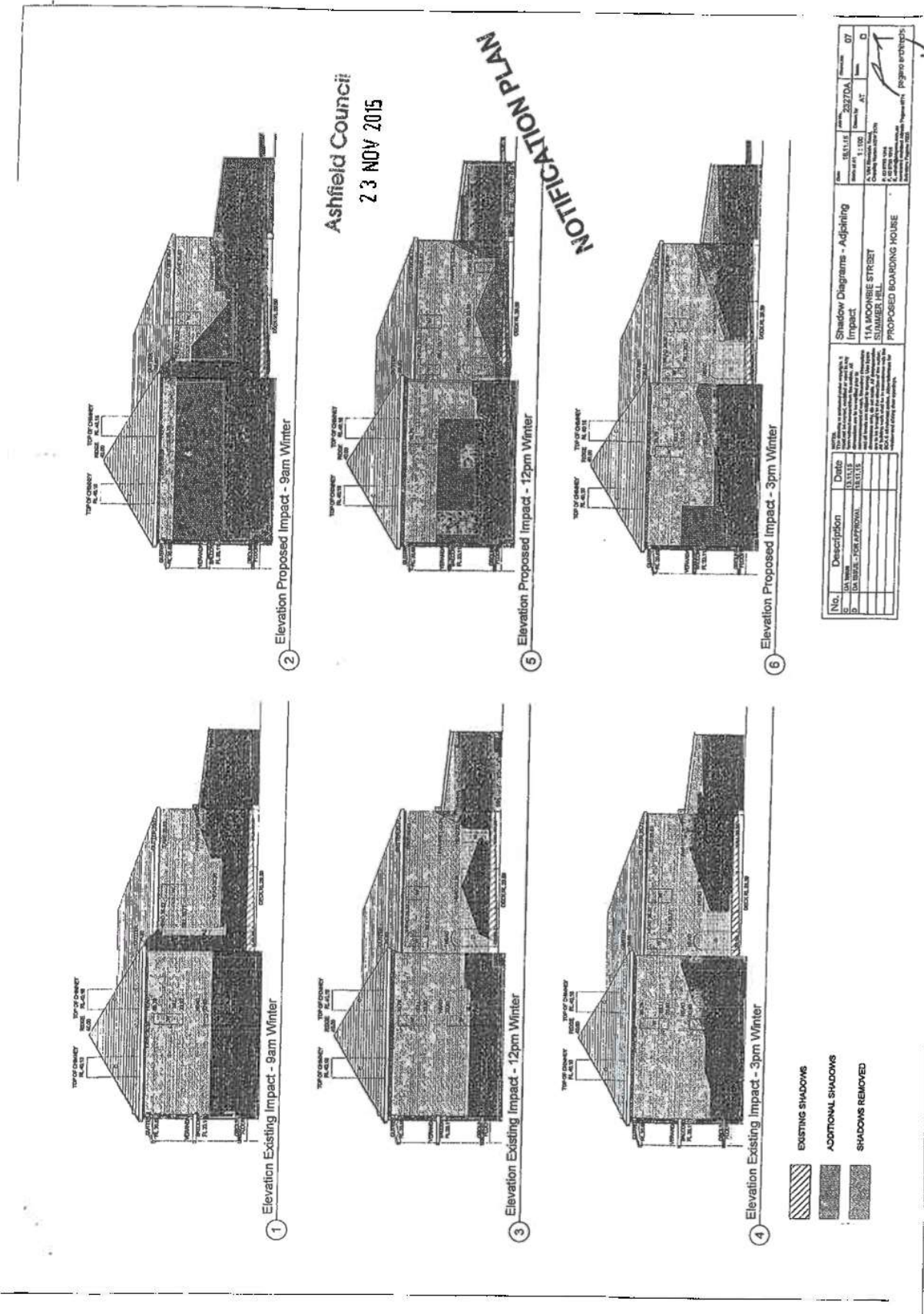


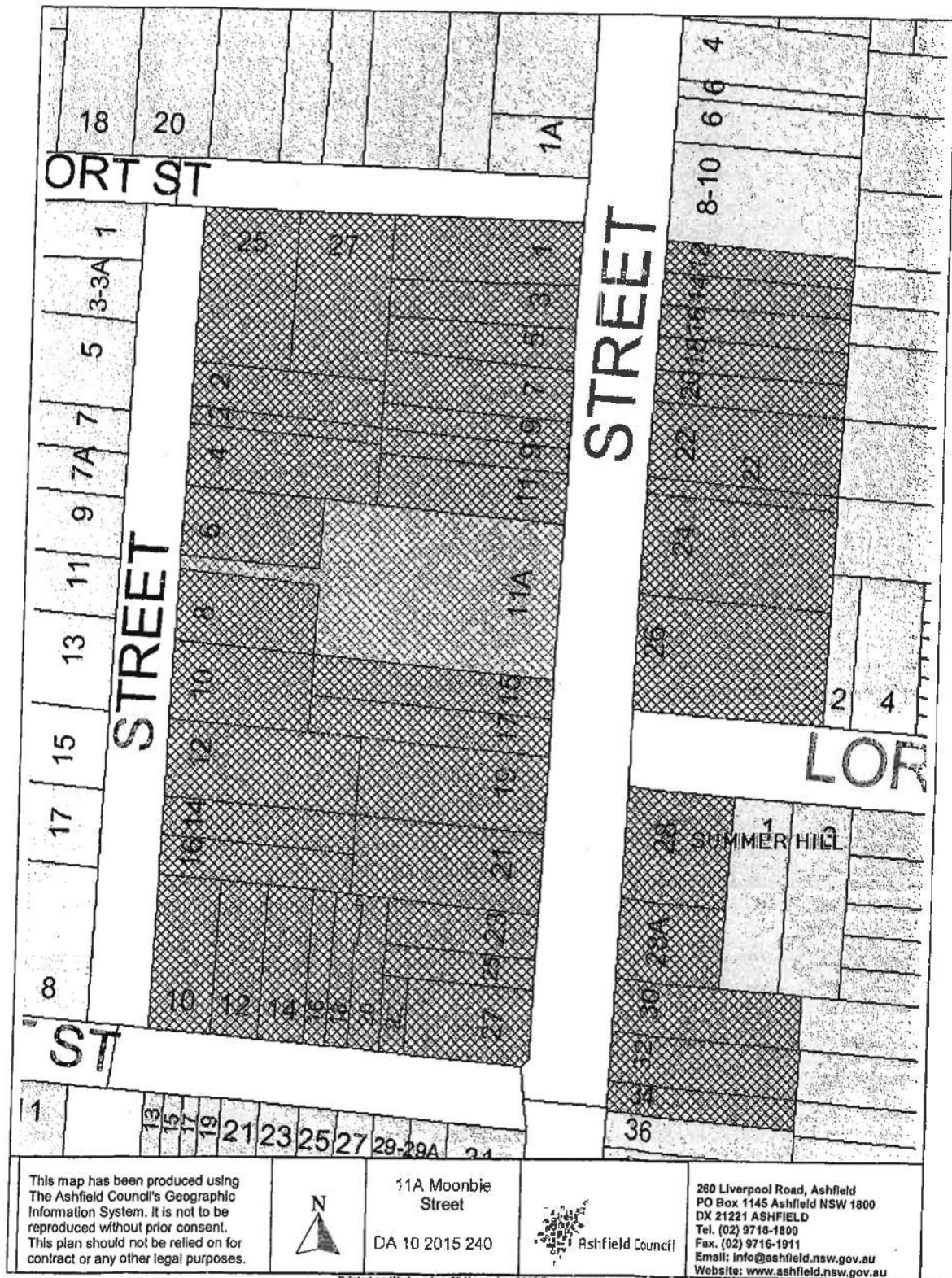
Schedule Of Finishes:



No.	Description	Date
A	Consultation	15.11.15
B	Consultation	15.11.15
C	Consultation	15.11.15
D	Consultation	15.11.15
E	Consultation	15.11.15
F	Consultation	15.11.15
G	Consultation	15.11.15
H	Consultation	15.11.15
I	Consultation	15.11.15
J	Consultation	15.11.15
K	Consultation	15.11.15
L	Consultation	15.11.15
M	Consultation	15.11.15
N	Consultation	15.11.15
O	Consultation	15.11.15
P	Consultation	15.11.15
Q	Consultation	15.11.15
R	Consultation	15.11.15
S	Consultation	15.11.15
T	Consultation	15.11.15
U	Consultation	15.11.15
V	Consultation	15.11.15
W	Consultation	15.11.15
X	Consultation	15.11.15
Y	Consultation	15.11.15
Z	Consultation	15.11.15

Elevations & Schedule of Finishes
11A MOONBIE STREET
SUMMER HILL
PROPOSED BOARDING HOUSE





16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

The proposed design, bulk and scale of the boarding house are excessive and out of character with the majority of existing development in the locality. An ad hoc approach to design leaves an existing ground floor section of the building (accommodating United Gardens) largely as is. Superficial attempts to integrate it into the overall design lack aesthetic esteem, especially viewed from the eastern front elevation.

The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

There is an acute shortage of street parking on Moonbie Street and its surrounds as evidenced by Ashfield Council's proposal to trial 2 hour parking restrictions on many streets within walking distance of the Summer Hill train station. 4 car parking spaces for 43 residents is inadequate. Joe Hockey's assumption that "Poor people don't drive cars" proved inaccurate. Poor people do drive cars. Boarding house residents would be competing with permanent residents, workers, commuters and clients of United Gardens for parking. It is worth noting car parking spaces for United Gardens will be reduced to 1.

Property values in the area may be affected due to adverse aesthetic and social impacts. People with substance abuse issues, ex-offenders and the mentally ill would be clustered together. Crime, social conflict, antisocial and unpredictable behaviour may compromise permanent residents' safety, wellbeing and quality of life. United Gardens runs a drug substitution programme for people with a history of drug dependence. Loitering has been a problem in the past requiring increased police presence, the addition of a boarding house could amplify the problem, particularly outside management hours. 11A Moonbie Street is approximately 300 meters from Summer Hill Public School (educating a population of 800 children), 450 meters from St Patrick's Catholic Primary School (educating a population of 178 children), 270 meters from KU Henson Street Preschool and 29 meters from the Uniting Church Child Care Centre. Two of these services are located on Moonbie Street. The mentioned behaviours pose a moral danger to both older children who walk to school and around the neighbourhood unaccompanied and younger accompanied children.

I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: *Peter She*

Home address: *6 Moonbie St, Summer Hill*

Email address: *Liq - ~~she~~ 30@hotmail.com*

Phone number: *0430 9701889*

Signature/s





Quirk - Submission Re: 11a Moonbie St, Summer Hill

Adam Quirk

to:

info

21/12/2015 12:30 PM

Cc:

Sarah Quirk

Hide Details

From: Adam Quirk <adam.quirk@gmail.com>

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

Cc: Sarah Quirk <sar.quirk@gmail.com>

1 Attachment



QUIRK - 11A Moonbie Street v04.pdf

Attention: Mr Philip North

Dear Philip,

Please find attached our submission with regard :

11A Moonbie Street, Summer Hill LOT: C DP: 310221

Proposed alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons.

Application No. 10.2015.240

We look forward to hearing from you on this matter.

Regards

Adam

+61 451 057 123

adam.quirk@gmail.com

info@ashfield.nsw.gov.au

21/12/2015

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2130

Attention: Mr Philip North

Dear Philip,

Re:

11A Moonbie Street, Summer Hill LOT: C DP: 310221

Proposed alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons.

Application No. 10.2015.240

In response to the receipt of the above development application we wish to make a formal objection with regard to the proposal. When considered with respect to both state planning instruments and local development control plans the proposal makes inadequate allowances for residents and will have an adverse impact on adjoining properties. We have detailed the following concerns:

PARKING

Car parking: The application has failed to provide appropriate parking for the proposed development.

Specific concerns include:

- Under the terms of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP), Clause 29 (2) (e) the minimum car parking standards is defined as follows:
in the case of development in an accessible area at least 0.2 parking spaces are provided for each boarding room.
Therefore a boarding house with 32 rooms would require a minimum of 6.4 car spaces,
- Under Ashfield Council's Parking Control plan, parking spaces are required to provide:
Enough room around the car park to allow access without conflict.
Therefore tandem car spaces would not comply under Ashfield Council's Parking Control plan, reducing the number of practical car spaces in the application to 3 car spaces,
- Under the Boarding Houses Part C18, Ashfield DCP 2007:
Boarding houses are required to install a minimum of one permanent staff onsite member as a manager (who may also be a resident) who is entitled to 1 car space.
Therefore 1 available car space must be allocated to the fulltime onsite manager,
- **Both Bartlett and Moonbie Streets have recently been identified as a being effected by high levels of parking congestion in Ashfield Councils Residential Parking Scheme.** Clearly Ashfield Council is already addressing the neighbourhood shortfall of parking access and this proposal exacerbates the issue,

- **Removal of the drop off and pick up area out the front of the United Gardens facility will also further exacerbate an already high level of on street parking congestion.**

Therefore the application provides inadequate car parking. There are 3 spaces available, 1 space dedicated the onsite manager leaving the only remaining 2 car spaces for 31 residents at best, rather than the minimum 6.4 (+1 for onsite manager) required for the size of the application. Inadequate onsite parking will exacerbate current on street parking congestion in Moonbie and Bartlett Street. Any reference to historical use of the site as an aged cared facility and related parking requirements in the combined proposal, bares no relationship to the proposed usage given the significant increase in residents, their higher mobility and accessibility requirements.

Motorcycle and bicycle parking: A significant change in the usage of the site.

Whilst motorcycle and bicycle parking is a welcome sustainable inclusion in this plan, a busy, 24/7 parking area, with public through access, represents a significant change in the usage of the rear of the site. The rear driveway is currently used for deliveries only, which are infrequent in nature and during business hours. Additionally under the Council Approved subdivision for Lot 11A, 1926 the rear access had only limited approval:

Remaining private property, subject to rating and being enclosed by a set of suitable gates.

The proposed bicycle and motorcycle parking area represents an unrestricted and major thoroughfare for 43 residents, their visitors, as well as general public access via what is now a quiet residential street.

The proposed thoroughfare/parking is currently beset on both sides by longstanding family residences with children's bedrooms and living space windows overlooking the restricted space. This raises unaddressed concerns relating to noise, privacy, security and the general amenity of the adjoining residences. The rear access to the site will be going from one or two movements per week during business hours to approximately 30 to 40 movements per day, at any hour (given the number of bike allocations). Whilst the pushbikes will be quieter than motor vehicles, the motorbikes will significant increase the level of noise. Changes in the use of the site will also create undesired exposure to side of our property, providing side access which is not currently there via a secure gate.

FLOOR SPACE RATIO AND BULK DESIGN

Floor Space Ratio (FSR): The proposed floor area exceeds the State's Environmental Planning Policy 0.7:1 ratio.

Based on a site area of 1578.21m², the proposed floor plans and floor area of the existing tenancy (1275m²) create a FSR of 0.81:1 and represent an overdevelopment of the site, this difference is significantly more than what had been claimed in the proposal (a mere excess of 40.75m²). We reject the validity of the requested proposed variation of assessment allowing for this overdevelopment. We reject the validity on the basis that the FSR calculation significantly exceeds the limit and the excess scale does nothing to improve the quality of the development or improve the benefit to the community.

The proposed design exceeds the primarily current single storey floor plan. The proposed 2 storey design significantly alters the nature and shape of the development on the site, imposing on private adjoining properties. Whilst we appreciate great care has been taken with

regards to proposed window placement, the rear room of the proposal and its balcony area face directly onto our private family lawn. We feel that this room, and its unique vantage point above the existing storey, violates our privacy.

The proposed development is unsympathetic to the current streetscape.
AHSEPP 2009 states developments must represent:

"Character of the local area: Requirement to ensure proposals are designed to be compatible with the character of the local area."

The streetscape of the proposed development includes both heritage listed buildings and buildings that are 'in keeping' with heritage listed buildings. The proposed modern structure and 'bulk' design is neither 'in keeping' or complimentary to the Moonbie streetscape, the United Gardens component of the building, or adjoining heritage listed buildings in Bartlett Street.

SAFETY AND PRIVACY CONCERNS

The application fails to ensure adequate privacy for adjoining properties through overdevelopment, and support a safe and harmonious community.

Based on communication with the United Gardens Clinic, we understand that they insist all clients must comply with the following policy:

- Only use of the site's front entrance by clients is permitted.
- Clients must enter and exit the site in a timely manner (no loitering), particularly in the vicinity of the Moonbie Street preschool and residential areas in close proximity.
- Clients must avoid antisocial and illegal activities whilst accessing the service.

To protect local residents, clients known to contravene the policy are denied further access to the service with a "one strike and you are out" approach. In the most part, the facility is well managed and has worked hard to maintain a successful program. That said, we have as residents experienced a range of incidents with clients including having clients sleep on our front veranda, access our enclosed yard, overdose in the local public bathrooms, multiple verbal assaults and one known related home invasion.

The additional activity the 32 room boarding house seeks to bring, will negatively impact the manageable program currently underway and cause significant disruption to the local community, including both local families and the clinic's current clients. The combined proposal regularly mentions the proximity to schools as being a net benefit to the residents, however the average demographic profile for this type of housing does not include school-aged children. Conversely the average demographic profile for boarding house accommodation is more likely to be congruent with antisocial behaviour.

Additionally the site overlooks a busy and iconic pre-school and its playground and is positioned on the key walkway to and from Summer Hill Public School, including the path of the popular SHARE after and before school program. A significant number of unsupervised children currently walk past this proposed site every day.

This application fails to identify risks associated with the likely profile of boarding house residents and ongoing management of potential antisocial behaviour.

Based on the average demographic profile of boarding house residents in NSW, boarding house residents may include individuals who are:

- Transitioning from prison to the community
- Psychiatrically ill patients, with symptoms such as delusions and paranoia
- Prone to aggression or violence
- Effected by drug and alcohol addiction and/or prone to drug seeking behaviour

Profiles which are associated with higher levels of antisocial and illegal activity.

Ashfield DCP 2007 C18 States as General Objective (b) that developments must:

“Ensure an acceptable level of amenity and accommodation in Boarding House premises such that they meet the needs of both residents and have no adverse impacts on adjoining properties;”

Despite a set of adequate house rules, and basic contact and complaints register, details of the screening processes have not been made clear, nor a specific action plan if screening processes fail

The application has failed to:

- Adequately address management of potential risks based on the demographic profile of boarding house residents
- Provide details on how individual risks would be accessed and managed
- Address concerns about handling of risks if through the facility perpetrators of antisocial or illegal behaviour become permanent residents in close proximity to young children in neighbouring properties, at the nearby preschool and public schools.

The application fails to ensure adequate privacy for adjoining properties.

The adjoining fences on the rear and side of the property at 8 Bartlett Street, have been recently erected in line with Council regulations. This fencing is suitable for the current activities of 11A Moonbie, however it is completely insufficient in height, security and acoustic properties for the nature of the proposal, and would require significant redevelopment and redesign to begin to address these concerns.

The bicycle and motorcycle parking proposed raises serious privacy and security concerns as a thoroughfare as well as concerns for the level of noise in close proximity to family residences, particular motorbike noise which is more loud in nature.

The landscaping plan includes screening across south side and north west walls, however no screening has been provided for the fence adjoin 8 Bartlett Street. At minimum a similar array of hedging plants should be added.

Section 2.2 Ashfield DCP 2007 seeks to avoid negative impacts on the amenity of adjoining neighbours and ensure a sympathetic relationship with adjoining development through quality site planning, this proposal fails to meet that requirement. Outdoor recreational areas and facilities as specified in Section 2.6 have not been adequately accommodated where the proposal meets adjoining properties.

Conclusion

This proposal has failed to provide appropriate and adequate parking and proposes an overdevelopment of the site in the form of excessive FSR and ‘bulk design’ not sympathetic to the streetscape.

This proposal also fails to ensure adequate privacy for adjoining properties, proposing a significant and negative change to the usage of the site in the form of a noisy 24/7 thoroughfare past private family residences.

Community safety and harmony has not been fully addressed, with no consideration or amelioration of the social and legal risks associated with the likely profile of boarding house residents.

As such we hereby request Council refuse the above development application in its current form.

The timing of this development application has fallen over the Christmas closure period for local schools. Given the serious and substantial potential negative social impact on children in the community, we would like to formally request an extension of a submission period until local schools open in the new year, allowing proper community discussion to take place.

Given the serious and substantial impact of this proposed development to our property, we wish to formally request a meeting with the property developers. We wish to constructively discuss how we might mitigate risks to our families' privacy and safety, including alternate approaches to parking before approval in any form is given

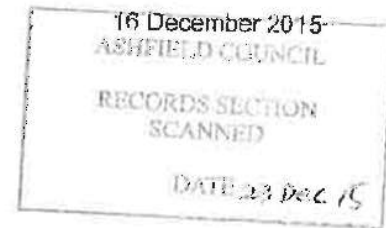
We trust that you find the above satisfactory and request Council notify us of progress and the outcome with respect to the above development application. Should you have any queries or wish to discuss any of the above further please do not hesitate to contact the undersigned as necessary.

Yours faithfully,

Adam and Sarah Quirk
8 Bartlett Street (adjoin property at rear of 11A Moonbie Street)
Summer Hill
0451 057 123.
Adam.quirk@gmail.com

The combined proposal plans were not made reasonably accessible, either online, or when reviewed at the library building, copies were available for review only whilst standing up at the main counter. Chairs were not made readily available and were reluctantly furnished after I asked to be accommodated as I am unable to stand for any significant period.

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



RE: Development Application 10,2015,240
@ 11A Moonbie St, Summer Hill – Lot C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Name: Jie Lin
Home address: 10 Bartlett St
Email address: JieLinlin@gmail.com
Phone number: 0416169163

Signature/s

Jie



Development application 14 Gower St Summer Hill 2130
Pasco Farag

to:
info

21/12/2015 01:28 PM

Hide Details

From: Pasco Farag <pascofarag@gmail.com>

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

the General Manager
Ashfield Council

My name is Anahid Farag, I live at 16a Gower St, Summer Hill. I am making a submission regarding your notification of the development application for the above address.

I respect my neighbours right to make that application and I would like to let you know my situation. I live with a chronic health condition and need to spend a lot of time at home. I particularly need the quiet that this property gives me being at the back of the street. If building begins, the associated noise will severely negatively impact my health for what I am sure will be a significant period of time. I am happy to provide a doctor's certificate to the above if you need it.

Other reasons I am against the above proposal is that this part of Gower St is very densely populated. I recently had my townhouse on the market and several buyers refused the sale due to lack of privacy issues. The building of the granny flat will make this even worse and negatively effect the value of my home. This is very important to me as I am not able to generate an income due to ill health.

I also understand that you need to consider everyone's point of you when making your decision. If you do decide to allow building to begin, I prefer that the Granny flat be built on the other side of the property. Currently the proposal shows the Granny flat to be built closer to the fence between no 14 and no s 16 A & B. If the building must go ahead, I would prefer the Granny flat to be built on the other side of the garden, closer to the fence between no 14 and no 12 for the above reasons.

Thank you for considering my submission.

Yours sincerely

Anahid Farag

Ashfield Council
PO Box 1145
Ashfield NSW 1800

16th December 2015

Dear Ashfield Council,

Re: 11a Moonbie St, Summer Hill - application no 19.2015.240



18 Moonbie St
Summer Hill, 2130



I wish to object to the above development application on the following grounds:

- The DA does not specify the room size -- the minimum for a single room is 12m², it is unclear from the DA on how large (or small) they will be.
- Lack of open space -- while the DA lists 72m² as the communal open space, it seems to be including the parking area that faces Moonbie St as part of that total. The parking area is inappropriate as 'communal open space' due to the noise impacts on the street and that Moonbie St is a popular pedestrian thoroughfare. Moonbie St already has issues with clients of United Gardens waiting on the opposite fences until the clinic opens. I'm concerned with the potential outcome from the interaction of residents with the clients of the clinic. The open area around the building is very small and given the number of residents compared to the space, the noise will adversely impact the surrounding neighbours.
- Parking -- The legislated minimum parking space requirement for a boarding is 0.2 spaces for each boarding room. This proposal is for 32 boarding rooms requiring 7 (32 x 0.2=6.4) parking spaces, but only 4 spaces are planned, of which 2 are tandem. This does not satisfy the SEPP and is considerably below what common sense suggests will be the actual parking demand generated by 43 boarding house residents and their visitors.
- Increase in traffic on Moonbie St -- an extra 32 individuals and their visitors will significantly increase traffic on the street. This will have a detrimental impact on the enjoyment of the resident's quiet amenity. It is also a serious safety risk to children, particularly those from the before and after school care that use it to get to and from school.
- The opposite side of the street is part of the heritage conservation area - Tavistock Estate and there are heritage-listed buildings on either side of the proposed development. The design, with its aluminium framing is not in keeping with the streetscape and Ashfield Council's desire to protect and preserve the heritage feel of Summer Hill.
- Bulk of building -- the building is very large in context of the overall street. It will be out of character and impose a very different feel to the

neighbourhood environment. The proposed façade on Moonbie St is overwhelming when compared to the other houses. Even the application states that it exceeds the FSR limits. This should be reduced to better fit within the streetscape.

- Privacy – the new rooms directly face Moonbie Street, with no privacy for the residents or the residents of the apartment building on the other side of the street. This contravenes the standards set out in *Ashfield Development Control Plan 2007, Section C15*.
- Noise impact of 32 residents – there is no noise impact statement included within the DA. The number of residents within the boarding house will have a serious impact on the quiet enjoyment of the street by the existing residents.
- Impact of construction – there is not enough parking at the moment in the street and is the main thoroughfare for children walking from the local primary school. Construction will pose a serious safety risk as well as increased noise pollution in a residential street. There is also a kindergarten across the street which will be severely impacted by the noise and dust created by the construction.

Regards,



Kirsti Wright
18 Moonbie St, Summer Hill, 2130
Kirsti.wright@gmail.com
0402 907 816

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

The parking and aesthetics are of central concern to us

Name: MR & MRS B. ROBERTSON

Home address: 215 VICTORIA ST ASHFIELD

Email address: mrsrob@iprimis.com.au

Phone number: 02 97978290

Owners of
2/26 Moonbie
St, Summer Hill

Signature/s

B. Robertson
B. Robertson
21-12-2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015

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The boarding house would have specific adverse impacts on adjoining neighbours. Loss of sunlight due to overshadowing and loss privacy where second storey balconies and windows overlook existing properties and change the way private space is used.

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I value the nature and character of our community and urge the council to fund a detailed Social Impact Assessment as the current Social Impact Statement focuses on benefits to boarding house residents and omits considerations for how we as rate paying and market rent paying residents want to live now and into the future.

Finally, I understand that the proposed motor vehicle entry to 11A Moonbie is through the narrow driveway which separates No. 6 & No. 8 Bartlett St. This will seriously impact these 2 residences but all of us nearby on Bartlett St. at this point is very narrow, making it extremely challenging as an exit/entry point - few drivers will be able to get into our driveway on the first attempt

Name: *LIZ LYNCH + LUCY PAROISSIEN*
Home address: *13 BARTLETT ST SUMMER HILL*
Email address: *lizlynch@netspace.net.au*
Phone number: *9716 0436*

Signature/s

Liz Lynch,
Liz Paroissien

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



16 December 2015

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

PROPOSAL: Alterations and addition including first floor addition to existing building and change of use to 32 room boarding house accommodating 43 persons.

To the General Manager,

I object to the proposed boarding house and ask that the development application be refused.

The proposal is an overdevelopment of the site. The land comprises of 1578.21m² and is subject to a maximum floor space ratio of 0.7:1. The proposed floor space ratio is 0.72:1 and exceeds the maximum by 40.85m².

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Name: ROY ISSAC

Home address: 11 BARTLETT STREET SUMMER HILL 2130

Email address: issac.roy@gmail.com

Phone number: 0404199489

Signature/s



16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



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Name:

Andrew Hasepic

Home address:

15 Bartlett St Summer Hill

Email address:

Phone number:

0403101949

Signature/s





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@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

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Name: Rosemary Murray
Home address: 1 Moonbie St
Email address: rosie.murray12@icloud.com.
Phone number: 0418489297

Signature/s

Rosemary Murray

16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill -- Lot: C DP: 310221

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In addition, there is not sufficient access from the Bartlett Street exit to ensure safety of pedestrian. Bartlett Street is a car worthy narrower than Moonbie St and cars park on both side of Bartlett Street making the turn out from the Moonbie St property is dangerous undertaking. Remember the access was only granted for ambulance/emergency access when the property functioned as a hospital.

Name: CATHRYN GARRIGAN

Home address: 9 Bartlett St, SUMMER HILL 2130

Email address:

Phone number: 02 9798 0026

Signature/s:

C. Garrigan



Development Application 10.2015.240 @ 11A Moonbie St, Summer Hill-Lot: C
DP:310221
Carmela Romeo
to:
info
21/12/2015 02:53 PM
Hide Details
From: Carmela Romeo <cromeo711@gmail.com>
To: info@ashfield.nsw.gov.au,

1 Attachment



Development Application.pdf

Please find attached objection to above development.

Regards,

Santina Manzo
12 Regent Street
Summer Hill. NSW. 2130

16 December 2015

ASHFIELD COUNCIL
PO Box 1145
ASHFIELD NSW 1800
DX 21221

RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot: C DP: 310221

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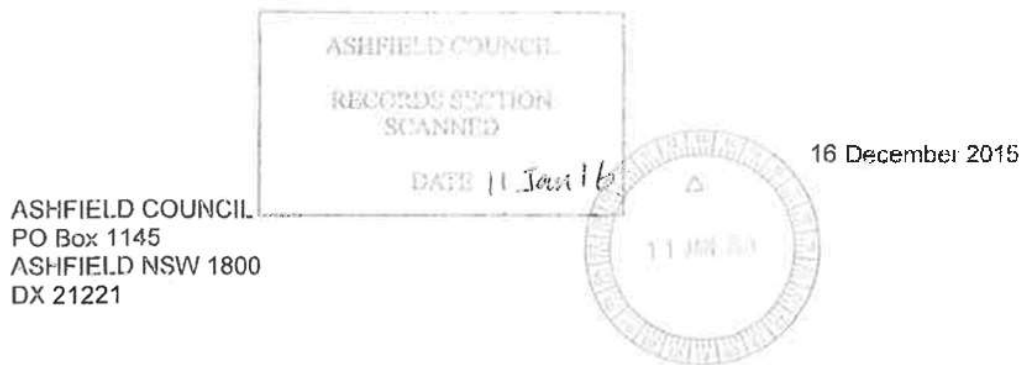
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Name: SANTINA MANZO
Home address: 12 Regent Street, SUMMER HILL
Email address: ~~se~~ crameo7112@gmail.com.
Phone number: (02) 94888030

Signature/s *Sr Manzo*



RE: Development Application 10.2015.240
@ 11A Moonbie St, Summer Hill – Lot C DP: 310221

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Name: *Rong Zhang*

Home address: *Unit 9, 26 Moonbie Street, Summer Hill, 21*

Email address: *tinahao@gmail.com*

Phone number: *1021 8033 4636*

Signature/s *Janet*

5th February 2016

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131



**SUPPLEMENTARY OBJECTION TO DA FOR 11A MOONBIE STREET SUMMER
HILL – BOARDING HOUSE**

Application No: 10.2015.240

We request that this letter, presenting supplementary information to that included in our submission of 17th December 2015, may be considered by Council. This supplement expands on three issues mentioned in our original submission:

- parking,
- safe access to the premises, and
- the applicant's request for exemptions from planning controls.

1. Parking

The proposal provides only 4 car spaces on-site, less than the 6.4 (which in effect means 7) required by DAP Part C18 and these appear to be of inadequate dimensions. These 4 spaces are all in front of the building; all are allocated to the proposed boarding house and none to United Gardens Clinic (UGC) which runs a methadone drug replacement program. The area for these spaces is now used as informal parking and a drive-through passage by UGC methadone clinic patients, staff and other visitors. This proposal would deprive UGC of on-site parking and consequently from 50 to 100 extra vehicles daily will seek to park on Moonbie St, where parking is already so difficult that Council is about to introduce a resident parking scheme. This arrangement is clearly inadequate and unsafe.

Surely, the proposal needs to supply the required minimum parking for BOTH the proposed boarding house and the methadone clinic. Given the evidence of substantial car traffic and parking generated by UGC staff and patients provided by The Transport Planning Partnership's independent report (attached to the submission by the residents of 19 Moonbie St), it is essential that an independent assessment of an appropriate number of parking spaces for this particular combination of facilities on one suburban lot is undertaken.

2. Safe Access – vehicle and pedestrian

a) Safety of UGC patients and visitors

- b) Currently there is a defined UGC pedestrian entry path leading to their entrance at the northern side of the building. Under the proposal, this is to be sacrificed to provide one car space of inadequate dimensions for UGC staff. Thus, there will be no way for the constant stream of patients and visitors to enter UGC's entrance other than by sidling between the side fence and a parked car. This is dangerous and cannot be permitted.

c) Safety of Moonbie St pedestrians

The proposed boarding house car spaces will require exiting cars to reverse into Moonbie St over the footpath used by many hundreds of pedestrians daily, including both adults and school students going to and from the railway station, shoppers, primary school students, pre-school children and their parents, many pushing prams. Such an arrangement is recklessly dangerous and cannot should not be approved.

d) Disabled access to the proposed boarding house

The plan specifies several wheelchair-accessible rooms, but does not state details of the necessary provisions for these. The proposal must detail (with accurate RL levels and slope gradients on the plans) how the required disabled access to these rooms is to be achieved.

Currently the driveway is too steep for wheelchair access and there are stairs to the front door. Moreover, the rear lane access from Bartlett St is too narrow to allow safe wheelchair access and turnaround beside the motor-cycle parking spaces.

e) Disabled access to UGC

Surely, the proposal to replace the majority of the existing building with a much bigger new building should trigger the requirement to upgrade the small remaining fragment of the existing one, now leased by UGC, to current standards. UGC provides neither disabled access, nor disabled parking for its premises.

3. Request for exemptions from planning controls

The DA proposal acknowledges that it fails to comply with planning controls in relation to parking provision but understates the extent of this inadequacy. The applicant does not foresee the dangerous impacts outlined above on future boarding house residents, UGC patients and visitors, and the many hundreds of both adult and child pedestrians who walk past 11A Moonbie St every day.

Nevertheless, the applicant requests exemptions to the requirements of Ashfield LEP 2013 and DAP 2013 Parts C15 and C18. Exemptions cannot be justified because of the extent of the lack of compliance in total parking provision required by the site, that is, both the proposed boarding house and the UGC methadone clinic added together. This total needs to be determined.

On what grounds does the applicant believe there is no need to comply with State and Council regulations? There is no need in the local community for the services offered by either of the businesses that are proposed to occupy this site. Summer Hill already has 21 boarding houses registered with Fair Trading NSW, surely a high supply for such a small area. The Soul Pattinson pharmacy in Summer Hill Village, which is much closer to the railway station and is serviced by a public car park, also runs a methadone program. The fact that most UGC patients travel by car or train suggests that few, if any, live in Summer Hill. Therefore the needs for both boarding rooms and methadone dispensing are already catered for more than adequately.

Thus, the proposed development does not provide a service that is currently lacking in the area. As such, the proposal needs to demonstrate the highest levels of compliance with legislation and sensitivity to the residential neighbours. As it falls far short of doing so, we request that it be rejected by Council.

Thank you for considering our submission. Please contact us (details below) for further discussion of this matter.

The image shows two handwritten signatures in black ink. The top signature is 'Bernadette Williamson' and the bottom signature is 'Peter Williamson'. Both are written in a cursive, flowing style.

Bernadette and Peter Williamson

17 Moonbie St, Summer Hill 2130
Phone: 9716 8824
Email: williamson_bm@yahoo.com.au



Submission for DA No. 10.2015.240: Request for Information

Paul Gaukrodger

to:

info

09/02/2016 07:52 AM

Cc:

"SHPS P&C"

Hide Details

From: Paul Gaukrodger <gaukyp@gmail.com>

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

Cc: "SHPS P&C" <summerhillpandc@gmail.com>

1 Attachment



AC080216.pdf

Please find attached a submission for this DA.



8 February 2016

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

Dear Sir or Madam:

RE: Development Application No: 10.2015.240, 11A Moonbie Street, Summer Hill. Alterations and addition including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons

I am writing to make a submission on this application on behalf of the Summer Hill Public School Parents and Citizens Association. We were unable to make a submission on this application before now as the notice period coincided with the school holidays.

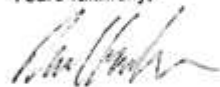
Moonbie Street is a key thoroughfare for many of our students travelling to and from school each day including up to 180 students walking to and from before and after school care (SHARE) on Smith Street.

We request more information on the intended use of the premises. In particular:

1. Will there be any relationship between the proposed boarding house and the United Gardens Clinic in the ground floor of the building?
2. What criteria will be used to accept tenants into the boarding house?
3. What processes will be in place for parents to contact boarding house management should the need arise?

We have no comment on the physical changes to the building.

Yours faithfully,



Paul Gaukrodger
President

Moonbie Street Summer Hill 2130
Phone: (02) 9797 3160 (02) 9799 2280 Fax: (02) 9716 8003
Email: summerhillpandc@gmail.com



Quirk - Further correspondence Re: 11a Moonbie St, Summer Hill
Sarah Quirk

to:
Ashfield Council/Ashfield/AU
17/02/2016 06:41 PM

Cc:
"adam.quirk@gmail.com"

Hide Details

From: "Sarah Quirk <sar.quirk@gmail.com>" <Sarah Quirk <sar.quirk@gmail.com>>

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

Cc: "adam.quirk@gmail.com" <adam.quirk@gmail.com>

1 Attachment



Letter to Philip North 17022016.pdf

Attention: Mr Philip North

Dear Philip,

Please find attached further correspondence regarding the development application:

11A Moonbie Street, Summer Hill LOT: C DP: 310221

Proposed alterations and additions including first floor addition to existing building and change of use to 32 room Boarding House accommodating 43 persons.

Application No. 10.2015.240

We look forward to hearing from you on this matter.

Regards

Sarah

Sarah Quirk

Mob: 0451 057 122

17/02/2016

Attention: Mr Philip North

Ashfield Council
260 Liverpool Road
Ashfield NSW 2130

Dear Philip,

Re:

**11A Moonbie Street, Summer Hill LOT: C DP: 310221
Proposed alterations and additions including first floor addition to existing
building and change of use to 32 room Boarding House accommodating 43
persons. Application No. 10.2015.240**

In reference to your letter to Mr. J Calavassy on the 7th of January, we note that you have requested that the developer address the issues of traffic control and storm water management. We also note that **there are remaining serious matters, which are yet to be broached with the developer** and we respectfully request that these additional issues be raised before any further consideration of the application is sought.

Significantly, this proposed development adjoins our property on both the northern and eastern sides, and we completely reject the developers assertion that: "The development does not result in any unreasonable impact to adjoining properties".

Privacy concerns

The development, whilst providing partial privacy screens, has not addressed the following issues:

- Resident's balconies overseeing our private backyard, where our two young children regularly play.
- Both the resident balconies and access through to Bartlett St have views into our children's bedroom, kitchen and dining areas.
- Of major concern is the change from an infrequent use service access way, via Bartlett Street, into a high frequency 24/7 thoroughfare; especially since the original rear access was only approved to provide service access and that there were gates fixed on the Bartlett Street frontage denoting a low traffic area. The newly installed timber fencing on the southern wall of the drive was not put in place as protection against a high traffic environment and will require replacing and further screening.

Noise concerns

The developer has yet to be asked to addresses concerns regarding noise impact on neighbouring properties. The current plan for pushbike and motorcycle parking places up to eight (8) motorcycles along the entire length of our house, including under both a bedroom and lounge room window. The plan indicates the motorcycles would be parked a distant of approximately 1.5m from our building.

The rear access to the site will be going from one or two movements per week during business hours to approximately 30 to 40 movements per day, at any hour (given the number of bike allocations). Whilst the pushbikes will be quieter than motor vehicles, the motorbikes will significant increase the level of noise.

We respectfully request that the council insists that an independent Noise Impact Review be undertaken, especially with respect to the impact of noisy motorcycle parking areas on Bartlett Street, currently one of Summer Hill's most quiet streets.

We also reject completely the developer's assertion that community consultation was undertaken during the initial submission period. Community consultation on a high impact development cannot be achieved by simply submitting a plan to council in the few weeks leading up to Christmas.

We also reject the developer's assertion the issue of social impact is addressed by providing a post development residential management plan primarily consisting list of semi-enforceable house rules that may alter at anytime at the owner's discretion.

Social impact concerns

Due to the proximity to local schools and student travel on Moonbie Street, and the existing antisocial and illegal behaviour currently displayed by some United Garden Clinic Clients, we respectfully request that the council insists that an independent Social Impact Review be undertaken. We would also like to enquire as to why Community Services were initially marked for external consultation (on the Council checklist), but that has since been deemed unnecessary.

Request for amendments to Bartlett Street access

Whilst we maintain that this development is inappropriate, if the Council should seek to approve this development in some form, we respectfully request that the Council reconsiders the inappropriate creation of a noisy 24/7 thoroughfare for 43 residents and visitors (also open to the public) past the length of our property.

We restate: Section 2.2 Ashfield DCP 2007 seeks to avoid negative impacts on the amenity of adjoining neighbours and ensure a sympathetic relationship with adjoining development through quality site planning, this proposal fails to meet that requirement.

If access is to be provided via Bartlett Street, we request that it be made available only to the property Manager or the employees of the United Gardens Clinic. If the access will be used for purposes beyond its existing use (infrequent non client deliveries only), we must insist that the developer be ordered by the Council to pay for a noise reducing amendments such as.

1. **Double glazing** on all northern and eastern facing windows at 8 Bartlett St which maintain the period features of our heritage listed home. (A quote is currently being procured.)
2. **A masonry fence** along the southern side of the rear access (similar in materials to those which are used in the front of the development), which is supplemented with noise reducing landscaping.
3. **3 external steel security doors and sensor lights** for 8 Bartlett Street.

Our original submission of 22nd of December, 2015 stated that there were children's bedrooms on either side of the rear access (6 and 8 Bartlett Street) which would be effected by noise and lack of privacy. However in the last fortnight, **the residents of 6 Bartlett Street (also tenants of and related to, the previous owners of 11A Moonbie Street), have since vacated 6 Bartlett Street, and boarded up their house.** Whilst the bedrooms on the northern wall are not currently in use they remain bedrooms that would be in similar use for future tenants.

We have attempted to organise 3 way meeting with the Council and the Developer to discuss some of the concerns that relate specifically to our property. Despite this request being made on the 3rd of February, Council is yet to furnish us with a date.

We would like to respectfully request that you address our concerns in writing as your earliest convenience.

Yours sincerely,
Adam and Sarah Quirk
8 Bartlett Street, Summer Hill



11A Moonbie Street Summer Hill Development Application 10.2015.240 - Submission

Jane Nice

to:

info@ashfield.nsw.gov.au

21/12/2015 04:05 PM

Hide Details

From: Jane Nice <janetimnice@yahoo.com>

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

Please respond to Jane Nice <janetimnice@yahoo.com>

1 Attachment



Application No 10.2015.240.pdf

Dear Ms Chan

Please accept the attached submission with regards to 11A Moonbie Street Summer Hill Development Application 10.2015.240

Should you require further information, please do not hesitate to contact us at janetimnice@yahoo.com

Kind Regards

Jane and Tim Nice
19 Moonbie Street
Summer Hill NSW 2130

Jane and Tim Nice
19 Moonbie St
Summer Hill NSW 2130

21 December 2015

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

Dear Ms Chan,

**SUBMISSION TO THE PROPOSED ALTERATIONS AND ADDITION INCLUDING FIRST FLOOR
ADDITION TO EXISTING BUILDING AND CHANGE OF USE TO 32 ROOM BOARDING HOUSE
ACCOMMODATING 43 PERSONS
11A MOONBIE ST, SUMMER HILL, 2130
APPLICATION NO: 10.2015.240**

We are writing in relation to the proposed boarding house (the proposal), which is currently on exhibition at Ashfield Council (Council).

As rate payers and residents at 19 Moonbie St, located approximately 15m south of the boundary of the proposal, we have reviewed the Development Application (DA) above lodged by Joseph Calavassy of MGC Wealth Pty Ltd.

Following our review of the Statement of Environmental Effects (SEE) and related assessments, we strongly object to the proposed development on the following grounds.

- Unreasonable intensification of use from the existing United Gardens Clinic (UGC) to a 43 person boarding house as well as the existing clinic;
- The proposal does not demonstrate design excellence;
- The proposal will have an adverse impact on the heritage significance, the setting, the character and views of the heritage items within the vicinity of the site; and
- There will be unacceptable impact on on-street car parking, further limiting the number of available car parking spaces for existing residents.

Intensification of use

The proposal will intensify the use of the existing UGC. The UGC currently facilitates a methadone program and operates within limited operational hours, with strict guidelines for their patients in an attempt to mitigate the social impacts on the surrounding residential area. Despite this, residents are regularly requiring police assistance with anti-social behaviour from UGC patients. The impact from the UGC therefore already represents an unacceptable impact on the residential amenity.

The proposal will intensify the use and further adversely impact the residential amenity through the addition of 43 boarding house residents within a small development footprint as follows:

- **Intensification of noise:** The residents will be moving in and out of the premises at extended hours of the day and night, potentially disturbing the existing quiet amenity for immediate neighbours on Moonbie St to the front and Bartlett St at the rear of the lot.
- **Intensification of anti-social behaviour:** The proposed 3 month leases for the boarding house residents would mean that there is likely to be a high turnover of boarding house residents, making it difficult to foster a respect for the surrounding residential area and Summer Hill community.

- **Intensification of parking issues:** The areas surrounding the Summer Hill village shops and station, including Moonbie St, have long struggled with the limited on-street parking available. Ashfield Council will be introducing a new resident parking scheme in March 2016, which includes parking restrictions on one side of Moonbie St. Due to the lack of proposed parking spaces within the boarding house development, there will be a greater demand on the very few parking spaces available on the street. Additionally, it is unclear whether the boarding house residents will have the option to apply for a parking permit as residents of Moonbie St.
- **Intensification of bulk and scale:** The proposal will demolish most of the existing single storey Victorian building on the site and replace it with a 2 storey mix of modern terrace/saw tooth roof line warehouse styles. This intensification of the existing building completely changes the streetscape, introducing a style and bulk of building which is not in keeping with the existing mostly Victorian and Federation houses. While there are apartments located along Moonbie St, their street frontages are softened with a setback of mixed landscaping (trees a range of heights and grass) with parking located to side and rear of the buildings.

In *Randall Pty Ltd v Leichhardt Council* [2004] NSWLEC 277, Commissioner Tuor noted

Principles for the assessment of an extension or intensification of a use which may have an adverse impact on residential amenity, such as a hotel, are:

First, is the impact of the operation of the existing use on residential amenity acceptable?

If the answer is no, then an extension or intensification, would be unacceptable unless there is no overall increase in impact or there are measures proposed which would mitigate the existing impact.

Second, if the answer is yes, is the impact of the proposed extension or intensification still acceptable?

While the above judgement was for a hotel, the planning principle of intensification of use should be applied for this proposal. We contend that the social impact of existing use is not acceptable and that the impacts of the proposed boarding house, as outline above, represent an intensification that is unacceptable.

Traffic Assessment

See attached review of traffic and transport by The Transport Planning Partnership (TPPP) in Attachment A.

Heritage assessment

A Statement of Heritage Impact prepared by Archnex Designs accompanies the SEE.

A total of 28 buildings along Moonbie St are listed in Schedule 5, Part 1 Heritage Items in the Ashfield Council Local Environmental Plan (2013) (ALEP 2013). Of these listed buildings, the terrace at 15 Moonbie St is immediately adjacent the proposed boarding house. Furthermore, the proposed boarding house is the within the vicinity of Trafalger Square Conservation Area and directly opposite the Tavistock Estate Conservation Area, which are both listed in Schedule 5 Part 2 Conservation Areas in the ALEP 2013. This number of listed heritage items and conservation areas in the same street and vicinity of the proposal, demonstrates the significance of Moonbie St on the heritage values of the Summer Hill suburb and wider Ashfield local government area (LGA).

The ALEP 2013 states in Clause 5.10 subclause (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 subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The Archnex Designs report is considered deficient as follows:

- The significance of the adjacent heritage item (15 Moonbie St) is not adequately addressed. A full report on the history and reasoning on its inclusion in Schedule 5 of the ALEP 2013 should be included.
- The limited number of non-heritage style buildings along Moonbie St should not preclude the fact that the street has significant heritage appeal, as demonstrated by the number of heritage items listed in ALEP 2013. The Archnex Designs report continually refers to the apparent 'mixture and variety of architecture and streetscape' and 'fragmented' streetscape of Moonbie St. This should not give a developer the ability to construct a building out of character and not in keeping with the remainder of the street. In its conclusion, the Archnex Designs Report defends the design of the development, suggesting that

"...juxtaposing it with a Modern-influenced structure that, while substantially differentiated from this fragment and the adjoining Victorian terraces, should work in its heritage context."

This is not considered an appropriate assessment of the impacts on the significance of surrounding heritage items and areas.

- The height, shape and materials of the proposal do not in keeping with appeal Section 5.10 of the Archnex Designs report states:

"The impact of the proposal on the significance of the items in the terms couched will be minimal, as the architecture of the proposal is modern in influence, neutral in expression and will not confuse the stylistic legibility of the items as speculative buildings of their respective eras"

This does not address the effect of the proposal on the heritage significance of the items and areas surrounding the development. Further, the Archnex Designs report concludes that:

"The proposed development in some respects, picks up on this retention of fragments in the maintenance of the portion of the hipped building to the frontage of Moonbie St and juxtaposing it with a Modern-influenced structure that, while substantially differentiated from this fragment and the adjoining Victorian terraces, should work in its heritage context."

The fact that the proposal will not be confused with the nearby heritage items and areas is not considered in the Archnex vDesigns report

Commissioner Brown in *Anglican Church Property Trust v Sydney City Council* [2003] NSWLEC 353 addressed the impact on the significance of a heritage item and when can the impact be deemed acceptable. He applied four main planning principles as follows:

First, new development should not unreasonably reduce public views of the heritage item and its setting. This is because the pleasure people derive from a landmark heritage building is by viewing it. If one cannot see a landmark, it ceases to be one.

Second, new development should not visually dominate the heritage building. A dominant new building, even when it does not obscure the heritage building, will render the experience of seeing the heritage building more complex and less delightful.

Third, new development should not unreasonably overshadow the heritage building.

Fourth, new development should relate to the character and form of the heritage item. This does not require imitating style or using the same materials. It requires only that new development should sit comfortably in a view that embraces both the old and the new.

It is considered that the proposed boarding house does not meet steps 2, 3 and 4 of the planning principles above, as its scale and form is dominant when considered next 15 Moonbie St and indeed other heritage items within close proximity of the proposed development (including our house at 19 Moonbie St).

Social impact assessment

The social impact assessment fails to properly establish a baseline for the Summer Hill and wider Inner West area. There is no assessment on the demand and need for boarding houses in this area given the existing supply of boarding houses versus the number of people waiting for places. There are currently 21 boarding houses registered with Fair Trading NSW within the Summer Hill postcode. Council refused a GIPA request to supply the number of boarding house places currently provided, so it is difficult to make an assessment on the need for boarding house places.

The social impact assessment also fails to adequately address crime statistics associated with these types of developments.

The provided social impact assessment fails to address the implications of the co-location of United Gardens Clinic (UGC) and boarding house accommodations. The document fails to indicate the intended demographic of the boarding house residents. Is it intended that clients of UGC are also residents of the proposed boarding house? If this is the case, a further, more detailed social impact assessment needs to be undertaken.

Construction assessment

The SEE did not contain any information relating to construction impacts on either the immediate neighbours or streets surrounding the proposed development. Impacts that should be assessed include, but are not limited to, construction hours, proposed plant and equipment, noise impacts, air quality impacts, and contamination. The SEE did not provide an assessment nor a construction environmental management plan (CEMP), which would list mitigation measures designed to limit the above impacts. As a minimum, and considering the close proximity to the development to sensitive receivers such as residences and schools, the following should be assessed:

- Routes for construction vehicles.
- Construction hours, including a provision to prohibit heavy truck movements during peak school pick up and drop off hours (8am-9-30am and 2:30-4pm).
- Dust mitigation measures, such as on-site sprinklers and wheel-washes to ensure no fugitive dust emissions from the site, in line with NSW EPA guidelines.
- Noise management plan, detailing how the development will limit noise during construction, including no works on weekends, the use of low frequency reverse ('squashed duck') alarms.
- A contamination management plan, which includes a phase 1 environmental assessment detailing the risk of contaminants from both the past use of the site as a hospital, as well as the potential for asbestos materials in the existing building.
- A sediment and erosion control plan, detailing how surface water runoff during construction will be managed.

Conclusion

The proposal would have an adverse impact including:

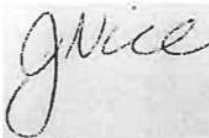
- An intensification on the existing use of the building.
- Adverse impact on parking along Moonbie St, further exacerbating the existing parking issues.
- Fails to adequately consider effect of the proposed development on the heritage significance of the item or area concerned.
- Incomplete social impact assessment, not addressing key considerations in relation to existing boarding house data

Additionally, the SEE does not address the construction impacts of the proposal on the surrounding residents.

We therefore call on Ashfield Council to refuse the application and ask that the DA is assessed with the rigorous standards required under the *Environmental Planning Assessment Act 1979*, considering the close proximity of the proposed development to nearby heritage items and conservation areas.

Thank you for the opportunity to provide the above comments on this DA. Should you wish to discuss any aspect of this submission please contact the undersigned on 0499 777 873 or email janetimnice@yahoo.com

Yours sincerely



Jane Nice
Resident
19 Moonbie St, Summer Hill



Tim Nice
Resident
19 Moonbie St, Summer Hill

The Transport Planning
Partnership Pty Ltd

Our Ref: 15026

18 December 2015

The General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131

Attention: Ms Vanessa Chan

Dear Ms Chan,

**RE: PROPOSED BOARDING HOUSE DEVELOPMENT (DA 10.2015.240)
11A MOONBIE STREET, SUMMER HILL
REVIEW OF PROPOSED PARKING AND VEHICLE ACCESS ARRANGEMENTS**

The Transport Planning Partnership Pty Ltd (TTPP) has been engaged by Mr & Mrs Tim Nice of 19 Moonbie Street Summer Hill to undertake a review of the parking and vehicle access arrangements associated with the proposed redevelopment of 11A Moonbie Street Summer Hill.

It is understood this the review presented in this letter will accompany an objection to the proposed development by Mr & Mrs Tim Nice.

This review has been prepared based on the following DA documentation and information:

- DA plans prepared by Pagano Architects (16/11/15)
- Statement of Environmental Effects (SEE), prepared by GAT & Associates
- Traffic Report, prepared by TTPA (November 2015)
- Access Report, prepared by AED Group (November 2015)
- BCA Report, prepared by AED Group (November 2015)
- Site inspection and observations of the site operation

The key findings of TTPP's review of the above have concluded that:

- The DA and supporting information does not adequately assess the implications of the whole development within the site;
- The proposed on site car parking provisions are inadequate;
- The impact of the lack of onsite parking has not been adequately assessed; and
- The proposed parking arrangements adversely impact on pedestrian access to the proposed affordable housing unit and the existing United Gardens Clinic.

The Transport Planning Partnership Pty Ltd
ACN 607 073 005
P.O. Box 366
Summer Hill NSW 2150

Lack of Consideration of Whole Site Development

The SEE and associated DA documents refer the proposed conversion the existing disused nursing home to affordable housing units as "alterations and additions".

Within all the documentation it is assumed that there will be no change to the United Gardens Clinic (UGC) which is located in the north western corner of the site.

However with regard to vehicle access, parking and pedestrian access, the proposed development will substantially alter the operation of the UGC. The nature of the visitation to the UGC is that people using the clinic arrive by foot or are dropped at the clinic by a vehicle (including taxis). The length of visitation is relatively short and as such there is a relatively high turnover of vehicles.

Vehicles dropping off and picking up of people visiting the UGC currently utilise the existing site's driveways and hard stand area fronting Moonbie Street. The proposed development will remove the drive through facility currently utilised by UGC.

It is noted that no assessment of the displacement of the existing on site drop off associated with the UGC has been undertaken as part of the DA documentation.

As will be discussed further below, parking demand in Moonbie Street is high and simply assuming that the displaced drop off activity can be safely accommodated on the street is not appropriate.

Furthermore, it is proposed that an on site parking space is to be provided for UGC with a new vehicle driveway at Moonbie Street. This proposed parking space is to be located where the existing pedestrian access to UGC is provide (see photo below).

Photo - Existing Pedestrian Access to UGC (Moonbie Street)



Location of Proposed
Parking Spaces Blocking
Existing Pedestrian Access

As noted above, the nature of UGC visitations means that there will be a high proportion of walk in visits. The impact of proposing a car parking space across (and blocking) pedestrian access has not been considered and assessed.

It is noted that the proposed parking space does not have sufficient width to comply with the requirements of AS2890.1 little less allow pedestrians to access UGC from Moonbie Street.

Lack of On Site Parking Spaces*Affordable Housing Component of Site Use*

The SEPP (Affordable Rental Housing) 2009 specifies different parking rates for different types of affordable housing and include:

- Boarding House
- Infill Affordable Housing

These parking rates are applied to the proposed development as set out in Table 1 below.

Table 1 - SEPP (Affordable Rental Housing) 2009 Parking Requirements

	Infill Affordable Housing (1.)	Boarding House
Parking Spaces / Bedroom	0.5	0.2
Parking Spaces / Employee	n/a	Not more than 1 space
Proposed Bedrooms	32	32
Parking Spaces Required	16	6
Acceptable Parking Spaces Provided (2)	3	3
Net Difference	- 13	- 3

Notes: 1. Infill Affordable Housing rate for Non Registered Social Housing Provider
2. Tandem parking not considered appropriate for a boarding house development

As shown in Table 1 the proposed provision for the boarding house component of the development provides some 50% of the required boarding house provisions. As such there is very likely to be demand for boarding house development car parking on the surrounding streets.

Of note is the much higher on site parking requirement specified by the SEPP for Infill Affordable Housing. This is understood to be applicable to apartments / rooms where they are individually owned or titled and typically occupied by a more affluent population. The design of the boarding house rooms with attached bathroom could potentially be sold individually as studio apartments. However the implications would be to significantly increase the impact on street parking.

United Gardens Clinic Use

As identified above, it is proposed to replace the existing on site parking utilised by the UGC with a single (non-compliant) parking space which will block the pedestrian access to the UGC Moonbie Street door.

Observations indicate that the site currently facilitates short term parking for 2-3 vehicles during the busier periods at the UGC.

As such the proposed boarding house will result in the loss of 2-3 spaces for the UGC use. This demand will be displaced to the street.

Overall Site Development and Uses

In summary the proposed on site parking provision does not meet the provisions required for which development approval can not withheld. Nor does it meet with the objectives of the SEPP. Nor has any assessment of the implications to on street parking supply and demand been undertaken such as to validate the comments provided in the DA traffic report.

If such an assessment had been undertaken, it would have been determined that on street parking demand in Moonbie Street is very high. So high in fact that Council is about to introduce a resident parking scheme in the street (see

http://www.ashfield.nsw.gov.au/page/summer_hill_resident_parking_scheme.html)

While the proposed parking arrangements for the boarding house are not supported by TTPP it is recommended that if Council is minded to approve the development application that residents of the Boarding House shall be excluded from participating in the resident parking scheme.

Proposed Car Parking Layout

A review of the proposed car parking layout has indicated that it is intent to include a tandem parking space which would be attached to the nominated accessible space. Tandem spaces are only considered appropriate when they are allocated to the same apartment / room.

In this case two spaces of the only 4 spaces provided for the boarding house will be allocated to a single access room, leaving 1 space for the caretaker and 1 space for the remaining 30 rooms.

Thus the shortfall in parking associated with numerical requirements is further exacerbated by the operational allocation of parking spaces resulting from the reliance on a tandem space.

It is also noted that the proposed spaces No. 1 and 2 may need to be widened to comply with the minimum requirements of AS2890.1. Both these spaces are located adjacent to a wall and require door opening widths. This may require a reduction in the area available for landscaping.

Site Access Arrangements

The proposed vehicle access arrangements for the boarding house car parking area will facilitate satisfactory manoeuvring area to accommodate forward in and forward out movements.

However the proposed new UGC access and parking space will require a reversing movement over the footpath. The alignment of the adjacent residential dwelling and landscaping would appear to restrict the provision of satisfactory vehicle sight lines to pedestrians along the footpath.

No assessment of sight lines or the safety of the modified vehicle access arrangements is provided in the DA documentation.

Any such assessment should be undertaken noting the proximity of the Moonbie Street Long Day Care facility and the fact that Moonbie Street is utilised as the pedestrian route for students accessing before and after school care at "SHARE".

The Transport Planning
Partnership Pty Ltd

Impacts on Pedestrian Access via Bartlett Street

The proposed boarding house development includes the provision of on site motor cycle and bicycle parking. The provision of these facilities is supported.

However, access to the motorcycle parking will need to utilise the pedestrian access via Bartlett Street. The appropriateness of this shared arrangement is queried. It is suggested an alternate location be sort whereby shared access in what will be a narrow passage will not be required.

Furthermore the proposed bin storage area appears to reduce the width of the pedestrian passageway to less than the required width for pedestrian access and certainly wheel chair access.

It is noted that the Waste Strategy included with the DA documents assumes that waste and recyclables will be collected by Council every week. However Council operates a bi-weekly recyclables collection along Bartlett Street and thus the proposed development may have underestimated the storage area required for bins thereby further reducing the available pedestrian access width.

Summary

In summary it is concluded that with regarding to traffic and parking that the proposed development and supporting documentation has failed to assess the overall implications of the proposed modifications and additions to the existing development at 11A Moonbie Street, Summer Hill.

The development proposal will include changes to the parking provisions and pedestrian access arrangements associated with the UGC yet no assessment of these has been provided.

Furthermore the proposed on site parking provision for the boarding house use alone falls short of the requirements of the SEPP Affordable Rental Housing 2009 and as such Council can refuse development application on the basis of inadequate car parking.

Notwithstanding the above, when considering the proposed site uses as a whole, the implications associated with the increased demand for on street parking and the safety implications of modified vehicle access to pedestrians have not been assessed.

On these basis, it is considered that Council should refuse the development application in its current form on the basis of traffic and parking.

Naturally, should you have any questions or require any further information regarding the above, please do not hesitate to contact the undersigned.

Yours sincerely



Jason Rudd
Director

**CLAUSE 4.6 VARIATION TO CLAUSE 4.4
OF THE ASHFIELD LOCAL ENVIRONMENTAL PLAN 2013**

1. Introduction

This submission seeks a variation to Clause 4.4 of the Ashfield Local Environmental Plan 2013, which relates to floor space ratio.

This submission has been prepared in relation to a Development Application for alterations and additions to an existing building for use as a boarding house, at 11A Moonbie Street, Summer Hill.

As detailed in this written request for a variation to the maximum floor space ratio development standard under the Ashfield LEP 2013, the proposed development meets the requirements prescribed under Clause 4.6 of the Ashfield LEP 2013.

This submission is made under Clause 4.6 of the Ashfield Local Environmental Plan 2013 – Exceptions to development standards. Clause 4.6 states the following:

"4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:*
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Secretary must consider:*

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include all of these Zones.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4."*

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The Environmental Planning Instrument to which this variation relates to is Ashfield LEP 2013.

The development standard to which this objection relates to is Clause 4.4 of Ashfield LEP 2013, which reads as follows:

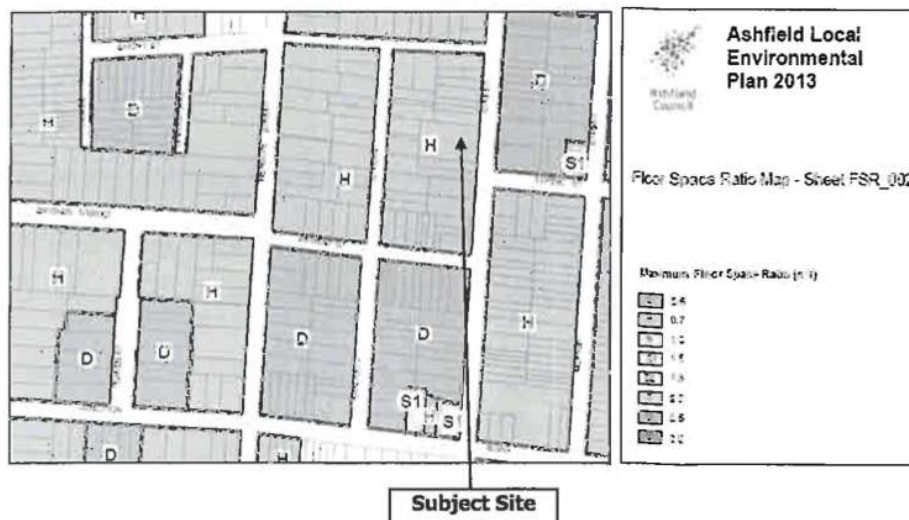
- "(1) The objectives of this clause are as follows:
- (a) to establish standards for development density and intensity of land use,
 - (b) to provide consistency in the bulk and scale of new development with existing development,
 - (c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,
 - (d) to protect the use or enjoyment of adjoining properties and the public domain,
 - (e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map"

The subject land comprises of 1,578.21m² and is subject to a maximum floor space ratio of 0.7:1. (See Figure 1).

A written justification for the proposed variation to the maximum floor space ratio development standard in accordance with Clause 4.6 of the Ashfield LEP 2013 is required.

Figure 1: Extract of Floor Space Ratio Map (Source: Ashfield LEP 2013)



2. Extent of Non-Compliance

As noted above, Clause 4.4 of the Ashfield Local Environmental Plan 2013 states that the subject land is subject to a maximum floor space ratio of 0.7:1.

Referring to the architectural plans submitted, it is noted that the overall gross floor area of the development is 1,145.5m². This includes the boarding house and separate tenancy (being the United Gardens Clinic). The proposed FSR is 0.72:1 and exceeds the maximum by 40.85m².

Although the proposal breaches the floor space ratio control, the development is compliant with the maximum building height control and the bulk, scale and height of the proposed building is compatible with the surrounding development.

3. Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827*.

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Chief Justice Preston expressed the view that there are five (5) different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. This attributes to determining whether compliance with the standard is unreasonable or unnecessary in the circumstances of the case as set out on the following page:

First	<i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i> <i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable.</i>
Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.</i>

The following discussion is provided in response to each of the above:

i. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The objectives supporting the maximum floor space ratio control identified in Clause 4.4 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the floor space ratio standard would be both unreasonable and unnecessary in this instance. The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.4.

The development as proposed will be in the public interest as it is consistent with the objectives of the development standard (being Clause 4.4), which are as follows:

- " (1) The objectives of this clause are as follows:*
(a) to establish standards for development density and intensity of land use,
(b) to provide consistency in the bulk and scale of new development with existing development,
(c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,
(d) to protect the use or enjoyment of adjoining properties and the public domain,
(e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation."

The proposal is for alterations and additions to an existing building that will increase it from single storey to two storeys. The previous use of the building as an aged care facility means that the footprint and built form of the building is not typical of the immediate area. Notwithstanding this, the area is a mix of building forms, including two storey terraces, single storey dwellings, and two to three storey walk up flat buildings.

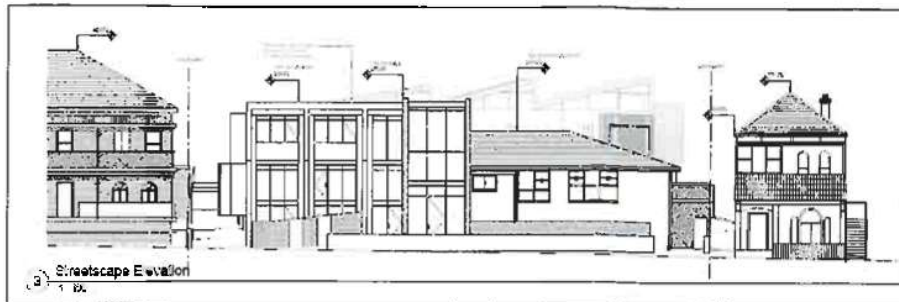
The proposed two storey building is consistent with Council's LEP requirements which dictate height and is also consistent with DCP requirements in terms of number of storeys. Two storey buildings are common within the immediate area.

The non-compliance essentially relates to additional floor area located on the first floor level. However, the site is large and the existing building already extends close to the side and rear boundaries. The footprint of the building is not read from the Moonbie Street frontage, nor from the Bartlett Street frontage given the narrow width of the rear handle.

While a first floor level is proposed, the entire first floor level will not be visible from either street frontage. Only the southern portion of the front section of building will be built up to a first floor level. The existing internal ground floor levels, pitched roof and topography of the site means that the new work is able to lower the ground floor level in the boarding house component, making the two storey component the same height as the existing single storey building. In terms of bulk and scale, the additional storey does not have a significant impact.

The front façade of the building has been well articulated in its design through the use of varying architectural elements and features including overhangs, recessed walls and blade walls. Reference should be made to Figure 2 below which shows the front façade.

Figure 2: Proposed Streetscape Elevation (Source: Pagano Architects, Sheet 05)



In terms of Council's Development Control Plan, the proposal is generally in keeping with the controls, with the exception of car parking.

Again, the former use of the building as an aged care facility means that the existing built form is not of a typical residential form. The proposed works will significantly upgrade the design of the building.

The development is consistent with the current planning controls. The building does not present as an overdevelopment of the site, nor is it considered excessive.

The proposal provides for the orderly and economic development of the site, given the site's orientation, location and context it is considered that the site is well suited for the proposed two-storey residential dwelling.

In light of the above, we are of the view that the additional floor space generated by the development will not be read out of context, noting the development is in keeping with the building height, and the number of storeys allowed and has been well articulated, minimising any perceived bulk and scale.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard. As demonstrated, the objectives of the standard have been achieved.

ii. *the underlying objective or the purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The underlying objective or purpose of the standard is relevant to the development and is achieved as outlined in (i) above. Therefore this clause is not applicable.

iii. *the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

Not applicable as the underlying objective or purpose would not be defeated or thwarted if compliance was required.

iv. *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*

This particular aspect is not applicable in this instance.

- v. the zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Not applicable as the zoning of the site is appropriate.

4. Are there Sufficient Environmental Planning Grounds?

The assessment above and shown throughout the submitted SEE demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposed maximum variation to the development standard is 40.85m². The variation will enable a well-considered development to be provided that addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The new use of the site as a boarding house will increase housing opportunity on the area for lower income people. The proposal will not result in any unreasonable amenity or environmental impacts.

The redevelopment of the site provides a better environmental outcome given that the existing building will be significantly upgraded, both internally and externally. The proposal brings a new use to an existing building that would otherwise be demolished and redeveloped for residential use.

In this case, strict compliance with the development standard for floor space ratio in the Ashfield LEP 2013 is unnecessary and unreasonable.

5. Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of the development standard (being Clause 4.4), which are as follows:

- "(1) The objectives of this clause are as follows:*
- (a) to establish standards for development density and intensity of land use,*
 - (b) to provide consistency in the bulk and scale of new development with existing development,*
 - (c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,*
 - (d) to protect the use or enjoyment of adjoining properties and the public domain,*
 - (e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation."*

It is considered that the proposed development meets the objectives in the following manner.

The proposal provides for a two storey development which is not out of character with the immediate area, which consists of single storey dwellings, two storey terraces and two to three storey walk up flat buildings. The proposal has been assessed from a heritage context, notwithstanding that the site is not an item and is not located within a conservation area.

The proposal represents a redevelopment of the site that provides a better environmental outcome given that the existing building will be significantly upgraded, both internally and externally. The proposal brings a new use to an existing building that would otherwise be demolished and redeveloped for residential use.

Furthermore, it is important to also consider the objectives of the R2 Low Density zone in relation to the development, which are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In response to the above the following is provided:

The development provides for additional housing for lower income people, in an area that has excellent access to public transport, shops and businesses. The low density character of the area will not be compromised. The former aged care use would have had a higher number of residents than a typical flat building or residential development in the area, and the boarding house use is no different in this regard.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard, noting the development will be in the public interest.

6. Public Benefit of Maintaining the Standard

It is considered that there is no benefit to the public or the community in maintaining the development standard. The proposed development will allow for the creation of a high quality residential development in the form of a boarding house which as stated above meets the desired objectives of the standard.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the maximum floor space ratio control within the Ashfield LEP 2013 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

7. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the Ashfield LEP 2013 in that:

- ☐ Compliance with the development standard would be unreasonable and unnecessary in the circumstances of the development;
- ☐ There are sufficient environmental planning grounds to justify the departure from the standard;
- ☐ The development meets the objectives of the standard to be varied (floor space ratio), the height controls applicable to the site and objectives of the R2 Low Density Residential zoning of the land;
- ☐ The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- ☐ The breach does not raise any matter of State of Regional Significance; and
- ☐ The development submitted generally aligns with Council's Development Control Plan.

Based on the above, the variation is considered to be well founded.

8. General

Clause 4.6 also states that:

- "(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made it did not include all of these zones.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4"*

Comment:

This variation does not relate to the subdivision of land. The variation sought is not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate has been prepared in relation to the proposed development and is submitted under separate cover

The development is not affected by clause 5.4.

9. Conclusion

The proposal does not strictly comply with the maximum floor space ratio control as prescribed by Clause 4.4 of the Ashfield Local Environmental Plan 2013. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the Ashfield LEP 2013 are satisfied as the breach to the floor space ratio limit does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the Ashfield LEP 2013 to vary this development control is appropriate in this instance.

The breach to the floor space ratio control, with no adverse environmental planning outcomes, must be balanced against the importance of neighbouring visual and acoustic privacy.

Based on the above, it is sensible to conclude that strict compliance with the maximum floor space ratio is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Margaret Roberts
Senior Planner

GAT & Associates
November 2015
Plan 2628

Subject	DEVELOPMENT APPLICATION: 10.2015.188.1 76 ALT STREET, ASHFIELD
File Ref	DA 10.2015.188.1
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. Torrens title subdivision of the existing lot into two lots;
2. Demolition of rear portion of the existing dwelling and a detached structure; and
3. Construction of a new dwelling on the proposed new lot.

Plans of proposed development are included in **Attachment 1**.

1.1 Background

During a site inspection carried out on 30/10/2015, it was noted that the front verandah has been enclosed and is being used as a store room. Council's previous records have been searched and no records of approval have been found for the enclosure of front verandah. A condition requiring a separate application to be submitted to formalise the unauthorised building works and use has been included in the recommendation of this report.

2.0 Summary Assessment and Recommendation

The proposed Torrens title subdivision of the existing 1169.8m² lot into two lots (each of which is greater than 500m² in area) complies with the lot area requirements of Clause 4.1(2) of Ashfield LEP 2013 (LEP). Given that the subject site is located on a corner, each lot resulting from the proposed subdivision will have a direct access from a main road.

The proposed development has been considered by Council's heritage adviser and no issues have been raised subject to conditions of consent.

The following compliance tables demonstrate the proposal performance against Council's landscaping controls of Ashfield Interim Development Assessment Policy 2013 (AIDAP) and floor space ratio, height and subdivision controls of Ashfield Local Environmental Plan 2013 (LEP).

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Table 1 - Dwelling fronting Alt Street (Proposed Lot 1A)

Lot size			
Control	Min Required	Proposed	Complies
Clause 4.1(3) of Ashfield LEP 2013	500m ²	Lot 1A: 659.1m ²	Yes*
Landscaping			
Control	Min Required	Proposed	Complies
Clause 2.1.7 of Section 2.0 of AIDAP	General Landscaped Area	General Landscaped Area	Yes
	50% of total site area of proposed lot (329.55m ²)	52.88% (348.51m ²)	
	Deep Soil landscaped area	Deep Soil landscaped area	
	(70% of minimum required landscaped area) 230.69m ²	86.08% (300m ²)	Yes
Floor Space Ratio			
Control	Max allowed	proposed	Complies
Clause 4.4(2) of Ashfield LEP 2013	0.5:1 (329.55m ²)	Approximately 0.41:1 (268.2m ²)	Yes
Height			
Control	Max allowed	Proposed	Complies
Clause 4.3(2) of Ashfield LEP 2013	8.5m	No changes proposed	No changes proposed

Table 2 - Dwelling fronting Taringa Street (Proposed Lot 1B)

Lot size			
Control	Min Required	Proposed	Complies
Clause 4.1(3) of Ashfield LEP 2013	500m ²	Lot 1A: 500m ²	Yes*
Landscaping			
Control	Min Required	Proposed	Complies
Clause 2.1.7 of Section 2.0 of	General Landscaped Area	General Landscaped Area	

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AIDAP	50% of total site area of proposed lot (250m ²)	57.86% (289.28m ²)	Yes
	Deep Soil landscaped area (70% of minimum required landscaped area) 175m ²	Deep Soil landscaped area 104% (260.4m ²)	Yes
Floor Space Ratio			
Control	Max allowed	proposed	Complies
Clause 4.4(2) of Ashfield LEP 2013	0.5:1 (250m ²)	Approximately 0.41:1 (205.69m ²)	Yes
Height			
Control	Max allowed	Proposed	Complies
Clause 4.3(2) of Ashfield LEP 2013	8.5m	Approximately 7.3m	Yes

** The sum of the proposed two lots does not equate to the total site area as provided by the submitted survey plan. Nonetheless, the proposed Torrens title subdivision of the subject site complies with the subdivision provisions of Ashfield LEP 2013.*

The proposed private open space of the existing dwelling fronting alt Street will receive less than three hours of sunlight on 21 June between 9am and 3pm.

However, the non-compliance with the solar access requirements is considered minor and the proposed development is therefore recommended for approval.

Background

3.0 Application Details

Applicant : Mr L Yang
 Owner : Mr L Yang
 Value of work : \$430,000
 Lot/DP : LOT: 1 DP: 126956
 Date lodged : 06/10/2015
 Date of last amendment : N/A
 Application Type : Local
 Construction Certificate : No
 Section 94A Levy : Yes

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4.0 Site and Surrounding Development

The subject site is located on the northern side of Alt Street, bounded by Taringa Street to the east and John Street to the west. The site area is approximately 1169.8 square metres. An existing single storey dwelling house is located on the site. Surrounding development comprises residential establishments of various types. 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
10.2004.259	15 November 2004	Removal of slate and metal roof and replacement with colorbond metal roofing.	Approved

No conditions have been imposed on previous development consents/permits to restrict a development such as that proposed for 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 the Taringa Street Conservation Area.
- The property is not a heritage item.
- The property is located within the vicinity of a number of heritage items located at 78 Alt Street, 11A and 15 John Street, Ashfield.

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

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Clause 2.3(2) - Permissibility

Clause 2.3(2) requires the consent authority to have regard to zone objectives when determining a development application in respect of land within the zone.

Officer's comments

The proposed use is permissible with consent and achieves the objectives of the zone which aims to provide for the housing needs of the community within a low density residential environment.

Clause 5.10 - Heritage

Clause 5.10 (4) requires the consent authority, 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).

Further, Clause 5.10(5)(b) & (c) allows the consent authority, before granting consent to any development on land within a heritage conservation area or in the vicinity of such land, to require a heritage management document that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage items concerned.

Officer's comments

The proposed development, as amended, has been reviewed by Council's heritage adviser and no issues were raised subject to conditions of consent.

Clause 4.3(2) Height

Clause 4.3(2) requires the height of a building on the subject site not to exceed the maximum building height of 8.5m.

Officer's comments

The proposed development with a building height of approximately 7.3m achieves compliance with the height controls of Clause 4.3(2).

Clause 4.4(2) - Floor Space Ratio (FSR)

Clause 4.4(2) requires the maximum floor space ratio for a building on the subject site not to exceed 0.5:1 for each of the proposed lots. This equate to 329.55m² for proposed lot 1A and 250m² for proposed lot 1B.

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Officer's comments

The proposed development with a floor space ratio of approximately 0.41:1 (268.2m²) for proposed lot 1A and approximately 0.41:1 (205.69m²) for proposed lot 1B achieves compliance with the FSR requirements of Clause 4.4(2) 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

Clause No. 3(1)(a) of the SEPP (BASIX) 2004 requires an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development to be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

The proposed development is considered to be a “Basix affected development” as defined under Environmental Planning and Assessment regulation 2000. 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 will be incorporated into the development consent requiring the proposed building works to comply with the commitments undertaken within the Basix Certificate obtained from the Department of Planning in accordance with the requirements of Part 1 of schedule 1 of the Environmental Planning and Assessment Regulation 2000.

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

C10	Heritage Conservation	<p>The proposed lot sizes, being consistent with the existing subdivision pattern in the area, do not diminish the heritage significance or the setting of the conservation area.</p> <p>No issues have been raised by Council's heritage adviser to the proposed subdivision. Further comments are provided below.</p>
C11	Parking	<p>The proposed development involves the construction of a double garage to the new two storey dwelling and a car parking space for the existing dwelling fronting Alt Street and as such achieves compliance with the numerical controls of car parking requirements of this part.</p>
C12	Public Notification In The Planning Process And All Aspects Of Land Management	<p>See Clause No. 7.7.</p>
C15	Houses & Dual Occupancies	<p>Refer to comments below.</p>

Solar access to adjoining properties

Given the orientation of the subject site, the shadow cast by the proposed two storey dwelling on 21 June will fall towards the rear yard of the main dwelling fronting Alt Street in morning, midday and afternoon.

This rear yard will receive sunlight for less than three hours on 21 June between 9am and 3pm. However, the non-compliance is considered minor and as such the proposed development is supported.

Building bulk, height and landscaping

The proposal complies with the FSR and height controls, further comments are provided in table 1 of Clause no. 2.0 of this report.

Privacy

The proposed development does not result in any impact on the adjoining neighbours' privacy.

In general, it is considered that the proposed development achieves compliance with the objectives of the controls of Part C15 of AIDAP 2013 and as such is supported.

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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 will impact on solar access to the main dwelling's remnant rear yard area, however, this is considered of minimal impact and the proposal is therefore supported.

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 13 October until 06 November 2015.

7.7.1 Summary of submissions

Two submissions (included in **Attachment 3**) were received during the notification of the development application as provided below:

Submissions	Date Received
Roxanne Macara 1/80 Alt St, Ashfield NSW 2131	26/10/15
Anna Panagakos 2 Taringa Street, Ashfield NSW 2131	27/10/15
Anna Panagakos & Chrissa Panagakos 2 Taringa Street, Ashfield NSW 2131	13/01/16

The matters raised in these submissions are detailed below in italics, followed by a response from the assessing officer:

Submission by Roxanne Macara

The submission did not include any objections to the proposed development but rather an advice which reads as follows:

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I strongly believe that any development on this site should take into account the numerous buildings of significant historical value surrounding this property - both in terms of preservation and general aesthetics.

Officer's comments

The proposed development has been reviewed by Council's heritage adviser and no issues were raised to the proposed development subject to conditions of consent.

Submission by Anna Panagakos and & Chrissa Panagakos

The submission raises objections to privacy, solar access and parking impacts.

Officer's comments

The proposed development is located to the south of the objector's property and will therefore not cast any shadows on it.

The proposal has one upper floor bedroom window which faces the objector's property. This window overlooks the side roof area of the objector's dwelling and given its low use as a bedroom it is not considered to result in any significant privacy impacts.

It provides a double garage capable of accommodating two vehicles and hence complies with the car parking requirements of Part C15 of AIDAP.

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application. The minor non-compliance with the solar access requirements does not make the proposed development contrary to the public interest and does not warrant refusal of the application.

8.0 Referrals

8.1 Internal

Heritage Adviser

Council's heritage adviser raises no objection to the proposed development subject to conditions of consent. Comments are included in **Attachment 4**.

Building

The application has been referred to Council's building surveyor. Recommended conditions have been provided and included in the recommendation.

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Engineering

The application has been referred to Council's hydraulic engineer. Conditions of consent have been included in the recommendation.

9.0 Building Code of Australia (BCA)

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

Financial Implications

The proposed development will attract contribution levies of \$18,472.72 under S94 of the Environmental Planning and Assessment Act 1979 if approved. A relevant condition has been included in the recommendation.

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 therefore recommended for conditional approval.

ATTACHMENTS

Attachment 1	Plans of Proposal	12 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Submissions	3 Pages
Attachment 4	Heritage Advice	1 Page
Attachment 5	Conditions	15 Pages

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RECOMMENDATION

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approved Development Application No. 10.2015.188 for the following:

1. Torrens title subdivision of the existing lot into two lots;
2. Demolition of rear portion of the existing dwelling and a detached structure;
and
3. Construction of a new dwelling on the proposed new lot.

on Lot 1 in DP: 126956, known as 76 Alt Street, ASHFIELD, subject to conditions.

PHIL SARIN
Director Planning and Environment













Ashfield
Council
COUNCIL COPY



KEY PLAN

CONCLUSIONS: The use of a computerized system for the management of the patient's medical history is a valuable tool for the management of the patient's medical history. The use of a computerized system for the management of the patient's medical history is a valuable tool for the management of the patient's medical history.



Make 12 point cuts
in front section
and fold in 18
inches. Machine sew on
top.

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Curve

Prof. Vining

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762 J. P. Thompson,
Adaptively active 21.80

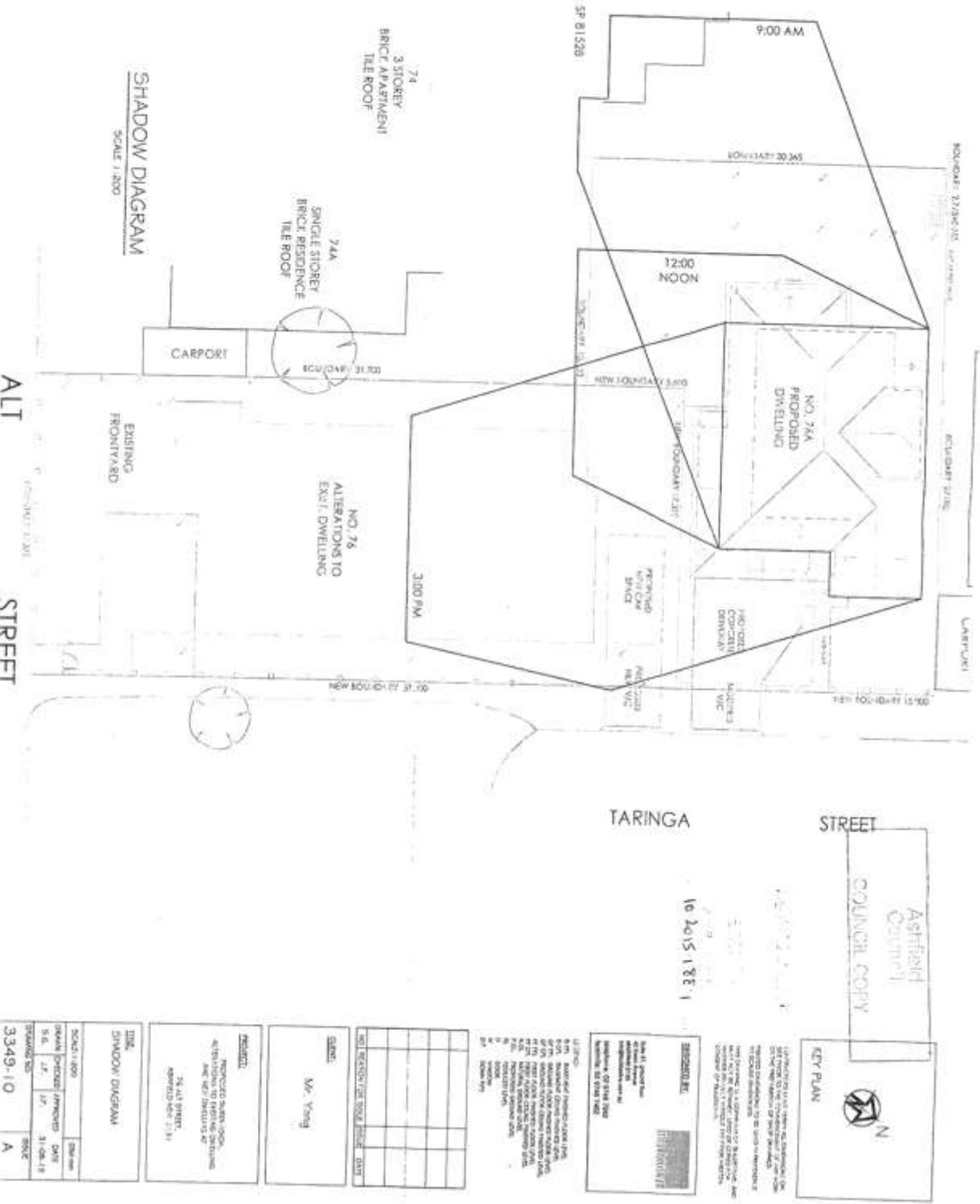
STREETSCAPE ELEVATION

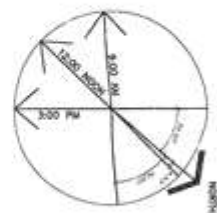
NAME (Last)		Total Ave	
STAIN	PROJECT	APPROVED	DATE
0.0	1.0	1.0	1.0/1.0
STATION NO.		SCALE	
3349.12		A	





263





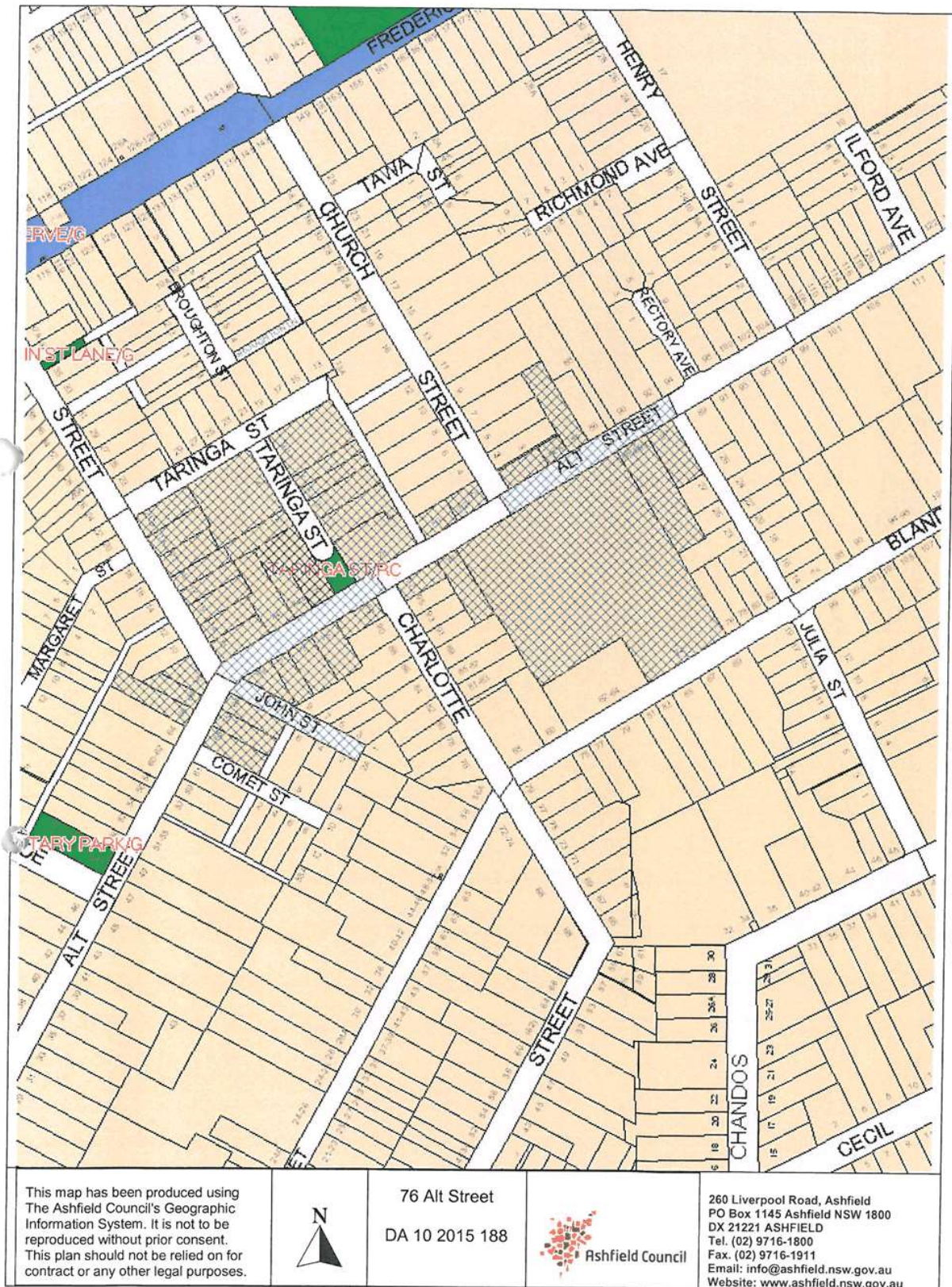
For pricing a copy of *How to Manage Your Staff*, send \$2.00 to: **HOW TO MANAGE YOUR STAFF**, c/o **AMERICAN MANAGEMENT ASSOCIATION**, 515 N. Dearborn St., Chicago, IL 60610. The price includes shipping and handling charges.

[illegible][illegible][illegible]

Mr. Yang

PROJECT:
MICROSOFT SUBMITTING
APPLICATION TO PORTING BUSINESS
AND NEW DRUGS TO
THE ALI-STRIPS.
APPROVED: 2001.12.13

TITLE		SCALE: 3/32"		DATE	
SHADOW DIAGRAM		DESIGNED BY		12-11-18	
33349-10		CHECKED BY		A	



15/52560

Page 1 of 1



Development application submission - 76 Alt St 10.2015.188
roxanne macara

to:

info

26/10/2015 01:23 PM

Hide Details

From: roxanne macara <roxannemacara@gmail.com>

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



To whom it may concern

I am writing regarding the proposed partial demolition of the house at 76 Alt St and the construction of a new dwelling on the proposed new lot.

I strongly believe that any development on this site should take into account the numerous buildings of significant historical value surrounding this property - both in terms of preservation and general aesthetics.

Kind regards

Roxanne Macara
1/80 Alt St, Ashfield

Anna Panagakos
2 Taringa Street
Ashfield NSW 2131

27 October 2015

General Manager
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

Dear Sir/Madam

Notification of Development Application

Development Site: 76 Alt Street, Ashfield Lot: 1 DP: 126956
(Cnr Taringa Street)

Application No: 10.2015.188

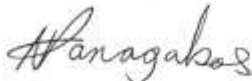
I am writing to advise you that my mother, Chrissa Panagakos, and I are residents of 2 Taringa Street, Ashfield and we object to the abovementioned Development Application for the reasons listed below:

- The eastern side of our house faces the rear of 76 Alt Street, Ashfield which will be the western side of the proposed dwelling. We note that the proposed plans are for a two storey dwelling with windows directly looking into our premises and this will affect our privacy. The residents of the proposed dwelling will be looking directly into our kitchen window and lounge room window from their windows, as well as into our backyard. This is not acceptable.
- The new dwelling will limit the natural sunlight coming through our windows which is already partially affected by the trees planted there by the owner of 76 Alt Street. My 82 year old mother is at home all day and relies on the sunlight coming through for her wellbeing.
- We already have issues with the lack of parking in Taringa Street due to the large number of residents in 76 Alt Street as well as the rest of Taringa Street. Hence a further increase to the residents living in 76 Alt Street will only add to this problem.

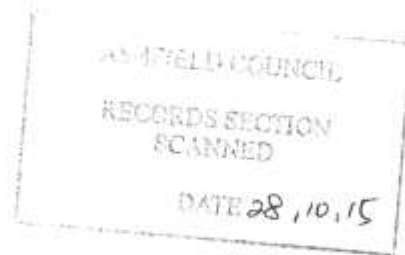
We respectfully submit that Council should be aware of all these issues listed and urge you to seriously consider them before approving any plans for an additional dwelling.

If you require any further information please do not hesitate to contact me on 0408 257 467 or e-mail annaggpana@hotmail.com.

Yours sincerely



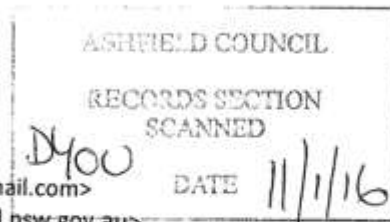
Anna Panagakos & Chrissa Panagakos



16/1548



For the attention of Julie Passas | Objection to Development Site: 76 Alt Street, Ashfield
Lot: 1 DP: 126956
ANNA PANAGAKOS
to:
info@ashfield.nsw.gov.au
11/01/2016 11:32 AM
Hide Details
From: ANNA PANAGAKOS <annaggpana@hotmail.com>
To: "info@ashfield.nsw.gov.au" <info@ashfield.nsw.gov.au>



Dear Ms Passas

Notification of Development Application
Development Site: 76 Alt Street, Ashfield Lot: 1 DP: 126956
(Cnr Taringa Street)
Application No: 10.2015.188

I am writing on behalf of my mother Chrissa Panagakos and I, to kindly seek your support regarding our objection of the above mentioned Development Application.

We are residents of 2 Taringa Street, Ashfield and we object to the above mentioned Development Application for the reasons listed below:

The eastern side of our house faces the rear of 76 Alt Street, Ashfield which will be the western side of the proposed dwelling. We note that the proposed plans are for a two storey dwelling with windows directly looking into our premises and this will affect our privacy. The residents of the proposed dwelling will be looking directly into our kitchen window and lounge room window from their windows, as well as into our backyard. This is not acceptable and will devalue our home.

The new dwelling will limit the natural sunlight coming through our windows which is already partially affected by the trees planted there by the owner of 76 Alt Street. My 82 year old mother is at home all day and relies on the sunlight coming through for her well being.

We already have issues with the lack of parking in Taringa Street due to the large number of residents in 76 Alt Street as well as the rest of Taringa Street. Hence a further increase to the residents living in 76 Alt Street will only add to this problem.

We respectfully submit that Council should be aware of all these issues listed and urge you to seriously consider them before supporting any plans for an additional dwelling.

If you require any further information please do not hesitate to contact me on 0408 257 467 or e-mail annaggpana@hotmail.com.

Yours sincerely
Anna Panagakos & Chrissa Panagakos



DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	76 Alt Street ASHFIELD	File No: 10.2015.188.1
ADVISOR	Robert Moore	
DATE	2 November 2015	
STATUS	Heritage Item	
DESCRIPTION	Alterations and additions	
PREVIOUS COMMENTS	Yes - several	
<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: <ol style="list-style-type: none"> 1. The front verandah plate is too high and shall be brought down to approximately match the height of the garage doors; this could involve changing the roof shape, by eliminating the break in patch at the wall line, instead using a consistent pitch for the whole roof. 2. The three paired windows in the north-west elevation are to be changed in width so as to sit evenly under the gas beam; these windows - the ensuite bathroom, the laundry and the kitchen, are to be consistent in dimension (600 x 1200high) and spaced to sit symmetrically under the gable; the end window to the dining area can be 600mm x 1500mm high.
<input type="checkbox"/>	Acceptable with the following amendments to the application: <ul style="list-style-type: none"> <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
Robert Moore

(See sketch to be scanned and sent)

CONDITIONS

DA 2015.188.1

76 Alt Street ASHFIELD 2131

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

1. **Torrens title subdivision of the existing lot into two lots;**
2. **Demolition of rear portion of the existing dwelling and a detached structure; and**
3. **Construction of a new dwelling on the proposed new lot.**

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans prepared by Buildsolve listed below

Drawing No 3349 – 1, 2, 5 - Issue B, date Stamped By Council 28 November 2015

Drawing No 3349 – 4, 6, 7, 8, 9, Issue A, date Stamped By Council 6 October 2015

and specifications 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.

(7) 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.

(8) Development application required

A development application is to be submitted to formalise the unauthorised building works that

has been carried out to the existing dwelling fronting Alt Street. The application is to be submitted to and approved by Council prior to the release of the construction certificate for this consent being (10.2015.188.1).

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) 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.

(4) Stormwater Drainage Plan

For each proposed lot a Stormwater Drainage Concept Plan demonstrating the proposed stormwater drainage system which shall be disposed of by approved drainage lines discharging into the Council's street gutter and complies with Council's "Stormwater Management Code" is to be submitted to Council for approval prior to release of the Construction Certificate.

(5) Stormwater disposal – calculations and details

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

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

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

- (i) Roof areas.
- (ii) Paved areas.
- (iii) Grassed areas.
- (iv) Garden areas.
- (v) The percentages of Pre-development and Post-development impervious areas

- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1 %.).
- (c) Calculations and details are to be provided to Council showing that provisions have been made to ensure that the piped drainage system including pits have been sized to accept runoff from all storms up to the 100 year ARI, (including overflows from roof gutters).
- (d) All garbage and waste areas must drain to the sewer and not the stormwater system.

(6) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council or Private Certifier prior to the release of the Construction Certificate.
- (b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
- where the storage and silt arrestor pits are located
 - which parts of the system need to be accessed for cleaning and how access is obtained
 - description of any equipment needed (such as keys and lifting devices) and where they can be obtained
 - the location of screens and how they can be removed for cleaning
 - who should do the maintenance (i.e. commercial cleaning company)
 - how often should it be done

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

(7) Erosion & sedimentation control-management plan

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

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

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

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

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.
The plan must be submitted with the application for a construction certificate.

(8) Home Building Act 1989 Insurance

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

(9) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of

the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(10) 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) 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 # :	10.2015.188
Property Address:	76 Alt Street, Ashfield
CPI Quarter:	Dec-15

<u>Community Infrastructure Type</u>	Contribution
Local Roads	\$426.06
Local Public Transport Facilities	\$962.87
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$15,498.58
Local Community Facilities	\$816.07
Plan Preparation and Administration	\$769.34
TOTAL	\$18,472.92

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:

$$\text{\$C}_c = \frac{\text{\$C}_p \times \text{CPI}_c}{\text{CPI}_p}$$

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.

CA Conditions that must be complied with prior to the release of Subdivision Certificate

(1) 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.

(2) 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 Department of Lands (Land and Property Information).

(3) Subdivision Certificate issue requirements

A subdivision certificate will not be issued until:

- The Section 94 contributions and relevant fees and bonds are paid.
- A Compliance/Occupation Certificate is issued.
- The property has been developed in accordance with plans approved by Development Application No10 2015.188 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) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) Building location - check survey certificate

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

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

(7) 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 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 or Private Certifier 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) Footpath, kerb and gutter reconstruction

The public footpath and grass verge outside the site in Taringa 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.

(3) 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.

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

(4) 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.

(5) 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.

(6) 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.

(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) 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.

(9) Stormwater runoff – collection/discharge

Stormwater runoff from all roof and paved surfaces for each lot shall be collected and discharged by means of a gravity pipe system to the street gutter at a maximum site discharge of 15 L/sec for the 1:100 ARI.

(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) 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.

(13) 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.

(14) 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.

(15) 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.

(16) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate 495488S_03 as obtained on 11 August 2015 from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

(17) 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.

(18) 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.

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
- (d) on-site stormwater detention 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.

(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: 10.2015.255.1**
75 MILTON STREET ASHFIELD

File Ref DA 10.2015.255.1

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

Demolition and construction of two storey residential flat development comprising 11 dwellings with basement parking.

Background

2.0 Summary Recommendation

The proposal orientates the majority of its units towards the side boundary thus creating privacy issues with adjacent properties. Due to the large residential flat building located to the north, solar access to these units – which have been designed to face north – is inadequate. Similarly, the proposal is likely to overshadow the north facing windows of the dwelling to the south. In addition, the proposal provides inadequate accessibility, landscaped area, communal and private open space and parking arrangements.

The development is therefore recommended for refusal.

3.0 Application Details

Applicant	:	Arkivis Design Studio
Owner	:	Mr A Talarico
Value of work	:	\$2,462,772
Lot/DP	:	LOT: 31 DP: 707858
Date lodged	:	16/12/2015
Building classification	:	2
Application Type	:	Local
Construction Certificate	:	No

4.0 Site and Surrounding Development

The subject site is located on the western side of Milton Street, bounded by Arthur Street to the South and Summerville Avenue to the North.

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An existing dwelling house is located on the site. Surrounding development comprises dwelling houses and residential flat buildings. Refer to **Attachment 1** 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)
75 Milton Street	31	707858	Torrens	928.7 m ²
TOTAL AREA				928.7m ²

5.0 Development Application History

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

No.	Determination Date	Proposal	Determination
06.1952.958	02.06.1987	Unknown	Unknown

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
02.02.2015	Provisional Development Application submitted to Council	17.2015.16
05.02.2015	<p>Letter sent to applicant raising the following issues:</p> <ul style="list-style-type: none"> Council's Heritage Adviser has reviewed the proposal and has raised the following concerns. Please amend your application to resolve these issues. <p><i>Two heritage items are located in Cromwell Street and at the rear of the subject site. The proposed building presents a plain, largely undeveloped elevation to the rear where the separation distance from the boundary is substantial and would support adequate screening. The manner in which the proposed loft floor (second floor) of the building would exceed the 8.5m maximum permitted building height would accentuate the scale and visibility of the building and conformity with the envelope limit would seem a reasonable request.</i></p> <p><i>Adjacent to the south side of the property is a substantial Federation cottage with a notable front bay window. The design of the proposed development includes a screen / shelter element formed by extension of the floor line of the first floor laterally to the south boundary. This element visually constricts the space between the development and the Federation cottage and should be deleted. This omission would mean that the floor line / edge line is similar at both sides.</i></p> <ul style="list-style-type: none"> The proposal fails to comply with the maximum FSR requirement of Ashfield LEP 2013. Whilst a Clause 4.6 – Exceptions to development Standards request has been submitted, Council will not support any variation to the FSR. Please also note that the semi open breeze with privacy screen is also to be included in the FSR calculations. As the FSR is excessive, the proposal must be modified to comply as no variation 	17.2015.16

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	<p>from the development standard will be supported. Please provide a plan showing the gross floor area areas included for the purpose of FSR calculations.</p> <ul style="list-style-type: none"> The proposal fails to comply with the Height control of Ashfield LEP 2013. Whilst a Clause 4.6 – exception to Development Standards has been lodged Council will not support any variation to the standard. In addition Council is of the view that compliance can be achieved without materially altering the substance of the design. The proposed landscaped area fails to meet the required 35% of the overall site area. The proposal should be amended to comply. The upper balconies are undersized and should be at least 2m in depth. The semi open breezeway despite the privacy screens would have adverse privacy impacts upon the adjacent property to the south and should be fully enclosed with any outlook controlled by translucent glazing or suitable screening. A correct design verification statement has not been provided. Please provide more detail regarding the masonry structure located on the southern boundary immediately adjacent to unit 1. The driveway gradients in particular in 20 transition immediately at the driveway entrance inside the property do not comply with the relevant Australian Standard and should be amended to comply. The car parking layout in particular the space dimensions i.e. blind aisle appear not comply with AS2890.1. Elevational shadow diagrams showing the northern walls of both the proposed development and the adjacent property to the south (no. 77 Milton Street) are to be submitted which show both existing and proposed shadows as well as the use of the rooms served by any north facing windows. Please note that solar access must be maintained in accordance with the requirements of Ashfield Interim Development Assessment Policy 2013. 	
21.04.2015	<p>Meeting held at Council with applicant. The owner of the site wanted to discuss particularly the height and FSR of the proposal. The owner explained that it was appropriate in this instance to vary the FSR and height control for the reason that the building was existing.</p> <p>It was explained that the owner/applicant needed to justify the reasons and appropriateness from a planning view point why Council's height and FSR control should be varied.</p> <p>The owner/applicant indicated that additional details would be provided for Council to consider or alternatively the proposal would not be pursued and the land could be sold to a developer.</p> <p>Other matters were discussed during the meeting and the owner indicated that the required details would be provided.</p> <p>It was agreed that Council would wait for the applicant's revised plans and that a 3 week period be given to provide the information.</p>	17.2015.16
25.06.2015	7 day reminder letter sent to applicant.	17.2015.16
01.10.2015	Submission returned to applicant due to lack of response.	17.2015.16
16.12.2015	Development Application lodged. Some matters raised in 05.02.2015 letter addressed, however, significant issues still remain inadequately resolved.	10.2015.255.1

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 vicinity of heritage items.

The proposed works are permissible with Council consent.

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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 R2 Low density residential (Schedule 1, Additional permissible uses, cl. 3: residential flat building permissible)	Residential flat building	Yes
4.3	Height of buildings	8.5m	6.5m	Yes
4.4	Floor space ratio	0.7:1	0.7:1	Yes
5.10	Heritage Conservation	Located in the vicinity of: <ul style="list-style-type: none"> Heritage Item I-422 (69 Milton Street); Heritage Item I-378 (24 Cromwell Street); Heritage Item I-376 (22 Cromwell 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).	No comment provided due to lack of adequate documentation (i.e. no heritage impact statement submitted).	N/A
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any	No heritage management document has been	No

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		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.	submitted to enable assessment	
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As demonstrated in the above table above table, the proposed development does not satisfy a number of the provisions of ALEP 2013 and is considered unsatisfactory.

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 long standing established residential use on the site, there is no cause to suspect that contamination exists on the land.

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 Ashfield Interim Development Assessment Policy 2013 (IDAP) specifically addresses how the ADCP 2007 is to be interpreted in the context of ALEP 2013. Please see Section 7.8 below.

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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 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 not considered suitable for the site in the context of the locality as noted in this 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 and Councillors from 21 December 2015 until 18 January 2016. 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 from	Address
G. Angelopoulos	79 Arthur Street Ashfield NSW 2131
A. & T. Scavo	75 Arthur Street Ashfield NSW 2131
A. Semrani	147 Moorefields Road Kingsgrove NSW 2208

Submission Issue	Assessing Officer's Comment
Ugly and out of keeping with surrounding period homes.	The design is very contemporary and is not sympathetic with nearby heritage items.
Inadequate parking.	The proposal provides one less parking space than is required.
Southern setback is inadequate and would result in privacy impacts on property to rear.	Agreed.
Overlooking of property to rear and its swimming pool and rear garden.	The large rear facing windows would cause adverse privacy impacts.

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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 Part C1: Access, Adaptability and Mobility Summary Compliance Table (Design Checklist 1)				
No.	Standard	Required	Proposed	Complies
Part C1	Access, Adaptability and Mobility			
2.3(ii)	Universal Accessible Design	Low rise flats without lifts must have all ground level apartments must comply with universal accessible design principles in design checklist.	Low rise flats	Yes
2.4	Adaptable Housing	10%	10%	Yes
2.5	Variations to Universal Accessible Design Requirements	Site conditions	The site conditions are not such that they could be relied upon to justify any variations to the requirements.	N/A
6.2	Universal Accessible Design	All buildings referred to in clause 6.1 of this Part, shall be “accessible” as required in the Building Code of Australia and in addition have a universal accessible design for the interior design of the dwellings that meets the requirements of Section 6 of this Part.	Not all ground floor units are accessible.	No
6.3	Construction	In order to achieve an “implementation principle”, that considers design issues at Development Application stage in sufficient detail to ensure that at construction certificate stage and during construction compliance is achieved.	In adequate detail provided.	No
6.4	Access from street to dwelling entry	Access from the street into the entry area of each ground floor unit by a person with a disability.	Unit s 4, 5 and 6 are not accessible due to steps.	No
6.5	Interior dwelling design	The interior elements of all apartments shall be adequately sized to allow wheelchair circulation to all necessary areas. (f) All ground floor levels of townhouses must contain an	Units 2 - 5 10 do not comply.	No

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		area which contains a toilet and which is visitable by a person with disabilities.		
6.6	Access to private open space	(a) Private open space garden dimensions shall be wide enough to be able to accommodate a path accessible by wheelchair users. (b) Garden dimensions shall be wide enough to allow tree planting and also meet the requirements of clause (a). (c) Any balconies or verandahs shall be accessible.	The ground level private open spaces could be accessible by way of condition of consent.	Yes
6.7	Access to car parking	Access to and from the car parking area for people with a disability by lift.	No access provided from basement car park.	No
6.8	Access to communal garden space	Where there is communal open space on the site, it must be accessible from all dwellings required to have a universal accessible design, and by all visitors to the site.	The communal open space is not accessible due to steps.	No

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Ashfield Interim Development Assessment Policy 2013 Part C5: Multi-unit Development in Residential Flat Zones Summary Compliance Table				
Clause No.	Standard	Required	Proposed	Complies
3	Preferred Development			
3.2	Ashfield's Housing Character	Developments must meet the following criteria: a) the defining characteristics of the site, its streetscape, community, and neighbourhood locality are understood; b) the proposed architectural style is suitable for the site; c) the proposed development has the potential to contribute to Ashfield's housing heritage.	The form and character of the proposal is not satisfactory and consistent with the character of surrounding buildings.	No
3.5(a)	Building Appearance and Neighbourhood Character	Buildings at the front must be orientated to the principal street frontage, and dwellings adjacent to a public street must address the street by having a front door or living room or kitchen windows facing the street;	The character of the proposal is not consistent with the streetscape.	No
3.5(b)		The building generally conforms with the building line on adjoining land and in the immediate locality;	The front setback is consistent with those of adjacent properties.	Yes
3.5(c)		Building facades are to have: <ul style="list-style-type: none"> a clearly defined base-middle-top; well-balanced vertical and horizontal proportions; modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building; architectural features which give human scale at street level, such as entry porches, pergolas and fences. 	The building is well articulated.	Yes
3.5(d)		Building design, roof form, detailing and materials visible from public areas and adjoining properties should not be in strong visual contrast with any positive and characteristic features of neighbouring properties.	The finishes and materials are not sympathetic to the character of the locality.	No

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		Generally the materials and finishes of the building to be similar to the traditional finishes predominating in Ashfield. Buildings to usually be in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roof forms with no reflective materials that may cause glare.		
3.5(e)		Building design enables individual dwellings to be identified from public streets.	Only the front dwellings can be perceived from the street.	No
3.5(f)		Carports and garages to be compatible with the building design and not dominate the street frontage.	All parking located in basement garage.	Yes
3.5(g)		Entries to underground parking not to be visible from the street front.	The basement ramp is very prominent in the street.	No
3.6	Fences and walls			
3.6(a)		Front fences and walls to be compatible with the streetscape.	The proposed front fence is appropriate in the context.	Yes
3.6(b)		Front fences and walls to be no more than 1.2m high if solid and forward of the building line. Height may be increased to 1.8m if the fence has openings which make it not less than 50% transparent.	Front fence is of a suitable height.	Yes
4	Housing Density			
4.3	Floor Space Ratios	0.7:1	0.7:1	Yes
4.10	Subdivision	Strata subdivision size will be considered on its merits	Satisfactory.	Yes
4.11	Maximum dwelling size	Maximum gross floor area of a dwelling should not exceed 125m ² . Smaller apartments are encouraged.	No dwellings exceed this size.	Yes
5	Siting, Building Height and Solar Access			
5.4	Front Setback	To be consistent with the predominant setback of the buildings in the street.	Front setback is consistent with adjacent properties.	Yes
5.6	Orientation and Siting	Side and rear setbacks to be determined by amenity and urban design. Development should not significantly affect adjoining property or resident amenity by: a) increased overshadowing, b) reduction in the level of privacy, c) obstruction of views,	Side setbacks have not adequately addressed the issues of privacy and overshadowing.	No

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		d) reduction in levels of daylight and ventilation.		
5.8		Rear setbacks to allow adequate provision of green space between adjoining properties	Not consistent with surrounding properties.	No
5.9	Building Height	Defer to ALEP 2013	6.8m	Yes
5.9(a)		Not applicable in R2 zone	N/A	N/A
5.9(b)		Maximum roof pitch of 30 degrees may contain a 4th attic storey,	No fourth storey proposed.	N/A
5.11		Not applicable in R2 zone	N/A	N/A
5.12		Not applicable in R2 zone	N/A	N/A
5.13		Not applicable in R2 zone	N/A	N/A
5.15	Solar Access	80% of units to have at least one living room window with a northerly aspect	100%	Yes
5.16		<i>Maximum</i> amount of overshadowing:		
5.16(a)		Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser area) of the principal private area of ground level private open space of adjacent properties not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20% at any one time.	Adequate.	Yes
5.16(b)		Private courtyards within a development to receive 3 hours of sunlight over 50% of area, between 9am and 3pm on 21 June.	The courtyards would have non-compliant solar access due to large buildings on adjacent properties.	No
5.16(c)		Existing solar access should be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows, for at least 3 hours between 9am and 3pm in mid winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced by more than 20% at any time.	Inadequate detail to make a full assessment (i.e. no elevational shadow diagrams), however, it is likely that the proposal would excessively overshadow the north facing windows of the property to the south.	No
5.16(d)		North facing windows within a new development should achieve the same standard of solar access.	Inadequate detail to make a full assessment.	No

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6	Privacy, Views and Outlook			
6.3	Visual privacy	Visual privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.3(a)		Ground level direct facing windows to be a minimum of 9 metres apart or, where screening devices or planting is used, 6 metres apart. Direct facing includes an arc of 45° on either side of a window. If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond an angle of 45° from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.	Although some privacy screens have been fitted, they are not comprehensive and would still permit some overlooking.	No
6.3(b)		As an alternative to 6.3 (a), windows to have minimum sill heights of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level.	N/A	N/A
6.3(c)		Balconies, terraces and decks to be placed a minimum 12 metres away from any facing window or other balcony.	5.5m	No
6.3(d)		Windows and balconies not to overlook adjoining areas of private open space. An outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development to be obscured or screened where a direct view is available into adjoining areas of private open space.	Screening provided to southern elevation but inadequate detail provided to ascertain its effectiveness.	No
6.3(e)		No screening is required where: <ul style="list-style-type: none"> windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.7m; windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level. 	These measures are applied where necessary.	Yes

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6.4		These standards must be achieved within developments, as well as across boundaries.	Privacy is inadequate across boundaries.	No
6.5	Acoustic Privacy	The level of acoustic privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.5(a)		Bedroom windows are to be at least 3 metres from shared streets, driveways and parking areas of other dwellings.	Complies.	Yes
6.5(b)		Bedrooms of one dwelling are not to share walls with living rooms or garages of adjacent dwellings.	Complies.	Yes
6.8	Views and outlook	Distant views available from neighbouring properties should be maintained where possible, in keeping with principles of view sharing.	Complies.	Yes
6.9		High walls in close proximity to neighbours' windows or open space should be reasonably set back, <i>irrespective</i> of shadowing or privacy impacts.	Setbacks are appropriate to the streetscape and consistent with those on the adjacent properties.	Yes
6.10		All dwellings should have an open outlook to an area of landscaping or open space not compromised by privacy measures.	Upper level units have a poor outlook due to the application of intensive privacy measures.	No
8	Open Space and Landscaping			
8.6	Private and Communal Open Space	Each dwelling to have a private outdoor area which: a) does not encroach upon the front setback; b) is directly related to a main living area; c) is private and protected from overlooking; d) meets solar access standards; e) minimises overlooking of neighbours; f) accommodates various uses; g) is accessible by someone with a disability.	Complies.	Yes
8.7		If at ground level, • Minimum area: 35m ² • Minimum width 3m:	Units 01, 02, 03 & 05 are undersized in area.	No
8.8	Balcony Size	If no private outdoor area at ground level, to be provided by a balcony or deck, with a minimum area of 10m ² , and a minimum dimension of 2m.	The upper level balconies are significantly less than 2m in depth.	No

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8.9	Communal Open Space	Communal open space exclusive of any drying or service areas to include a single open area with minimum dimensions of 10 metres by 12 metres. If more than 6 units, the area to be increased by 5m ² per unit. Area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Required: 145m ²	123m ²	No
8.10	Landscaping Standards	Minimum landscaped area: 35% of the site area. To be at finished ground level with a minimum width of 2 metres.	21% The landscaped area is significantly deficient.	No
8.11	Tree Preservation	A Tree Preservation Order covers all trees over 5 metres in height with a trunk girth of 350mm at ground level, (excluding Leyland Cypress Pine, privet, oleander, umbrella trees, cotoneaster, rubber trees, citrus and mulberry trees.	No significant tree removal proposed.	Yes
8.13		Retain sufficient curtilage around existing trees to ensure their retention.	No significant tree removal proposed.	N/A
8.14		Avoid removal or significant modification of any existing street tree along the frontage of the site.	No significant tree removal proposed.	N/A
9	Safety and Security			
9.2	Security	Buildings adjacent to public or communal streets or open space to have at least one habitable room window with an outlook to that area.	All buildings overlook all communal circulation areas.	Yes
9.3		Visitors should be visible without the need to open the front door.	Would require intercom system or eye hole.	Condition
9.4		Shared entries to serve a maximum of eight dwellings and be lockable.	Single entry path serves 11 dwellings but this is not unusual or problematic for this type of layout.	Acceptable
10	Design for Climate			
10.1	Energy Conservation	BASIX Certificate must be provided.	BASIX Certificate has been provided.	Yes
10.2 – 10.7	Water Conservation	BASIX Certificate must be provided.	BASIX Certificate has been provided.	Yes
10.8	Air movement	Harness breezes and provide fresh air indoors.	All units have excellent cross ventilation.	Yes

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10.11	Services, lighting and appliances	Dwelling design should encourage energy efficiency.	BASIX Certificate has been provided.	Yes
10.16	Noise on rail/traffic routes	Where road or rail noise is an issue, buildings to be sited to: · minimise the infiltration of noise into the buildings and the lot; · provide an acoustic barrier for private and communal open space; · reduces reflection of noise on to other buildings; · ensure affected windows are acoustically treated from road or rail noise.	The development is well separated from the road and rail line and as such should experience minimal road or rail noise.	Yes
11	Stormwater Drainage			
11.1	Objectives	a) to provide safety for the public in major storm events, and protect property from damage by flooding; b) to ensure adequate stormwater detention and run-off controls are provided for site drainage; c) to improve urban amenity through maintenance of natural drainage lines; d) to protect and maintain existing infrastructure of the LGA.	Significant stormwater issues – see engineer's comments	No
12	Site Facilities			
12.8	Storage	Must be adequately screened from frontage.	No storage in basement.	No
12.9	Mailboxes	To be located close to each ground-floor dwelling entry or close to the major pedestrian entrance to the site.	Mailbox location has not been nominated.	No
12.10	Clothes drying	Communal clothes drying facilities to be easily accessible to all residents and screened from streets and communal recreational areas.	Location of clothes drying facilities has not been nominated.	No
12.11		External clothes-drying area shall to be provided at the rate of 1.5 square metres per unit.	Location of clothes drying facilities has not been nominated.	No
12.12	Television aerials	Only one television reception device per strata title development screened from public view.	Not nominated but can be conditioned.	Condition

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Ashfield Interim Development Assessment Policy 2013 Part C11: Parking Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
3.3	Parking Credits	Do not apply if more than 50% of the building is being demolished.	100% of the existing buildings are to be demolished and as such no parking credits are applicable.	N/A
4.1	Car Parking for People with Disabilities	5% of required parking spaces to be accessible. TOTAL = 1 space	1 space	Yes
4.2	Bicycle and Motor Cycle Parking	Bicycle spaces: • 1 space per 10 units = 1 Motor cycle spaces: • 1 space per 25 spaces = 0	Bicycle spaces: • 0 Motor cycle spaces: • 0 (note: could be easily located in each unit's ample basement storage area.	No
4.3	Parking Rates for Specific Land Uses	Residential spaces: • 1 space per unit , + 1 for every 5 two bed units + 1 per every 2 three bedroom units = 12 Visitor spaces: • 1 space per 5 units = 2 Car wash bay: • 1 space = 1 TOTAL: 14	Residential spaces: • 12 Visitor spaces: • 2 Car wash bay: • 1 space = 0	No
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	The following issues have been identified: • 6m at 1:20 at property boundary not provided; • No car washing bay provided; • Head clearance over accessible parking space is inadequate; • Car park layout is awkward.	No

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

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Ashfield Interim Development Assessment Policy 2013 PartD1: Planning for Less Waste Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
	Bin Numbers	Residential (11 dwellings): <ul style="list-style-type: none"> 1 x 240L garbage bin/2 dwellings=5.5 bins 1 x 240L recycling bin/2 dwellings=5.5 bins TOTAL: 12 bins 	Residential: <ul style="list-style-type: none"> 6 x 240L garbage bins 5 x 240L recycling bins TOTAL: 12 bins	Yes
	Bin Presentation		Adequate kerb space to present 12 waste bins along the kerb.	Yes

It is considered the application fails to comply with a significant number of parts of the policy as indicated and does not achieve the aims and objectives of the AIDAP 2013.

8.0 Referrals

Internal Referrals		
Officer	Comments	Support
Building Surveyor	Supported subject to conditions.	Yes
Drainage Engineer	Not supported for the following reasons: <ol style="list-style-type: none"> (1) Details including a long section of the proposed pipeline to be constructed in Milton Street showing hydraulic grade lines and levels in order to demonstrate the feasibility. (Section 4.7 of Council's Stormwater Management Code (SMC). (2) Retaining walls or in this case walls of the on-site storage which will divert natural overland flow are required to be 0.9m from the boundary (Section 4.4 of (SMC). (3) Storage volumes in landscaped areas are to be doubled (Supplement 4.2 of SMC). (4) The maximum storage level is to be such that habitable floor levels are 0.3m above the maximum OSD storage level. (Supplement 4.2 of SMC). 	No
Traffic Engineer	Not supported for the following reasons: <ol style="list-style-type: none"> (1) AS/NZ 2890.1 Requirements: Ramp grade is not 1:20 for the first 6m. (2) The minimum number of car parking spaces required for the proposed development based on Council's DCP is one per unit plus an additional space for every five 2-bedroom unit, plus an additional visitor car space for every five units plus a car wash bay. Therefore this development would require 15 car spaces, and as this development only proposes 14. (3) Minimum floor to ceiling clearance height of 2.5m above car spaces is not provided for adaptable and accessible units. 	No
Heritage Adviser	No comment received at time of writing.	N/A
Tree Officer	No comment received at time of writing.	N/A
Environmental Health Officer	Supported subject to: <ol style="list-style-type: none"> (1) The plans shall indicate a communal laundry together with sufficient external clothes lines shall be provided or alternatively, a washing machine and clothes dryer shall be provided to each unit. 	Yes

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	<p>(2) An Acoustic Consultant shall indicate measures required to reduce traffic noise to acceptable levels especially within the front positioned units.</p> <p>(3) A report shall be submitted indicating the extent of Asbestos within the existing building and the correct method of demolition; and removal from the site; to a registered asbestos receiving tip.</p>	
Waste Management	<p>Supported subject to conditions:</p> <p>(1) Waste management plans for demolition and construction must be provided. Attention must be drawn in the demolition plan to the presence of any asbestos, and its appropriate management if present.</p> <p>(2) The development will be provided with 6 x 240L garbage bins collected once per week and 6 x 240L recycling bins, collected once per fortnight, and 1 Garden Waste bin collected once per fortnight.</p> <p>(3) Gradients of the ramps for manoeuvring bins to the collection point are excessive for manual handling (reaching 8:1) and a bin tug or trailer will be essential for movement of bins, and must form a condition of consent.</p> <p>(4) The waste and recycling bin storage room will both need a hot and cold water outlet with hose cock for cleaning of room and bins, and be drained to an approved drain. Adequate ventilation is to be provided in compliance with the provisions of <i>Australian Standard 1668:2012 The use of air conditioning and ventilation in buildings</i>.</p> <p>(5) Collection will be from kerbside of Milton Street at the front of the development. There is sufficient area for the total number of bins to be presented.</p>	Yes

9.0 Building Code of Australia (BCA)

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

Financial Implications

Section 94 contributions are payable to Council should the application be approved.

Other Staff Comments

See 8.0.

Public Consultation

See 7.7.

**DEVELOPMENT APPLICATION: 10.2015.255.1
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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 orientates the majority of its units towards the side boundary thus creating privacy issues with adjacent properties. Due to the large residential flat building located to the north, solar access to these units – which have been designed to face north – is inadequate. Similarly, the proposal is likely to overshadow the north facing windows of the dwelling to the south. In addition, the proposal provides inadequate accessibility, landscaped area, communal and private open space and parking arrangements.

The proposal is unacceptable and is therefore recommended for refusal.

ATTACHMENTS

Attachment 1	Plans of Proposal	10 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Submissions	5 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. 10.2015.255.1 for demolition existing structures, and construction of a two storey residential flat development comprising 11 dwellings with basement parking on Lot 31, DP 707858, known as 75 Milton Street, Ashfield, for the following reasons:**

Reasons for Refusal

- 1. The proposed development represents an overdevelopment of the site and provides inadequate landscape area.**
- 2. The proposed development does not comply with Ashfield Interim Development Assessment Policy 2013, as follows:**
 - a. Part C1, Access, Adaptability and Mobility:**
 - i. cl. 6.2, Universal Accessible Design: Not all ground floor units are accessible;**
 - ii. cl. 6.3, Construction: Inadequate detail provided to determine compliance with this part;**
 - iii. cl. 6.4, Access from street to dwelling entry: Unit s 4, 5 and 6 are not accessible due to steps;**

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- iv. cl. 6.5, Interior dwelling design: Units 2 - 5 10 do not comply;
- v. cl. 6.8, Access to communal garden space: The communal open space is inaccessible due to steps.
- b. Part C5, Multi-Unit development – Residential Flat Zones:
 - i. cl. 3.2, Ashfield's Housing Character: The form and character of the proposal is not satisfactory and consistent with the character of surrounding buildings;
 - ii. cl. 3.5(a), Building Appearance and Neighbourhood Character: The character of the proposal is not consistent with the streetscape;
 - iii. cl. 3.5(d), Building Appearance and Neighbourhood Character: The building design, roof form and finishes and materials are in strong visual contrast with the positive and characteristic features of neighbouring properties, in particular the existing heritage item on the site;
 - iv. cl. 3.5(e), Building Appearance and Neighbourhood Character: Only the front dwellings can be perceived from the street;
 - v. cl. 3.5(g), Building Appearance and Neighbourhood Character: The basement ramp is very prominent in the street;
 - vi. cl. 5.6(g), Orientation and Siting: Side setbacks have not adequately addressed the issues of privacy and overshadowing;
 - vii. cl. 5.8, Orientation and Siting: Rear setbacks Not consistent with surrounding properties;
 - viii. cl. 5.16(b), Solar Access: The courtyards would have non-compliant solar access due to large buildings on adjacent properties;
 - ix. cl. 5.16(c), Solar Access: There is inadequate detail to make a full assessment (i.e. no elevational shadow diagrams) of solar access to windows of the property to the south however it is likely that the proposal would excessively overshadow its north facing windows.
 - x. cl. 5.16(d), Solar Access: The north facing windows in the development are likely to be severely overshadowed by the building to the north.
 - xi. cl. 6.3(a), Visual Privacy: Although some privacy screens have been fitted, they are not comprehensive and would still permit some overlooking of adjacent properties to the north and south;
 - xii. cl. 6.3(c), Visual Privacy: Balconies, terraces and decks are placed significantly less than 12 metres away from any facing window or other balcony;
 - xiii. cl. 6.3(d), Visual Privacy: Screening has been provided to the southern elevation but inadequate detail is provided to ascertain its effectiveness;
 - xiv. cl. 6.4, Visual Privacy: Screening has been provided to the southern elevation but inadequate detail is provided to ascertain its effectiveness;
 - xv. cl. 6.10, Views and outlook: Upper level units have a poor outlook due to the application of privacy measures;

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- xvi. cl. 8.7, Private Open Space: Units 01, 02, 03 & 05 are undersized in area;
- xvii. cl. 8.8, Balcony Size: The upper level balconies are significantly less than 2m in depth;
- xviii. cl. 8.9, Communal Open Space: At least 145m² of communal open space with minimum dimensions of 12m x 10m has not been provided;
- xix. cl. 8.10, Landscaping Standards: The landscape area of 21% provided is significantly less than the minimum required of 35%;
- xx. cl. 11.1, Stormwater Drainage: The stormwater drainage does not comply with Part E4;
- xxi. cl. 12.8, Storage: Inadequate storage is provided;
- xxii. cl. 12.9, Mailboxes: The mailbox location has not been nominated;
- xxiii. cl. 12.10, Clothes drying: The location of clothes drying facilities has not been nominated;
- xxiv. cl. 12.11, Clothes drying: The location of clothes drying facilities has not been nominated;
- c. Part C11, Parking:
 - i. cl. 4.2, Bicycle and Motor Cycle Parking: No bicycle parking has been nominated;
 - ii. cl. 4.3, Parking Rates: No car wash bay has been provided;
 - iii. cl. 5.0, Design Requirements: The required 6m ramp inside the property boundary at 1:20 has not been provided, there is inadequate head clearance over the disabled car parking space and the car park layout is poor;
- d. Part E4, Stormwater Management Policy: The proposal does not:
 - i. Provide details including a Long section of the proposed pipeline to be constructed in Milton Street showing Hydraulic grade lines and levels in order to demonstrate the feasibility. (Section 4.7 of Council's Stormwater Management Code (SMC)).
 - ii. Provide retaining walls or in this case walls of the on-site storage which will divert natural overland flow are required to be 0.9m from the boundary (Section 4.4 of (SMC)).
 - iii. Provide adequate storage volumes in landscaped areas (Supplement 4.2 of SMC).
 - iv. Provide maximum storage level is to be such that habitable floor levels are 0.3m above the maximum OSD storage level. (Supplement 4.2 of SMC).

3. The proposal is not in the public interest.

PHIL SARIN
Director Planning and Environment

ASHFIELD COUNCIL

16 DEC 2015

Application Number

10.2015.455

LEGEND
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 Project Status: 65/10/2015

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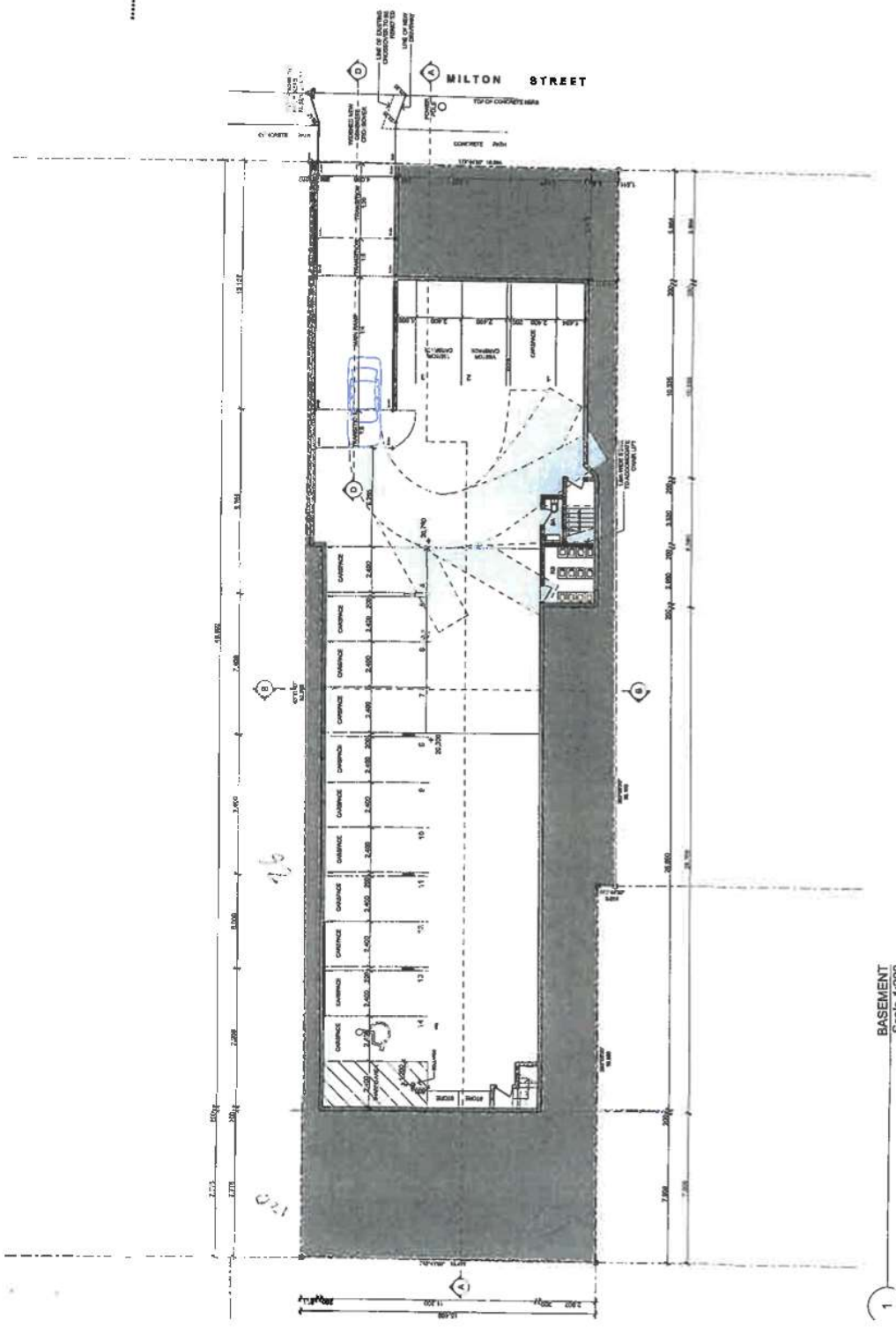
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 Project Location: 75 MILTON STREET, ASHFIELD
 Project Status: 65/10/2015

Project Name: NEW MULTI-DWELLING
 Project Number: 10.2015.455
 Project Date: 16 DEC 2015
 Project Location: 75 MILTON STREET, ASHFIELD
 Project Status: 65/10/2015

Project Name: NEW MULTI-DWELLING
 Project Number: 10.2015.455
 Project Date: 16 DEC 2015
 Project Location: 75 MILTON STREET, ASHFIELD
 Project Status: 65/10/2015



BASEMENT
 Scale 1:200







Application Number

1.554.51849



THE UNIVERSITY OF CHICAGO

@rki[vis]

www.arki[vis]
arki[vis]

[Date]

1. **Method**

client

Product Information

1

...FIELD COUNCIL
16 DEC 2015
Application Number
19.6015.155.1



1 CONTEXT PHOTO MONTAGE D1 (MILTON STREET)

ark[ivis]
ark[ivis] is a leading provider of digital marketing services, including search engine optimization, social media management, and content marketing. We help businesses of all sizes reach their target audience and grow their online presence.

DEVELOPMENT APPLICATION

Project Name	NEW MULTI-DWELLING DEVELOPMENT	Sheet No.	DA.07
Project Address	75 Milton Street, Cambridge CB2 3PL	Scale	1:100
Client	Mr & Mrs TALAMCO	Project Manager	PERFECTUS
Architect	PERFECTUS	Project Engineer	DA.07
Project Description	NEW MULTI-DWELLING DEVELOPMENT	Project Engineer	DA.07
Project Description	NEW MULTI-DWELLING DEVELOPMENT	Project Engineer	DA.07



02015-2551



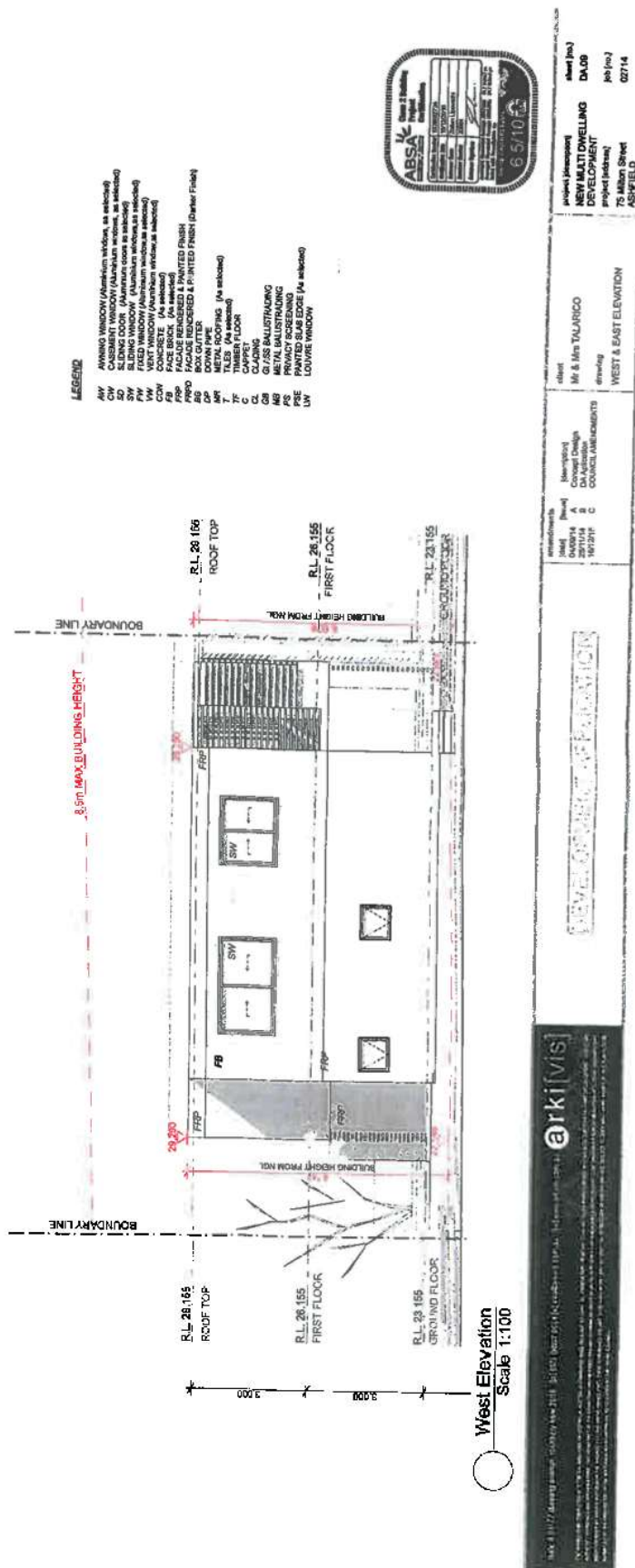
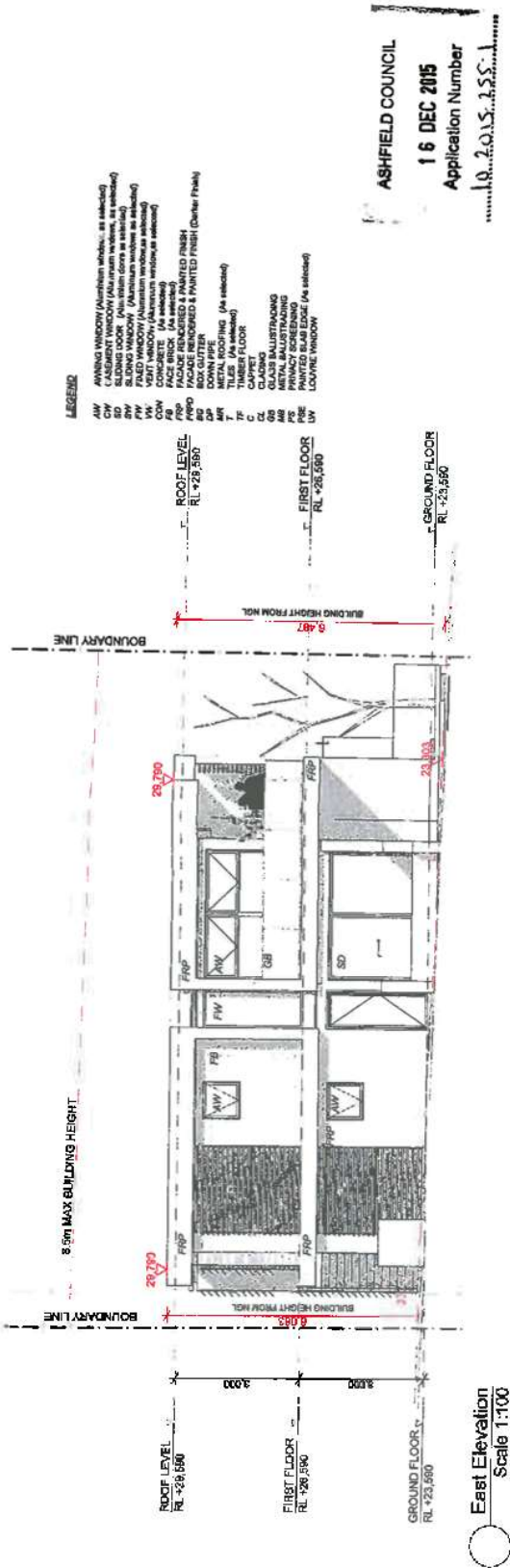
NEW 40077 Mustang arrives... starting June 2010. www.arkimv.com | (828) 932-1664 | 10100 S. 10th St., Suite 100, Charlotte, NC 28215

CONCRETE REPAIR

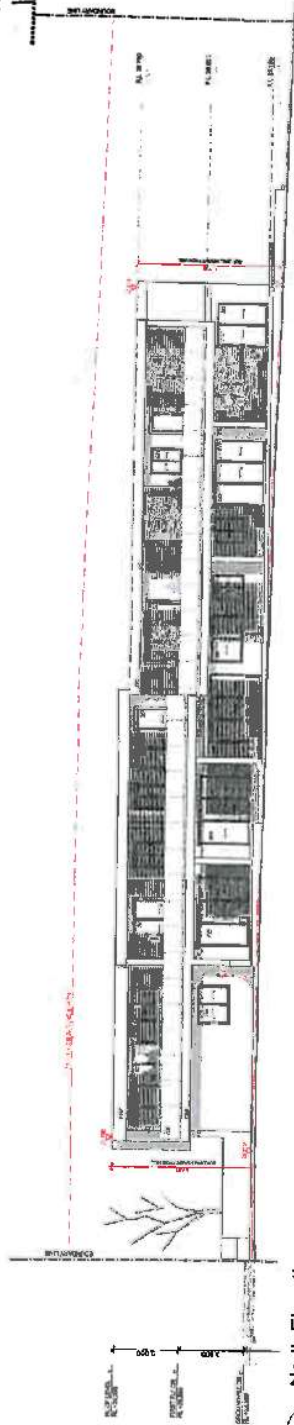
DATE	NAME	COMPANY
04/23/14	A.	Concept Design
05/11/14	B.	DA Application
10/12/15	C.	COUNCIL AMEND

Call 714
MR. & MRS. TALARICO
 d'Nealing
EAST ELEVATION & STREETSCAPE

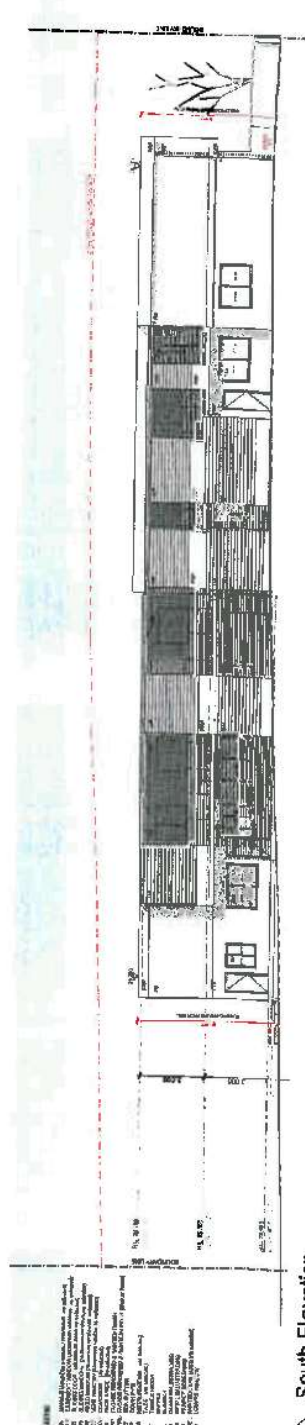
Project Manager
**NEW MULTI-LEVELLING
DEVELOPMENT**
project manager
75 Milton Street
Job No. 00794
DA 08
sheet No. 7



ATCHFIELD COUNCIL
16 DEC 2015
Application Number
15/015/155



1 North Elevation
Scale 1:200



2 South Elevation
Scale 1:200



Project (Structure)
NEW MULTIDWELLING
DEVELOPMENT
Project (Address)
75 Mount Street
Project (City)
CA 10
Project (State)
NSW
Project (Postcode)
2071

Client
Mr & Mrs TALARGO
Address
NORTH & SOUTH ELEVATION

Architect
COUNCIL ARCHITECTS

Scale
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Project
NEW MULTIDWELLING
DEVELOPMENT

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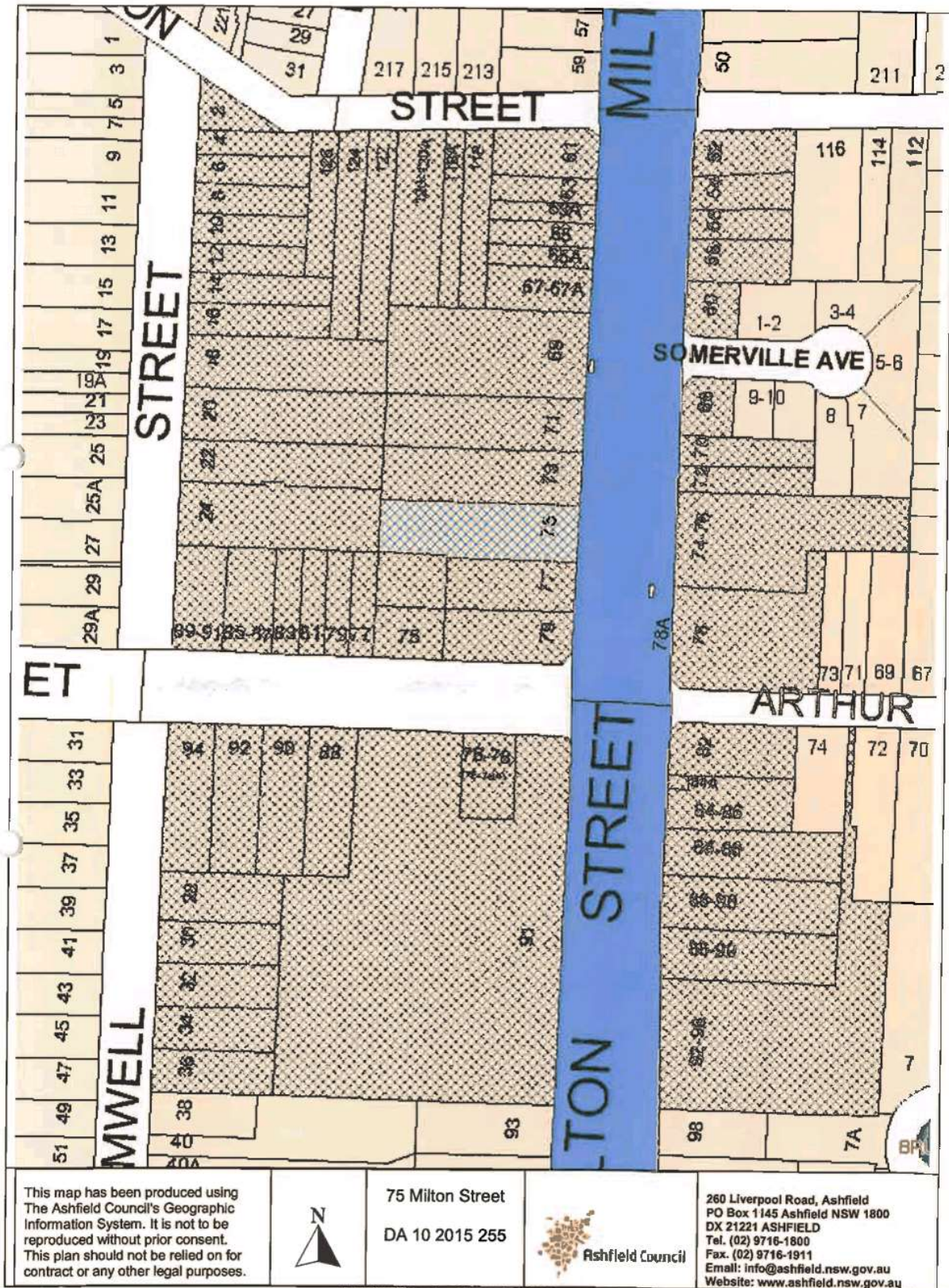
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DEVELOPMENT







12th January 2016

General Manager
Ashfield Council
260 Liverpool Road
Ashfield NSW 2131

RE: Development Application No. 10.2015.255 - 75 Milton Street, Ashfield NSW 2131

Dear Sir/Madam,

I am writing to you in relation to the above mentioned development application currently with council for determination of approval of the development. I am the owner of 70 Arthur Street, Croydon NSW 2132 and although the impact of the building doesn't back onto the common fence on the back of the house my issues with this development is plain and simple. It's ugly its grotesque and doesn't fit in with the period homes that are surrounding this beautiful area we call home. I understand we need to move with the times but the design doesn't serve any purpose for the area and it will be more or less an eyesore in years to come.

I think council needs to take a closer look at what developers money hungry as they are put before for approval as the ongoing issue of this site has been before council and was subsequently rejected or the DA was retracted.

The other issue with this area is certainly the availability of parking given that 14 apartments would bring in more cars into the area as most people have more than 1 car and would impact on the residents in surrounding streets bringing in more chaos. I think council needs to have a look at that as this will be a bigger problem as the issue has not gotten any better with the Wesley Hospital holding courses and functions at their premises and more people parking cars on Arthur St and more importantly blocking residents driveways.

Once again the proposed development is not within keeping of this pristine area, council do need to take a better look at what is on offer as this will then set a precedent for others to follow suit.

Yours faithfully,


George Angelopoulos



To: General Manager
Ashfield Council
260 Liverpool Rd
Ashfield NSW 2131

ASHFIELD COUNCIL
RECEIVED
SEARCHED
DATE 5 Jan 16

29.12.15



Re: Development Application No. 10/2015 255
75 Milton Street, Ashfield Lot. 31 DP: 707636

To whom it may concern

I, Tina Davis Seneo & my husband Antonino Seneo of 75 Arthur Street, Croydon NSW 2132, are writing to you in relation to the Development Application which is before council and wish to object. I have been a resident of this area for over 54 years and in my time many people who have owned this property have seek to have this old building down to make way for an apartment block. For years this was objected and rejected by council as this fell under the R2 Zone and although not a heritage building it was taken into consideration to keep the area within period style homes.

Today before council a new plan illustrating that this building before us shows that the design is trying within giving it a look which does not cut the style of homes and more importantly would be an eyesore. If council was to take a look at the surrounding homes you could notice that something like this is not within keeping of this old period landscape and could easily introduce more unappealing homes into the area.

The other issues I'd like to bring to the attention of council is what would the setback from the boundary be if this development was to be approved given that it has been noted on the Southern elevation drawings that the main entry door will be looking into the back of my home. It is also noted on the drawings that maybe privacy louvers should be installed in this instance or better still a privacy screen installed along the back face of my home adjacent to the unsightly apartment block proposed for development. This would also alleviate people looking in from the windows and also proposing the Level 1 windows be installed at a greater height to stop occupants from looking into the back of my home. I see this as a major issue for me & my husband given we are older people not wanting to see others who might be of obscure manner.

The other issue and more important one as well in this area is the parking. For years we have battled with Council to introduce a residential parking scheme similar to what has happened on the other side of Milton St. To date nothing has happened and it has also introduced more cars parked in our street given residents along Milton St already park there together with residents from Ashfield streets who don't have a resident sticker and the ongoing issue with Wesley Hospital and patients parking and leaving their cars stationed for long periods of time making it difficult to park. More people into the area means more cars and less parking spots given that for this development 2 spots are for visitors but we know that won't be the case and another spot designated for handicap parking bringing the

total of parking spots to 11 and not 12 as stated
on the drawings.

My concern is if the development application is
approved the owner can then sell this off to highest
bidder to build and then the new owner would want
to add their own design details making it even more
costly than the proposed application before council.

I hope council can review these plans and maybe make
the development something less intrusive and not be
a burden to the community at large.

Yours Faithfully
Tindana Searo
Antonia Searo

Tindana & Antonio Searo

75 Arthur Street.
Croydon Vic 3132.



DA 2015/255

Anthony Semrani

to:

15/01/2016 05:15 PM

Hide Details

From: "Anthony Semrani" <anthony@structor.com.au>

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

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Hi,

My name is Anthony Semrani, I currently reside with my wife and 3 children at 24 Cromwell St Croydon. I have recently built and renovated the house which was purchased a dilapidated heritage listed item, and am aware of the significance of the surrounding area a whole.

As a neighbouring property to 75 Milton St, DA2015/255, I wish to voice my opinion to several items within the proposed development.

The main issues i have are-

- I do not think the buildings scale and bulk are suited within the neighbouring homes - proximity to backyards and balconies
- I feel that the current layout provides no privacy to my dwelling, as i am downstream, the proposed windows and balconies of the development can have direct sight into my rear yard, pool area, and living rooms.
- Being downstream, I feel that the proposed Development does not cater for the surge of storm water as it naturally gravitates downstream, having a basement will not help this either.
- The proposed development will also visually greatly impact my outlook, greater scope should be inherited for screening boundary fences.

I would appreciate council, looking at this proposed DA further, and making the necessary changes to suit the neighborhoods entitlements.

Thanks,

Anthony Semrani

A| 147 Moorefields Rd Kingsgrove NSW 2208

P| 1300 95 45 05 F| (02) 9740 7597 M| 0421 747 213

W| www.structor.com.au E| anthony@structor.com.au

Subject	DEVELOPMENT APPLICATION: 10.2013.114.3 244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD
File Ref	DA 10.2013.114.3
Prepared by	Brian Kirk - Consultant Planner - Planning Urban Earth
Reasons	Matter requires Council determination
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 amend the approved works to be carried out on the forecourt of Ashfield Mall.

The previously approved works for the forecourt are the subject of 2 separate development consents; 10.2013.114 and 10.2014.019 and a separate Section 96 application is before Council to modify 10.2013.019.

It is recommended that both applications be determined by Council concurrently.

Plans of the modified development proposal are included at **Attachment 1**.

Design Amendments

The design amendments for the forecourt area that are the subject of this application involve:

Outdoor dining area at the northern end of the new Pavilion

1. This outdoor dining area is the subject of both development applications.
2. Various minor level changes are proposed which will delete steps at both ends of the outdoor dining area. The deletion of the steps at the western end of the outdoor dining area is a design change within the area the subject to this s.96 application.
3. Deleting the steps will make this area into an outdoor seating area associated with the northern (Liverpool Road side) retail/food premises. The finished floor level of this outdoor dining area will be approximately RL 28.90, and this will be 1.0m higher than the level of the footpath on Liverpool Road. It is proposed that a planter box border be placed around the outside of this area presenting to the street.

The New Pavilion

4. The submitted plans notate an increase in the gross floor area (GFA) of the northern (Liverpool Road side) retail/food premises from 114m² to 152m². The application states that there will be a decrease in the GFA of the southern retail/food premises from 112m² to 84m².

DEVELOPMENT APPLICATION: 10.2013.114.3

244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

This is due to the inclusion of the kitchen as part of the GFA of the northern retail/food premises and deleting from the GFA of the southern premises.

5. An increase of 10m² in the amount of retail GFA as notated on the submitted plans although the overall footprint of the Pavilion remains unaltered. This 10m² is the area around the Telstra pits. Previously this space had no roof and was not included in the calculation of GFA. The new proposal shows this area as enclosed and included as part of the northern retail/food premises.
6. The inclusion of external floodlighting and security cameras.
7. Raising the height of the centre part of the roof over 2 existing Telstra pits to accommodate Telstra pit clearance height maintenance requirements (maximum height increase from 4.2m to 5.5m only for this centre part).
8. Amendments are proposed to the facade design and changes to the materials and finishes (including colour).

The Forecourt area generally

9. Removing approved steps on the western side of the Pavilion and providing a 1:14 access ramp and small landscape strip.
10. Specifying “*washed aggregate concrete pavement*” to the forecourt hardstand areas including stone border pavers. The original approved plans only specified “*pavers*”.

Other Amendments to Conditions of Consent – 10.2013.114

The applicant’s solicitor has provided recommended changes to the conditions of consent included in the 2 notices of determination to primarily to ensure consistency amongst conditions and to differentiate new work from existing. The recommendations in relation to 10.2013.114 are as follows:

1. Condition B (21) Relates to easements. Wording of paragraph (b) be amended so that it is consistent with paragraph (a).
2. Condition B(23) Relates to the deed for easement for car parking spaces. To be amended so that it clarifies that negotiation of the deed and easement must be finalised before the construction certificate for level 5 & 6 car park works as distinct from the works involving the residential development.
3. Condition F (1) Relates to approval to use/occupy the building. To be amended so that it does not inadvertently prevent occupation and use of the existing Ashfield Mall and the existing car park.
4. Condition F (4)(c) Relates to a “Restriction as to User” to be placed on title. To be amended so that this obligation matches the related obligation under consent Condition F (5).
5. Condition F (10) Relates to the consolidation of the existing lots. To be amended so that so that it does not inadvertently require Lot 1 in DP 736779 (the existing Ashfield Mall) to be consolidated with the residential development.

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

2.0 SUMMARY RECOMMENDATION

The development is recommended for approval. It is considered that the proposed amendments do not substantially alter the nature of the original proposal and that the proposal complies with the *Ashfield Local Environmental Plan 2013* and the applicable development control plans.

3.0 APPLICATION DETAILS

Applicant	:	Abacus Ashfield Mall Property Trust
Address	:	Level 34 Australia Square 264-278 George Street SYDNEY NSW 2000
Owner	:	Perpetual Trustee Company Ltd
Lot/DP	:	LOT: 1 DP: 736779
Date lodged	:	11/12/2015
Date of last amendment	:	N/A
Application Type	:	Local
Construction Certificate	:	Yes/No

4.0 SITE AND SURROUNDING DEVELOPMENT

Not altered by this proposal.

5.0 DEVELOPMENT HISTORY

The previously approved works were the subject of 2 separate development applications; DA10.2013.114 and DA10.2014.019. Each of these consents applied to works on the forecourt. This report deals with those modifications sought by the applicant to allow for the proposed design changes to DA10.2013.114 as described in Section 1 of this report.

A brief description of each development application is as follows:

DA10.2013.114

This application proposed significant alterations and additions to Ashfield Mall involving; 6,464m² of retail floor space, 67 serviced apartments, 101 dwellings, a 100 place childcare and car parking. The land the subject of this application was 244, 252, 254, 256 & 260A Liverpool Road.

This application was approved by the Joint Regional Planning Panel on 25 September 2014.

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

The Pavilion structure on the forecourt fronting Liverpool Road was approved as part of DA10.2013.114 but various proposed works to the east of the Pavilion (i.e. from the eastern wall of the Pavilion to the property boundary) were excluded from the development consent as they were on land that was at that time zoned 5(a) *Civic Purposes* under the 1985 LEP and were prohibited.

The zoning of the whole of the site changed in December 2013, upon the gazettal of the 2013 LEP, to B4 *Mixed Use* and the previously prohibited works were then permissible with development consent and a separate application (DA10.2014/019) for those works was submitted to Council.

DA10.2014.019

This application applied only to that part of the forecourt of 260A Liverpool Road that was previously zoned 5(a) *Civic Purposes* and only dealt with the works that were excluded from the consent to DA10.2013.114. Council granted consent to DA10.2014.019 on 25 November 2014, for;

“Construction of a new Mall entrance canopy structure, new canopy structure over the approved Pavilion and signage including a new illuminated pylon sign at the entrance to the forecourt of the Ashfield Mall shopping centre.”

6.0 ZONING/PERMISSIBILITY/HERITAGE

Not altered by proposal. The site is within the B4 *Mixed Use* zone under the provisions of Ashfield LEP 2013. The proposed development is permissible with consent.

The property is located within the vicinity of a heritage item and is within the Ashfield Town Centre.

7.0 SECTION 79C and 96(2) ASSESSMENT

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C and 96(2) 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

The proposed modifications do not alter compliance with the LEP 2013. Within the B4 zone business identification signage and retail premises are permitted with consent. The Ashfield LEP 2013 does not contain any additional planning controls that are relevant to the proposed development.

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

7.1.2 Regional Environmental Plans

Not applicable.

7.1.3 State Environmental Planning Policies

None relevant to this application.

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.

At this point in time, Ashfield Council is assessing development proposals pursuant to the Interim Development Assessment Policy 2013. The proposed modifications do not give rise to any additional matters to be considered except for those listed below:

- C1 – Access and Mobility

The principal purpose of the forecourt is to provide a pedestrian link between Liverpool Road and the entrance to Ashfield Mall. The proposed modifications to the works to be carried out at the interface of Liverpool Road and the forecourt; and the various level changes over the entire forecourt; are considered acceptable for the purposes of providing adequate accessibility and will not prevent it being safely negotiated by people with disabilities.

Works on the subject land covered by this consent (No: 10.2013.114) that are proposed to be modified and directly relate to accessibility are limited to removing approved steps on the western side of the Pavilion and providing a 1:14 access ramp and small landscape strip.

It is considered that the modification to the access arrangements on the western side of the Pavilion is an improvement on the originally approved design.

- C2 – Advertisements and Advertising Structures

Consideration of the proposed signage structures and their content is included in the report dealing with the Section 96 application to modify Consent 10.2014.019.

- C3 – Ashfield Town Centre

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

The proposed modified development continues to generally comply with the objectives of the Ashfield Town Centre Strategy.

- C12 – Public Notification in the Planning Process and all Aspects of Land

The proposed modified development has been notified in accordance with the DCP. No submissions have been received.

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.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed alterations will have no significant adverse environmental impacts in 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.

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 23 December 2015 until 14 January 2016. No submissions have been received.

7.8 The public interest

The public interest would not be served by refusal of this proposal.

8.0 REFERRALS

This application was referred to the NSW Roads and Maritime Services and the following advice dated 23 February 2016, has been received:

“Our Reference: SYD13/00779/02 (A11778553) Council Ref: DA10.2013.114.1

Reference is made to Council's email dated 4 February 2016, regarding the abovementioned S96 Modification Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

Roads and Maritime has reviewed the submitted application and raises no objection to the proposed modifications provided all buildings and structures other than pedestrian footpath awnings together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Liverpool Road boundary.”

9.0 OTHER RELEVANT MATTERS

Not applicable.

10.0 BUILDING CODE OF AUSTRALIA (BCA)

The proposed changes do not alter compliance with the Building Code of Australia.

11.0 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(2) have been taken into consideration. The proposal is considered to be acceptable and is therefore recommended for approval.

ATTACHMENTS

Attachment 1 Plans of modified development

12 Pages

RECOMMENDATION

Development application no. 10.2013.114.1 for demolition of existing structures on 244-256 Liverpool Road and demolition of parts of existing Ashfield Mall shopping centre at 260A Liverpool Road, Ashfield. Additional 6,783.9m² of retail gross floor area (as defined in Ashfield LEP 1985). The additional retail floor space includes new retail premises on the forecourt area and on the Liverpool Road frontage of 244-256 Liverpool Road, be modified in accordance with section 96(2) of the Environmental Planning and Assessment Act 1979, as follows:

Conditions to be Modified:

2. A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications date stamped by Council as detailed in the following table and any supporting documentation received with the application, except as amended by the conditions specified hereunder or in red on the stamped plans.

DEVELOPMENT APPLICATION: 10.2013.114.3**244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD**

Job No	DWG No	Issue	Title
Architectural Plans			
12059	DA1004	B	Site Plan
12059	DA1101	B	Access Diagrams
12059	DA1102	B	Through Site Link
12059	DA1103	B	Building C & D Pedestrian Access
12059	DA1301	A	Demolition Plan – Level 1
12059	DA1302	A	Demolition Plan – Level 2
12059	DA1303	A	Demolition Plan – Level 3
12059	DA1304	A	Demolition Plan – Level 4
12059	DA1305	A	Demolition Plan – Level 5
12059	DA2001	D	Level 1 Floor Plan
12059	DA2002	C	Level 2 Floor Plan
12059	DA2003	D	Level 3 Floor Plan (as amended in red)
12059	DA2004	D	Level 4 Floor Plan
12059	DA2007	B	Level 7 Floor Plan
12059	DA2008	B	Level 8 Floor Plan
12059	DA2009	B	Level 9 Floor Plan
12059	DA2010	B	Level 10 Floor Plan
12059	DA2011	B	Level 11 Floor Plan
12059	DA2012	B	Level 12 Floor Plan
12059	DA2013	B	Level 13 Roof Floor Plan
12059	DA2101	B	Sections 1
12059	DA2102	C	Sections 2 & 3
12059	DA2201	B	North and South Elevations
12059	DA2202	B	East and West Elevations
12059	DA2300	B	Building A Child Care
12059	DA2301	B	Building A
12059	DA2302	B	Building A Elevations
12059	DA2303	B	Building C
12059	DA2304	B	Building C (North & South Elevation)
12059	DA2305	B	Building D
12059	S96 2306	B	Building D (North Elevation – 1 & 2)
12059	S96 2307	B	Forecourt Plans
12059	S96 2308	B	Forecourt Plan
12059	S96 2309	B	Forecourt – North Elevation
12059	S96 2310	B	Forecourt – East Elevation
12059	S96 2311	B	Forecourt 0 South and West Elevation
12059	S96 2312	B	Forecourt Easements
12059	S96 2313	B	Forecourt – Proposed Section 2 & 3
12059	S96 2314	A	Forecourt – Proposed External Finishes
12059	S96 2315	A	Forecourt – Lighting
12059	S96 2316	A	Forecourt Section Detail (Additional Information)
12059	DA2401	B	Building A Unit Plans
12059	DA2402	B	Building C Unit Plans (as amended in red)
12059	DA2403	B	Building D Unit Plans (as amended in red)
12059	DA4002	B	Landscape and Communal Space Areas
12059	DA4003	D	Car Park Drawings
12059	DA4401	B	External Finishes
12059	DA8102	A	Building A – Detailed South Elevation
12059	DA8103	A	Building A – Detailed North Elevation
12059	DA8104	A	Building C – Detailed South Elevation
12059	DA8105	A	Building C – Detailed North Elevation
12059	DA8106	A	Building D – Detailed South Elevation

DEVELOPMENT APPLICATION: 10.2013.114.3**244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD**

Job No	DWG No	Issue	Title
12059	DA8107	A	Building D – Detailed North Elevation
12059	DA8108	A	Building D – Detailed West Elevation
12059	DA8203	A	Apartment Type H1 Detail Plan
12059	DA8501	B	Level 5 Parking Plan (as amended in red)
12059	DA8502	B	Level 6 Floor Plan
Landscape Plans			
SS13-2625	108	B	Landscape Plan Holden Street
SS13-2625	109	A	Landscape Plan Knox Street
SS13-2625	110	B	Landscape Plan Link Laneway to Knox Street
SS13-2625	501	A	Landscape Details Communal Garden
SS13-2625	502	A	Landscape Details Communal Garden
Holden Street Access Arrangements			
	13S1441200-06-01-P1	Sheet 1 of 1	Holden Street Access Concept Layout

B Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**(21) Easements**

- (a) The applicant shall negotiate with the Council the appropriate variation of Restriction as to User A created by the registration of Deposited Plan 736779 and burdening the forecourt area prior to the issue of the relevant Construction Certificate for the forecourt.
- (b) The applicant shall negotiate with the Council the appropriate variation or release of right of way F, right of way CC and right of way H prior to the issue of relevant Construction Certificates for the forecourt.

(22) Forecourt Paving

Full details of the proposed forecourt paving including colours, materials and specifications of the stone borders and washed aggregate finish are to be submitted to Council for approval prior to issue of the relevant construction certificate.

C Conditions that must be complied with before work commences**(23) Deed and Easement – Car Parking Spaces**

A new deed and easement shall be entered into between the property owner of the subject site and the Council which addresses the following matters:

- a) Ongoing public access to not less than 330 car parking spaces and 20 Council staff car parking spaces within the subject site.
- b) The location of the 330 publically available car parking spaces and 20 Council staff car parking spaces within the subject site.

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

- c) Access arrangements to and from the subject site to the 330 publically available car parking spaces and 20 Council staff car parking spaces within the subject site.

Plans identifying the location of the car parking spaces subject to the easement shall be submitted for Council's approval.

The general terms of the deed and easement shall be agreed and finalised between the General Manager and the property owner prior to issue of the construction certificate for works involving the alteration or construction of levels 5 and 6 of the car park on the existing Ashfield Mall shopping centre.

The new deed and easement shall be registered on the property title of the subject site within two months of the completion of any relevant works which establish the 330 publically available car parking spaces and 20 Council staff car parking spaces within the subject site.

All costs incurred in the preparation and registration of the new deed and easement shall be at the cost of the property owner of the subject site.

F Conditions that must be complied with prior to issue of an Occupation Certificate

(1) Approval to use/occupy building

The new buildings comprising the residential apartments and serviced apartments and the new parking level to be added to the existing Ashfield Mall shopping centre car park, 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.

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

In the event that on site detention is required, prior to the release of the relevant 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:

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size (if used)
- 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;
- 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.
- basement car park pumps are class one zone two (if used).

(c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the relevant 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.

(10) Lot consolidation

Lot A in Deposited Plan 404055, Lot B in Deposited Plan 404055, Lot A in Deposited Plan 405790 and Lot 100 in Deposited Plan 734467 are to be consolidated into one allotment prior to the issue of the Occupation Certificate for the residential development.

PHIL SARIN
Director Planning and Environment

PROJECT DESCRIPTION: ALTERATIONS AND ADDITIONS TO ASHFIELD MALL
PROJECT ADDRESS: LIVERPOOL ROAD ASHFIELD FEBRUARY 2018

SECTION 96
AMENDMENTS TO FORECOURT BUILDING

DRAWING NO.	ORIGINAL TITLE	REV
FORM 2000-1		
FUTURE APPROVED OVERLAYS		
FORM 2105	CLAYTON	A
FORM 2200	BUILDING NORTH ELEVATION - 1ST, PREVIOUS EDITION	B
FORM 2307	FOURTH FLOOR - PREVIOUS EDITION	B
ARCHITECTURAL OPERATIONS FOR 200		
FORM 2008	PROPOSED ARCHITECTURAL PLAN	B
FORM 2200	FOURTH FLOOR - PROPOSED NORTH ELEVATION	B
FORM 2310	FOURTH FLOOR - PROPOSED EAST ELEVATION	B
FORM 2311	FOURTH FLOOR - PROPOSED SOUTH ELEVATION	B
FORM 2312	FOURTH FLOOR - PROPOSED EAST ELEVATION	B
FORM 2313	FOURTH FLOOR - PROPOSED WEST ELEVATION	B
FORM 2314	FOURTH FLOOR - PROPOSED EXTERNAL FASCIES	B
FORM 2315	FOURTH FLOOR - PROPOSED EXTERNAL FASCIES	B
FORM 2316	FOURTH FLOOR - PROPOSED EXTERNAL FASCIES	B

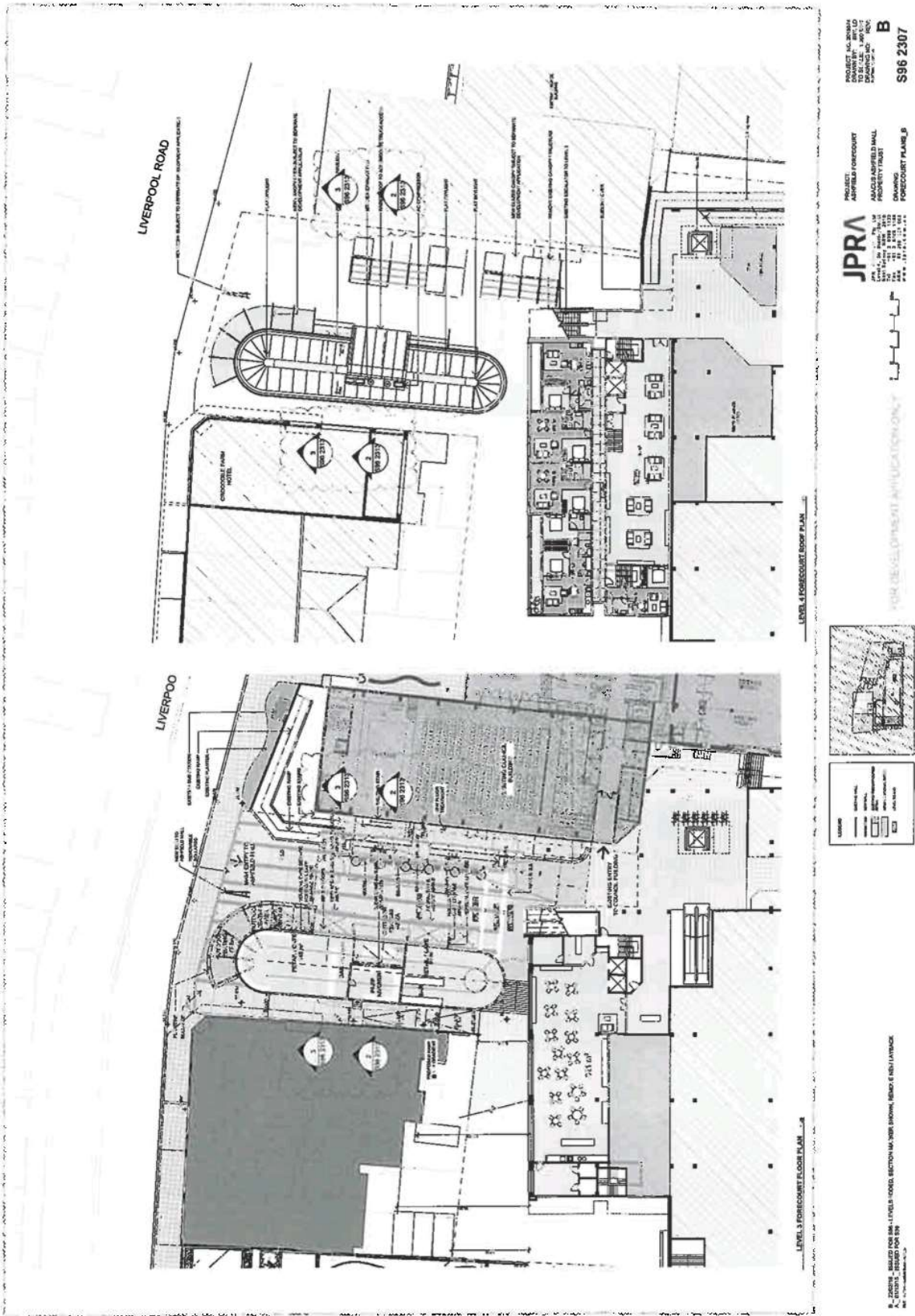


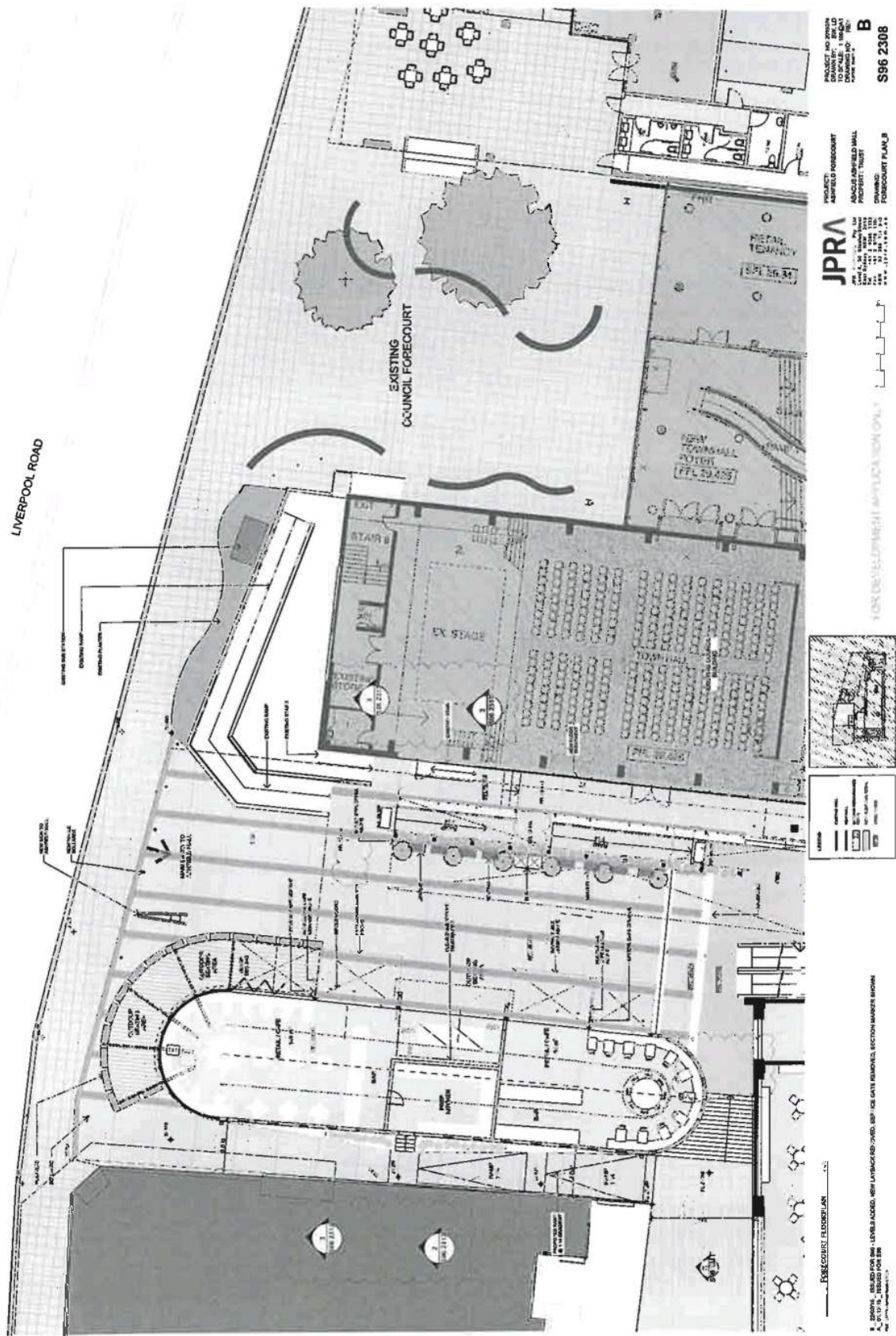
FORECOURT BUILDING

[illegible]

CHRISTIAN DANIEL "MICKIE" COOK, 40, 10110 13th St., N.E., Seattle, WA 98125, 206-761-1111

















13 25714 100LBS FOR 24H - LITVULUS ALBIDUS
14 25715 100LBS FOR 24H - LITVULUS ALBIDUS
15 25716 100LBS FOR 24H - LITVULUS ALBIDUS

PROJECT: ASHFIELD FORECOUNT
DRAWING: ANGLE ASHFIELD MAIL
PROPERTY TRUST
PROJECT NO: 2010-01
DRAWN BY: JPL/LS
TO SCALE: 1/4"=1'-0"
DRAWING NO.: REV
DATE: 10/1/10
B
S96 2313
DRAWING: FORECOUNT, SECTION 2 & 3

JPR

TABLE 1
Characteristics of the Study Population

1160

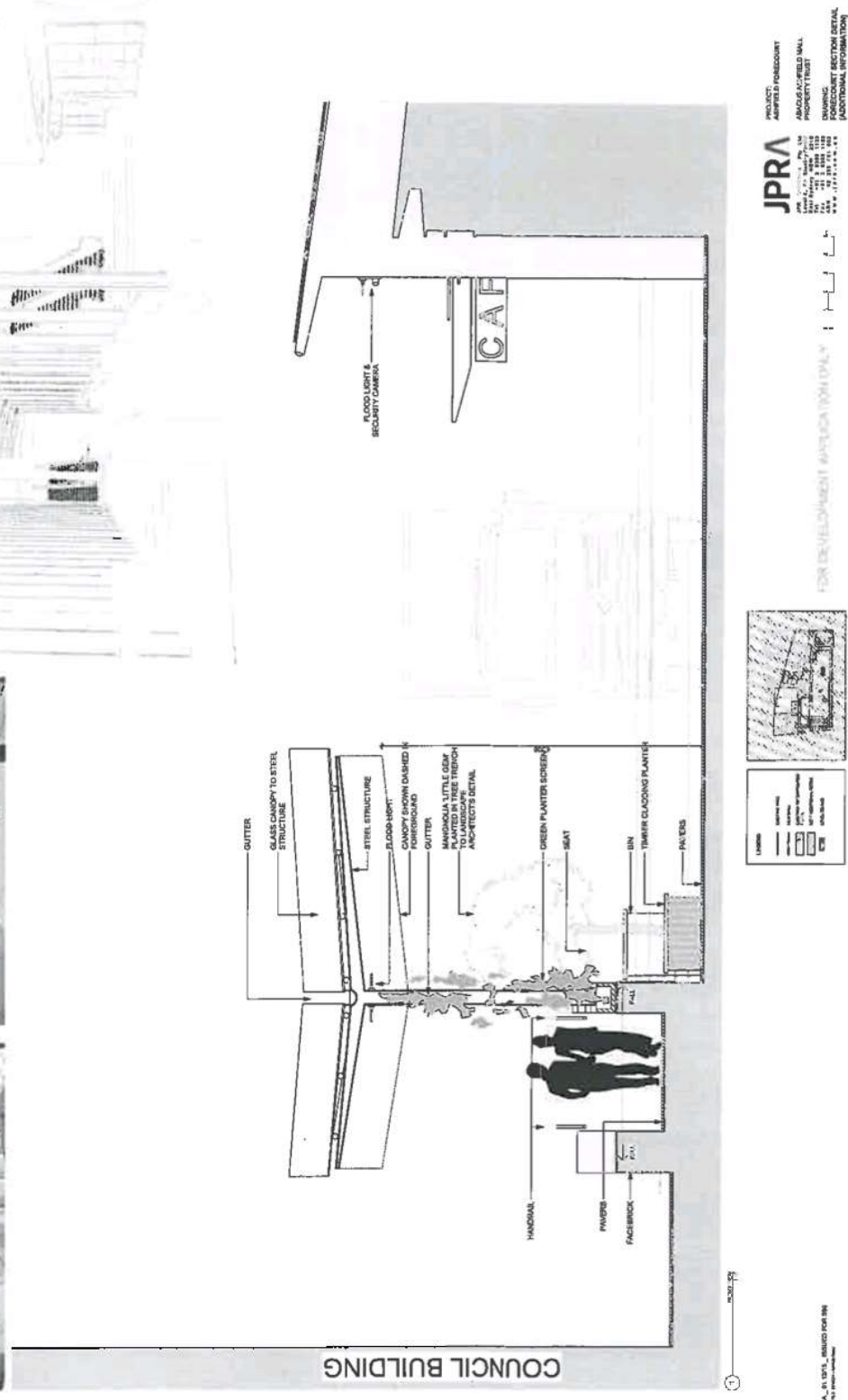
LEARNING OBJECTIVES

DATE: 11/11/2011









Subject	DEVELOPMENT APPLICATION: 10.2014.019.2 260A LIVERPOOL ROAD ASHFIELD
File Ref	DA 10.2014.019.2
Prepared by	Brian Kirk - Consultant Planner - Planning Urban Earth
Reasons	Matter requires Council determination
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 amend the approved works to be carried out on the forecourt of Ashfield Mall.

The previously approved works for the forecourt are the subject of 2 separate development consents; 10.2013.114 and 10.2014.019 and a separate Section 96 application is before Council to modify 10.2013.114.

It is recommended that both applications be determined by Council concurrently.

Plans of the modified development proposal are included at **Attachment 1**.

Design Amendments

The design amendments for the forecourt area that are the subject of this application involve:

At the Liverpool Road frontage

1. Modify the pylon sign to comply with Condition A2 of Consent 10.2014.019 so that the sign is wholly within the subject land. The proposed pylon sign is to provide 1 building identification sign and 4 business identification signs (all LED digital signs).
2. The maximum height of the pylon sign is to be decreased from 7.78m to 7.65m (130mm).
3. Modify the main pedestrian entry from Liverpool Road to the forecourt (including relocating the pedestrian 1:14 access ramp) to allow access for Telstra to carry out maintenance to below ground infrastructure (infrequently and on an as required basis). There are 2 existing Telstra pits located near the centre of the forecourt.

Note: To allow access for Telstra maintenance vehicles, a new layback at the eastern side of the site will be required on Liverpool Road. This will involve removing an existing layback on the opposite side of the Liverpool Road frontage. This work will require RMS concurrence and is to be the subject of a future, separate application and as such, does not form part of this application.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD

4. Positioning removable bollards along the Liverpool Road frontage.
5. Various minor level changes which will delete steps at both ends of the outdoor dining area at the northern end of the new Pavilion. The deletion of the steps at the eastern end of the outdoor dining area is a design change within the area the subject of this s.96 application.
6. Deleting these steps will make this area into an outdoor seating area associated with the northern (Liverpool Road side) retail/food premises. The finished floor level of this outdoor dining area will be approximately RL 28.90, which will be 1.0m higher than the level of the footpath on Liverpool Road. It is proposed that a planter box border be placed around the outside of this area presenting to the street.

Attached to or adjacent to the eastern side of the new Pavilion

7. The inclusion of external floodlighting and security cameras.
8. Provision of 3 retractable fabric awnings (with business identification signage on the front awning overhang) to parts of the Pavilion on the eastern side in lieu of a fixed steel and glass canopy.
9. The provision of 3 additional outdoor seating areas on the eastern side of the Pavilion presumably for additional outdoor dining.
10. Provision of 2 fixed under awning signs and 2 projecting wall signs on the eastern wall of the Pavilion. Each pair of signs (1 under awning plus 1 wall sign) is proposed to be combined in each of the 2 locations nominated on the submitted drawings.

The Forecourt area generally

11. Provision of a fixed landscaped screen (no planting specification has been submitted) with public seating and glass canopy over the pedestrian access ramp within the forecourt.
12. Specifying “*washed aggregate concrete pavement*” to the forecourt hardstand areas including stone border pavers. The original approved plans only specified “*pavers*”.

Other Amendments to Conditions of Consent – 10.2014.019

The applicant’s solicitor has provided recommended changes to the conditions of consent included in the 2 notices of determination primarily to ensure consistency amongst conditions and to differentiate new work from existing. The recommendations in relation to 10.2014.019 are as follows:

1. Condition A (2) Relates to the new pylon sign and requires that it be located wholly within the boundary of Lot 1 DP 736779 and that the area (m²) of advertising be no greater than the existing sign. It is proposed that this condition be deleted on the basis that the proposed design modification satisfies this condition. This is discussed in more detail in Section 7.3 of this report.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD

2.0 SUMMARY RECOMMENDATION

The development is recommended for approval. It is considered that the proposed amendments do not substantially alter the nature of the original proposal and it continues to satisfy the provisions of the *Ashfield Local Environmental Plan 2013* and the applicable development control plans.

3.0 APPLICATION DETAILS

Applicant	:	Abacus Ashfield Mall Property Trust
Address	:	Level 34 Australia Square 264-278 George Street SYDNEY NSW 2000
Owner	:	Perpetual Trustee Company Ltd
Lot/DP	:	LOT: 1 DP: 736779
Date lodged	:	11/12/2015
Date of last amendment	:	N/A
Application Type	:	Local
Construction Certificate	:	Yes/No

4.0 SITE AND SURROUNDING DEVELOPMENT

Not altered by this proposal.

5.0 DEVELOPMENT HISTORY

The previously approved works were the subject of 2 separate development applications; DA10.2013.114 and DA10.2014.019. Both consents are sought by the applicant to be modified to allow for the proposed design changes to DA10.2014.019 as described in Section 1 of this report.

A brief description of each development application is as follows:

DA10.2013.114

This application proposed significant alterations and additions to Ashfield Mall involving; 6,464m² of retail floor space, 67 serviced apartments, 101 dwellings, a 100 place childcare and car parking. The land the subject of this application was 244, 252, 254, 256 & 260A Liverpool Road.

This application was approved by the Joint Regional Planning Panel on 25 September 2014.

The Pavilion structure on the forecourt fronting Liverpool Road was approved as part of DA10.2013.114 but various works to the east of the Pavilion (i.e. from the eastern wall of the Pavilion to the property boundary) were excluded from the development consent as they were on land that was at that time zoned 5(a) *Civic Purposes* under the 1985 LEP and were prohibited.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD

The zoning of the whole of the site changed in December 2013, upon the gazettal of the 2013 LEP, to B4 *Mixed Use* and the previously prohibited works were then permissible with development consent and a separate application (DA10.2014/019) for those works was submitted to Council.

DA10.2014.019

This application applied only to that part of the forecourt of 260A Liverpool Road that was previously zoned 5(a) *Civic Purposes* and only dealt with the works that were excluded from the consent to DA10.2013.114. Council granted consent to DA10.2014.019 on 25 November 2014, for;

“Construction of a new Mall entrance canopy structure, new canopy structure over the approved Pavilion and signage including a new illuminated pylon sign at the entrance to the forecourt of the Ashfield Mall shopping centre.”

6.0 ZONING/PERMISSIBILITY/HERITAGE

Not altered by proposal. The site is within the B4 *Mixed Use* zone under the provisions of Ashfield LEP 2013. The proposed development is permissible with consent.

The property is located within the vicinity of a heritage item and is within the Ashfield Town Centre.

7.0 SECTION 79C and 96(2) ASSESSMENT

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C and 96(2) 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

The proposed modifications do not alter compliance with the LEP 2013. Within the B4 zone business identification signage and retail premises are permitted with consent. The Ashfield LEP 2013 does not contain any additional planning controls that are relevant to the proposed development.

7.1.2 Regional Environmental Plans

Not applicable.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD

7.1.3 State Environmental Planning Policies

The proposed modifications do not alter the original development's compliance with the relevant SEPPs; in particular, *State Environmental Planning Policy No 64—Advertising and Signage*. Further discussion signage is included below as a matter for consideration under Council's Interim Development Assessment Policy 2013.

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.

At this point in time, Ashfield Council is assessing development proposals pursuant to the Interim Development Assessment Policy 2013. The proposed modifications do not give rise to any additional matters to be considered except for those listed below:

- C1 – Access and Mobility

The principal purpose of the forecourt is to provide a pedestrian link between Liverpool Road and the entrance to Ashfield Mall. The proposed modifications to the works to be carried out at the interface of Liverpool Road and the forecourt; and the various level changes over the entire forecourt; are considered acceptable for the purposes of providing adequate accessibility and will not prevent it being safely negotiated by people with disabilities.

Works on the subject land covered by this consent (No: 10.2014.019) that are proposed to be modified and directly relate to accessibility are limited to relocating the main 1:14 access ramp leading onto the land from Liverpool Road. This is now to be positioned adjacent to the eastern boundary and will be more "in line" with the existing access ramp which leads to *Headspace* – (National Youth Mental Health Foundation) located in the lower ground floor level of the Civic Centre. The repositioned ramp will have a glass canopy over for weather protection and this is considered to be an improvement over the original approved design.

- C2 – Advertisements and Advertising Structures

Condition A(2) of Consent 10.2014.019 was imposed after careful evaluation of the signage proposed by the original development application. The proposed modifications to the pylon sign are considered acceptable having regard to the requirements of Condition A(2), which are:

"2. *Modifications to Pylon Sign*

The pylon sign is to be repositioned to ensure it is wholly contained within the boundary of Lot 1 DP 736779.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD

The area of the proposed pylon sign advertising area is to be reduced to be the same as the existing advertising sign. Only one side of the sign is calculated for the purposes of assessing area."

The proposed sign is now to be wholly within the subject land with an advertising area of approximately 14.50m². The existing "Ashfield Mall" sign has an advertising area approximately the same size. Condition A(2) does not specify an exact amount of permissible advertising area but to remove any doubt as to what is allowable, it is recommended that Condition A(2) be amended to specify the maximum area of advertising on the pylon sign to be 14.50m². The proposed pylon sign is shown on the submitted plans to provide 1 building identification sign and a maximum of 4 business identification signs; however, Condition C(2) requires a separate application to be submitted for the content of this sign.

The additional signage in the form of awning signs and under awning signs specified on the submitted drawings are proposed to be attached to the new Pavilion. The retractable fabric awnings are considered incidental signage associated with use and occupation of the Pavilion as commercial premises.

The proposed projecting wall signs as submitted are not supported as they are proposed to be 1/3 larger (0.8m²) than Council's controls allow (0.6m²). A condition is recommended requiring these signs to comply with Council's size and design requirements. In addition, Condition C1 – *Illumination of Signs* is recommended to be varied to include these signs and to limit the degree of illumination.

- C3 – Ashfield Town Centre

The proposed modified development continues to generally comply with the objectives of the Ashfield Town Centre Strategy.

- C12 – Public Notification in the Planning Process and all Aspects of Land

The proposed modified development has been notified in accordance with the DCP. No submissions have been received.

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.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed alterations will have no significant adverse environmental impacts in the locality.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD 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 and occupants and Councillors from 6 January 2016 until 22 January 2016. No submissions have been received.

7.8 The public interest

The public interest would not be served by refusal of this proposal.

8.0 REFERRALS

This application was referred to the NSW Roads and Maritime Services and the following advice dated 26 February 2016, has been received:

“Our Reference: SYD14/01234/032 (A11833274)

Roads and Maritime has reviewed the submitted application and raises no objection to the proposed modifications provided all buildings and structures other than pedestrian footpath awnings together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth) along the Liverpool Road boundary.”

9.0 OTHER RELEVANT MATTERS

Not applicable.

10.0 BUILDING CODE OF AUSTRALIA (BCA)

The proposed changes do not alter compliance with the Building Code of Australia.

11.0 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(2) have been taken into consideration. The proposal is considered to be acceptable and is therefore recommended for approval.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD

ATTACHMENTS

Attachment 1 Plans of the modified development

8 Pages

RECOMMENDATION

Development application no. 10.2014.019.1 for construction of a new Mall entrance canopy structure, new canopy structure over the approved Pavilion and signage including a new illuminated pylon sign at the entrance to the forecourt of the Ashfield Mall shopping centre be modified in accordance with section 96(2) of the Environmental Planning and Assessment Act 1979, as follows:

Conditions to be Modified:

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications date stamped by Council as detailed in the following table and any supporting documentation received with the application, except as amended by the conditions specified hereunder or in red on the stamped plans.

Job No	DWG No	Issue	Title
Architectural Plans			
12059	DA6000	B	Cover Page & Site Plan – Forecourt Canopy & Signage
12059	DA6001	C	Forecourt Canopy and Signage Plans
12059	DA6002	B	Forecourt – Proposed Signage
12059	DA6003	B	Forecourt – Proposed Canopy
12059	DA6004	A	Forecourt – Proposed Entrance
12059	DA6010	C	Forecourt Plan (Additional Information)
12059	DA6011	B	Forecourt Sections 2 & 3 (Additional Information)
12059	DA6012	B	Forecourt Section Detail (Additional Information)
12059	DA6014	A	Forecourt – Cafe Signage

(2) Modifications to Pylon Sign

The pylon sign is to be wholly contained within the boundary of Lot 1 DP 736779.

The maximum advertising area of the pylon sign is to be 14.50m². Only one side of the sign is calculated for the purposes of assessing area.

DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD

C Conditions that are ongoing requirements of development consent

(1) Illumination of Signs

The following signs:

1. The pylon sign; and,
2. The two (2) under awning signs plus the two (2) projecting wall signs on the Pavilion,

shall only be illuminated so that:

In the case of 1., to coincide with the approved trading hours of the retail component of the Ashfield Mall shopping centre; and,

In the case of 2., to coincide with the approved trading hours of the retail uses of the Pavilion

A maximum luminance of 400cd is permitted for these signs. Details shall be submitted to Council for approval prior to the issue of the relevant Construction Certificate.

Conditions to be Added:

(6) Projecting Wall Signs - Pavilion

The two (2) projecting wall signs on the Pavilion are to have a maximum projection from the eastern wall of 0.75m and have a maximum area 0.6m².

(7) Forecourt Paving

Full details of the proposed forecourt paving including colours, materials and specifications of the stone borders and washed aggregate finish are to be submitted to Council for approval prior to issue of the relevant construction certificate.

PHIL SARIN
Director Planning and Environment

PROJECT DESCRIPTION: ALTERATIONS AND ADDITIONS TO ASHFIELD MALL
PROJECT ADDRESS: LIVERPOOL ROAD, ASHFIELD DECEMBER 2015

SECTION 96 FOR THE PROPOSED NEW FORECOURT CANOPIES AND SIGNAGE DESIGN MODIFICATIONS TO CONSENT INSTRUMENT

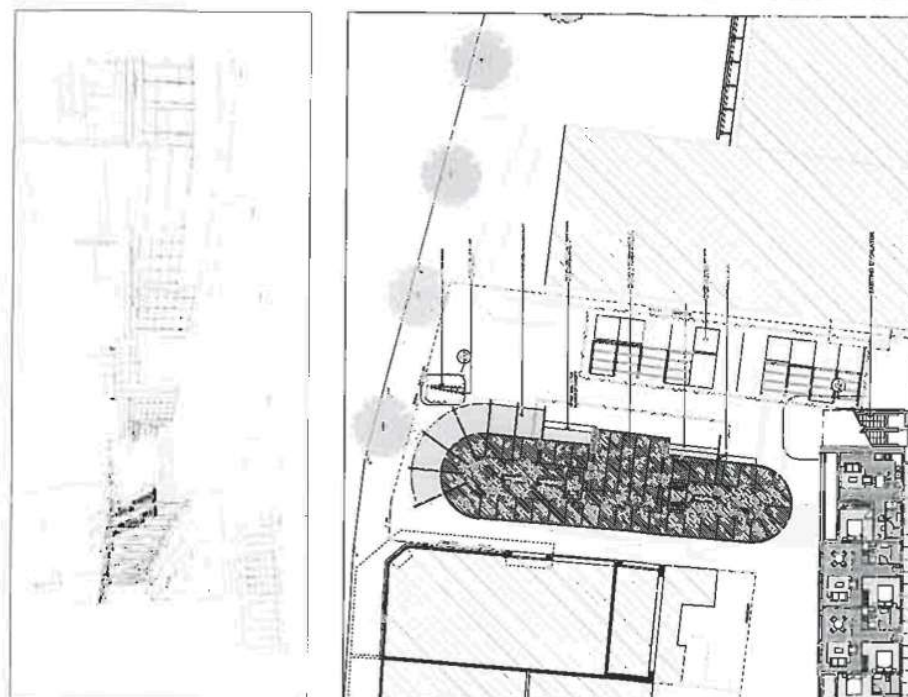
DA 10.2014.019.1

DRAWING NO.	DRAWING TITLE	REV
040000	COVER PAGE & SITE PLAN- FORECOST CANOPY & SIGNAGE	0
040001	FORECOST CANOPY AND SIGNAGE PLAN	0
040002	FORECOST, PROPOSED SIGNAGE	0
040003	FORECOST, PROPOSED CANOPY	0
040004	FORECOST, PLAN (ADDITIONAL INFORMATION)	0
040005	FORECOST, SECTION 1 & 2 (ADDITIONAL INFORMATION)	0
040006	FORECOST, SECTION 3 & 4 (ADDITIONAL INFORMATION)	0
040007	FORECOST, CANOPY SIGNAGE	0



DATE IN MS

D. 01-03-16 SECTION OF APPLICATIONS REVIEWED CAPABLE AND BUSHMORE
A. 91473-18 181-1 and 181-2 and 181-3 and 181-4



FORECOURT CANOPIES AND SIGNAGE - COVER



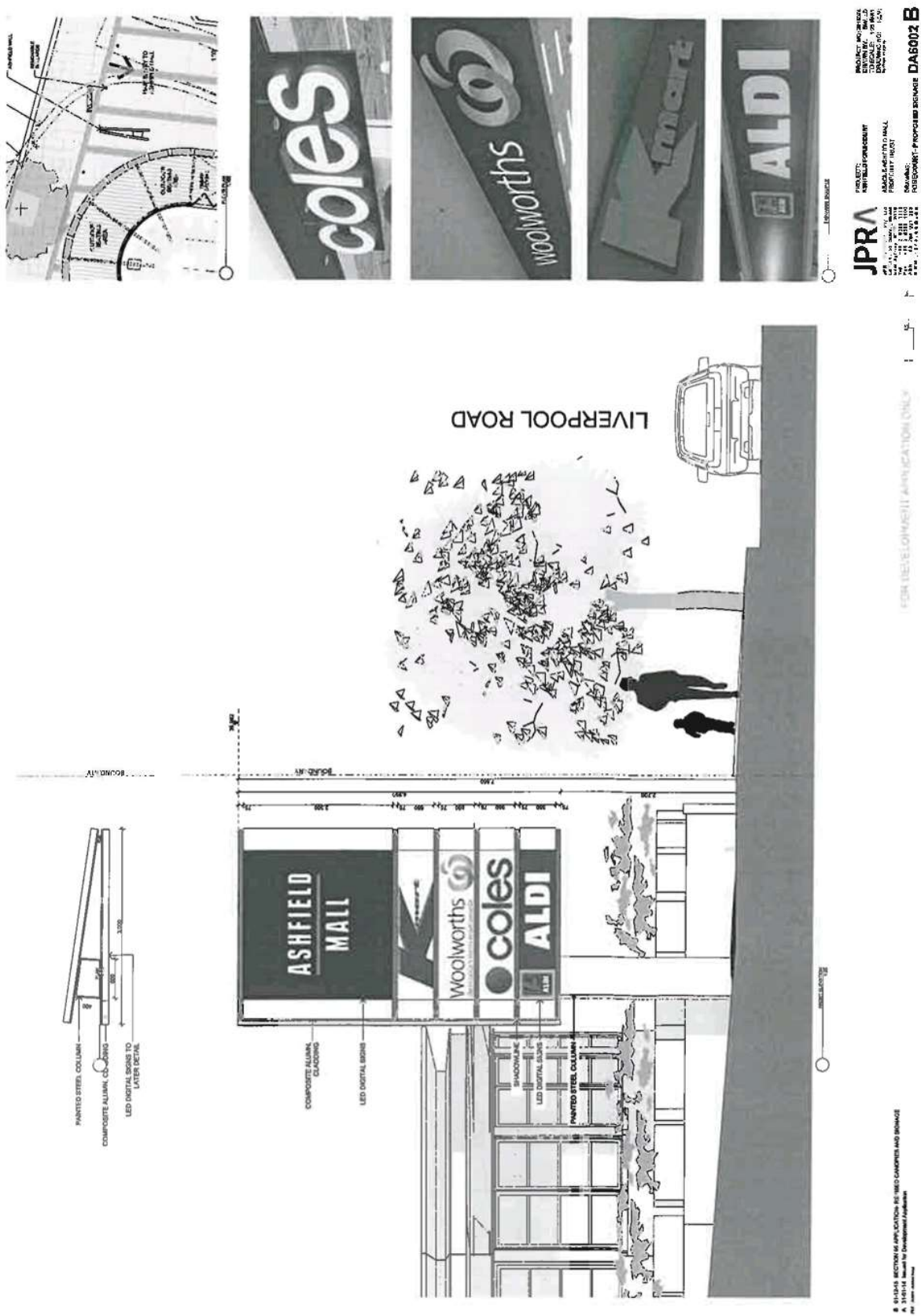
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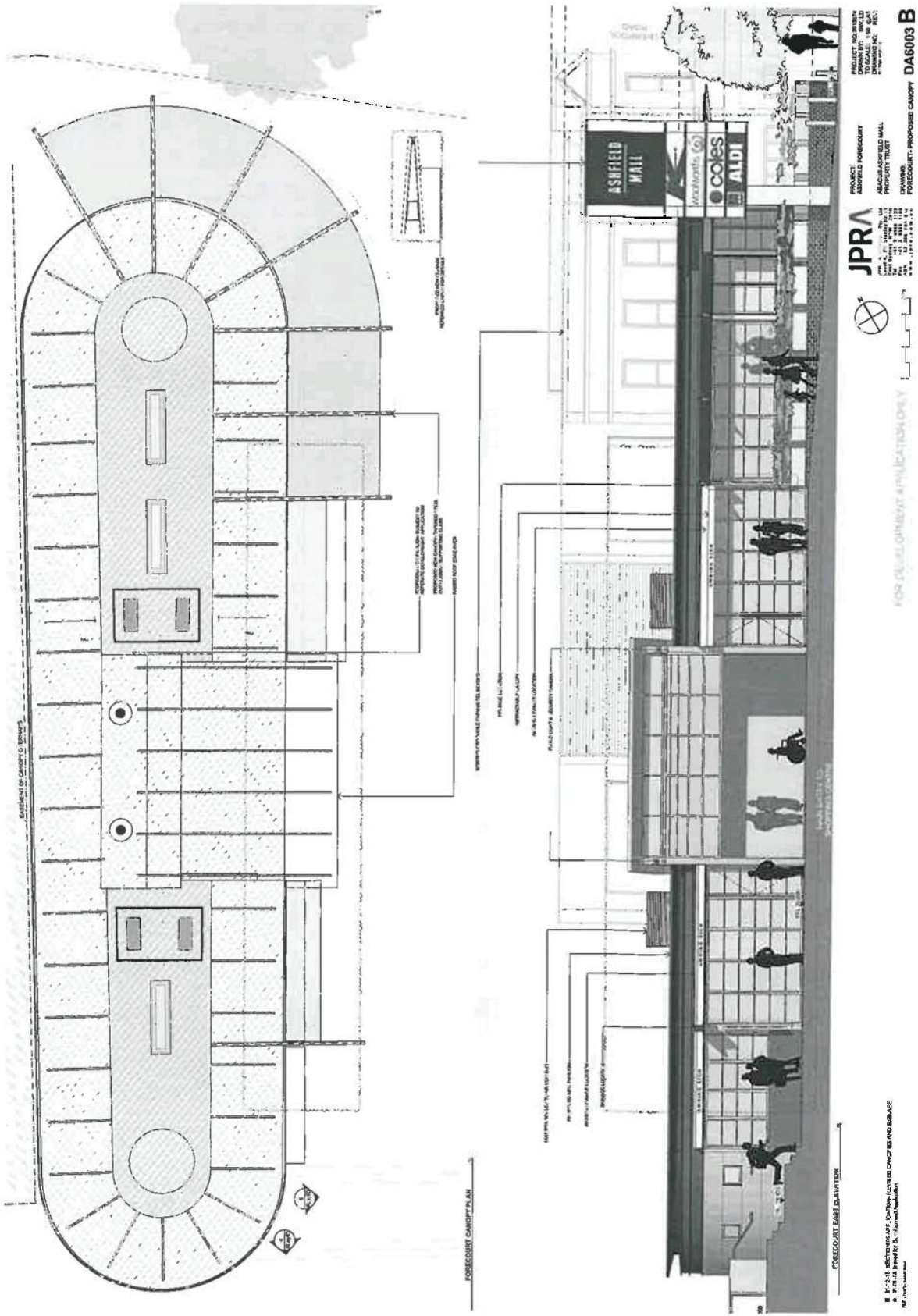
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DRAWN BY: P.W. LO
TO SCALE: 1" = 10'-0"
DRAWING NO. 11-11

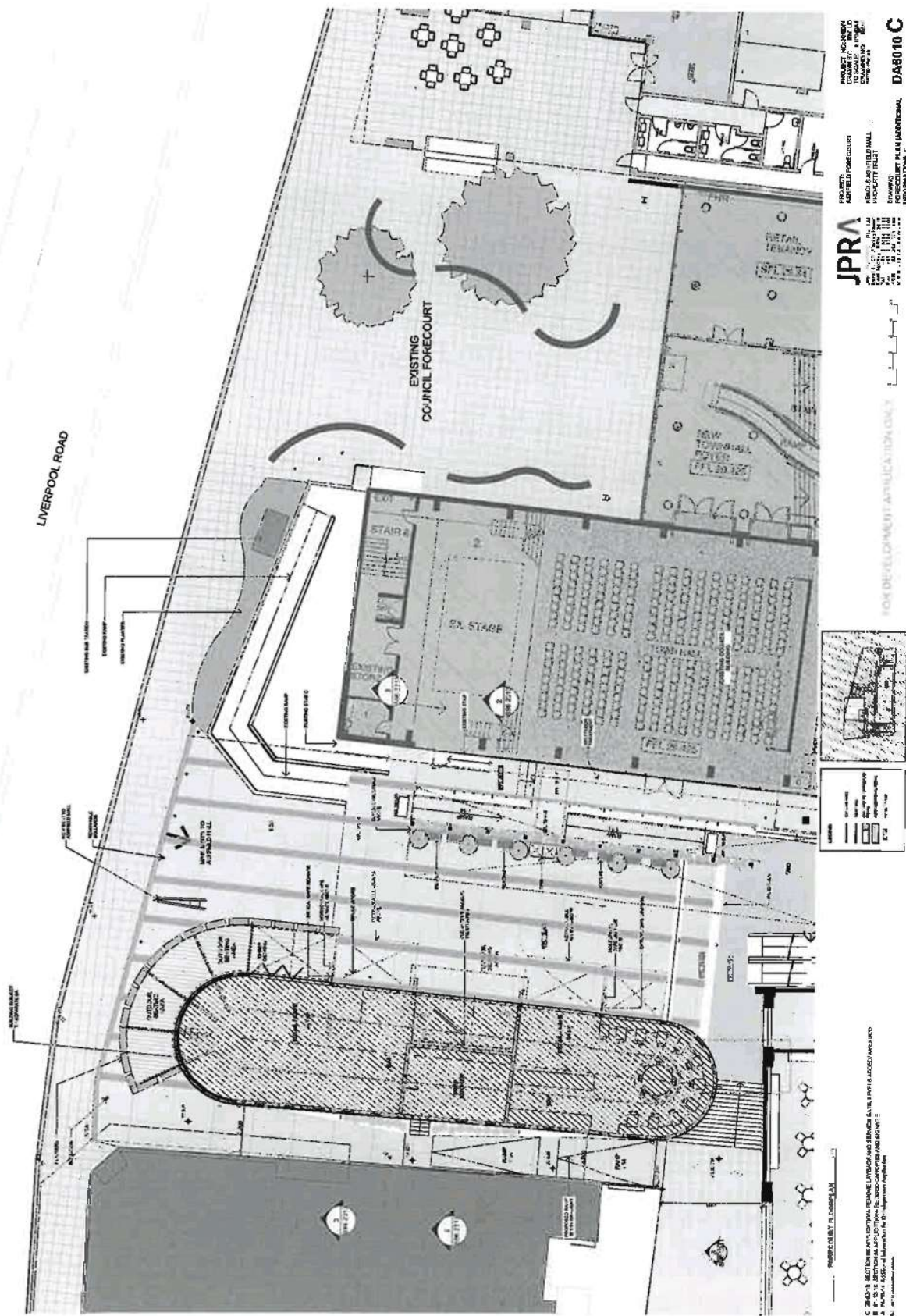
PROJECT: NATHANFIELD FORECLOSURE
 ADDRESS: NATHANFIELD MALL
 PROPERTY TRUST
 DRAUGHT: COVER PAGE & SITE PLAN
 FORECLOSURE CANOPY &

DA6000 B



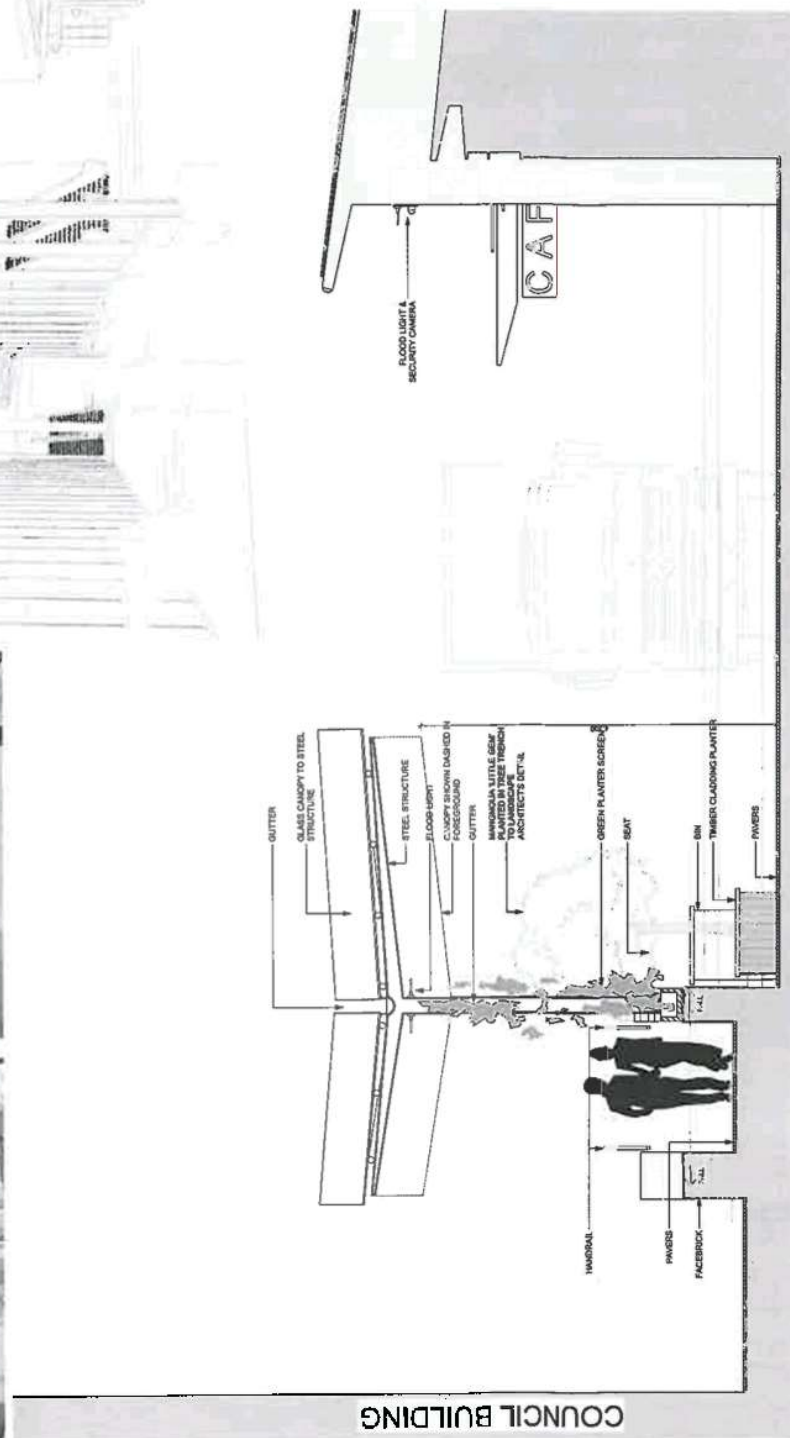
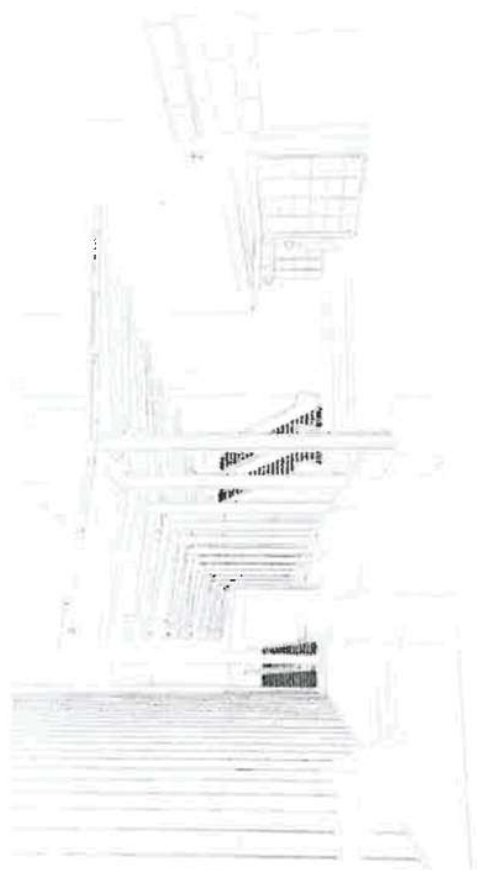






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A full-text search of the literature is available at <http://www.blackwell-synergy.com/doi/full/doi/10.1111/j.1365-3113.2004.00311.x>



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PROJECT:
ASHFIELD FORECOURT

NEW CLUB ASHFIELD MALL
PROPERTY TRUST

DRAWING
FORECOURT SECTION DETAIL

PROJECT NO. 20-0304
DRAWN BY: BNL LD
TO SCALE: 1"=10'-0"
DRAWING NO.: 112
DATE: 10-1-80

8. 01-13-05 SECTION 86 APPLICATION-REVISED CANONIES... TO DISMISSE
24-10-14 Additional Information for Disengagement Application



Subject	PUBLIC ART POLICY
File Ref	SC14
Prepared by	Jane Pollard - Arts, Culture and Community , Team Leader
Reasons	To guide the development and delivery of relevant and quality Public Art across the Ashfield Local Government Area (LGA)
Objective	For Council to consider adoption of the Draft Public Art Policy and Public Art in Private Developments Guidelines – Developer Guidelines

Overview of Report

A draft version of the Public Art Policy, and Public Art in Private Developments – Developer Guidelines was submitted to the Community Activities and Functions Committee on 17 November 2016. The Draft Policy and Guidelines were adopted for public exhibition, with the exhibition period closing on Friday 5 February 2016. No public comment or feedback was received.

1. Background

The Public Art Policy has been created to support the creation and delivery of relevant Public Art in the Ashfield Local Government Area that represents and inspires our community.

Ashfield Council sees Public Art as a valuable component of creating ‘place’ that enhances the livability and animation of public spaces, engages community and supports and revitalises the local economy and neighbourhoods.

To ensure Public Art is embedded into the fabric of the LGA, Council seeks to have Public Art incorporated into:

- All developments valued at 5 million or greater
- All Gateway sites, or significant sites across the LGA regardless of their value
- Council’s Arts & Culture and Public Space Activation programs

The purpose of the Public Art Policy and associated Guidelines is to provide:

- Direction and guidance to, commission and install quality Public Art that enhances, preserves and celebrates cultural diversity, unique local identity, social value, history and contemporary image of the Ashfield Local Government Area.
- A framework to ensure collaboration between artists, community, developers and other relevant internal and external stakeholders pending location and scope of the public artwork.
- Details and guidance on the role of Ashfield Council and relevant stakeholders in developing, funding, promoting, managing and conserving Public Art in the Ashfield Local Government Area.

PUBLIC ART POLICY

2. Supporting Implementation Guidelines

The policy is supported by *Guidelines for Public Art in Private Developments*

These Guidelines have been developed primarily as a tool for Planning & Environment staff to provide guidance and advice to private developers during the pre-development and development application process to encourage activation and creation of public art on private development sites.

The policy and guidelines will assist Council to advocate for and influence the creation of public art in private developments and the public domain, leading to the creation of public art that benefits and meets the local identity of the Ashfield community, and thereby also engages those that may not ordinarily engage with Public Art.

3. Financial Implications

Public Art may be funded using the following funding sources, as detailed in the attached Public Art Policy:

- **Developer Public Art Fund.**
Major developments valued at \$5m or greater will be asked to contribute to Public Art in the Ashfield LGA. This contribution can be done via options with a minimum value for each option being at 1% of total value of the development:
- **Council Public Art Fund**
Council annual Public Art fund administered and managed by Council.
- **External Grants**
Grants awarded through external agencies and departments.

3. Other Staff Comments

An internal working party made up of staff from Planning & Environment, Works and Infrastructure and Community Programs was established to support the development of this policy and associated guidelines. The outcome is a well-developed suite of documents that supports a cross Council approach to implementation of this important Policy.

The Policy and Guidelines also provides Council with a tool to assist working closely with Developers to provide them with an opportunity to contribute to the community, with a focus on Public Art.

4. Public Consultation

Council has developed the policy and guidelines in collaboration with review and assessment of approaches taken by other neighbouring Councils.

Community Feedback was sought via a public exhibition period which closed Friday 5 February 2016. No public comment or feedback was received.

PUBLIC ART POLICY

5. Conclusion

The Public Art Policy will provide Council with strategic direction in relation to Public Art and support in driving projects, developments and interventions that enhance the growth of a creative, artistic and culturally diverse Ashfield community.

Council did not receive any community comment or feedback during the public exhibition period therefore the content of the draft policy and guidelines will not be changed.

ATTACHMENTS

Attachment 1	DRAFT Public Art Policy	8 Pages
Attachment 2	DRAFT Public Art in Private Developments - Developer Guidelines	35 Pages
Attachment 3	Attachment 1 to Public Art in Private Developments - Register of Significant Sites	2 Pages

RECOMMENDATION

1/2 That Council adopt the Ashfield Public Art Policy

**2/2 That Council adopt the Ashfield Public Art in Private Developments –
Developer Guidelines**

NELLETT KETTLE
Director Corporate & Community Services



DRAFT Public Art Policy

This policy will be reviewed by: Community Programs
Next review date: November 2017

Title:	Public Art Policy
Summary:	This policy outlines the objectives for Public Art in the Ashfield Local Government Area.
TRIM Record Number:	
Date of Issue:	October 2015
Approval:	
Version Control:	Draft Public Art Policy
Contact Officer:	Team Leader, Community Programs
Relevant References:	<p><i>Ashfield Council's:</i></p> <ul style="list-style-type: none"> • Public Art Strategy • Arts and Culture Advisory Network – Public Art Sub-Committee • Reconciliation Action Plan (RAP) • Public Domain Strategies – Ashfield Town Centre Renewal (TCR) strategy • Ashfield 2023 – Our Place, Our Future Council Community Plan 2013-2017 • Social Snapshot 2013
Main Legislative or Regulatory References:	<p>Local Government Act 1993</p> <p>Section 94A Development Contributions Plan</p> <p>Section 94 Development Contributions Plan</p>
Applicable Delegation of Authority:	<p>As per Corporate and Community Services delegate</p> <p>As per Planning & Environment delegate</p>
Related Ashfield Council Policy:	<ul style="list-style-type: none"> • Strategic Community Plan 2023 • Procurement Policy • Graffiti Control/ Bill Poster Removal Policy • Ashfield Civic Centre User Policy • Statement of Business Ethics • Reconciliation Action Plan
Related Ashfield Council Procedure:	<ul style="list-style-type: none"> • Public Art Implementation Guidelines • Public Art in Private Developments Guidelines • Public Art Collection Policy • Cultural Gift Program includes collection audit

1. Background

The Public Art Policy has been developed to support the creation and delivery of relevant Public Art¹ in the Ashfield Local Government Area that represents and inspires our community.

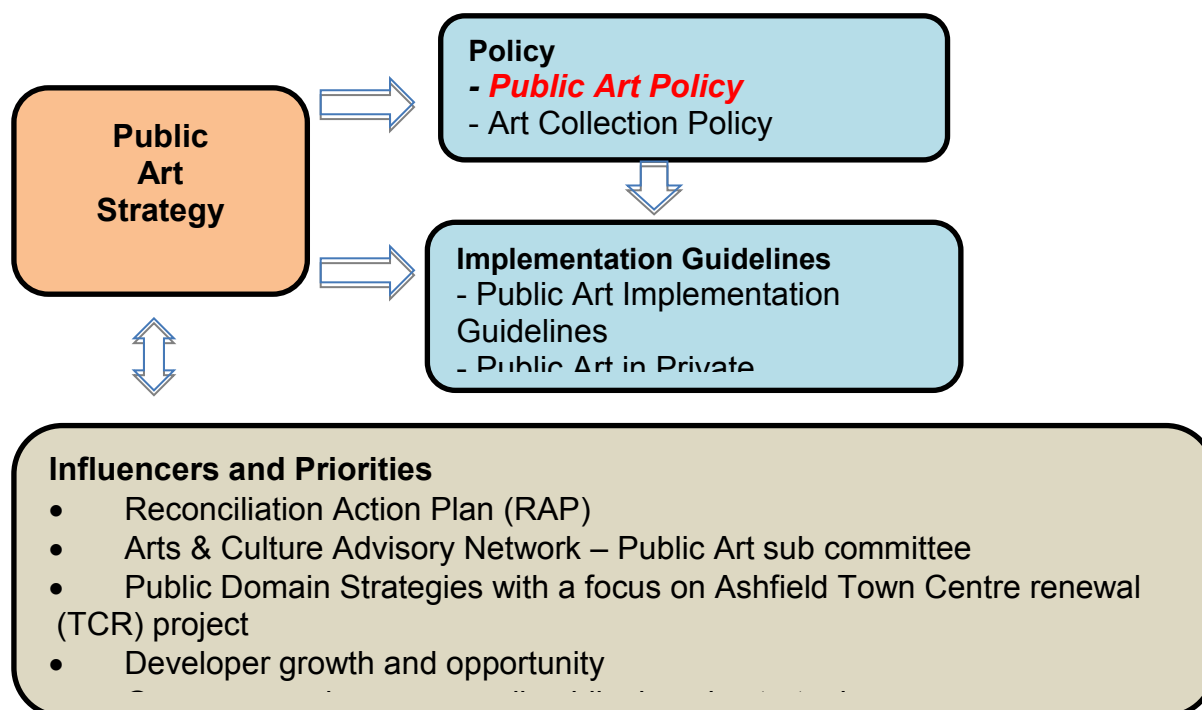
Ashfield is a place of unique, culturally enriched neighbourhoods² where everyone matters, and community life is celebrated and enriched by its culturally diverse population. Ashfield Council's strategic community plan, '*Ashfield 2023 - Our Place, Our Future*' is underpinned by seven themes, with one being a creative and inclusive community. Council is committed to delivering programs that support and enhance the growth of a creative, artistic and culturally diverse community.

In respect of the traditional owners of the land, the Wangal People, who form part of the Eora Nation, Ashfield Council has a Reconciliation Action Plan in place that supports the strategic community plan. Council believes that by strengthening dialogue between Aboriginal and Torres Strait Islander peoples and other Australians we will increase reconciliation, and by establishing a two-way process of learning we will continue to be a 'meeting place' for all cultures.

Our diverse communities, and the traditional owners will be targeted, and engaged in this policy wherever possible.

2. Policy Positioning

This Policy provides the mother statement that drives and delivers Council's Public Art Strategy, and should be read in conjunction with associated Implementation Guidelines and policies as detailed below.



¹ For a definition of Public Art refer Section 5 of this Policy

² Council's [Social Snapshot of Ashfield](#) outlines essential social research and statistics for the Ashfield Local Government Area.

3. Policy Statement

Ashfield Council sees Public Art as a valuable component of creating 'place' that enhances the liveability and animation of public spaces, engages community and supports and revitalises the local economy and neighbourhoods.

To ensure Public Art is embedded into the fabric of the Local Government Area (LGA), Council seeks to have Public Art incorporated into:

- All developments valued at 5 million or greater
- All Gateway sites, or significant sites across the LGA regardless of their value
- Council's Arts & Culture and Public Space Activation programs

4. Purpose

The purpose of the Public Art Policy and associated Guidelines is to provide:

- Direction and guidance to, commission and install quality Public Art that enhances, preserves and celebrates cultural diversity, unique local identity, social value, history and contemporary image of the Ashfield Local Government Area.
- A framework to ensure collaboration between artists, community, developers and other relevant internal and external stakeholders pending location and scope of the public artwork.
- Details and guidance on the role of Ashfield Council and relevant stakeholders in developing, funding, promoting, managing and conserving Public Art in the Ashfield Local Government Area.

This policy applies to all existing Public Art under the care and control of Ashfield Council, and to all future Public Art procurement within the public domain, and in private developments. Refer to Council's *Public Art in Private Developments – Developer Guidelines* and *Council's Art Collection Policy* for further details.

5. Definitions

Public Art³ is Art created by and/or led by professional Artists and located outside of a typical gallery context in indoor and outdoor environments, and in its broadest sense can be defined as artistic works or activities accessible to the public.

Public Art can adopt many forms and approaches from community cultural development, socially engaged practice, place-making projects, stand-alone Public Artworks, through to art "built in" conceptual contribution by artists to the design of public spaces and facilities, or art integrated within landscape or urban design. It can reflect a diverse range of styles and practices from traditional to contemporary art, utilise a range of art forms and mediums, and can be either permanent, temporary or ephemeral

Public Art can mean many things to many people. The definitions at **Attachment 1** provide clarification to support implementation of this policy.

6. Guiding Principles

The following Guiding Principles underpin, and provide a foundation for the implementation of the Public Art Policy and associated Guidelines.

6.1 Drive and Ensure Excellence and Relevance

- Advocate for and ensure Public Art of high quality and artist merit is commissioned, created and installed across the Ashfield LGA utilising a range of mediums and processes including social engagement practices.
- Maintain the heritage and stories of our locality and unique neighbourhoods by forging relationships with, and targeting artists from Aboriginal and Torres Strait Islander and culturally diverse backgrounds to tender for commissions, and engage in Public Art projects.

6.2 Support and advocate for Artists

- Influence Public Art across the Ashfield LGA that engages and support Artists and a range of arts practice, mediums and processes.
- Ensure artists are remunerated with fair and equitable award or market rates, and that copyright conditions are respected.

6.3 Secure Public Art funding

- Lead and influence external funding and partnership opportunities as well as internal budget allocations to secure adequate funding and support for Public Art initiatives and projects
- Ensure adequate funds are quarantined for Artist fees, quality materials, maintenance and restoration of public art.

6.4 Align and embed integration of Public Art into Public and Private developments

- Influence and integrate Public Art into the fabric of public and private infrastructure and planning developments across the Ashfield LGA. Initiate agreements between Ashfield Council and Developers for public and private infrastructure and planning developments.
- Embed Public Art into all Council public domain strategies, with a focus on the Ashfield Town Centre Renewal (TCR) project, Parks Plans of Management and Greenway strategy.

6.5 Communication and Collaboration underpins process

- Utilise the expertise of Council's Arts & Culture Advisory network and or Public Art committee, and relevant staff to provide advocacy and advisory to external parties regarding Public Art across the Ashfield LGA.
- Influence Public Art initiatives using key partnerships with individual artists, community members, the arts sector, community organisations, the business and public sectors, and implement programs that engage, educate and communicate to the public about Public Art

7. Funding Sources

Public Art will be funded using the following funding sources:

7.1 Developer Public Art Fund

Major developments valued at \$5m or greater will be asked to contribute to Public Art in the Ashfield LGA. *Refer Public Art in Private Developments – Developer Guidelines for further details.*

7.2 Council Public Art Fund

Council annual Public Art fund administered and managed by Council.

7.3 External Grants

Grants awarded through external agencies and departments

8. Developments in, or near Town Centres, Gateway and/or Significant Sites

Developments located in or near Town Centres (Ashfield, Haberfield, Summer Hill), or near/on prime Gateway sites or significant sites (an area of natural, cultural, or economic significance) will be targeted, and negotiated with Council to support the development and installation of relevant Public Art work despite the value of the development. The proponent will provide project funds to cover artwork; development, concept, artist fees, materials, installation and maintenance, and the developer contribution will be based on minimum 1% of overall development value. *Refer Public Art in Private Developments – Developer Guidelines for further details*

9. Assessment Criteria

All Public Art works commissioned in the Ashfield LGA will be evaluated and assessed against the following criteria:

- Relevance to the Aims, Purpose and Guiding Principles detailed in Ashfield Council's Public Art Policy
- Integrity and originality
- Artist/Design excellence and innovation.
- Relevance and appropriateness of the work in relation to its site.
- Consistency with current planning, heritage and environmental policies and plans of management
- Consideration for public safety and the public's use of, and access to the public art, and domain.
- Consideration of maintenance (including vandalism), permanency and durability particularly if the artwork is considered enduring⁴.
- Evidence of funding sources and satisfactory budget, including an allocation for ongoing maintenance
- If involving a community engagement component, relevance and appropriateness of process for target group/s

10. Art Collection Policy – Title and Maintenance

Public Art commissioned under this Policy and associated Guidelines will form part of Council's Public Art Collection, which includes maintenance requirements and de-accession. Maintenance arrangements will be included in each Public Art project agreement. Refer Art Collection Policy for further details.

Objects entering the permanent collection will be accompanied by a legal document transferring 'Title', that is full rights of ownership to Ashfield Council, once the commissioner has accepted the artwork as completed and paid the agreed commission fee.

11. Intellectual Property and Copyright

Council will have exclusive copyright licence of the works, however full copyright will remain with the artist/author of the work/object.

Definitions

Item – Public Art

Public Art is an overarching terminology that encompasses a range of further descriptions to define the type, size, dimensions, purpose, function and length of time in the public realm. Each public art is unique and will usually fall under more than one description as detailed below:

Description and Inclusions	Exclusions
Art Is a work that broadly embraces visual, oral and performing arts that includes a human presence and broadens challenges or questions traditional cultural views. It is any original human creation, which contains an idea and culminates in a set of processes with the outcome considered to be art.	
Artist For the purposes of inclusiveness the term artist is applied to visual artists, performing artists, writers, musicians, craft designers filmmakers, photographers and includes mixed media. Artist will also work across these platforms.	
Commemorative Public Art that is to commemorate a celebration or a significant event from the passages of time.	
Community Art Arts based projects where the creative practices, processes, concepts and decisions have substantial community participation, or the project is community initiated and led. Community art is essential to community cultural development and place making practices. Community art projects completed, installed and or performed in the public realm are classified as public art.	
Enduring/ Permanent The life of the public artwork is considered to be enduring (permanent). This is approximately 10 years for painted murals and 20 years as a minimum for sculptural artworks or as set out in the artist contract/s at time of commissioning.	
Exhibition A collection of public artworks in the public realm either indoors or outdoors which was created by an artist/s for the intention of a public display within a specified timeframe.	
Integrated/Functional Art Artworks that are created by an artist and fully Incorporated within the design of the built or natural environment, e.g. street furniture, buildings, bollards, gardens, sand dunes, footpaths, lighting, sound etc. Works can sometimes be purely functional without being integrated.	Standard signage. Standard, or off the shelf style street and park furniture. Works that an urban designer, architect or landscape architect would design as part of their scope.
Interpretive The purpose of the public art is to describe, educate and comment on issues, events and situations. Examples include; markers, nodes, text, aural messages and inlays. Public art can be considered interpretive and/or conceptual; meaning that it is up to the viewer to explore and interpret the underlying layers to the work or performance.	
Major	

A significant cost associated to the public art commissioning, usually \$100,000 or more.

Performance based/Roaming

Artists performing in a public space are considered a form of public art. This can include; musicians, dancers, comedians, actors, poets, film-makers, buskers, circus performers and projectionists.

Plonk

A work that deliberately (or sometimes unintentionally) is placed in a specific location but does not relate or is responsive to that location. Usually the work was not designed for the location it has ended up in. This type of public art installation can sometimes work well or can be very controversial.

Scale

Scale refers to size and terminology.

From largest to smallest:

- Landmark
- Gateway
- Iconic/Signature/Significant
- Human
- Small
- Micro

Site Specific

An artwork that is site specific refers to it being designed specifically for, and responsive to a particular site through scale, material, form and conceptual story.

Socially Engaged Art Practice

A practice that is developed and delivered through collaboration, participation, dialogue, provocation and immersive experiences. The focus is on process, and the artist seeks to embed themselves within a community providing opportunities to respond to a specific need and/or agenda of the community and hence widen participation.

*(Lynn Frogget et al, New Model Visual Arts Organisation & Social Engagement
<http://www.creativityworks.org.uk/our-impact/socially-engaged-art/>)*

Street

Aerosol murals, paste-ups, stencils etc. that are located in public places, e.g. fences and buildings in urban streets and laneways etc. They are classed as legal (not graffiti) and have approval by owners to be displayed.

Temporary/Ephemeral

Public art that is not permanent. It may have a set period of time that it is to remain in the public realm or may organically decompose and/or disappear. Includes illumination.

2D

Public art that is considered flat and 2-dimensional; e.g. street art, murals, projections, paste ups, framed works, art integrated into the face of a wall, floor or fence.

3D

Public art that is considered 3-dimensional and can be viewed from various angles; e.g. sculptures, holograms, artworks that are free standing, suspended or on footings, plinths, and various types of integrated art works.



DRAFT Public Art in Private Developments

Developer Guidelines



*Harmony Wall Project (2015), Hamish & Rose
Drakes Lane Ashfield
Photography, Adrian Clement*

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1. Background

These Guidelines support the implementation of Ashfield Council's Public Art Policy, and Strategy.

The Public Art Policy and Strategy has been created to support Public Art⁵ in the Ashfield Local Government Area. Ashfield is a place of unique, culturally enriched neighbourhoods where everyone matters, and community life is celebrated and enriched by its culturally diverse population. Ashfield Council's strategic community plan, '*Ashfield 2023 - Our Place, Our Future*' is underpinned by seven themes, with one being a creative and inclusive community. Council is committed to supporting and driving projects, developments and interventions that support and enhance the growth of a creative, artistic and culturally diverse community. Council's [Social Snapshot of Ashfield](#) outlines essential social research and statistics for the Ashfield Local Government Area.

In respect of the traditional owners of the land, the Wangal People, who form part of the Eora Nation, Ashfield Council has a Reconciliation Action Plan in place that supports the strategic community plan. Council believes that by strengthening dialogue between Aboriginal and Torres Strait Islander peoples and other Australians we will increase reconciliation, and by establishing a two-way process of learning we will continue to be a 'meeting place' for all cultures. Our traditional owners will be targeted, and engaged in this policy wherever possible.

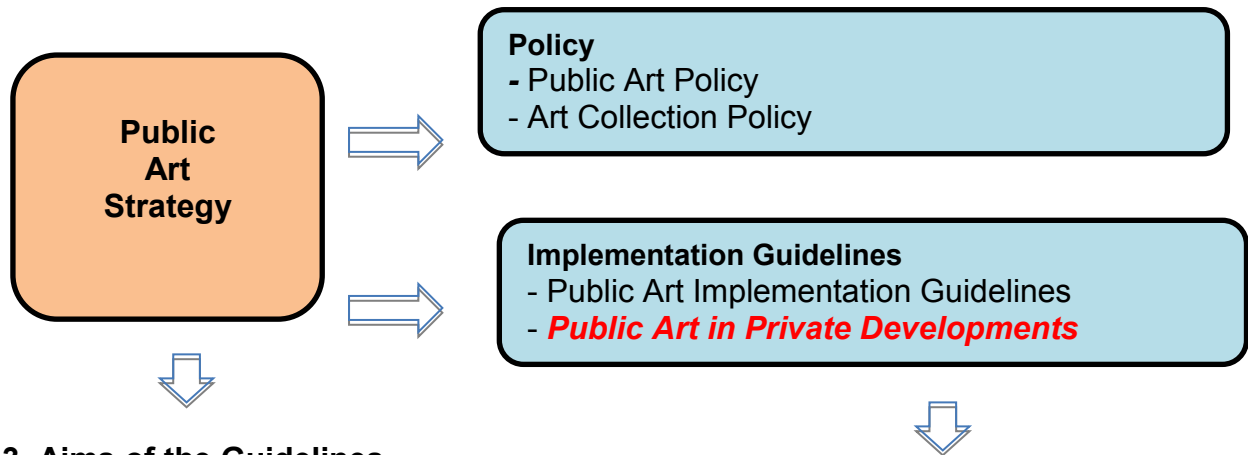
Public art provides scope for integration between private developments and the community, culture and environment in which they are constructed, as well as for major developments to enhance their distinctiveness through a unique and quality design interface. These guidelines set out the process for both Council and Developers to work together to strive for the creation of vibrant, economically sustainable and liveable communities that celebrate the unique diversity of the Ashfield LGA.

Local government is progressively more involved in implementing requirements to ensure major development, including commercial, industrial, public administration and retail development contributes to the variety of public art work in the public domain. As major development can include significant portions of public domain this type of development has the potential to integrate public art into its design and effectively amalgamate development into the environment in which it is situated. Effective public art will be unique in the way it both reflects and contributes to the distinctive identity of an area. This is achieved through interpretation of the immediate environment and prominent local characteristics.

⁵For a definition of Public Art, refer to Section 11 and ATTACHMENT 4 of these Guidelines.

2. Positioning of these Guidelines within Council's Public Art Strategy

These Guidelines provide tools, direction and support to drive and deliver Council's Public Art Strategy, and should be read in conjunction with associated Policies and Implementation Guidelines as detailed below. These guidelines in particular aim to assist developers, art consultants, artists, architects, landscape architects and project managers in the provision of public art in private developments.



3. Aims of the Guidelines

Influencers and Priorities

- Reconciliation Action Plan (RAP)
- Arts & Culture Network – Public Art Sub Committee (PASC)
- Public Domain Strategies with a focus on Ashfield Town Centre renewal (TCR) project
- Developer growth and opportunity

The overall aim of these guidelines is to assist developers to engage with the local community to:

- Include public art within private development so as to better integrate development into the environmental and cultural aspects of a locality, and ensure major development contributes positively to the streetscape, place making and the overall beautification and appeal of the LGA.
- Embed public art as an integral part of the private development process and encourage communication between stakeholders including the Arts & Culture Network - Public Art sub committee, artists and design professionals in order to achieve a multi disciplinary team based approach to the provision of public art in Ashfield LGA
- Support economic development and the creation of opportunities for artists and creative industries within the Ashfield LGA through the continued improvement and creative approach to the built environment and public domain.
- Promote the integration of economic, social and ecological sustainability principles into private development in order to encourage vibrant and liveable communities, facilitate economic development and prosperity, and provide for the future health of the local environment.
- Provide more opportunities for residents and visitors to the Ashfield LGA to participate in, engage with, and view the arts as a part of their everyday lives.

4. Purpose of these Guidelines

The purpose of these Guidelines is to assist Council and Developers to:

- Ensure high quality public art is included in accessible public spaces in all, major developments⁶ within the LGA.
- To detail, and present Guiding Principles (Point 6 below) that provide a foundation for Developers for the provision of Public Art in the LGA.
- Prescribe requirements for Developers in relation to Public Art in major developments, and outline Development Application and other required procedures underpinned by the Guiding Principles at point 6 below.
- Ensure that when developers are embedding Public Art into development concepts and plans that they follow design and criteria appropriate to the Ashfield LGA through the provision of conceptual considerations linked to the Guiding Principles detailed at point 6 below.

5. Who do these Guidelines apply to?

These Guidelines apply to:

All privately initiated multiple residential, mixed-use developments, commercial or industrial projects that include a significant amount of public (or publicly accessible) spaces

All developments, which have a construction value of \$5 million and over.

Developments located in Town Centres (Ashfield, Haberfield, Summer Hill), prime Gateway sites will be targeted.

Development on, or near sites of significance - Refer Attachment 1 '*Council's Register and Map of Significant Sites, Locations and People for Public Art*' for a detailed list of significant sites across the LGA.

It should be noted that:

- Public art referred to in these guidelines will generally be located within the curtilage of a privately owned development site, and includes both private developers, and State and Federal Agency owned land/properties.
- Inclusion of public art is not a prerequisite for approval in single dwelling houses or other small developments (with the exception of gateway and specific sites) and in these instances is to be pursued at the discretion of the owner or developer.

⁶ Major Development Refers to all developments valued at \$5 Million or greater in terms of total development cost. Refer Attachment 5 for further definitions.

6. Public Art Guiding Principles

The following Guiding Principles underpin, and provide a foundation for the implementation of the Public Art Policy and associated Guidelines.

6.1 Drive and Ensure Excellence and Relevance

- Advocate for and ensure Public Art of high quality and artist merit is commissioned, created and installed across the Ashfield LGA utilising a range of mediums and processes including social engagement practices.
- Maintain the heritage and stories of our locality and unique neighbourhoods by forging relationships with, and targeting artists from Aboriginal and Torres Strait Islander and culturally diverse backgrounds to tender for commissions, and engage in Public Art projects.

6.2 Support and advocate for Artists

- Influence Public Art across the Ashfield LGA that engages and support Artists and a range of arts practice, mediums and processes.
- Ensure artists are remunerated with fair and equitable award or market rates, and that copyright conditions are respected.

6.3 Secure Public Art funding

- Lead and influence external funding and partnership opportunities as well as internal budget allocations to secure adequate funding and support for Public Art initiatives and projects
- Ensure adequate funds are quarantined for Artist fees, quality materials, maintenance and restoration of public art.

6.4 Align and embed integration of Public Art into Public and Private developments

- Influence and integrate Public Art into the fabric of public and private infrastructure and planning developments across the Ashfield LGA. initiate agreements between Ashfield Council and Developers for public and private infrastructure and planning developments.
- Embed Public Art into all Council public domain strategies, with a focus on the Ashfield Town Centre Renewal (TCR) project, Parks Plans of Management and Greenway strategy.

6.5 Communication and Collaboration underpins process

- Utilise the expertise of Council's Arts & Culture Advisory network and or Public Art committee, and relevant staff to provide advocacy and advisory to external parties regarding Public Art across the Ashfield LGA.
- Influence Public Art initiatives using key partnerships with individual artists, community members, the arts sector, community organisations, the business and public sectors, and implement programs that engage, educate and communicate to the public about Public Art

7. Developer Requirements

7.1 Developer Public Art Fund

Major developments valued at \$5m or greater will be asked to contribute to Public Art in the Ashfield LGA, by contributing to Council's Developer Public Art Fund. This contribution can be done by one of the following options with a minimum value for each option being at 1% of total value of the development:

- 7.1.1 A **financial contribution** is given to Council to support the implementation of Council's Public Art Strategy at Council's discretion.
- 7.1.2 The **Developer agrees to install a Public Artwork** on the development site. This could be delivered in one of the following ways:
 - A. **As part of the overall Development plan.** This contribution will be embedded into the overall Development budget and be quarantined for Public Art. The Public Art costs and associated responsibilities lie with the proponent, and will be based on meeting Council's requirements as set out in these Guidelines.
 - B. **A collaborative project between Council and the Developer** negotiated during the DA process, involving the proponent making available land and/or space (E.g. wall, public thoroughfare etc.) for the installation of a public artwork. The proponent will also provide project funds to cover artwork development, concept, artist fees, materials, installation and maintenance. Council will oversee, and manage the implementation of the Public Art work, which may include a community engagement element. This option must also meet requirements set out in these Guidelines.

7.2 Developments in or near Town Centres, Gateway and/or Significant Sites

Developments located in or near **Town Centres** (Ashfield, Haberfield, Summer Hill, Croydon), or near/on prime **Gateway sites or significant sites** (an area of natural, cultural, or economic significance) will be targeted, and negotiated with Council to support the development and installation of relevant Public Art work despite the value of the development. The proponent will provide project funds of either a minimum of 1% of the value of the development, or an adequate budget to cover artwork; development, concept, artist fees, materials, installation and maintenance.

Where a development is located within an identified Town Centre, Gateway, or Significant Site (an area of natural, cultural, or economic significance) under '*Council's Register and Map of Significant Sites, Locations and People for Public Art* (REFER ATTACHMENT 1) the public artwork should be consistent with the objectives and design themes of those relevant to each unique site – These can be requested as required. The developer is to demonstrate how this is achieved and demonstrate how the public artwork is responsive to these attributes.

Public Art projects in developments in or near identified Town Centres, Gateways and/or Significant Sites can be either embedded into the overall Development budget (refer 7.1.2 A above), or Council will oversee, and manage the implementation of the Public Art work, which may include a community engagement element (refer 7.1.2 B above).

7.3 Local Cultural and Environmental Considerations

To ensure public art is effectively integrated into its context the concept and design of proposed artworks must consider the Public Art Guiding Principles (Section 6) and, where relevant, the following:

- **History** - the many layers of history and contemporary culture, which make any location or place within the LGA rich with content. Refer Attachment 2 – ‘*Council’s Register and Map of Significant Sites, Locations and People for Public Art*’
- **Culture** - modern society and its wide-ranging impacts on how different social and cultural groups within the LGA understand their place in the world.
- **Environment** - the qualities of natural landscape, natural light, topography and local flora and fauna within the locality.
- **Urban Form** - existing urban character and desired future character of the area as well as site-specific characteristics.
- **Sustainability** - the increasing role of government and community in the movement toward a sustainable future.

8. Application Process

A public artwork is to be generally located within the curtilage of the development site proposed for the major development except where the proponent has entered into a mutual agreement with Council to provide the public artwork on public land, and where the provision of public art on public land meets the requirements of the Public Art Policy and these guidelines.

Consultation and pre-lodgement discussions with Council staff are recommended to ensure that any issues are resolved at the earliest date possible, and that the concepts meet the Guiding Principles outlined in Section 6 above. These discussions can also assist with the verification of the qualifications of the Public Art Coordinator/ project manager being nominated by the proponent.

8.1 Pre-lodgement Application Requirements – Public Art

The Developer is to submit a Preliminary Application for the Public Art component (REFER ATTACHMENT 2) of the development prior to lodgement of a development application. Preliminary applications for developments that are planning to include a Public Artwork should include consideration of the following:

- A preliminary description of the proposed public artwork including materials to be used, ensuring that the concept meets the definition of ‘Public Art’ as detailed in Section 9, and at ATTACHMENT 5 of these guidelines
- A brief explanation as to the intention of the artwork and sensitivity to existing urban design qualities, identified Town Centres, Gateways and/or Significant Sites (where applicable) and linkages with the Public Art Guiding Principle as detailed at Point 6 of these guidelines.
- Preliminary schematics for the public artwork which can include sketches, montages, digital renditions or other suitable concept schematics;

- Consideration of mechanisms to preserve and maintain the artwork during its life, with consideration that any changes, or removal will require Council approval.
- The anticipated public art budget

8.2 Development Application Requirements – Public Art Master Plan

For the Public Art pre-lodgement application to be progressed a **Public Art Master Plan** (Refer ATTACHMENT 3) will need to be developed and submitted as part of the Development Application process.

The **Master Plan** is to include the following:

- Indication of funding option and evidence of relevant personal and/or Council support:
 - OPTION 7.1.2 A - Identification of the public art coordinator or verified project manager
 - OPTION 7.1.2 B - Evidence of support, and discussions with relevant Council Staff for a collaborative project by completing relevant section of both the Pre-Lodgement and Master Plan forms detailed at ATTACHMENTS 2 & 3.
- A detailed description of the proposed public artwork including materials to be used, ensuring that the concept meets the definition of 'Public Art' as detailed in Section 9, and at ATTACHMENT 5 of these guidelines
- A detailed description of how the proposed artwork integrates into the site and surrounds, the development intention of the artwork and sensitivity to existing urban design qualities, and identified Town Centres, Gateways and/or Significant Sites (where applicable).
- Details of the artist/s including a resume and evidence of skills appropriate to the scale of the work
- Location of the artwork within the subject site and dimension details (height, width etc)
- Justification as to how the proposed artwork satisfies both the Public Art Guiding Principles Section 6, and the selection criteria detailed at Section 8 of these guidelines
- Include evidence of research and consultation documentation undertaken throughout the concept development process for the artwork.
- Description of mechanisms to preserve and maintain the artwork during its life, with consideration that any changes, or removal will require Council approval
- The anticipated **Public Art budget** and necessary quotations will need to be included when incorporating Public Art into a Development Application. The following should be considered when developing the budget:
 - Total financial allocation towards a public artwork. The developer is to consider the budget carefully and can include; all pre-lodgement investigations, design advice, community engagement (if applicable), coordination costs, artist fees, cost of material, and construction, and maintenance costs but excludes the cost of land where upon the public artwork is located.
 - Public Art can be incorporated into the design features of a building. The finances allocated toward the construction of a building can be included into the public art budget if this component is demonstrated to be public art. The artwork may serve a dual role of providing effective public domain services such as lighting or shading, provided the work is consistent with the objectives and definitions of these guidelines, DCP and its appendices.

Council will exercise discretion as the determining authority in regards to whether the design concepts proposed as 'public artwork' satisfy the requirements contained within these guidelines and the DCP.

- An Artist Verification Statement, which provides evidence that the artist has viewed all documentation to be submitted as part of the development application, and is satisfied that the submitted documentation is consistent with the final design concept of the artwork.

PLEASE NOTE to assist Developers with this process the following has been provided:

- A Public Art Master plan template at ATTACHMENT 3.
- Developer Requirements – Major Development, Gateway and/or Significant Site Process Flowchart at ATTACHMENT 4.

9. Approval and Assessment

9.1 Approval Process

- All Development Applicants with a Public Art component will be referred through the Ashfield Council *Arts & Culture Advisory Network (A&C Network) - Public Art sub-committee (PASC)*. **Refer Section 10 for more detail.**
- All Applications will be assessed against the Assessment Criteria detailed at 9.2 below
- The final design concept must be approved by the PASC prior to the issue of the initial Construction Certificate for the major development.
- The public artwork is to be constructed and installed prior to release of an Occupation Certificate for the development. Council will negotiate check points pre and during installation ensuring quality and integrity of the artwork.
- A Certificate of Completion is to be signed by the artist and submitted to Council prior to the release of an Occupation Certificate for the development.

9.2 Assessment Criteria

Evaluation and approval of all artworks will be based on the following criteria:

- Relevance to the Aims, Purpose and Guiding Principles detailed in Ashfield Council's Public Art Policy and Public Art in Private Development - Developer Guidelines.
- Integrity and originality
- Artist/Design excellence and innovation.
- Relevance and appropriateness of the work in relation to its site.
- Consistency with current planning, heritage and environmental policies and plans of management

- Consideration for public safety and the public's use of, and access to the public art, and domain.
- Consideration of maintenance (including vandalism), permanency and durability particularly if the artwork is considered enduring⁷.
- Evidence of funding sources and satisfactory budget, including an allocation for ongoing maintenance
- If involving a community engagement component, relevance and appropriateness of process for target group/s

10. Arts & Culture Network – Public Art Sub Committee (PASC)

The PASC will be made up of Council staff, and key external stakeholders with the relevant skill set and expertise.

Council staff representation will be drawn from across the organisation ensuring planning, construction/engineering and arts, culture and public art skills are represented.

External representation will be drawn from the existing Council Arts & Culture network, the arts sector and the community ensuring public art experts are engaged, and the community voice is heard. The committee will come together on a needs basis to assess Development Applications that include a major Public Art component. Depending on the scale, and medium being used, relevant experts will be targeted to ensure the integrity of the decision making process, and the work.

11. Art Collection Policy - Title and Maintenance

Public Art commissioned under this Policy and associated Guidelines will form part of Council's Public Art Collection, which includes maintenance requirements and de-accession. Maintenance arrangements will be included in each Public Art project agreement. Refer Art Collection Policy for further details.

Objects entering the permanent collection will be accompanied by a legal document transferring 'Title', that is full rights of ownership to Ashfield Council, once the commissioner has accepted the artwork as completed and paid the agreed commission fee.

12. Intellectual Property and Copyright

Council will have exclusive copyright licence of the works, however full copyright will remain with the artist/author of the work/object.

13. Definitions

Public Art⁸ is Art created by and/or led by professional Artists and located outside of a typical gallery context in indoor and outdoor environments, and in its broadest sense can be defined as artistic works or activities accessible to the public.

⁷ The life of the public artwork is considered to be enduring (permanent). This is approximately 10 years for painted murals and 20 years as a minimum for sculptural artworks or as set out in the artist contract/s at time of commissioning.

Public Art can adopt many forms and approaches from community cultural development, socially engaged practice, place-making projects, stand-alone Public Artworks, through to art “built in” conceptual contribution by artists to the design of public spaces and facilities, or art integrated within landscape or urban design. It can reflect a diverse range of styles and practices from traditional to contemporary art, utilise a range of art forms and mediums, and can be either permanent, temporary or ephemeral

Public Art can be incorporated into the design features of a building. Council encourages this in all developments that fall under these guidelines, and recommends the inclusion of artists, and other relevant key design and community stakeholders in the initial design process.

Public Art can mean many things to many people. The definitions at **Attachment 5** provide clarification to support implementation of this policy.

14. Attachments

ATTACHMENT 1 - Ashfield Council’s Register and Map of Significant Sites, Locations and People for Public Art (refer Attachment 3 of this business paper)

ATTACHMENT 2 - Pre-Lodgement Application - Preliminary Application for Public Art in a Major Development



Pre-lodgement Application Preliminary Application for Public Art in a Major Development

Development Details

Site Address: _____

Development Value: _____ Date of Application: _____

Developer/s Contact Details

Name: _____

Address: _____

Email: _____

Phone: _____ (M) _____

Name: _____

Address: _____

Email: _____

Phone: _____ (M) _____

OFFICE USE ONLY:

Date received: ____ Officer Assigned to the project: _____

Position: _____ Ext: _____

Funding Option: 7.1.1 7.1.2 A 7.1.2B
(please circle)

Town Centre, Gateway and /or Significant Site: YES /NO _____

Pre Lodgement Application TRIM Reference: _____

Instructions

- **Consultation and pre-lodgement discussions with Council staff are recommended** to ensure that any issues are resolved at the earliest date possible, and that the concepts meet the Guiding Principles outlined in Section 6 above. These discussions can also assist with the verification of the qualifications of the Public Art Coordinator/ project manager being nominated by the proponent.

Contact Details:

Development Application and Planning Issues:

Manager Development Services
Planning & Environment
Ph 02 9716 1954

Artwork concept and Community Development opportunities:

Team Leader Community Programs
Community Programs
Ph 02 9716 1841

- Please complete all relevant sections of this form and email to:
info@ashfield.nsw.gov.au
- If you require more space than is provided please provide additional details in a Word Doc or Pdf ensuring that information is well labelled and link to relevant questions
- Council would like any materials delivered electronically. Please forward any relevant drawings, images, plans etc. using the following as a guide for preferred formats:

What	Format
Resume/s Artist Verification Statement, additional descriptions beyond the scope of this format.	Word Doc or Pdf
Images/plans of the concept	<ul style="list-style-type: none"> • Max 5 x jpegs or pdfs (each image numbered and named) • Brief description of numbered work including medium and dimensions (Word doc or pdf – max 50 words/image)
Film/Video/ Multimedia	Hard copy options: <ul style="list-style-type: none"> • 10 minutes of DVD or MP4 on USB drive • Brief synopsis (Word doc or pdf - max 150 words)
	Soft copy options: <ul style="list-style-type: none"> • URL to YouTube or Vimeo • Brief synopsis (Word doc or pdf – max 150 words)
Music	Hard copy options: <ul style="list-style-type: none"> • 10 minutes on CD or music files on a USB drive • Lyrics and/or a description of artwork (Word doc or pdf - max 150 words) or lyrics for max 3 songs
	Soft copy options: <ul style="list-style-type: none"> • URL to online music source eg Sound Cloud, Band Camp with • Lyrics and/or a description of artwork (Word doc or pdf - max 150 words) or lyrics for max 3 songs

1.3 Town Centre Gateway, or Significant Site

Where a development is located within an identified gateway, or significant site (an area of natural, cultural, or economic significance) under '*Council's Register and Map of Significant Sites, Locations and People for Public Art*' (REFER ATTACHMENT 1) the public artwork should be consistent with the objectives and design themes of those relevant to each unique site – These can be requested as required. Please describe how this has been considered in the above project description.

(MAX 150 words)

1.4 Maintenance and Preservation

Preservation

Please provide a brief description of what mechanisms you will envisage being implemented to preserve the Public Art work ensuring longevity, and limiting risk of unnecessary alterations and/or removal without first seeking Council approval.

For example - Provide Council with a right of way, and possibility of an easement in favour of Council.

Maintenance – Please Note if you proceed with this Artwork there will be a requirement to attach a detailed description of how the Public Artwork will be maintained to the *Public Art Master Plan* – refer ATTACHEMNT 3. For example a maintenance manual.

1.5 Preliminary schematics for the public artwork – **ONLY if available**

Please attach preliminary schematics for the public artwork, which can include sketches, montages, digital renditions or other suitable concept schematics;

Refer Instruction section of this form for guidance on acceptable electronic formats

2. Anticipated Public Art Budget

Anticipated overall **Public Art budget?** _____

Please Note at Development Application stage you will be required to provide a detailed budget that includes necessary quotations for the Public Art by completing a Detailed **Budget Table**. The following should be considered when developing the budget:

- Total financial allocation towards a public artwork. The developer is to consider the budget carefully and can include; all pre-lodgement investigations, design advice, community engagement (if applicable), coordination costs, artist fees, cost of material, and construction, and maintenance costs but excludes the cost of land where upon the public artwork is located.
- Public Art can be incorporated into the design features of a building. The finances allocated toward the construction of a building can be included into the public art budget if this component is demonstrated to be public art. The artwork may serve a dual role of providing effective public domain services such as lighting or shading, provided the work is consistent with the objectives and definitions of these guidelines, DCP and its appendices. Council will exercise discretion as the determining authority in regards to whether the design concepts proposed as 'public artwork' satisfy the requirements contained within these guidelines and the DCP.

ATTACHMENT 3 - Public Art in a Major Development Master Plan TEMPLATE
**Public Art in a Major Development
MASTER PLAN TEMPLATE**
Development Details

Site Address: _____

Development Value: _____ Date of Application: _____

Developer/s Contact Details

Name: _____

Address: _____

Email: _____

Phone: _____ (M) _____

Name: _____

Address: _____

Email: _____

Phone: _____ (M) _____

OFFICE USE ONLY: _____

Date received: ____ Officer Assigned to the project: _____

Position: _____ Ext: _____

Funding Option: _____

Town Centre, Gateway and /or Significant Site: YES /NO _____

Pre Lodgement Application TRIM Reference: _____

Instructions

- **Consultation and pre-lodgement discussions with Council staff are recommended** to ensure that any issues are resolved at the earliest date possible, and that the concepts meet the Guiding Principles outlined in Section 6 above. These discussions can also assist with the verification of the qualifications of the Public Art Coordinator/ project manager being nominated by the proponent.

Contact Details:

Development Application and Planning Issues:

Manager Development Services
Planning & Environment
Ph 02 9716 1954

Artwork concept and Community Development opportunities:

Team Leader Community Programs
Community Programs
Ph 02 9716 1841

- Please complete all relevant sections of this form and email to: info@ashfield.nsw.gov.au
- If you require more space than is provided please provide additional details in a Word Doc or Pdf ensuring that information is well labelled and link to relevant questions
- Council would like materials delivered electronically. Please forward any relevant drawings, images, plans etc. using the following as a guide for preferred formats:

What	Format
Resume/s Artist Verification Statement, additional descriptions beyond the scope of this format.	Word Doc or Pdf
Images/plans of the concept	<ul style="list-style-type: none"> • Max 5 x jpegs or pdfs (each image numbered and named) • Brief description of numbered work including medium and dimensions (Word doc or pdf – max 50 words/image)
Film/Video/ Multimedia	Hard copy options: <ul style="list-style-type: none"> • 10 minutes of DVD or MP4 on USB drive • Brief synopsis (Word doc or pdf - max 150 words)
	Soft copy options: <ul style="list-style-type: none"> • URL to YouTube or Vimeo • Brief synopsis (Word doc or pdf – max 150 words)
Music	Hard copy options: <ul style="list-style-type: none"> • 10 minutes on CD or music files on a USB drive • Lyrics and/or a description of artwork (Word doc or pdf - max 150 words) or lyrics for max 3 songs
	Soft copy options: <ul style="list-style-type: none"> • URL to online music source eg Sound Cloud, Band Camp with • Lyrics and/or a description of artwork (Word doc or pdf - max 150 words) or lyrics for max 3 songs

1. Funding Option

Please circle agreed funding option – A or B:

The **Developer agrees to install a Public Artwork** on the development site. This could be delivered in one of the following two ways:

- A. As part of the overall Development plan.** This contribution will be embedded into the overall Development budget and be quarantined for Public Art. The Public Art costs and associated responsibilities lie with the proponent, and will be based on meeting Council's requirements as set out in these Guidelines.
- B. A collaborative project between Council and the Developer** negotiated during the DA process, involving the proponent making available land and/or space (E.g. wall, public thoroughfare etc.) for the installation of a public artwork. The proponent will also provide project funds to cover artwork development, concept, artist fees, materials, installation and maintenance. Council will oversee, and manage the implementation of the Public Art work, which may include a community engagement element. This option must also meet requirements set out in these Guidelines.

2. Town Centre, Gateway and /or Significant Site

Is your development in or near (please circle, and provide detail)

Town Centre: Ashfield Summer Hill Haberfield Croydon

Gateway: _____

Significant Site: _____

3. Public Art Coordinator/Project Manager (FUNDING OPTION A ONLY)

Details of Identification Public Art coordinator or verified Project Manager, and evidence of skills appropriate to manage scale of the work. Refer Council's list of approved Public Art Coordinators/Project Managers

Name: _____ Phone: _____

Email: _____

Resume attached (please circle): YES NO

4. Council Collaboration (FUNDING OPTION B ONLY)

Location within the development site dedicated to a Public Art work: _____

Will this artwork include a community development community YES NO

Provide brief description of community development component: _____

Council has provided in principal support to collaborate on delivering the project pending agreement on; Artist and Partnership Letter of Engagement, right of way/consideration of easement in favour of Council, maintenance and ownership responsibilities, communication strategy, agreed budget etc.

YES

NO

Please attach letter of support from relevant section of Council

Council staff member/s* who will collaborate on the project

Name: _____

Position: _____ Ext: _____

** This will ordinarily be the an Arts & Culture worker from the Community Programs Team.***5. Artist/s Details**

Details of the artist/s including a resume and evidence of skills appropriate to the scale of the work.

Name: _____ Phone: _____

Email: _____

Resume attached (please circle): YES NO

Name: _____ Phone: _____

Email: _____

Resume attached (please circle): YES NO

[illegible]

Please attach detailed schematics for the public artwork, which can include sketches, montages, digital renditions or other suitable concept schematics;

Attach any relevant detailed drawings, images, plans etc. using electronic format guide in the Instruction section of this form

Location of the artwork within the subject site and dimension details (height, width etc.)

6.4 Guiding Principles and Selection Criteria

Justification as to how the proposed artwork satisfies both the Public Art Guiding Principles Section 6, and the selection criteria detailed at Section 8 of the *Public Art in Private Developments - Developer Guidelines*

6.5 Integration

A description of how the proposed artwork integrates into the site and surrounds, the development intention of the artwork and sensitivity to existing urban design qualities.

6.6 Town Centre, Gateway, or Significant Site

Where a development is located within an identified gateway, or significant site (an area of natural, cultural, or economic significance) under '*Council's Register and Map of Significant Sites, Locations and People for Public Art*' (REFER ATTACHMENT 1) the public artwork should be consistent with the objectives and design themes of those relevant to each unique site – These can be requested as required. The developer is to demonstrate how this is achieved and demonstrate how the public artwork is responsive to these attributes.

6.7 Evidence of Research

Include evidence of research and consultation documentation undertaken throughout the concept development process for the artwork.

7. Maintenance and Preservation

7.1 Preservation

Please provide a detailed description of what mechanisms will be in place to preserve the Public Art work ensuring longevity, and limiting risk of unnecessary alterations and/or removal without first seeking Council approval.

For example - Provide Council with a right of way, and possibility of an easement in favour of Council.

7.2 Maintenance

Please provide a detailed description of how the Public Artwork will be maintained. For example maintenance manual.

8. Public Art Budget

What is the anticipated **Public Art budget**? _____

You are required to provide necessary quotations for the Public Art, and a detailed Budget using the table on the following page as a guide. The following should be considered when developing the budget:

- Total financial allocation towards a public artwork. The developer is to consider the budget carefully and can include; all pre-lodgement investigations, design advice, community engagement (if applicable), coordination costs, artist fees, cost of material, and construction, and maintenance costs but excludes the cost of land where upon the public artwork is located.
- Public Art can be incorporated into the design features of a building. The finances allocated toward the construction of a building can be included into the public art budget if this component is demonstrated to be public art. The artwork may serve a dual role of providing effective public domain services such as lighting or shading, provided the work is consistent with the objectives and definitions of these guidelines, DCP and its appendices. Council will exercise discretion as the determining authority in regards to whether the design concepts proposed as 'public artwork' satisfy the requirements contained within these guidelines and the DCP.

9. Artist Verification Statement,

Please attach an Artist verification statement, which provides evidence that the artist has viewed all documentation to be submitted as part of the development application, and is satisfied that the submitted documentation is consistent with the final design concept of the artwork.

Budget Details

Item Category	Item detail	Cost	Explanatory Notes <i>If required</i>
Pre-lodgement investigations			
Design advice			
Community engagement <i>(If applicable)</i>			
Coordination Costs e.g. Public Art coordinator/Project Manager fee			
Artist/s Fees			
Material/ construction costs			
Maintenance Costs			
Other			

ATTACHMENT 4

Procedure for Incorporating Public Art into Development Applications - Flow Chart

Major Development (valued at \$5m or over) OR Development in a gateway, Town Centre

Developer to commence pre-lodgement discussions with

Developer to decide which of the Developer Public Arts Funds Options they wish to pursue:

- 7.1.1 – Developer financial contribution
- 7.1.2 A - Public Art Work incorporated as part of the development, and managed by the Developer

Funding
Option

Council calculates lump sum. Value calculated at 1% of total value of the development.

Funding
Option

Developer submits preliminary pre-lodgement application for the public art component. This is to include details at 7.2 of these Guidelines and the completion of the Application Form ATTACHMENT 3

Funding
Option

Council provides feedback on pre-

Funding
Option

Council provides feedback on pre-lodgement application and nominates internal Project Manager, and investigates Community Development

Funding Option
7.1.2 B

Internal processes triggered ensuring development of robust Project Plans, Agreements and protocol covering artist engagement, artwork check points ownership/maintenance of the artwork,

A Development Application lodged with Council that must include the Masterplan, design for the public artwork and the Artist Verification Statement. Refer details at sections 8 & 9 of these Guidelines to assist

The final design concept along with the Masterplan for the public artwork is to be approved by the PASC (where appropriate), and signed off by Council prior to release of construction certificate

The public artwork is to be constructed and installed, with a Certificate of Completion signed by the artist, and submitted to Council prior to the release of an Occupation Certificate. Council will negotiate check points pre and during the installation ensuring quality and integrity of the work. This should include inspections of the artwork pre-installation, and final

Final site inspection and finalisation of paperwork including title, exchange maintenance plan etc

Developer commits to and supports a marketing campaign to promote new Public artwork in collaboration with Council

ATTACHMENT 5 - Public Art and Developer Definitions

Item – Public Art

Public Art is an overarching terminology that encompasses a range of further descriptions to define the type, size, dimensions, purpose, function and length of time in the public realm. Each public art is unique and will usually fall under more than one description as detailed below:

Description and Inclusions	Exclusions
Art Is a work that broadly embraces visual, oral and performing arts that includes a human presence and broadens challenges or questions traditional cultural views? It is any original human creation, which contains an idea and culminates in a set of processes with the outcome considered to be art.	
Commemorative Public Art that is to commemorate a celebration or a significant event from the passages of time.	
Community Art Arts based projects where the creative practices, processes, concepts and decisions have substantial community participation, or the project is community initiated and led. Community art is essential to community cultural development and place making practices. Community art projects completed, installed and or performed in the public realm are classified as public art.	
Enduring The life of the public artwork is considered to be enduring (permanent). This is approximately 10 years for painted murals and 20 years as a minimum for sculptural artworks or as set out in the artist contract/s at time of commissioning.	
Exhibition A collection of public artworks in the public realm either indoors or outdoors which was created by an artist/s for the intention of a public display within a specified timeframe.	
Integrated/Functional Art Artworks that are created by an artist and fully Incorporated within the design of the built or natural environment, e.g. street furniture, buildings, bollards, gardens, sand dunes, footpaths, lighting, sound etc. Works can sometimes be purely functional without being integrated.	Standard signage. Standard, or off the shelf style street and park furniture. Works that an urban designer, architect or landscape architect would design as part of their scope.
Interpretive The purpose of the public art is to describe, educate and comment on issues, events and situations. Examples include; markers, nodes, text, aural messages and inlays. Public art can be considered interpretive and/or conceptual; meaning that it is up to the viewer to explore and interpret the underlying layers to the work or performance.	
Major A significant cost associated to the public art commissioning, usually \$100,000 or more.	
Performance based/Roaming Artists performing in a public space are considered a form of public art. This can include; musicians, dancers, comedians, actors,	

poets, film-makers, buskers, circus performers and projectionists.

Plonk

A work that deliberately (or sometimes unintentionally) is placed in a specific location but does not relate or is responsive to that location. Usually the work was not designed for the location it has ended up in. This type of public art installation can sometimes work well or can be very controversial.

Scale

Scale refers to size and terminology.

From largest to smallest:

- Landmark
- Gateway
- Iconic/Signature/Significant
- Human
- Small
- Micro

Site Specific

An artwork that is site specific refers to it being designed specifically for, and responsive to a particular site through scale, material, form and conceptual story.

Socially Engaged Art Practice

A practice that is developed and delivered through collaboration, participation, dialogue, provocation and immersive experiences. The focus is on process, and the artist seeks to embed themselves within a community providing opportunities to respond to a specific need and/or agenda of the community and hence widen participation.

*(Lynn Frogget et al, New Model Visual Arts Organisation & Social Engagement
<http://www.creativityworks.org.uk/our-impact/socially-engaged-art/>)*

Street

Aerosol murals, paste-ups, stencils etc. that are located in public places, e.g. fences and buildings in urban streets and laneways etc. They are classed as legal (not graffiti) and have approval by owners to be displayed.

Temporary/Ephemeral

Public art that is not permanent. It may have a set period of time that it is to remain in the public realm or may organically decompose and/or disappear. Includes illumination.

2D

Public art that is considered flat and 2-dimensional; e.g. street art, murals, projections, paste ups, framed works, art integrated into the face of a wall, floor or fence.

3D

Public art that is considered 3-dimensional and can be viewed from various angles; e.g. sculptures, holograms, artworks that are free standing, suspended or on footings, plinths, and various types of integrated art works.

Item - Artist

For the purposes of inclusiveness the term artist is applied to visual artists, performing artists, writers, musicians, craft designers filmmakers, photographers and includes mixed media. Artist will also work across these platforms.

Description and Inclusions

Exclusions

Community

An artist with facilitation and community development skills who is able to guide or lead community members to participate in meaningful and empowering community art projects

Emerging

A person who is starting their professional career as an artist. Can be a young person or an adult usually in the first five years of starting their arts practice.

Hobbyist (semi-professional)

A person who works intermittently in their chosen field of arts practice and is not actively seeking recognition as a professional artist nor is making their primary source of living from their arts practice. Has no ABN.

Professional (Established)

Any arts practitioner working in the arts who makes their primary source of living from their art and is either professionally trained or recognised as a professional artist through their track record and accepted by their professional peers as an artist.

Item - General Terms

Description and Inclusions

Exclusions

Artist Verification Statement

Refers to a document signed by the commissioned artist that verifies that the artist is satisfied with the final design concept in regard to the proposed integration of the artwork into the subject development site.

Accession

The process of acquiring public art, either through commission or acceptance as a gift.

Certificate of Completion

Refers to a document signed by the commissioned artist that verifies that the public artwork has been completed and installed on site.

Community Group

Not-for-profit groups, agencies, organisations

De-accession

The process of permanently removing a public artwork from the public realm.

Developer

Large-scale organisations responsible for developing new precincts, including open space, streetscapes and new builds. Can include State/Federal Government if undertaking a Developer's role within the LGA.

Development Cost

Refers to the total financial cost to the applicant of a proposed development excluding the cost of land and associated holding costs. This includes the planning and project management of the development.

Gateway Site

Gateway site in reference to public art denotes original artwork that is developed and designed specifically in response to, and for location in, a particular site that has been identified by Council as 'Gateway' site.

Artwork that is of a generic design and has not been developed in response to the specific site is not considered to comply with this definition.

Integrated Teams

Integrated can sometimes refer to a process; e.g. a professional artist is independently appointed and integrated into a new project from the outset and becomes part of a newly formed integrated team, working alongside architects, urban designers, landscape architects and other professionals.

Intellectual Property/Copyright

Title (ownership of the Artwork) is separate from Copyright in the Artwork. Council will have exclusive copyright licence of the commissioned work, however full copyright will remain with the artist/author of the work/object. However agreement can be reached through a contract to transfer elements of copyright.

Major Development

Refers to all development valued at \$5 Million or greater in terms of total development cost.

Moral Rights

Under the Copyright Act 1968, Moral Rights ensure that the author/creator have their work treated in a certain way. There are three kinds of Moral Rights, namely:

- A right to attribution.
- A right to not have authorship falsely attributed.
- A right of integrity. (The right to not have an author's work subject to changes which may be derogatory to the author's reputation; e.g. that the work will be presented in agreed locations to acceptable standards)

Prequalified List

Refers to a public register of self-nominated Public Art Project Managers who have been assessed by Council to satisfy the public art project manager criteria. The Prequalified Public Art Project Managers List is available from Council.

Public Art Sub Committee (PASC) a sub-committee of Council's Arts & Culture Advisory Network. The PASC will support the implementation of the Public Art Policy and Strategy by providing guidance on a needs basis to Council on proposed public artworks where appropriate. The committee is made up of both internal and external stakeholders and relevant experts.

Public Administration Development

Development for the purposes of an office, administrative or other like purposes by the Crown, a statutory body, or an organisation established for public purposes, and includes a courthouse or a police station.

Public Art Budget

Is the total financial allocation towards a public artwork, which includes any coordination costs, community engagement, artist fees and the cost of materials, construction, maintenance and excludes the cost of land where upon public art is located.

Public Art Manager (external to Council)

Is an external specialist that the Developer is required to engage pending funding source option detailed in Section 7 of this policy. Their role is responsible for the planning, management and reporting of the Public Art proposal and Master Plan to Council on behalf of the proponent. A Public Art Manager must meet the requirements of the role, and be approved by Council

Public Art Master Plan

Is the documentation submitted with the development application which includes the identification of a Public Art Manager and Project Artist(s), summarises research, site assessment, art concept development and artwork location(s), reporting of proposed conceptual design including fabrication techniques, materials, relevance of the concept to the site and surrounding area, and detailed budget including quotes. Refer ATTACHMENT 3.

Public Domain

- Streets, paths, trails, transport corridors, entrance routes and roadways.

Private property that is considered out of the public view

- National Parks, reserves, local parks and playgrounds.
- Beaches, rivers, lakes, wetlands, jetties, mangroves and dunes.
- Sky, air (sound and smell)
- Community and civic indoor and outdoor spaces, squares, halls, libraries and centres.
- Privately owned facades, buildings and places which have either access or direct view to the public - Includes land and property owned by private developers, and State and Federal Agencies

Place making

Social capital through a concept that interesting and vibrant places attract people and create a sense of connection and belonging.

Place making in its truest form has no defined boundaries and is a continuous process of value adding for the enjoyment of people.

Place making can be structured or organic, long term or short term and can occur as a redevelopment or community initiative to improve local places. Quality public art can be a defining contributor to good place making.

Private Sector

Business, Contractors, Consultants

Quality

The work is considered to be of a high artistic standard, underpinned by a strong conceptual response, is original, innovative, robust and aesthetically appealing. Quality work reflects the highest standards of research, production and presentation.

Title

Title refers to the full rights of ownership of the Artwork. Title is separate from Copyright in the Artwork.

Title will be transferred to the commissioner once they have accepted the artwork as completed and paid the full commission fee.

Verified Project Manager

Refers to a project manager who has demonstrated skills, experience and ability that enables them to also take the role of a Public Art Coordinator.

ATTACHMENT 1

Ashfield Council Register of Significant Sites, Locations and People for Public Art

Sites and locations of significance in Ashfield LGA

Address	Significance
10 Norton St, Ashfield	Former Ashfield Children's Library.
11-13 Hercules St, Ashfield	Former Ashfield Post Office. Existing building erected in 1926.
12-14 Victoria St, Ashfield	Ashfield Police Station - one of the original police stations forming the Metropolitan Police District when the Police Regulation Act was introduced in 1862.
16 Victoria St, Ashfield	Ashfield Fire Station
185 Parramatta Rd, Haberfield	Yasmar - one of the oldest buildings in Ashfield first owned by the historic Ramsay family. Property was commandeered for officers' quarters during World War II and eventually obtained by Government for use as Juvenile Justice training facility.
26 Gower St, Summer Hill	Former Burilda Private Hospital.
206-208 Liverpool Rd, Ashfield	Site of the first Ashfield School of Arts then Baptist Tabernacle until building demolished and the Kings Cinema erected, now also demolished.
4 Blackwood Ave, Ashfield	Formerly Milton House, one of Ashfield's earliest surviving homes. Sir Henry Parkes lived here from 1876-1880.
48 Arthur St, Ashfield	Formerly Gallop House, home of Quong Tart, one of Sydney's most respected citizens of the late 19th and early 20th centuries.
56 Liverpool Rd, Summer Hill	Former residence of Dr H. Critchley Hinder (leading surgeon), then in 1920 sold to Benevolent Society of NSW and became Renwick Hospital for Infants. In 1965 became Grosvenor Diagnostic Hospital for Children.
63 Victoria St, Ashfield	Sydney Private Hospital - former NSW Masonic Hospital. Site of 'Fernlea' mansion, birthplace of the Presbyterian Ladies College.
85 Victoria St, Ashfield	Mountjoy - In 1882 it became Presbyterian Ladies College until Shubra Hall in Croydon was built. Then it was home of Thomas Peters the engineer who built Burrinjuck and Cataract dams. Briefly home of Frederick Clissold while he built Glentworth. Later added to NSW Masonic Hospital grounds.

Known people with a connection to the Ashfield LGA

Name	Occupation / Significance	Connection to Ashfield
Akhurst, Daphne Jessie (1903-1933)	tennis player, winner of five Australian titles	born and raised in Ashfield
Antill, John Henry (1904-1986)	musician, composer and broadcaster	born in Ashfield, educated at Trinity Grammar School, Summer Hill

Auld, James Muir (1879-1942)	artist, winner of 1935 Wynne Prize	born in Ashfield, educated at Ashfield Public School, employed as clerk by Ashfield Borough Council, studied drawing at Ashfield Technical School
Barnard, Marjorie Faith (Marjory) (1897-1987)	writer and historian	born in Ashfield
Brooks, Geraldine	Pulitzer Prize-winning author	grew up in Ashfield and lived here during her university studies
Carey, Gabrielle	author	lives in Ashfield LGA
Clunies Ross, Sir William Ian (1899-1959)	veterinary scientist and founder of CSIRO	lived in Church St Ashfield
Cyrill, Christopher	published novelist	lives in Ashfield LGA
Dease, Conly John Paget (Jack) (1906-1979)	broadcaster and actor, featured on 85 cent stamp issued by Australia Post in 1991	died in Ashfield
Glover, Richard	writer, author and broadcaster	lives in Ashfield LGA
Halloran, Henry (1811-1893)	civil servant and poet	lived in Ashfield home 'Mowbray', died in Ashfield, buried in St John's Church of England cemetery
Kent, Milton (1888-1965)	photographer	lived in Ashfield
Kerr, Doris Boake (1889-1944)	writer	born in Summer Hill
Lang, John (1816-1864)	poet and barrister, first native-born Australian novelist, son of Elizabeth Underwood	grew up in Ashfield
Litchfield, Jessie Sinclair (1883-1956)	Northern Territory pioneer and author	born in Ashfield
Macleod, Euan	artist, winner of 1999 Archibald Prize and 2001 Sulman Prize	lives in Haberfield
Mei Quong Tart (1850-1903)	merchant and philanthropist	lived and died in Ashfield home 'Gallop House'
Miles, Beatrice (Bea) (1902-1973)	bohemian rebel	born in Ashfield
Parkes, Sir Henry (1815-1896)	former NSW Premier, politician and journalist	lived in Milton House and largely instrumental in securing Ashfield Park for the municipality
Stirling, Helen Dorothy (Nell) (1909-1951)	radio actress	born in Summer Hill
Travers, P. L. (1899-1996)	author of Mary Poppins	lived at 17 Pembroke St Ashfield from 1918-1924
Wills, Frederick Charles (1870-1955)	artist, photographer, motion picture pioneer	lived in Ashfield LGA (Croydon)
Young, Angus and Malcolm	co-founders of rock band AC/DC	alumni of Ashfield Boys High School

Subject	NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT
File Ref	SC628
Prepared by	Carolyn Walker - Executive Assistant
Reasons	To advise Council of the call for motions for the 2016 General Assembly of Local Government and nominate delegates to attend.

Overview of Report

This report advises Council that the National General Assembly of Local Government is to be held on 19-22 June 2016 at the National Convention Centre Canberra.

The Australian Local Government Association (ALGA) is calling for motions under the theme “Partners in an Innovative and Prosperous Future” with the deadline for submission noted as 22 April 2016

Background

The 2016 National General Assembly (NGA) of Local Government will be held between Sunday 19 June 2016 and Wednesday 22 June 2015 in Canberra. The theme is Partners in an Innovative and Prosperous Future.

The NGA provides an opportunity for Councils to influence the national policy agenda by:

- a) identifying national priorities that ALGA might be able to pursue at the national level; and;
- b) identifying priorities that are shared by all Councils, regardless of state differences, that relate to federal matters.

To assist Councils in preparing motions, a Discussion Paper has been prepared which provides background information on the theme, and is attached for information.

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

1. Be relevant to the work of local government nationally.
2. Be consistent with the themes of the Assembly
3. Complement or build on the policy objectives of your state and territory local government association

NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

4. Propose a clear action and outcome and
5. Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of local government.

Conclusion

Should Council wish to submit any motions to the General Assembly, the deadline for the submission with ALGA is 22 April 2016.

ATTACHMENTS

Attachment 1	National General Assembly Program	2 Pages
Attachment 2	Call for Motions	9 Pages

RECOMMENDATION

- 1/3 That Council note the report.
- 2/3 Nominate any delegates to attend the 2015 National General Assembly of Local Government in Canberra between 19-22 June 2016.
- 3/3 Determine any motions that are to be submitted on behalf of Council.

VANESSA CHAN
General Manager

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2016 PROVISIONAL PROGRAM

Sunday 19 June 2016

8.00am Registration Opens

5.00pm WELCOME RECEPTION

Monday 20 June 2016

8.00am Registration Opens

9.00am **Opening Ceremony**

Prime Minister, the Hon Malcolm
Turnbull MP (invited)

10.00am **Keynote Speaker**
Innovation and its role in prosperity

10.30am MORNING TEA

11.00am **Panel Session**
The future of Local Government

12.30pm LUNCH

1.30pm Debate on Motions
Leader of the Australian Greens,

2.30pm Senator Dr Richard Di Natale
(invited)

3.00pm AFTERNOON TEA

3.30pm Debate on Motions

5.00pm Close Day 1

**7.00pm BUFFET DINNER, National
Convention Centre**

Tuesday 21 June 2016

8.00am Registration Opens

Minister for Major Projects, Territories
and Local Government, the Hon Paul
Fletcher MP (invited)

Keynote Speaker

9.30am Pip Marlow, Managing Director,
Microsoft

10.00am Innovation Discussion

10.30am MORNING TEA

11.00am **Panel Session**
Innovation through digital
transformation

12.30pm LUNCH

1.30pm **Concurrent Sessions**

- Transforming Australian communities
- The infrastructure challenge
- Innovative approaches to the environment
- Northern Australia

3.00pm AFTERNOON TEA

3.30pm Debate on Motions

4.30pm Leader of the Opposition, the Hon Bill
Shorten MP (invited)

5.00pm Close Day 2

7.00pm

**OFFICIAL DINNER, Parliament
House**

Wednesday 22 June 2016

- Shadow Minister for Regional
9.00am Development and Local Government,
the Hon Julie Collins MP (invited)
- 9.30am Debate on Motions
- 10.30am MORNING TEA**
- 11.00am **Panel Session**
Facilitating prosperity
- 12.30pm **Keynote Speaker**
Robert de Castella
- 1.00pm LUNCH/CLOSE**

CONFERENCE SECRETARIAT: CONFERENCE CO-ORDINATORS

Phone: [02 6292 9000](tel:0262929000) Email: NGA@confco.com.au
Fax: 02 6292 9002 Address: PO Box 4994 CHISHOLM ACT 2905



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

National General Assembly of Local Government

19 - 22 June 2016

Call for Motions Discussion Paper

**'Partners in an Innovative and
Prosperous Future'**

Motions should be lodged electronically at www.alga.asn.au no later than

11:59pm on Friday 22 April 2016.

Submitting Motions

The National General Assembly of Local Government is an important opportunity for you and your council to influence the national policy agenda.

To assist you and your council to identify motions that address the theme of the NGA, the ALGA Secretariat has prepared this short discussion paper. You are encouraged to read all of the sections of the Paper, but are not expected to respond to every question in each section. Your motion/s can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and then debate on the floor of the NGA, motions must be consistent with the following principles:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the Assembly
3. complement or build on the policy objectives of your state and territory local government association
4. propose a clear action and outcome, and
5. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: *That this National General Assembly call on the Federal Government to restore indexation to local government financial assistance grants.*

Motions should be lodged electronically using the online form available on the NGA Website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received by ALGA no later than 11:59pm on Friday 22 April 2016, electronically in the prescribed format.

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the sub-committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Motions may be edited before inclusion in the Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association, and will not be included in the Business Papers.

For more information, please contact Clare Hogan at ALGA on (02) 6122 9400.

Preamble

The 2016 National General Assembly (NGA) is most likely to be held in the lead up to the next Federal election. During this time, all national political parties focus on leadership, key messages, marginal seats and political campaigning. National policy initiatives enter the public domain and all Australians are asked to engage in the political process and choose between competing ideas, election promises and the numerous candidates across the nation.

Last year's NGA theme was *'Closest to the People - Local government in the Federation'*. The theme reinforced the vital role of local government in Australia's system of government. It built on the Government's Federation White Paper process, which sought to clarify roles and responsibilities of the levels of government and potentially better align funding with respective responsibilities. It also acknowledged the development of a Green Paper on Taxation. The NGA greatly assisted ALGA in its advocacy and participation in the reform process.

Since then there has been much debate on taxation reform, which will culminate at the 2016 Federal election.

In December 2015 the Council of Australian Governments (COAG) reset the national political dialogue. COAG committed to:

'... close collaboration in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as in health and education.'

COAG leaders agreed the principles for a new national economic reform agenda should be:

'...to deliver for all Australians no matter where they live:

- a stronger, more productive and more innovative Australian economy, with more jobs, more opportunities and higher living standards
- fairness and equity, with protection for disadvantaged and lower income Australians, and
- more efficient and high quality services.'

The theme of the 2016 NGA – *'Partners in an Innovative and Prosperous Future'* – invites councils from across Australia to consider the role of local government in this agenda, and how councils can play their role in the delivery of these objectives.

Many of the services and infrastructure provided by councils are not only critical to the social, cultural and environmental well-being of their communities, but also to the economic prosperity of their regions and the nation more broadly.

The NGA debate on motions and associated discussions will seek to highlight how local government can be more agile in delivering those services to communities, as well as send a strong and unified message to the Commonwealth.

Introduction

The 2016 NGA theme is *'Partners in an Innovative and Prosperous Future'*.

This year, the NGA debate on motions and associated discussions will seek to highlight how local government can be more efficient and effective. The discussions will look at how local government, working in partnership with other levels of government, the private sector and the not-for-profit sector, can innovate and create a prosperous future for the community it serves.

This year's theme builds on the work of the 2015 NGA which focused on local government's role in the Federation. The Commonwealth Federation Discussion Paper 2015 sets a context in which motions for this year's NGA should be developed.

The theme *'Partners in an Innovative and Prosperous Future'* seeks to focus attention on the role that local government can play in creating a prosperous Australia. The Federation Discussion Paper notes that Australia today is very different from the country it was at the time of Federation and poses the fundamental question: '... does [the Federation] provide the system of national governance that Australians need right now, and will it help or hinder efforts to adapt and thrive in the vastly different economic, political and social realities of the 21st century?'

To put this question in a local government context:

Are the government systems (including our own), processes and priorities, in many cases set up decades ago, still appropriate today?

Are they delivering accessible and fair systems and are they a help or hindrance? Do they facilitate business activity and contribute to higher living standards, or are they a drag on the local economy? Are they necessary or do they duplicate effort?

Technological change has created opportunities, making many traditional models of business and government obsolete. Have these opportunities been taken up?

Participatory democracy is being enhanced through empowering individuals and local communities with new knowledge and new ways of engaging with each other and with governments. Are these opportunities being captured?

Australian productivity and living standards are comparatively high by world standards. However, the current national productivity and reform debate recognises that without reform, Australia risks being left behind on the world stage—meaning fewer jobs, lower economic growth, and reduced living standards.

COAG has responded positively to this challenge. All governments have committed to collaborate particularly in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as health and education.

The 2016 NGA seeks motions that suggest reform, innovation in government operations and opportunities to partner with local government that will support Australia's prosperity.

Local government role in national productivity

Over several decades, the NGA has called on the Australian Government to recognise the importance of greater levels of investment in local and regional infrastructure. This advocacy has been, in part, built on equity considerations as well as productivity considerations.

The NGA has called on the Australian Government to increase Financial Assistance Grants and Roads to Recovery (R2R) funding. These calls have been predominantly based on the need for the Commonwealth to help achieve horizontal equity (i.e. an equitable level of municipal services across the country) and the need to assist local councils to rebuild and maintain local infrastructure, particularly roads.

The rationale for permanent R2R funding and additional freight investment is that essentially the purpose of R2R is to restore the capacity of local roads to a standard able to sustain social and economic services, whereas additional funding through freight investment would be required to improve the standard of roads to meet the higher service levels required to handle higher productivity vehicles and significantly higher volumes of freight traffic.

The NGA's calls to the Australian Government have also sought recognition that local infrastructure provides important economic services. Local roads, for example, are an essential component of the national road network and therefore add to local and regional productivity and, in aggregate, make a significant contribution to state and national productivity.

Community infrastructure also plays an important role in local and regional economic development by enhancing the quality of life for residents as well as helping to attract and retain population, skilled workers and a local and regional workforce. The State of the Regions Report in 2015, commissioned by ALGA and written by National Economics, showed that there is a strong economic rationale for ensuring that all regions in Australia prosper. The report confirmed OECD findings that regional inequality reduces national productivity.

Local government's objectives in local economic development are diverse. They recognise local circumstances, availability of resources and the impact of external factors such as privatisation, technological change, globalisation and structural industry changes. For some councils, particularly in rural and regional areas, the focus is on stemming the decline in population, loss of businesses and local employment. For others, it is a focus on working with local businesses and the local community to optimise economic development and opportunities for the area.

Local government can facilitate and support economic development but it is frequently criticised for impeding economic development by imposing additional costs on business including through regulation, creating red-tape, providing unsuitable infrastructure etc.

Australian councils contribute significantly to the productivity and economy of their regions by focusing their efforts in three key strategic areas:

- creating and maintaining the investment environment – ensuring the availability of appropriate physical and social infrastructure, striving to deliver a quality public domain, and ensuring sufficient housing diversity and lobbying on behalf of local and regional communities for sufficient community services such as education and training, health and well-being, community safety and emergency services
- facilitating new local investment – actively promoting business development through facilitating local economic development, strategic planning, working with business

associations/main street organisations, and active involvement with tourism or other business activities, and

- attracting external investment through the creation of new business and capital – working with regional bodies such as RDA, Austrade and developers to attract and create new businesses and investment.

Local government has a key role to play in the provision of support services and infrastructure that underpins local and regional economic development, and therefore local government plays an essential part in achieving higher productivity. In broad terms, actions geared to creating and maintaining the investment environment in local and regional communities are considered to be of prime importance to a majority of local councils and it is this area that ALGA has focused its greatest attention.

Local government is a natural leader in local economic development because councils know their local business communities, workforce and comparative advantages better than anyone else. Local people and businesses are the key to economic growth and development and councils are perfectly positioned to work with local stakeholders to drive a bottom-up, place-based approach to achieve prosperity. Every council's economic development activity will be different according to the unique structures and needs of their local economies, as well as the capacity of the council and community.

Questions

Given the importance of local and regional infrastructure are there any national initiatives that could further assist local government to support local and regional productivity?

Are there areas of reform that local government can explore to enhance economic development and productivity?

Partnering

The term *partner* as a noun is defined as '... a person who takes part in an undertaking with another or others, especially in a business or firm with shared risks and profits.' In the context of the 2016 NGA, it can be interpreted as '... how councils can take part in an undertaking with others, including sharing the risk, for the benefit of the community'.

Local government provides a vast array of services and local infrastructure, often in partnership with others including other governments, the private sector, the community and not-for-profit sector.

Example of partnerships include:

- the provision of a local swimming pool in partnership with the private sector, or a not-for-profit organisation, that provides the management service of that facility
- the provision of Meals on Wheels in partnership with the community not-for-profit sector delivering meals to residents at their homes, and
- the provision of Home and Community Care (HACC) to targeted groups of clients in the municipality, in partnership with the federal and state governments which provide funding.

Other examples include:

- councils partnering with a university to provide locally-relevant research to inform decisions on issues such as development applications in areas that could be effected by sea level change
- partnering with other councils to share resources and skills, and
- partnering with the private sector to develop new and innovative ways of delivering services, such as electronic planning or apps to report pot holes.

A key feature of each of these examples is that each party brings different expertise, skills, resources and experiences to the specific undertaking. The combination of these skills, expertise and resources frequently results in innovation and the provision of a service in a way that would not be possible by either party separately.

An alliance between local government and other partners creates new opportunities for business as well as innovative services, increased efficiency, cost savings and more accessible service to the benefit of the community.

Questions

Please note, where local government is mentioned in the following questions it refers to local government as a whole, not specific proposals for partnerships at a single council level. Questions are designed to draw out new ideas that could transform the delivery of services and infrastructure at a systemic level.

Are there new opportunities for the Australian Government to partner with local government to deliver Commonwealth services at the local level? What would be the role of the Commonwealth in such a partnership? How would this benefit the community?

Are there partnerships that could be developed to maximise the opportunities to innovate and provide simpler, smarter and more reliable services and infrastructure at the local level? If so, what are these opportunities and what would be the role of the Commonwealth in supporting these partnerships?

Are there opportunities for the private sector to partner with local government to speed up and improve a local government service or function? What role could the Commonwealth play in facilitating these opportunities?

Innovation

The Australian Government has declared its strong support for innovation. The Government's National Innovation and Science Agenda says innovation is:

'... at the heart of a strong economy—from IT to healthcare, defence and transport—it keeps us competitive, at the cutting edge, creates jobs and maintains our high standard of living. It's not just about new ideas, products and business models; innovation is also about creating a culture where we embrace risk, move quickly to back good ideas and learn from mistakes.'

The statement has a focus on a range of objectives including:

- entrepreneurship and leveraging our public research
- increasing collaboration between industry and researchers to find solutions to real world problems and to create jobs and growth
- developing and attracting world-class talent for the jobs of the future, and
- government leading by example by embracing innovation and agility in the way we do business.

Questions

What is the role of local government in this innovation agenda?

Are these objectives relevant to local government itself? For example, is its role in increasing collaboration between industry and researchers to find solutions to real-world problems and to create jobs and growth? If so, how can these solutions be shared to the benefit of all councils and their communities. How could the Australian Government help this to occur?

What can local government bring to the table as a partner? For example, does local government hold data that, having regard to privacy issues, could be shared with the private sector which could put it to innovative uses? How could the Australian Government support this?

Are there digital innovations that could be introduced to local government that would increase the efficiency of businesses working with local government and vice-versa. How could the Australian Government support this?

Is there a role for local government to help innovative start-ups to rapidly transform their ideas into globally competitive businesses by giving them mentorship, funding, resources, knowledge and access to business networks? If so, how could the Australian Government support this?

Resourcing

In the 2014-15 Federal Budget, the Government committed to provide \$2.2867 billion in Local Government Financial Assistance Grants (FAGs). However, the Government also announced it would pause the indexation of FAGs for the three years following that budget.

FAGs are a Commonwealth Specific Purpose Payment to local government paid through the State and Territory Governments. Payments are made to councils by jurisdictional Treasurers on the advice of state and territory Local Government Grants Commissions under the provisions of the *Local Government (Financial Assistance) Act 1995*.

The objects of the *Local Government (Financial Assistance) Act 1995* enable the Commonwealth Parliament to provide assistance to the states for the purposes of improving:

- (a) the financial capacity of local governing bodies
- (b) the capacity of local governing bodies to provide their residents with an equitable level of services
- (c) the certainty of funding for local governing bodies
- (d) the efficiency and effectiveness of local governing bodies, and
- (e) the provision by local governing bodies of services to Aboriginal and Torres Strait Islander communities.

Freezing the indexation of FAG's will reduce Commonwealth expenditures (and grants to councils) by more than \$925 million over the forward estimates. The freeze also means that the aggregate level of FAGs will be permanently reduced by almost 13 per cent, unless there is a future government decision to restore this base with a catch-up payment.

Councils are invited to submit motions to address this issue.

Subject	TENDER 15 / 55715- SPORTS FIELD IRRIGATION AT ASHFIELD COUNCIL CENTENARY, ASHFIELD, HAMMOND, ALGIE PARKS AND BEDE SPILLANE DOG PARK
File Ref	SC1261
Prepared by	Peter Kapocius - Coordinator Parks and Trees
Reasons	To advise Council of the results of the tender process completed in accordance with the Local Government Act 1993 (NSW, Part 3, Division 1, Section 55 and Section 377 of the Local Government Act 1993, for the Sports Field Irrigation at Ashfield Council Centenary, Ashfield, Hammond, Algie Parks and Bede Spillane Dog Park.
Objective	To seek a resolution from Council on entering into a contract with a successful Tenderer to appoint as the Principal Contractor to carry out the proposed contract works in the Ashfield Council parks.

Overview of Report

In 2015, Council identified the need to improve the quality of sports field irrigation services at the nominated parks within the Ashfield Local Government Area. These are: Ashfield (Corner Orphington Street and Parramatta Road, Ashfield, NSW), Centenary (Corner Lang, Church, Queen Street, Croydon, NSW), Hammond (Frederick Street, Ashfield, NSW) Algie (Ramsay Street North, Haberfield, NSW) and Bede Spillane Dog Park (Reserve) (Corner Queen Street, Croydon Road, Croydon, NSW)

The Council has undertaken the applicable Development Application processes.

The report details the tender process (criteria, weightings, and evaluation) supporting the recommendation for Council's consideration, with the confidential matters being within the Confidential Attachments.

Background

Ashfield Council proposes to deliver a program of works with the objective of improving sports irrigation services in selected parks within the Ashfield Local Government Area where various sporting facilities and venue are offered to the community.

The Council engaged a specialist consultant to carry out investigations to identify the deficiencies and to make recommendations to improve the irrigation and drainage conditions.

TENDER 15 / 55715- SPORTS FIELD IRRIGATION AT ASHFIELD COUNCIL CENTENARY, ASHFIELD, HAMMOND, ALGIE PARKS AND BEDE SPILLANE DOG PARK

Council advertised a Request for Tenders on the 8 December 2015 with a view to appoint a suitably qualified Principal Contractor to carry out the works under the proposed Contract Number 15/55715.

This report provides the information on the tendering process undertaken, the evaluation criteria, the tender evaluation process and the outcome.

Tender Process

The tasks undertaken as part of the tendering process were as follows:

1. Tender Documents prepared and reviewed in-house, a Tender Evaluation Plan (TEP) was prepared, and a Tender Evaluation Committee (TEC) appointed prior to calling/advertising of the Tender.
2. TENDER 15/55715- Sports Field Irrigation Upgrade at Ashfield Council: Centenary, Ashfield, Hammond, Algie Parks and Bede Spillane Dog Park, Ashfield, NSW 2131 was advertised on Tuesday, 8 December 2015 on the Council's public website, Tenders Online, Sydney Morning Herald and the local newspaper via open tendering method in accordance with clause 167 of the Local Government (General) Regulation 2005.
3. The tender was advertised for a period of 8 weeks and closed on 2 February 2016 at 9.30 am. Council's TEC opened the Tender Boxes. There were clarifications sought during the tender period and 2 Addenda were issued.
4. The tender was based on Schedule of Rates and Lump Sum intended to appoint a Principal Contractor under the proposed Contract Number 15/55715.
5. The Evaluation Criteria established in the tender are as follows:
 - a. Compliance Assessment Criteria that are not point scored.
 - Completeness – all tender schedules are submitted
 - Schedule 1 – Tender Form
 - Schedule 2 – Schedule of Rates
 - Schedule 3 – Schedule of Optional Additional Work
 - Schedule 4 – Schedule of Technical Data
 - Schedule 5 – Schedule of Quality Management Information
 - Schedule 6 - Schedule of WHS Management Information Part A
 - Schedule 7 - Schedule of WHS Management Information Part B
 - Schedule 8 – Schedule of Environmental Management Information
 - Schedule 9 – schedule of Financial Assessment Information
 - Schedule 10 – Weighted Non-Price Criteria Information
 - Schedule 11 – Schedule of Compliance with NSW Government's Implementation Guidelines to the NSW Code of Practice for Procurement

TENDER 15 / 55715- SPORTS FIELD IRRIGATION AT ASHFIELD COUNCIL CENTENARY, ASHFIELD, HAMMOND, ALGIE PARKS AND BEDE SPILLANE DOG PARK

- b. Qualitative Assessment Criteria captured in Schedule 10 – Weighted Non-Price Criteria Information are point scored. The criteria subject to scoring are; past performance, program information and construction methodology.
 - c. Scoring of Price
In accordance with the Tender Evaluation Plan, the TEC established estimates of the program of works for each park prior to advertising of the tender as part of the scoring procedure against which the Tendered Prices are assessed.
6. The TEC met on three occasions, 4, 10 & 18 February 2016 to review and accept the TEP; understand the evaluation process including methodology, and sign the Conflicts of Interest Declarations having made aware of the identities of the Tenderers. The TEC then proceeded to assess and evaluate the 4 (four) tenders received from the following entities.
- I. Brooks NSW Pty Ltd, Trading as Brooks Irrigation
 - II. Neverstop Irrigation P/L inc / Neverstop Water Harvesting P/L
 - III. Turf Irrigation Services Pty Ltd (TIS)
 - IV. JADDFE Pty Ltd t/a Watermatic Irrigation
7. The TEC completed the tender assessments and the evaluation process in accordance with the requirements set out in the TEP and identified a tender that best represents value for money, therefore the most advantageous tender. The TEC also recommends the Principal Contractor for appointment under the proposed Contract Number 15/55715.
8. The TEC recommends that, under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accepts the tender identified as the most advantageous tender as outlined in the confidential attachments to this report.

Financial Implications

The TEC will undertake a financial assessment of the recommended Tenderer to confirm its assessment of the financial capacity and the ability of the Tenderer to fulfil the obligations under the proposed Contract Number 15/55715.

There is \$816,750 in the year 15/16 budget and \$280,000 in the current draft 16/17 budget. It is anticipated that the works will be finalised in the 2016/17 financial year.

Sporting ground upgrade irrigation and drainage is identified in the Council Plan 2015-2019.

Tenderers have submitted their responses as strictly “Commercial in Confidence” and requested that commercially sensitive aspects of their respective offers be discussed by Council officers, Councillors and others in closed sessions only and is not to be made public.

TENDER 15 / 55715- SPORTS FIELD IRRIGATION AT ASHFIELD COUNCIL CENTENARY, ASHFIELD, HAMMOND, ALGIE PARKS AND BEDE SPILLANE DOG PARK

The Tenderers consider the information that is commercial in confidence nature if disclosed to the public and to their competitors, could be damaging to their business.

Other Staff Comments

Ms. Menaka Kulatunge – Strategic Procurement Specialist

The tendering process undertaken has satisfied the legislative and statutory requirements and the intent of:

- the Local Government Act 1993 (NSW, Part 3, Division 1, Section 55,
- Local Government (General) Regulation 2005, Part 7 Tendering, Division 2, in particular Sections 167 and 170, Local Government (General) Regulation 2005, Part 7 Tendering, Division 3 Sections 173 to 178.

Public Consultation

As the installation works will involve staged temporary closures of individual parks, council will be liaising with sporting groups who have bookings at each of the facilities to ensure that their needs are accommodated in other parks when necessary. Works are planned to be completed in the quickest and most efficient manner for each park to minimise disruption to park users.

Conclusion

The procurement process has complied with the relevant legislative requirements for tendering and with Council's Procurement Policy.

In accordance with the Local Government Act 1993, Section 10A subsection's (c) and (d), it is advised that all attachments herewith be considered in closed committee because they may confer a commercial advantage on a person with whom the Council is proposing to conduct business and reveal commercial in-confidence information.

TENDER 15 / 55715- SPORTS FIELD IRRIGATION AT ASHFIELD COUNCIL CENTENARY, ASHFIELD, HAMMOND, ALGIE PARKS AND BEDE SPILLANE DOG PARK

ATTACHMENTS

- Attachment 1** Appendix A - - **CONFIDENTIAL ATTACHMENT** - 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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:
 (i) prejudice the commercial position of the person who supplied it, or
 (ii) confer a commercial advantage on a competitor of the council, or
 (iii) reveal a trade secret. 9 Pages
- Attachment 2** Appendix A Table 1 - - **CONFIDENTIAL ATTACHMENT** - 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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:
 (i) prejudice the commercial position of the person who supplied it, or
 (ii) confer a commercial advantage on a competitor of the council, or
 (iii) reveal a trade secret. 4 Pages
- Attachment 3** Appendix A Table 2 - - **CONFIDENTIAL ATTACHMENT** - 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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:
 (i) prejudice the commercial position of the person who supplied it, or
 (ii) confer a commercial advantage on a competitor of the council, or
 (iii) reveal a trade secret. 4 Pages
- Attachment 4** Appendix B - - **CONFIDENTIAL ATTACHMENT** - 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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that 1 Page

TENDER 15 / 55715- SPORTS FIELD IRRIGATION AT ASHFIELD COUNCIL CENTENARY, ASHFIELD, HAMMOND, ALGIE PARKS AND BEDE SPILLANE DOG PARK

would, if disclosed:
 (i) prejudice the commercial position of the person who supplied it, or
 (ii) confer a commercial advantage on a competitor of the council, or
 (iii) reveal a trade secret.

Attachment 5 Appendix C - - **CONFIDENTIAL ATTACHMENT** - It 2 Pages

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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:
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Attachment 6 Appendix D - - **CONFIDENTIAL ATTACHMENT** - It 5 Pages

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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:
 (i) prejudice the commercial position of the person who supplied it, or
 (ii) confer a commercial advantage on a competitor of the council, or
 (iii) reveal a trade secret.

RECOMMENDATION

- 1/2 That, under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender that is recommended as the most advantageous tender for Contract Number 15/55715, 'Sportsfield Irrigation Upgrade at Ashfield Council Centenary, Ashfield, Hammond, Algie Parks and Bede Spillane Dog Park, Ashfield, NSW 2131' subject to satisfactory outcome of the financial assessment.
- 2/2 That Council inform the unsuccessful Tenderers of the resolution to decline to accept those tenders.

CATHY EDWARDS-DAVIS
 Director Works & Infrastructure

Subject	DESIGN AND CONSTRUCTION OF AMENITIES BUILDING AT CENTENARY PARK, CROYDON. CONTRACT NUMBER: 16/1830
File Ref	SC1305
Prepared by	Mohamed Rafeek - Project Manager
Reasons	To advise Council of the results of the tender process completed in accordance with the Local Government Act 1993 (NSW, Part 3, Division 1, Section 55 and Section 377 of the Local Government Act 1993, for the Design and Construction of Amenities Building and Centenary Park, Croydon.
Objective	To seek a resolution from Council on entering into a contract with a successful Tenderer to appoint as the Principal Contractor to carry out the proposed contract works for Centenary Park, Croydon.

Overview of Report

Council has identified a need to demolish the existing amenities building and replace it with a new Amenities building at Centenary Park to cater for the requirements of the present and future users of the Park.

Council has had a Development Application approved for this development.

The report details the tender process (criteria, weightings, and evaluation) supporting the recommendation for Council's consideration, with the confidential matters being within the Confidential Attachments.

Background

Ashfield Council proposes to demolish the existing amenities building at Centenary Park and build a new amenities at the same location. The new building has been designed to accommodate a range of sporting amenities including change rooms, toilets, storage, canteen and a meeting room for the community which is fit for purpose.

Council advertised a Request for Tenders on 26 January 2016 with a view to appoint a suitably qualified Principal Contractor to carry out the works under the proposed Contract Number 16/1830.

This report provides the information on the tendering process undertaken, the evaluation criteria, the tender evaluation process and the outcome.

**DESIGN AND CONSTRUCTION OF AMENITIES BUILDING AT CENTENARY PARK,
CROYDON. CONTRACT NUMBER: 16/1830**

Tender Process

The tasks undertaken as part of the tendering process are as follows:

1. Tender Documents were prepared and reviewed in-house prior to calling / advertising of the tender.
2. Tender Evaluation Plan (TEP) was prepared, and a Tender Evaluation Committee (TEC) appointed prior to closing of tenders.
3. Tender for the Design and Construction of Amenities Building at Centenary Park, Croydon, Contract No: 16/1830 was advertised on Tuesday, 26 January 2016 on the Council's public website, Tenders Online, the Sydney Morning Herald and the local newspaper via open tendering method in accordance with clause 167 of the Local Government (General) Regulation 2005.
4. The tender closed on 16 February 2016 at 9.30 am. Council's Tender Opening Committee opened the tender boxes.
5. There were clarifications sought during the tender period and therefore 4 addenda were issued.
6. The tender is a lump sum tender.
7. The Evaluation Criteria established in the tender are as follows:
 - a. Compliance Assessment Criteria that are not point scored.
 - Completeness – all tender schedules are submitted
 - Tender Form
 - Schedule 1 – Statement of Conformance
 - Schedule 2 – Lump Sum Price Breakdown
 - Schedule 3 – Rates and Prices for valuing Variations & Delay costs
 - Schedule 4 – Capacity to perform the work
 - Schedule 5 – Method of Construction and Proposed Programme
 - Schedule 6 – Contractor WH&S Questionnaire
 - Schedule 7 – Current Insurance Policies.
 - Schedule 8 – Experience of Tenderer
 - Schedule 9 – Quality Management System
 - Schedule 10 – Environmental Management Questionnaire
 - Schedule 11 – Tenderer's Declaration
 - b. Qualitative Assessment was undertaken for the non-price schedules and point scored.

**DESIGN AND CONSTRUCTION OF AMENITIES BUILDING AT CENTENARY PARK,
CROYDON. CONTRACT NUMBER: 16/1830**

c. Scoring of Price

- Prices has been scored in accordance with the method set out in the TEP.

8. The TEC met on two occasions, 22nd & 25th February 2016. After being advised of the identities of the Tenderers, the Conflicts of Interest Declarations were signed by all committee members. The TEC then proceeded to assess and evaluate the 4 (four) tenders received from the following entities.

1. Castlereagh Group
2. Perich Constructions Pty Ltd
3. J & CG Constructions
4. Matrix Group Pty Ltd

9. The TEC completed the tender assessments and the evaluation process in accordance with the requirements set out in the TEP and identified a tender that best represents value for money, and is therefore the most advantageous tender. The TEC also recommends the Principal Contractor for appointment for the proposed work (Contract Number 16/1830).

10. The TEC recommends that, under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accepts the tender identified as the most advantageous tender as outlined in the confidential attachments to this report.

Financial Implications

The TEC will undertake a financial assessment of the recommended Tenderer to confirm its assessment of the financial capacity and the ability of the Tenderer to fulfil the obligations under the proposed Contract Number 16/1830.

Tenderers have submitted their responses as strictly “Commercial in Confidence” and requested that commercially sensitive aspects of their respective offers be discussed by Council officers, Councillors and others in closed sessions only and is not to be made public. The Tenderers consider the information that is commercial in confidence nature if disclosed to the public and to their competitors, could be damaging to their business.

Other Staff Comments

Ms. Menaka Kulatunge – Strategic Procurement Specialist:

The tendering process undertaken has satisfied the legislative and statutory requirements and the intent of:

- the Local Government Act 1993 (NSW, Part 3, Division 1, Section 55,
- Local Government (General) Regulation 2005, Part 7 Tendering, Division 2, in particular Sections 167 and 170, Local Government (General) Regulation 2005, Part 7 Tendering, Division 3 Sections 173 to 178.

**DESIGN AND CONSTRUCTION OF AMENITIES BUILDING AT CENTENARY PARK,
CROYDON. CONTRACT NUMBER: 16/1830**

Public Consultation

The public and sporting user groups have been consulted on several occasions to advise and update on the process of the detailed design and construction of the new amenities block. At a meeting held on 14 January 2016 with sporting groups that utilize Centenary Park, feedback and suggestions were also received on the preliminary designs as approved in the DA process, for consideration by the subsequent designer.

As the construction works will involve the demolition of the existing facility, council will be notifying and liaising with the affected sporting groups and other park users to minimise the impact of the temporary loss of the amenities. Works are planned to be completed in the quickest and most efficient manner to minimise disruption to all park users.

Conclusion

The procurement process has complied with the relevant legislative requirements for tendering and with Council's Procurement Policy.

In accordance with the Local Government Act 1993, Section 10A subsection's (c) and (d), it is advised that all attachments herewith be considered in closed committee because they may confer a commercial advantage on a person with whom the Council is proposing to conduct business and reveal commercial in-confidence information.

ATTACHMENTS

Attachment 1 Tender Evaluation Confidential Report - - 7 Pages

CONFIDENTIAL ATTACHMENT - *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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:*
(i) prejudice the commercial position of the person who supplied it, or
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Attachment 2 Appendix A, B, C Scoring sheet - - **CONFIDENTIAL** 2 Pages

ATTACHMENT - *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) (d) of the Local*

**DESIGN AND CONSTRUCTION OF AMENITIES BUILDING AT CENTENARY PARK,
CROYDON. CONTRACT NUMBER: 16/1830**

Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it, or
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Attachment 3 Price Scoring Method - - **CONFIDENTIAL** 1 Page

ATTACHMENT - *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) (d) of the Local Government Act, 1993, on the grounds that the matter relates to commercial information of a confidential nature that would, if disclosed:*
(i) prejudice the commercial position of the person who supplied it, or
(ii) confer a commercial advantage on a competitor of the council, or
(iii) reveal a trade secret.

RECOMMENDATION

- 1/2 That, under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender that is recommended as the most advantageous tender for Contract Number 16/1830, 'Design and Construction of Amenities Building at Centenary Park, Croydon' subject to satisfactory outcome of the financial assessment.**
- 2/2 That Council inform the unsuccessful Tenderers of the resolution to decline to accept their tenders.**

CATHY EDWARDS-DAVIS
Director Works & Infrastructure