

8 April 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 12 APRIL 2016 at 6:30 PM**

SEE ATTACHED AGENDA

ORDINARY MEETING - 12 APRIL 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 22 MARCH 2016**

**DRAFT MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL HELD ON
LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 22
MARCH 2016, COMMENCING AT 6:35 PM.**

PRESENT

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

Ms V Chan	General Manager
Mr P Sarin	Director Planning and Environment
Ms K Loveridge	Acting Director Works and Infrastructure
Ms J Anderson	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

Nil

CONDOLENCE AND SYMPATHY MOTION

Nil

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 Raciti declared a Less-than Significant Non-Pecuniary Interest in item CM10.8 – Tender 15/23046 (Retender) – Hawthorne Canal Floodplain Risk Management Study & Plan and The Dobroyd Canal Floodplain Risk Management Study & Plan - due to Councillor Raciti living in Hawthorne Parade, Haberfield. 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.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

CONFIRMATION OF MINUTES

RESOLVED: Lofts/Mansour

That the minutes of the Council Meeting held on Tuesday 8 March 2016 be confirmed.

RESOLVED: Mansour/Lofts

That the minutes of the Community Activities & Functions Committee Meeting held on 15 March 2015 be confirmed.

RESOLVED: Wangmann/Drury

That the minutes of the Ashfield Aquatic Centre Redevelopment Steering Committee Meeting held on 15 March 2015 be confirmed and the recommendations contained in the Minutes be adopted.

NOTICES OF MOTION

NOTICE OF RESCISSION - 425 LIVERPOOL ROAD ASHFIELD

NR10/2016

Motion: Stott/Wangmann

That resolution regarding Item NR9/2016 – 425 Liverpool Road considered at Council Meeting of 08 March 2016, be rescinded.

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, M Raiola, Raciti and Passas.

Voting being equal the Mayor used her casting vote in support of the Motion.

The Motion to Rescind was Carried.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

RESOLVED: Stott/Wangmann

- 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 following reasons:
1. The proposed development represents an overdevelopment of the site and is excessive in bulk and scale.
 2. The proposed development does not comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, as follows:
 - a. cl. 28(2)(b), Design Quality Principles: The proposal does not comply with:
 - i. Principle 1: Context and Neighbourhood Character: The proposal is of an inappropriate scale for the context, in particular in its relationship with the adjacent R3 zone to the north.
 - ii. Principle 2: Built form and Scale: The proposal is of an inappropriate scale, in particular in its relationship with the adjacent single storey dwelling house at 20 Beatrice Street and its presentation to the street of seven storeys.
 3. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:
 - a. cl. 4.3(2A), Height of buildings: The proposal includes gross floor area within 3m of height limits for the site;
 4. The proposed development does not comply with Ashfield Interim Development Assessment Policy 2013, as follows:
 - a. Part C1, Access and Mobility, The bathrooms of all additional units are not useable by a person in a wheelchair;
 - b. Part C4, Ashfield West, cl. 2.1, Maximum Building Height: The four storey northern portion of the proposal exceeds the maximum height limit of three storeys by one storey;
 - c. Part C4, Ashfield West, cl. 2.1, Maximum Building Height: The seven storey southern portion of the proposal exceeds the maximum height limit of six storeys by one storey.
 5. Council is not it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.
 6. The proposal is not in the public interest.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

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, M Raiola, Raciti and Passas.

Voting being equal the Mayor used her casting vote in support of the Motion.

STAFF REPORTS

DEVELOPMENT APPLICATION: 10.2016.029.1
4/27 HERCULES STREET ASHFIELD

CM 10.1

RESOLVED: Mansour/Lofts

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 2016.29.1 for use of shop 4 ground floor fronting Liverpool Road as a Massage Centre including associated fit out and signage on UNT:4 Lot 2 PRT: Lot in DP: 450205 known as shop 4 /27 Hercules Street Ashfield subject to conditions.

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, A Raiola, M Raiola, Raciti and Passas.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

**DEVELOPMENT APPLICATION: 10.015.237.1
244, 252, 254, 256 & 260A LIVERPOOL ROAD ASHFIELD**

CM 10.3

Councillor Passas left the meeting at 7.00pm and returned at 7.02pm.

RESOLVED: Drury/Stott

- A That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2015.237.1 to:-
- (i) Consolidate Lot 1 DP 736779, Lot 100 DP 734467, Lot A DP 405790, Lot A & B DP 404055 into one (1) allotment.
 - (ii) Create two (2) new Stratum lots to be occupied by the components of the approved development (10.2013.114.1) to create:-
 - Lot 100 – Commercial
 - Lot 101 – Residential.
 - (iii) Create new easements and release certain existing easements;
 - (iv) Amend the existing Ashfield Mall car parking deed.

On Lot 1 DP 736779, Lot 100 DP 734467, Lot A DP 405790, Lot A & B DP 404055, known as 260A Liverpool Road Ashfield, 244 Liverpool Road Ashfield, 252 Liverpool Road Ashfield, 254 Liverpool Road Ashfield and 256 Liverpool Road Ashfield subject to the conditions detailed on pages 201 – 205 of the business paper.

- B That authority be given to the General Manager to sign and execute all relevant documents to put the development consent into effect.

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

For the Motion

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

Against the Motion

Nil.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

INVESTMENT REPORT FEBRUARY 2016

CM 10.4

RESOLVED: Drury/Mansour

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

COUNCILLOR MEMBERSHIP OF INTERNAL AUDIT COMMITTEE

CM 10.5

Motion: Lofts/Stott

That Council re-affirm the existing Councillor representatives on the Internal Audit Committee, being Councillor M Raiola and Councillor Wang, until the end of the current Council term.

Foreshadowed Motion: Passas/Raciti

That Council appoint Councillor M Raiola and Councillor Cassidy PSM as Councillor representatives on the Internal Audit Committee until the end of the current Council term.

The Substantive Motion was put and the voting was as follows:

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, A Raiola, M Raiola, Raciti and Passas.

The Substantive Motion was Carried.

The foreshadowed motion was not addressed.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

REPORT ON INTERNAL AUDIT COMMITTEE MEETING 29 FEBRUARY 2016

CM 10.6

Motion: M Raiola/Passas

That the matter be deferred to the next Council meeting.

Foreshadowed Motion: Lofts/Stott

That the report be received and noted.

The substantive motion was put:

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

For the Motion

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

Against the Motion

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

The Substantive motion was Lost.

The foreshadowed motion therefore became the motion and was put to the vote.

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, A Raiola, M Raiola, Raciti and Passas.

The Motion was Carried:

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

**DEVELOPMENT APPLICATION: 10.2016.030.1
27 BOOMERANG STREET HABERFIELD**

CM 10.2

Councillor Passas left the meeting at 7.34pm.

Members of the public addressed the meeting.

Mr Rick D'Amico addressed Council at 7.34pm and concluded at 7.37pm.

Mr Steven Simmonds addressed Council at 7.37pm and concluded at 7.41pm.

Ms Catherine Chesterman addressed Council at 7.42pm and concluded at 7.43pm.

RESOLVED: Cassidy PSM/Raciti

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2016.30 for alterations and two storey rear addition to an existing dwelling and the use of unauthorised attic area, created within the existing roof space, for habitable purposes on Lot 2 in DP: 211673, known as 27 Boomerang Street HABERFIELD, subject to conditions.

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

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti and McKenna OAM.

Against the Motion

Councillors Stott and Wangmann.

PUBLIC ART POLICY

CM 10.7

RESOLVED: Drury/Mansour

1/2 That Council adopt the Ashfield Public Art Policy.

2/2 That Council adopt the Ashfield Public Art in Private Developments – Developer Guidelines.

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 22 MARCH 2016**

**TENDER 15/23046 (RETENDER) - HAWTHORNE CANAL FLOODPLAIN RISK
MANAGEMENT STUDY & PLAN AND THE DOBROYD CANAL FLOODPLAIN RISK
MANAGEMENT STUDY & PLAN.**

CM 10.8

RESOLVED: Drury/Lofts

- 1/2 That this report be noted and accepted.
- 2/2 That Council appoint WMAwater Pty Ltd to provide consultancy services for The Hawthorne Canal Floodplain Risk Management Study & Plan and The Dobroyd Canal Floodplain Risk Management Study & Plan under Contract Number 15/23046 (Retender).
- 3/3 That Council inform the unsuccessful Tenderers of the resolution to decline to accept those tenders.

PROCEEDINGS TERMINATED AT 7.45PM

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

Chairperson

Date

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

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

RESIDENT PARKING SCHEME - Ashfield and Summer Hill

To move Notice of Motion No. NM12/2016

This motion calls on Ashfield Council to withdraw the resident parking scheme that was implemented in Ashfield and Summer Hill. The scheme was ill-conceived and vehemently opposed by the majority of Ashfield ratepayers. Many residents were not informed of the scheme and residents of non-English speaking backgrounds are only now becoming aware of the scheme and what it involves.

Since the scheme has been introduced many locals have contacted me most upset that prior to the scheme being introduced, they always found a parking spot in their street and now at 11.00pm they cannot find a spot. Clearly this shows Council's rationale that there was a commuter problem cannot be sustained. Prior to the 2012 Council election, Council was discussing installing parking metres in Ashfield. For obvious reasons, this did not go ahead and this parking scheme in many residents' estimation is a back door attempt to deny every person the right to park on a public street, i.e. tradesmen, carers, visitors, relatives, shoppers etc.

The Inner West is well catered for regarding public transport and a commuter carpark will shortly be built at Ashfield Station.

Several residents in Summer Hill have complained that the costs of permits will double as the permit must be renewed in September. They have also complained that they were told there would be a review in twelve months time as were residents in the Ashfield CBD. 18 months later that review still has not happened. This scheme has been implemented in an ad hoc manner and new areas that were not nominated at the time have been introduced.

Residents should not have to pay for lack of vision and for something they clearly did not want.

ATTACHMENTS

There are no supporting documents for this report.

Accordingly, we move:-

That Council withdraw the resident parking scheme that was implemented Ashfield and Summer Hill.


RESIDENT PARKING SCHEME - Ashfield and Summer Hill



Julie Passas



Vittoria Raciti



Max Raiola



Adriano Raiola

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

COUNCILLOR EDWARD CASSIDY PSM

TREE REMOVAL REQUEST

To move Notice of Motion No. NM13/2016

Application has been made for removal of a Liquidambar tree at rear of 22 Boomerang Street Haberfield; the application has been assessed by staff with a recommendation that the request be declined for the reasons stated on the staff Tree Preservation Report of 23/03/2016.

While it is acknowledged that the tree is over 6m in height and it requires Council consent for its removal; the objectives of Council's Tree Preservation Policy do not specify or aim to restrict or prohibit building developments that are permissible under Council's Local Environment Plan 2013 or the NSW Exempt and Complying Development Codes 2008.

In the instance of 22 Boomerang Street, Haberfield, the Liquidambar tree obstructs a proposed development for a swimming pool that is desired as an enhancement for recreational activity and family environment of a home; a permissible development.

A healthy tree can be removed with Council consent if it is considered to be obstructing a permissible building development and Council can require suitable replacement tree planting on the premises as a condition of consent.

The owner of the premises has given an undertaking to plant a row of advanced replacement trees along the rear boundary as specified in the attached Arboriculturists report of 10/3/2015.

Officer's Comments

The subject site, 22 Boomerang Street, Haberfield had a development application approved (operational consent) in August 2015 for alterations and additions to the dwelling and a new double garage. That consent included a series of conditions requiring retention of the tree in question (Liquidamber). At the 8 December meeting last year the Council approved a S96 modification application which allowed the applicant to reintroduce a rear facing gablet window into the rear addition and other changes. The tree retention conditions were not modified.

In March this year a TPO application requesting removal of the same tree was refused consent, partly because the development consent specifically required its retention.

The correct process that applicant needs to follow is to lodge a new S96 application for the deletion of the condition(s) which relate to retention of the tree. If such an application were approved then there would be no need to submit a further TPO application.

A CDC for a swimming pool can accommodate tree removal, however, the tree(s) must be less than 6 metres in height (the tree in question is significantly higher than 6 metres).

TREE REMOVAL REQUEST

Alternatively, a CDC could be issued for a new pool which met all of the SEPP (Exempt & Complying Development Codes) 2008 criteria and did not require removal of the tree.

ATTACHMENTS

Attachment 1	Tree Preservation Order decision Extract from Tree Preservation Policy Photo from Arboriculturist's report	3 Pages
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Accordingly, I move:-

That approval be granted for removal of a Liquidambar Tree at 22 Boomerang Street, Haberfield subject of Tree Preservation Order report of 23/03/2016 and that the owner of the premises plant replacement trees as specified in the applicant's Arboriculturist's report of 10 March 2015.



Edward Cassidy PSM



Ashfield Council

Phone: (02) 8752 1503
Date received: 2/2016
CRM/Permit No.: 2816/2016

Date issued: 23 March 2016
Applicant: Mr G. Cavallaro
Postal Address: 22 Boomerang Street
HABERFIELD
NSW 2045

Dear Sir or Madam

☐ PRUNING AND/OR ☒ REMOVAL OF TREE/S GROWING ON PRIVATE PROPERTY AT:

Address: As per above

Number of trees requested to be inspected: 1

Tree Number	Species	Location
1	Liquidambar styraciflua	Rear yard

Council advise that your application has been ☐ Approved ☐ Deferred ☒ Refused subject to the following conditions:

- ☒ This request will need to be determined as part of consideration of the development application.
- ☐ No inspection fees have been paid. This fee will need to be paid for an inspection to take place.
- ☐ The tree owner has not signed the application form and the application is invalid. You are required to obtain the written agreement of your neighbour and reapply for this tree with their written consent &/or, ☐ the details of each tree and reasons for removal/etc. need to be provided.
- ☐ You are required to provide the contact details for the ☐ tree owner ☐ tenant ☐ property manager ☐ other
- ☐ The tree/s is significant to the area and both elected Ward Councillors and the adjoining residents will need to be notified for 28 days
- ☐ No objection is raised to the removal of the subject tree/s as requested. (Tree #)
- ☐ Pruning of the palms to remove any fruit, flowers or dead fronds (leaves). (Tree #)
- ☐ No objection is raised to the minor pruning of branches up to mm in diameter overhanging the building. (Tree #)

General crown maintenance (this does not permit lopping or height reduction) to remove dead wood, broken branches, branch stubs, under the canopy, provide one (1) metre clearance to electrical wires & crown thinning by % (Tree #)

Removal of up to % of the total tree canopy, including the cutting of branches up to mm in diameter. (Tree #)

You must submit additional information such as a ☐ sewer service diagram, ☐ a plumbers report or receipts, ☐ a building or pest report, ☐ a qualified, practicing structural engineer, ☐ a tree survey plan or ☐ a report from a AQF Level 5 qualified consultant

Pruning shall be in accordance with Australian Standard AS4373/2007 pruning of amenity trees and shall be carried out by a practicing arborist.

Trees capable of growing to a minimum height of 6 metres are to be planted in a suitable location within the confines of the property of the permit. The applicant is to advise Council within 14 days of when the trees have been planted.

Comments: This tree was protected by the recent consent & is considered healthy by your arborist.

☐ 12 months only. Only the work authorised in this permit is to be undertaken. Council is unable to give you any further advice if you are not satisfied by this decision. You must obtain your own independent expert advice if you are not satisfied by this decision. You must ensure that all green waste is to be stored on the street or road areas or on public land. Should you have any queries regarding this matter please contact the Tree's Overseer on (02) 9716 1800, 9.00am to 3.30pm, Monday to Friday

Signature: Diversi

(Signature)

Phone: (02) 8752 1503

Fax: (02) 8752 1503

Tel: (02) 8752 1800

www.ashfield.nsw.gov.au

ABN 11 21 1068961

02 9716 1311

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Scanned by CamScanner

2.1 Objectives

The objectives of the Tree Preservation Order and Policy are to:

- 1 Specify the criteria governing the removal or pruning of trees
 - 2 Promote, manage and enhance the trees in the Urban Forest of the Ashfield Council Area
 - 3 Discourage or prevent the use of inappropriate utility services or structures that inappropriately impact on existing trees or proposed tree planting sites
 - 4 Promote new and replacement tree planting
 - 5 Improve property values through the promotion of appropriate tree planting and landscaping and appropriate maintenance measures
-
- 6 Use trees to create a sense of community and place as well as promote social and cultural inclusion;
 - 7 To mitigate the urban "Heat Island Effect"
 - 8 Encourage the use of trees for pollution absorption, energy efficiency and recycling
 - 9 Encourage the use of the Urban Forest for wildlife habitat
 - 10 Promote trees for carbon sequestration, amenity and recreation
 - 11 Provide seasonal variation in the landscape

Extract

Council Tree Preservation
Policy

Tree Report: 22 Boomerang St. Haberfield. Sydney. NSW.



View of the surveyed trees; Maple (left) and Liquidambar (right) at the rear of the site.

4 of 4

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

COUNCILLOR JULIE PASSAS

CHILDREN'S SAFETY

To move Notice of Motion No. NM14/2016

At a recent Council meeting when a work parking permit was being debated, residents raised the safety of children at the playground in William Street Ashfield. Council installed play equipment on a verge that is unsafe for children.

There is no signage alerting traffic of the children's playground nor has Council installed an appropriate fence at the playground. A child cannot be seen when cars are parked alongside the play area.

ATTACHMENTS

There are no supporting documents for this report.

Accordingly, I move:-

That, as a matter of urgency, Council install a safety fence around the play area in William Street Ashfield as well as signage alerting drivers of the children in the area.



Julie Passas

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

COUNCILLOR JULIE PASSAS

ONGOING TREE DAMAGE TO PRIVATE PROPERTY

To move Notice of Motion No. NM15/2016

This motion calls on Ashfield Council to contact the residents and home owners of 10 Seaview Street, Summer Hill and 50 Seaview Street, Ashfield to address damage to these two properties due to Council trees. The ratepayers at 10 Seaview Street, Summer Hill have submitted engineers' reports and to date have not had any response from Council.

Also attached to this motion is an engineer's report from the resident/ratepayer of 50 Seaview Street, Ashfield.

It is unfortunate that I have been forced to lodge this motion as residents have not had satisfaction or an acceptable outcome from Council.

ATTACHMENTS

Attachment 1 Letter from Structural Engineering Group
CRM Response

3 Pages

Accordingly, I move:-

That the General Manager request officers to seek an acceptable outcome for the residents involved as a matter of urgency.



Councillor J Passas

29/03/2016 13:15

PAGE 02/03

4



No Job Too Small
Fast Qualified Service

Dynamic Structural Engineering Group Pty Ltd
ABN 46 155 659 082

Joseph Natoli
R.E. (AUST)
Lic. No. 239125

Abbotsford
Ph/Fax: 9713 2224
Mob: 0413 60 80 88

Email: dynamicse@optusnet.com.au
Web: www.dynamicse.com.au

TO WHOM IT MAY CONCERN

RE: 50 SEAVIEW STREET ASHFIELD

This is to certify that I have conducted a non-destructive inspection of the above-mentioned property, due to a recent complaint by the above owner, regarding a the existing extra large Council owned tree (Morton Bay Fig) in the front of the property and have to advise:

Inspection has revealed that the offending tree is in the front nature strip, near the front yard of the residence and in close proximity to the front fence.

The above property was inspected to assess the damage to the property by the above-mentioned Council owned tree and I have to advise that:

- The extra large tree has a trunk diameter of approx 1500mm and some 15m in height.
- Evidence of aggressive tree roots (some up to 200mm in diameter) are exposed within the front fence and front yard areas.
- The front brick fence at the above mentioned property has a number stepped and horizontal cracks in the order of up to 5-10mm wide visible along the width of the fence brickwork – (existing gas and water services attached are also vulnerable).
- The front footpath adjacent to the property has some 3-5mm cracking in a number of locations by the tree roots.
- Structural cracking in the form of 5mm cracks in the concrete pathway leading up to the front veranda are visible, as are sections of the veranda slab being cracked and uplifted.
- The private driveway/lapback has been cracked with areas uplifted by some 40mm due to the tree roots.
- Front paths are also raised and uplifted by 20mm in places as well as cracking within the Kerb and gutter.

5/4/16

29/03/2016 13:15

PAGE 03/03

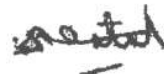
3

- Furthermore, additional stepped cracking (between 2-3mm) has started to occur to the front facade of the house, as well as the inside wall/window sill of the front Lounge room of the house proper.
- The above damage was consistent with the location of the visible root system exposed in the yard and adjacent to the offending tree trunks.
- Inspection has also revealed that the existing exposed tree roots have started to block/damage some of the existing drainage lines and services in the property, as well as blocking the existing gutters and downpipes.

In my opinion, the tree roots have damaged the brick boundary fence and front pathway and have the potential to further de-stabilize the brickwork of the building in future if left unchecked.

It is recommended that the Council owned Morton Bay Fig tree mentioned above be removed as soon as possible at the front of the property to prevent further damage.

Yours faithfully,



Joseph Natoli
Practicing Engineer
C.P. M.I.E. (Aust.)
No: 239126
29 March 2016

5/4/16

2



Ashfield Council

Customer Request Management - COMPLETED

TO: Councillor Passas
FROM: Acting Director Works and Infrastructure Services
DATE: 22 March 2016
SUBJECT: Councillor Request - Cr Passas - Dangerous Damages caused by invasive tree root system - Request that the Mayor and General Manager contact this resident as a matter of urgency (P Caruana)

Thank you for your enquiry regarding this matter. Council staff have assessed the situation and offer the following response:

Council's Tree Overseer has noted that the street tree is a healthy Hills Weeping Fig, and that the branches of this tree are scheduled to receive maintenance pruning in the coming weeks. No work is proposed to be carried out on the trees roots system as none can be justified at this time.

The resident has spoken to both the Trees Overseer and the Parks and Trees Coordinator in February and March this year. During these discussions the resident was advised that they could choose to obtain their own expert advice from a registered structural Engineer on the extent and cause of any alleged private property damage if they were so inclined; however Council's current position was that no further action was required.

For further information on this matter, please contact me directly and quote the Request No.2192/2016 dated 08/03/2016, which identifies your request.


Kelly Loveridge
Acting Director Works and Infrastructure Services
HD:HP

5/4/16

260 Liverpool Road Ashfield NSW 2131
PO Box 1115 Ashfield NSW 1530

DX 2122 Ashfield
ABN 1121106235

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www.ashfield.nsw.gov.au

1000

ASHFIELD-COUNCIL

page 2

22/03/2016 15:18 FAX 97986158

35 Apr 2016 9:59AM HP Fax

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

COUNCILLOR MAX RAIOLA

INTERNAL AUDIT COMMITTEE

To move Notice of Motion No. NM16/2016

I refer to the draft minutes of the Internal Audit Committee 29 February 2016 distributed to all Councillors as confidential.

Officers Comments

Under the DLG Internal Audit Guidelines (IAG) and associated Standards and Professional Practices Framework (S&PPF) internal audit should be performed with integrity, objectivity, confidentiality and competency.

The internal audit activity must be independent and internal auditors must be objective in performing their work (S&PPF 1100), and must be free from interference in determining the scope of internal auditing, performing work, and communicating results (S&PPF 1110.A1).

Reports are prepared for the specific purpose and use by the Audit Committee, in order to ensure the confidentiality (IAG s3.9), objectivity and independence of the Audit Committee, and business papers and minutes are not distributed to non member Councillors or published in the public arena.

The mechanism via which the Audit Committee provides assurance and a reporting mechanism to Council is via a brief summary report to Council after each Audit Committee meeting and via the Committee Chairperson's annual address to Council (IAG s3.10).

ATTACHMENTS

There are no supporting documents for this report.

Accordingly, I move:-

That the agenda of the last meeting of Internal Audit Committee, including the latest Audit reports, be referred to a closed committee meeting of Council for Councillors' information.

Subject	DEVELOPMENT APPLICATION:10.2016.021.1 98 KINGSTON STREET HABERFIELD
File Ref	DA 10.2016.021.1
Prepared by	William Daskalopoulos - Development Assessment Officer
Reasons	Matter referred to Council for 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 modify the building approvals 259/84 and 136/87 in the following way:

- Skylight to south deleted
- Driveway length increased
- Garage facade altered and setback further from front of property
- Brick balustrade added to front and side of garage and store room
- Internal access stair added to garage with internal access to dwelling house
- Storage area added to rear of the garage
- External stair added to rear of the storage area
- Pitched tiled roof over garage changed to flat concrete roof
- Laundry area increased
- Masonry balustrades added to rear balcony
- Family room window on southern side deleted
- Dining room window on southern side reduced in size
- Enclosure under stairs deleted
- Skylight added to amenities areas on northern side
- Rebuild existing front verandah
- Hood over front window added
- Windows and doors to west elevation changed
- New window added to stairwell on southern side
- External steps on western side added

See Attachment 1 for reduced plans.

2.0 SUMMARY RECOMMENDATION

The proposed development is single storey in scale with most of the changes proposed on the northern side of the dwelling house.

DEVELOPMENT APPLICATION:10.2016.021.1
98 KINGSTON STREET HABERFIELD

Although the proposal relates to historic approvals, which have been activated but not completed, dating back to the mid 1980's, it represents, in overall terms, an improvement over the original consent.

A condition has been recommended to provide an 800mm high solid timber lapped and capped privacy screen on top of the balustrade on the northern side over the garage and storage area to protect the privacy of the adjoining property to the north.

It is recommended that the application be approved with conditions.

3.0 APPLICATION DETAILS

Applicant : Peter Lufi
 Address : 12 Gillies Avenue HABERFIELD NSW 2045
 Owner : Mr J Losurdo
 Lot/DP : LOT: B DP: 415680
 Date lodged : 22/01/2016
 Date of last amendment : N/A
 Building classification : 1a and 10a
 Application Type : Local
 Construction Certificate : No

4.0 SITE AND SURROUNDING DEVELOPMENT

Not altered by proposal.

5.0 DEVELOPMENT HISTORY

Application Chronology		
Date of approval	Event	File no
8 May 1985	Building Application - alterations and additions to dwelling house including garage and attic	259/84
24 April 1987	Building Application - Amendments to building application No. 259/84	136/87.
29/4/1986	Extension of time granted till 8/5/1987 to building permit 259/84	259/84
3/5/1987	Work commenced	259/84 and 136/87

As the building works have commenced the above applications have been activated and the section 96 application can still be assessed. Due to the age of the building approvals listed above a new development application number was assigned for the proposed modification application.

DEVELOPMENT APPLICATION:10.2016.021.1
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6.0 ZONING/PERMISSIBILITY/HERITAGE

Not altered by proposal.

7.0 SECTION 96(1A) ASSESSMENT

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

- Officer Comment:
The proposed modification is considered to have minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

- Officer Comment:
The modification does not substantially alter the development and it is considered that the modification will result in substantially the same development.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

- Officer Comment:
The application was notified as required under Part C12 of AIDAP from 1 February 2016 until 17 February 2016.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

- Officer Comment:
No submissions have been received.

See Part 7.7.1 of report.

DEVELOPMENT APPLICATION:10.2016.021.1
98 KINGSTON STREET HABERFIELD

SECTION 79C ASSESSMENT

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013 (as amended)

The proposal does not alter compliance with the Ashfield LEP, 2013. The floor area has been increased by 11.6m², however, the FSR is 0.4:1 which is well under the maximum of 0.5:1. The landscaped area remains as existing and the overall height of the dwelling house has not been increased.

7.1.2 Regional Environmental Plans

Not applicable.

7.1.3 State Environmental Planning Policies

The proposal does not alter compliance with the relevant SEPPs.

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

Not applicable.

7.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Council Interim Development Assessment Policy (Council Policy):

C11	PARKING	Complies. The policy requires at least one car space but preferably two behind the building line. There is space for parking one car behind the building line and therefore the proposed development complies.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	Complies. The application was notified as required by this part.
C15	HOUSES & DUAL OCCUPANCIES	Complies. See table below

DEVELOPMENT APPLICATION:10.2016.021.1
98 KINGSTON STREET HABERFIELD

Compliance table – Interim Policy Part C7 Haberfield Heritage Conservation Area			
2.3. Pattern of Development		Complies	
2.6. Building Form		Complies	
2.9. Roof Forms		Complies	
2.12. Siting, Setbacks & Levels		Generally complies	
2.15. Walls		Existing	
2.18. Chimneys		There are no chimneys affected	
2.21. Joinery		Complies	
2.24. Windows and Doors		Complies	
2.27. Window Sunhoods, Blinds and awnings		Complies	
2.30. Verandahs		Complies	
2.33. Garages		Garage has been setback a further 950mm from front boundary and is in line with the front building line of the dwelling house. The garage generally complies with this part.	
2.36. Garden Sheds/Store		N/A	
2.39. Colour Schemes		Complies	
2.42. Fences & Gates		N/A	
2.45. Garden Elements including paving, driveways, pergolas & pools		Generally complies	
Part C15 Houses and Dual Occupancies			
Wall height	6m maximum	2.8m	Yes

Scale and bulk:

The proposal consists of alterations and additions to the dwelling house which are single storey in scale and to mainly the northern side of the dwelling house. The garage and storeroom are predominately underground. It is considered that the height and bulk is consistent with existing development within its vicinity.

Aesthetics:

Ashfield Council Interim Development Assessment Policy requires new development to be sympathetic to the context of the site, and have a high standard of architectural composition. There are varying architectural forms of development within the vicinity of the site, comprising of mainly single storey federation dwellings.

The proposed development as submitted is considered to be sympathetic in context to the adjoining dwellings. The building work is generally sympathetic to the existing dwelling house and has a form which is consistent with the structure. Council's heritage adviser has not raised any concerns with the design.

Clause 3.7 of Part C15 of the policy states:- *"Garages and Carports must be setback a minimum of 1 metre from the house's front building line and must be visually subordinate to the scale, form and style of the house"*.

DEVELOPMENT APPLICATION:10.2016.021.1
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The proposal includes modification to a garage previously approved on the northern side of the dwelling house. The proposed garage is modified to include the following:

- A concrete roof to replace the approved pitched roof.
- Setback a further 950mm from the front boundary alignment and in line with the front building line of the dwelling house.
- A storeroom has been added to the rear of the garage with an access stair leading to inside the dwelling house.
- The concrete roof of the garage and storeroom forms part of the front and side verandah of the dwelling house.

Although the garage is not setback 1metre from the front building line of the dwelling house it has been setback a further 950mm from the front boundary than previously approved and it is considered to be visually subordinate to the scale, form and style of the dwelling house as such generally complies with council's policy. Also, the original building approval was granted before the former LEP and DCP were in force.

Trees:

The proposed development does not seek the removal of any trees.

Amenity for neighbours:

The Policy requires solar access to at least 50% (or 35m², whichever is lesser) of the principal private area at ground level of the private open spaces of the adjacent properties is not reduced to less than three hours between 9am and 3pm on the 21 June.

The Policy also requires that solar access be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows.

The proposed development is single storey in scale and as most of the building work is on the northern side of the dwelling house solar access will be maintained to windows and to private open space of all properties in the vicinity as required by Council's policy.

Neighbour's Privacy:

The proposal will add to the front and northern side verandah and extends up to the side boundary of the adjoining property to the north. Given this a condition is recommended to provide a 800mm high solid timber lapped and capped privacy screen on top of the balustrade on the northern side to ensure that privacy is maintained to the adjoining property to the north.

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives Council's policy.

DEVELOPMENT APPLICATION:10.2016.021.1
98 KINGSTON STREET HABERFIELD

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.

It is considered that the development as modified with conditions as recommended will have minimal impact on the environment. A condition has also been recommended that a dilapidation report be prepared for the adjoining property 100 Kingston Street, Haberfield to ensure protection of that property as additional building work is extending up to the boundary of that property.

7.6 The suitability of the site for the development

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

7.7 Any submissions made in accordance with this Act or the regulations.

The proposal was notified to all adjoining and nearby affected property owners, occupants, and Councillors from 1 February 2016 until 17 February 2016. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

No submissions were received during the notification of the development application:

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application. The proposal is acceptable and warrants consent.

DEVELOPMENT APPLICATION:10.2016.021.1
98 KINGSTON STREET HABERFIELD

8.0 Referrals

8.1 Internal

Internal Referrals		
Officer	Comments	Support
Heritage Adviser	<p>Council's Heritage Adviser has not raised any objection to the proposal and after a meeting with the applicant reported as follows:</p> <p><i>In my opinion, the revised design is preferable to the currently approved design. It is not a proposal which would be countenanced under the current controls for Haberfield, except for the fact that Mr Losurdo has an operational consent. The use of brickwork in the proposed structure, and of a parapet design relating to the front verandah, will have some positive effect in better linking the structure to the house above it than the previous design which employed a slate clad gable roof. The front wall of the garage, incorporating multi-part timber doors will be simpler and quieter than the approved scheme. I suggested to Mr Losurdo that the fence should incorporate timber gates of appropriate design, and I would think the integration of the fence would be helped by division of that length of fence to the south of the entrance path into two bays rather than the present wide single bay. The suggested timber gates will usefully screen the garage behind them and reduce its prominence.</i></p> <p><i>I reiterate that this proposal would not normally gain support in view of its conflict with the character of the locality and the typology of the houses and their related garaging.</i></p> <p>See Attachment 3 for comments.</p>	Yes
Building Surveyor	No objection subject to conditions..	Yes
Engineers	No objection.	Yes

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.

DEVELOPMENT APPLICATION:10.2016.021.1
98 KINGSTON STREET HABERFIELD

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(1A) have been taken into consideration. The proposal is considered to be acceptable and is therefore recommended for approval.

ATTACHMENTS

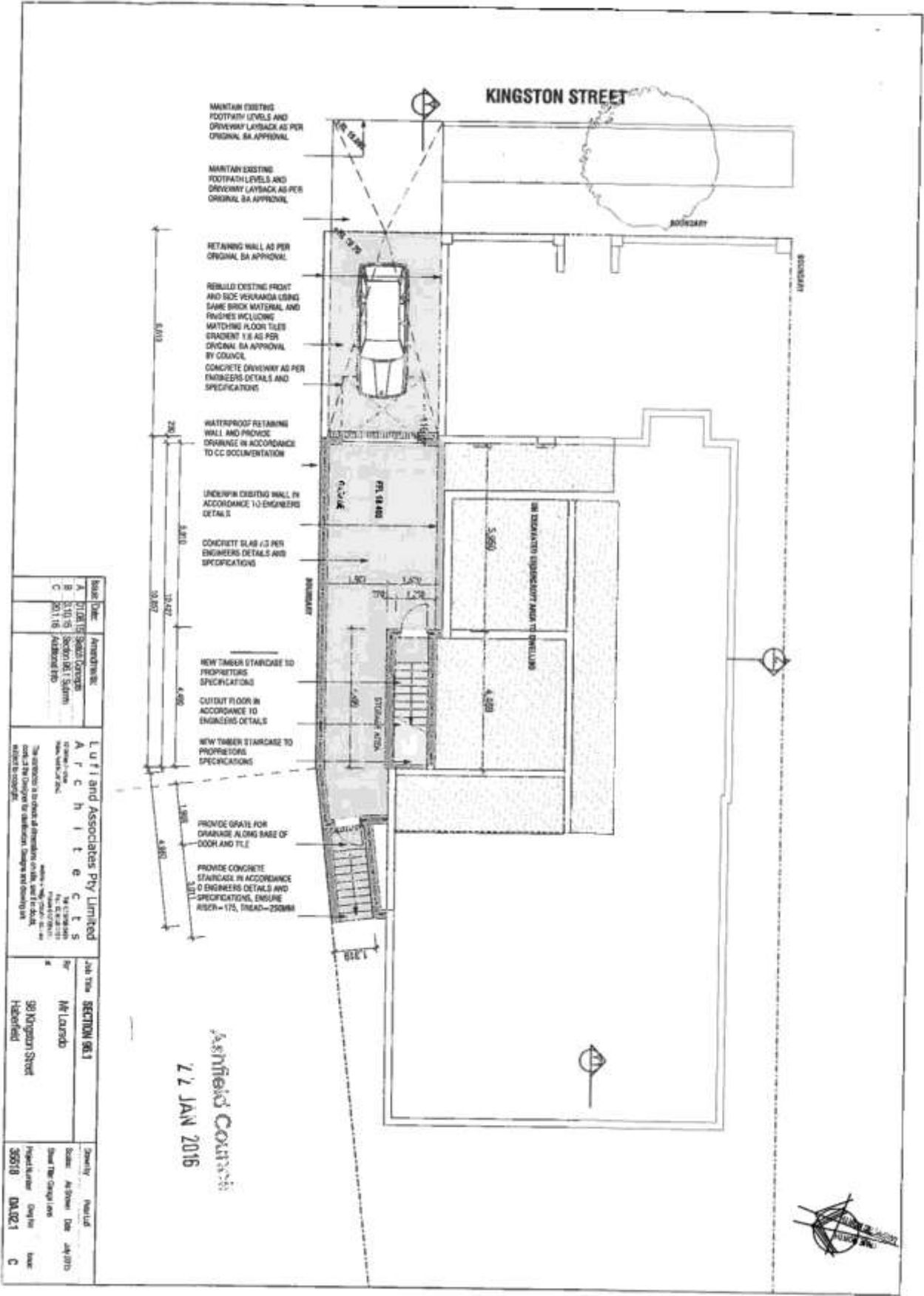
Attachment 1	Plans of Proposal	5 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advice	3 Pages
Attachment 4	Additional Conditions	8 Pages

RECOMMENDATION

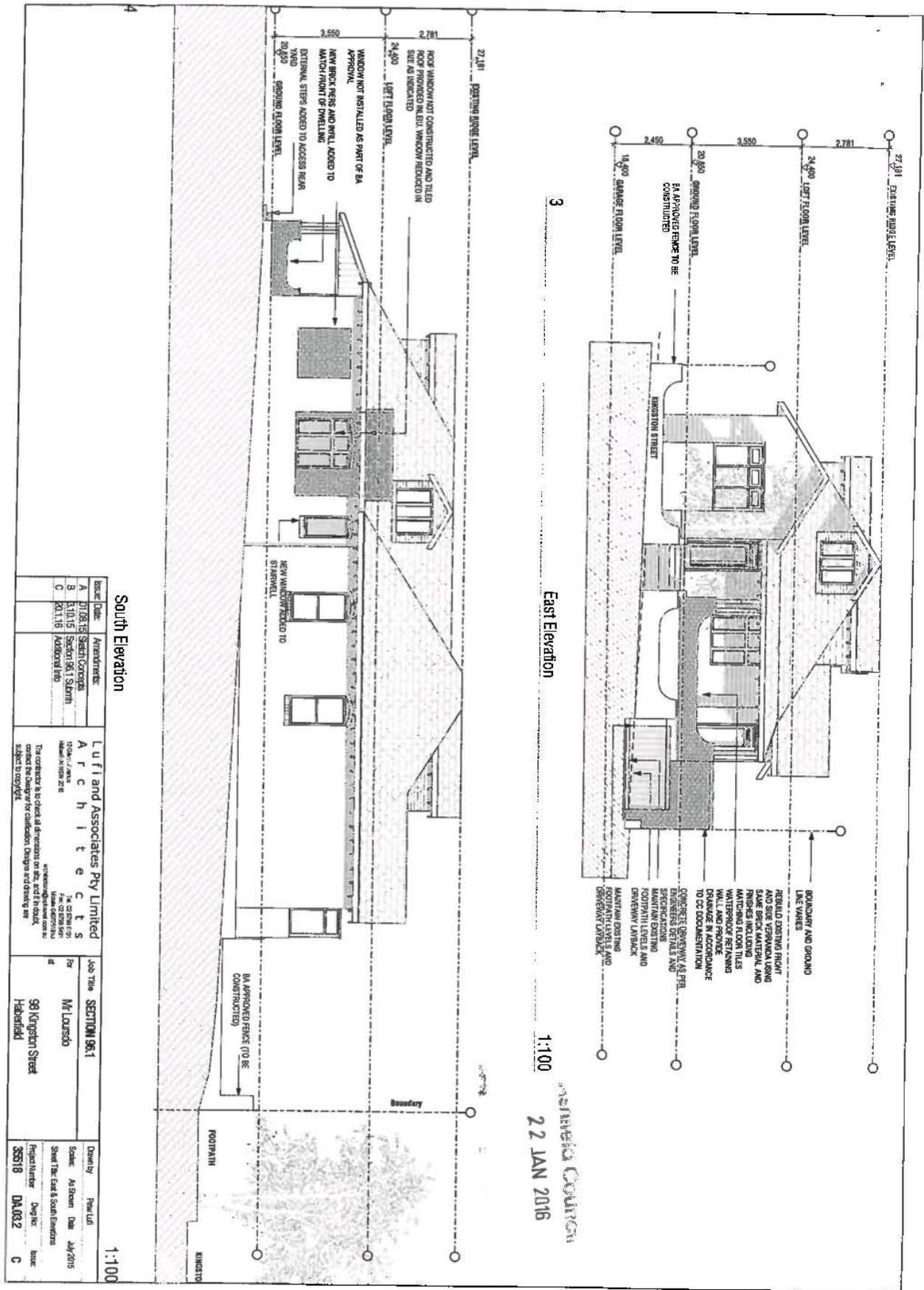
That Development Application No. 2016.21, for alterations and additions to a dwelling house, in order to modify B/A No.136/87 and BA 259/84 be approved under the Environmental Planning and Assessment Act 1979 with additional conditions.

PHIL SARIN
Director Planning and Environment

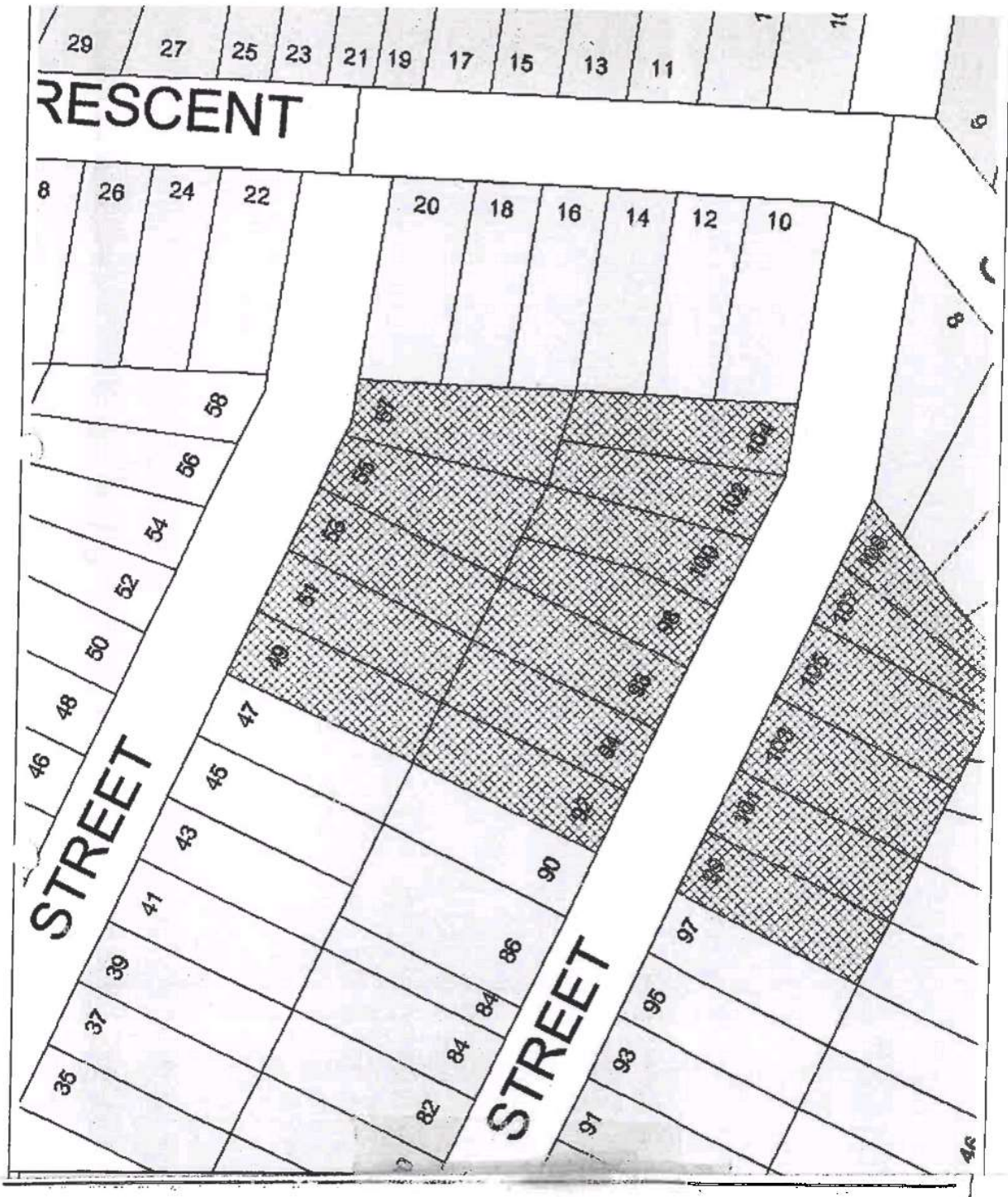












Location Plan

Site 

Notification Area 

Objectors

NIL



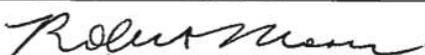


DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	98 Kingston Street HABERFIELD	File No: 17.2015.334.1
ADVISOR	Robert Moore	
DATE	16 November 2015	
STATUS	Heritage Conservation Area	
DESCRIPTION	S96 – Changes to garage addition to front of dwelling	
PREVIOUS COMMENTS	Yes –several during HAS	
<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 checked="" type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	Application to be returned to Heritage Advisor for review after amendments
<input type="checkbox"/>	Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input type="checkbox"/>	Not acceptable
Discussion:	


Robert Moore



DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	98 Kingston Road, Haberfield	File No: HAS
ADVISOR	Robert Moore	
DATE	30.3.2015	
STATUS	Heritage Conservation Area	
DESCRIPTION	Garage addition to dwelling	
PREVIOUS COMMENTS	Yes	
<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:

Discussion:

Mr John Losurdo attended Council some weeks ago wishing to discuss an amendment to plans he had originally submitted to Council and gained consent circa 1987. Those plans encompassed first floor additions and rear additions to the dwelling of a character which would no longer be accepted in the context of Council's LEP and AIDAP. However, those plans have been largely realised with the exception of a proposed garage, which was to be located partially under the north east corner of the house with access via a downward sloping ramp. The garage would have employed a slate roof and would have visibly sat under the corner verandah of the home.

Mr Losurdo has concerns about the appropriateness of that approved design for the garage, and wishes to revise it in order to achieve a more appropriate outcome. He proposes that the new design be a structure in the same location, but with a parapet concealing a slab roof which would in fact provide structural support for the corner of the verandah over the excavated garage beneath. This design is shown in the preliminary sketch he has provided us, which also shows a proposed related masonry fence, of similar design to the upswept brick balustrade of the front verandah. The drawing does not show any gates.

In my opinion, the revised design is preferable to the currently approved design. It is not a proposal which would be countenanced under the current controls for Haberfield, except for the fact that Mr Losurdo has an operational consent. The use of brickwork in the proposed structure, and of a parapet design relating to the front

verandah, will have some positive effect in better linking the structure to the house above it than the previous design which employed a slate clad gable roof. The front wall of the garage, Incorporating multi-part timber doors will be simpler and quieter than the approved scheme. I suggested to Mr Losurdo that the fence should incorporate timber gates of appropriate design, and I would think the integration of the fence would be helped by division of that length of fence to the south of the entrance path into two bays rather than the present wide single bay. The suggested timber gates will usefully screen the garage behind them and reduce its prominence.

I reiterate that this proposal would not normally gain support in view of its conflict with the character of the locality and the typology of the houses and their related garaging.

It is anticipated that Mr Losurdo will now have appropriate plans prepared to support a formal application to Council.

Robert Moore

CONDITIONS
DA 2016.021.1
98 KINGSTON STREET HABERFIELD 2045

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

Alterations and additions to a dwelling house including a new garage and storeroom and the following modifications.

- Skylight to south deleted
- Driveway length increased
- Garage facade altered and setback further from front of property
- Brick balustrade added to front and side of garage and store room.
- Internal access stair added to garage with internal access to dwelling house
- Storage area added to rear of the garage
- External stair added to rear of the storage area
- Pitched tiled roof over garage changed to flat concrete roof
- Laundry area increased
- Masonry balustrades added to rear balcony
- Family room window on southern side deleted
- Dining room window on southern side reduced in size
- Enclosure under stairs deleted
- Skylight added to amenities areas on northern side
- Rebuild existing front verandah
- Hood over front window added
- Windows and doors to west elevation changed
- New window added to stairwell on southern side
- External steps on western side added

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers in the table below date stamped by Council and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Title	Prepared by	Amendment Date
DA-01 .1 C	Site Plan	Lufi and Associates Architects	20/1/2016
DA -02.1C	Garage Level Plan	Lufi and Associates Architects	20/1/2016
DA-02.2C	Ground Floor Plan	Lufi and Associates Architects	20/1/2016
DA-02.3C	Loft floor plan	Lufi and Associates Architects	20/1/2016
DA-03.1 C	West and North Elevations	Lufi and Associates Architects	20/1/2016
DA-03.2C	East and South Elevations	Lufi and Associates Architects	20/1/2016
DA – 04.1C	Section W and X	Lufi and Associates Architects	20/1/2016

B Design Changes

(1) Privacy

In order to preserve the privacy of adjoining properties, the following amendments are necessary:

- (a) Screening devices comprising 800mm high solid timber lapped and capped privacy screen 12.3 metres in length is to be attached on top of the northern side balustrade over the garage and storeroom roof to ensure privacy and amenity is maintained to the adjoining property.

Details of the above privacy measures are to be submitted with the application for a Construction Certificate.

(2) Garage door

The garage door to be a plain vertically boarded timber clad door on a tilt frame.

(3) Timber gates

The driveway to be given timber gates to close it off from the street.

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

(1) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

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

(2) 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.

(3) 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.

(4) Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

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

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Site Controls

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

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

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

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

(5) Building location - check survey certificate

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

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

(6) Site fencing/security

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

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

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

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

(8) Sydney Water approval

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

(9) 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.

(10) Dilapidation Report

A dilapidation report of the condition of the existing dwelling house at 100 Kingston Street Haberfield shall be prepared by a practising structural engineer prior to the commencement of work. A copy of the report shall be given to the owner of that property and a copy to Council. On completion of the building work a further dilapidation report shall be prepared and a copy shall be given to the owner of that property and a copy to Council.

E Conditions that must be complied with during construction or demolition

(1) Building materials and equipment - storage/placement on footpath/roadway - Council approval

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

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

(2) 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.

(3) 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.

(4) Roof guttering and drainage system/disposal of stormwater

The roof shall be provided with a complete guttering and drainage system. Roof water shall be disposed of by approved drainage lines discharging into the street gutter.

(5) Surface water - regraded areas

The area located directly behind the basement garage and any regraded ground areas nearby shall be free draining, away from the building, and designed and plumbed so as not to direct any surface water into the adjoining property.

(6) 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.

(7) 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.

(8) 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.

(9) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

(10) Rainwater items - design

Quad or "D" shaped gutters only are to be used.

F Conditions that must be complied with prior to installation of services

nil

G Conditions that must be complied with before the building is occupied

(1) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(2) Planting of two (2) trees

At least two (2) advanced trees of Australian natives species to be planted in the front yard of the property.

H Conditions that are ongoing requirements of development consents

(1) Landscaping to be maintained.

Landscaping shown on the approved plans shall be maintained.

(2) Power poles

No power pole shall be constructed on the property without the prior written approval of Council.

I Advisory Notes

Dial 1100 before you dig for the location of underground services.

Subject **DEVELOPMENT APPLICATION: 10.2016.032.1**
6 - 8 PARRAMATTA ROAD SUMMER HILL

File Ref DA 10.2016.032.1

Prepared by Philip North - Specialist Planner

Reasons Matter requires Council determination

Objective For Council to determine the application

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for demolition of the existing structures, lot consolidation and the construction of a three storey motel comprising 48 rooms, a basement car park and landscaping.

Background

2.0 Summary Recommendation

The proposal complies with all the applicable planning controls and has been arranged to look predominantly into an internal courtyard rather than over side boundaries and into adjacent properties. As such, it would have minimal and acceptable impact upon the amenity (particularly in respect of privacy), of adjacent properties. Although some storm water and car parking issues have been identified, these can be addressed by way of conditions of deferred commencement consent.

For these reasons, the proposal is acceptable and is recommended for deferred commencement consent.

3.0 Application Details

Applicant	:	Emag Apartments
Owner	:	Kent Sydney Pty Ltd
Value of work	:	\$5,670,000
Lot/DP	:	Lots 7 & 8, DP 4648
Date lodged	:	04/02/2016
Building classification	:	3
Application Type	:	Local
Construction Certificate	:	No

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4.0 Site and Surrounding Development

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

Refer to **Attachment 2** for a locality map.

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

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area
6 Parramatta Road	8	4648	Torrens	531.1m ² (by title)
8 Parramatta Road	7	4648	Torrens	594.4m ² (by title)
TOTAL AREA				1129.4m² (by survey)

5.0 Development Application History

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

No.	Determination Date	Proposal	Determination
10.2015.103	24.11.2015	Motel	Withdrawn

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
04.02.2016	Development Application lodged "as-is"	10.2016.32.1

6.0 Zoning/Permissibility/Heritage

- The site is zoned B6- Enterprise Corridor under the provisions of Ashfield LEP 2013.
- 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.

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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 B6 Enterprise Corridor Permitted: Hotel or motel accommodation	Motel	Yes
4.3	Height of buildings	10m	9.5m	Yes
4.4	Floor space ratio	2:1	1.63:1	Yes

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

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

Given the long term residential use of the site, there is no reason to believe that it would be contaminated and in need of remediation:

- The site appears to have been used continuously for residential purposes;
- The adjoining and adjacent properties are used for residential purposes;
- The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land planning guide in SEPP 55.

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State Environmental Planning Policy (Infrastructure) 2007

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

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

The proposal satisfies the requirements of the SEPP.

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 development.

7.3 The provisions of any Development Control Plan.

The Ashfield Interim Development Assessment Policy 2013 (IDAP) specifically addresses planning provisions for motel development. 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.

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Addressed in the assessment above.

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 would not have adverse amenity impacts upon the residential properties due to the careful design of the boundary interface and the orientation of the rooms towards the interior rather than exterior of the site.

7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. The site is considered suitable for the proposed development.

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

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 11 February 2016 until 4 March 2016. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

Five submissions (**Attachment 4**) were received during the notification of the development application:

Submission from	Address
Giovanni & Grace Calabrese	24 Dover Street, Summer Hill NSW 2130
Greg Bulona Calvin Tan	Best Western Motel 156 Parramatta Road, Ashfield NSW 2131 Marco Polo Motor Inn 42 Parramatta Road, Summer Hill NSW 2130
S. Crawshaw	17 Kensington Road, Summer Hill NSW 2130
J. Shumack	30A Kensington Road, Summer Hill NSW 2130
J. Ward	23 Kensington Road, Summer Hill NSW 2130

Submission Issue	Assessing Officer's Comment
Excessive traffic generation.	Neither Council's traffic engineer nor RMS has raised issues with the traffic generation of the proposal.
Excessive number of motels in the locality.	This is a commercial issue for the applicant and not a consideration under the planning assessment.
Inadequate parking.	The number of parking spaces is compliant with

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	Council's policy.
Overshadowing of residential properties to the south.	The south western part of the building is set back from the side boundary nearest the residential properties and as a result the overshadowing impact is considered acceptable.
Loss of privacy to adjacent residential properties.	The proposal has been configured as follows to protect neighbour privacy: <ul style="list-style-type: none"> • Balconies and windows are orientated towards an internal courtyard or the front and rear but not the side walls which have no openings for outlook. This avoids overlooking of neighbours to the south-east. • A laneway separates the site from adjacent residential properties which avoids a shared boundary fence. • The rear boundary only overlooks the side setback of a residential flat building which is less privacy sensitive. In addition, it is generously planted with vegetation to provide screening.
Adverse impact on traffic safety.	No safety issues have been identified by Council's engineers.
Excessive height.	The height is consistent with Council's controls.
Excessive scale.	The scale impacts upon adjacent residential properties have been reduced by the provision of a side setback of three metres where the site adjoins the R2 residential zone. This provides a more sensitive scale transition which is also assisted by the 2.5m wide laneway which results in a total setback from the rear of neighbouring properties of 5.5m. This is considered ample to provide a scale transition.
Indirect views of the rear of 24 Dover Street.	The possibility of indirect views at acute angles into nearby properties is not of as great a concern as direct views from directly overlooking balconies. Any indirect views would be transient only and are also moderated by the significant planting proposed to the internal courtyard of the proposal.
Noise and light from open balconies.	The balconies face inwards rather than to the side of the proposal and would have minimal impact on adjacent properties.
Open pathway connects the front and rear section of the proposal and will result in noise and light impacts on adjacent properties.	This is a passageway and not a gathering space and as such is unlikely to result in unacceptable amenity impacts. This is reinforced by the additional separation provided by the laneway which, under this proposal, will no longer provide vehicular access to the property (which has now been relocated to the front). Notwithstanding this, a condition will be applied to any consent requiring the side boundary fences to consist of masonry to a height of at least 2.2m to assist in containing any noise or light disturbances.
No access for emergency vehicles.	Neither Council's engineer nor building surveyor has raised any issues in this regard.

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Hazard to commuters on Parramatta Road.	The application has been referred to Roads and Maritime Service for concurrence and they have not identified this as a problem.
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7.8 The public interest

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy 2013. Specifically to the following Parts: -

Ashfield Interim Development Assessment Policy 2013 Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C1 Access, Adaptability and Mobility				
4	Non-residential Development	Must comply with BCA requirements.	At grade access provided with lift servicing all floors.	Yes
Part C11 Parking				
4.1	Car Parking for People with Disabilities	5 designated spaces per 100 required spaces = 2.5	6	Yes
4.2	Bicycle and Motor Cycle Parking	Bicycles: • Motels: 1/40 units = 1	Bicycles: TOTAL: 6	Yes
		Motor Cycle • Spaces: 1/25 car parking spaces = 2	Motor Cycle • Spaces: 2	Yes
4.3	Parking Rates for Specific Land Uses	Motel (48 rooms): • 1/room = 48 • 1/2 staff (2) = 1 TOTAL: 49	Parking Spaces: • 56 spaces (incl. 8 disabled)	Yes
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	See comments by traffic engineer. Some issues identified which can be addressed by condition of consent.	Conditioned
Part C12 Public Notification				
Section 2	Notification Process		The application was notified in accordance with this part.	Yes
Part C21 Parramatta Road Enterprise Corridor				
3.1 Public Domain				
3.1.5	Overhead power lines to be underground or bundled	Overhead power lines to be underground or bundled	No overhead power lines are located outside the property.	N/A
3.1.7	Footpath	Upgrade to Parramatta Road footpath to provide a full verge width footpath. A high level of footpath treatment (i.e. granite pavers) is required at	A condition would be applied to any consent requiring upgraded paving.	Can be conditioned if approved

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		the locations nominated at Figure 6. All treatments are to be to the specification of Council.		
3.2	Subdivision and Site Amalgamation			
3.2.1	Subdivision and Site Amalgamation	A minimum site frontage of 25m to Parramatta Road is to be provided for new developments (i.e. not including alterations and additions of existing buildings). See Figures 25 and 26 in Part 3.9 for matters to consider. Council may consider varying this requirement for: a. corner sites that have side street vehicular access, b. sites that have rear lane access, and c. 'contributory buildings' that are unable to be amalgamated (refer to Section 3.5 for definition of 'contributory building').	Frontage is 20.1m. Despite the marginally deficient frontage, the design functions efficiently and avoids adverse impacts upon neighbouring properties. It is noted that the site is isolated and unable to be amalgamated with any of the adjacent sites. As such, the redevelopment of the site as it stands is considered reasonable.	Acceptable
3.2.3		Site amalgamation is encouraged where lots are narrow and sites are in fragmented ownership.	2 separate lots to be amalgamated.	Yes
3.2.7		Subdivision is to avoid the isolation of small lots with limited development potential due to size and/or frontage.	Although the proposal appears to isolate the adjacent site at 10 Parramatta Road, this site, although as yet not redeveloped, is in the same ownership as the recently redeveloped 12-28 Parramatta Road and, as such, could be readily absorbed into the use of that site. As such, it is considered that no sites will be isolated as a result of the proposal.	Yes
3.3	Building Siting and Design			
3.3.2	Front Setback	0m	0m	Yes
	Min Ceiling Height	3.5m ground floor	4m	Yes
	Building setback plane	22.5deg rising from 3.5m at rear boundary of adjacent property.	Complies	Yes
3.3.5		Active frontages near corner	Frontage is active.	Yes
3.3.8	Tree Planting	Where buildings are setback from the street, tree planting may be provided within the front setback.	The proposed building is adjacent to the street alignment.	N/A
3.3.9	Side setbacks	Zero side setbacks are	West Side and East side	Yes

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		permitted, except where that boundary is directly adjacent to an existing residential flat building or dwelling within the corridor, or adjacent to a residential dwelling adjoining the corridor. In these cases, the required setback is to be determined on merit having regard to providing an appropriate standard of residential amenity (i.e. sunlight and daylight access, visual and acoustic privacy).	Adjacent B6 Zone: 0m Where the site is in close proximity to other commercial properties, the zero side setback is considered appropriate. West Side: 3m + 2.5m lane = 7.5m This provides an extremely generous setback from the rear of adjacent residential properties.	
3.3.10	Rear Setback (where adjoining residential zone)	• 3m wide buffer zone	3.12m + 5m laneway = 8.12m	Yes
		• 22.5 deg building height plane from 3.5m high on rear boundary of adjacent property	Complies	Yes
3.3.13		The design of buildings is to be predominantly massed towards the street frontage and away from residential properties to the rear. The upper levels of buildings are to be built to the Parramatta Road street setback and generally not stepped back.	Complies	Yes
3.3.14		Building forms are encouraged to be articulated with expressed elements such as awnings, cornices, eaves, parapets skillion roof forms and the like.	The facade is well articulated.	Yes
3.3.16	Mechanical Plant	All building plant, mechanical services and telecommunications equipment is to be located, designed and screened so as to minimise their visual impact from the street and public domain.	All mechanical plant is well screened from the street.	Yes
3.6	Residential Amenity			
3.6.1	Scale relationships	Development should consider the scale and visual impact of the building's interface with adjoining residential dwellings, taking into consideration: a. compliance with building envelopes and setbacks required in Section 3.3, and b. provision of the landscape zone at the rear (Section 3.8).	The scale relationship to nearby residential properties is considered appropriate particularly in respect of the 3m side setback adopted in this location and the provision of a large open internal courtyard area which minimises the presence of built form.	Yes
3.6.2	Privacy	Development is to be	The proposal is designed	Yes

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		designed to minimise overlooking of adjoining residential properties. Measures include: a. avoiding rear facing balconies, and b. minimising rear facing windows. Where this is impractical, windows should incorporate fixed screening or the like.	so that all rooms face onto an internal courtyard or towards the back lane. Only highlight windows are directed towards the side boundaries. The courtyard itself and the rear boundary are well screened by vegetation. As such, there will be no unreasonable privacy impacts on adjacent residential properties.	
3.6.3	Noise	The design and layout of development is to locate any major potential noise sources away from adjoining residential properties.	All balconies and potential noise sources are orientated towards the internal courtyard or the rear lane and away from the side boundaries.	Yes
3.6.4	Mechanical Services	All building plant / mechanical ventilation vents is to be located to minimise impacts on the habitable rooms within adjacent residential properties and be soundproofed.	Mechanical plant located appropriately.	Yes
3.6.6	Lighting	The design and location of any external lighting is required to: a. ensure no unreasonable light spill to the living/recreational areas of any adjoining residential properties, and b. minimise conflict with/detract from street lighting and road safety signs.	No intrusive lighting proposed.	Yes
3.6.7	Solar Access	Direct solar access to windows of the principal living area and principal open space area of adjacent residential properties must: c. not be reduced to less than three hours between 9.00am and 3.00pm on 21 June; or. not be further reduced where less than three hours of sunlight is currently available on 21 June.	Solar access to adjacent properties is considered acceptable.	Yes
3.7	Awnings			
3.7.1		Awnings are generally required where Active Frontages are required,	Awning provided at the active frontage.	Yes
3.7.2		Awnings should be provided to buildings on Parramatta Road frontage, where a 0m setback is proposed. As a minimum, an awning should	Awning provided at the main entry.	Yes

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		be provided at the main building entry and/or corner.		
3.7.3		Awnings should be designed to: a. provide appropriate weather protection to pedestrians, b. consistent with the height of any adjoining awnings and typically between 3m and 4m above the footpath level, c. be consistent or complementary in design with any adjoining awnings, d. be a minimum width of 2.5m, e. accommodate existing or proposed street trees, and f. ensure appropriate clearance from the traffic lanes (typically 600mm from the kerb edge).	Adequate protection provided. No adjacent awnings to establish a height precedent.	Yes

Part D1 Planning for Less Waste				
No.	Standard	Required	Proposed	Complies
	Bin Numbers	Motel (48 beds): • 5L/bed garbage/day =48 beds x 5L/day=1680 L/week • 1L/bed recycling/day =48 beds x 1L/day=336 L/week TOTAL: 2,016L	3 x 1100L bins/week = 3,300 L	Yes
	Bin Presentation	A private waste contractor will service all 1100L MGBs directly from the waste storage room on Basement 1. The collection vehicle will enter the building ramp off Parramatta Road and park outside the waste storage room. The contractor will wheel each bin out of the room for servicing and returning them upon completion.	The collection area has been reviewed by a traffic consultant to confirm that these (and other trucks if required) can enter and exit the building in a forward direction. The final number of truck movements will depend on management of waste contract; final configuration of waste and recycling arrangements therefore number of bin lifts and additional irregular truck movements for hard waste.	Yes

It is considered the application generally complies with the applicable parts of the Ashfield Interim Development Assessment Policy 2013.

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8.0 Referrals

Internal Referrals		
Officer	Comments	Support
Building Surveyor	No objection subject to conditions.	Yes
Traffic Engineer	No objection subject to deferred commencement conditions.	Yes
Drainage Engineer	No objection subject to deferred commencement conditions.	Yes
Environmental Health Officer	No objection subject to conditions.	Yes
Waste Management	No comment received at time of writing.	N/A

External Referrals		
Referral Body	Comments	Support
Roads and Maritime Services	Concurrence has been granted subject to conditions.	Yes
NSW Police	No objection subject to conditions.	Yes

9.0 Building Code of Australia (BCA)

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

Financial Implications

Nil.

Other Staff Comments

See 8.0.

Public Consultation

See 7.7.

Conclusion

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

The proposal complies with all the applicable planning controls and has been arranged to look predominantly into an internal courtyard rather than over side boundaries and into adjacent properties. As such, it would have minimal and acceptable impact upon the amenity of adjacent properties. Some minor storm water and car parking issues have been identified and these can be addressed by way of conditions of deferred commencement consent.

For these reasons, the proposal is not acceptable and is recommended for deferred commencement consent.

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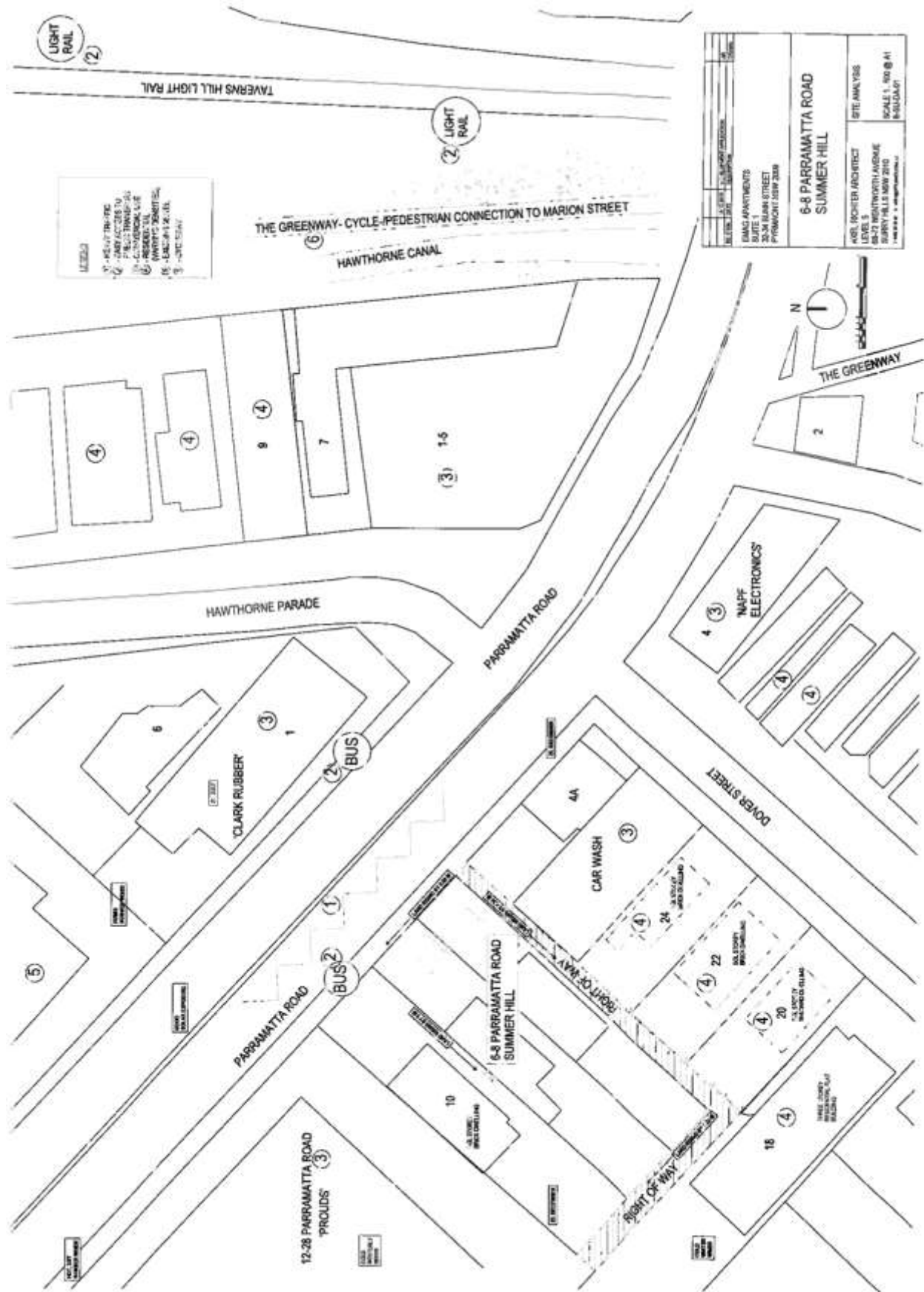
ATTACHMENTS

Attachment 1	Plans of Proposal	15 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Conditions	23 Pages
Attachment 4	Submissions	9 Pages

RECOMMENDATION

- A** That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant deferred commencement consent to Development Application No. 10.2016.32 for demolition of the existing structures, lot consolidation and the construction of a three storey motel comprising 48 rooms, a basement car park and landscaping on Lots 7 & 8, DP 4648 known as 6 - 8 Parramatta Road, Summer Hill, subject to conditions.

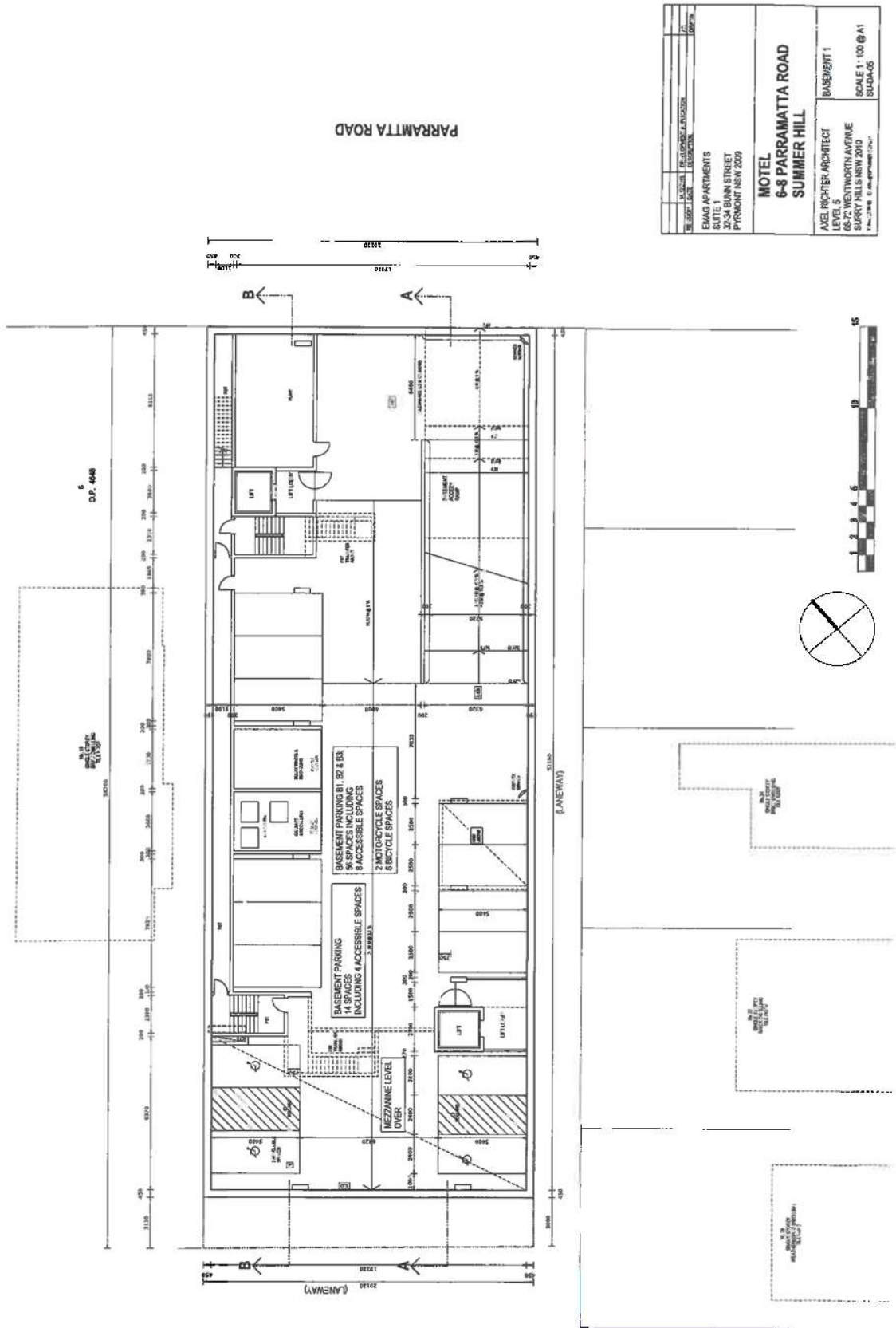
PHIL SARIN
Director Planning and Environment



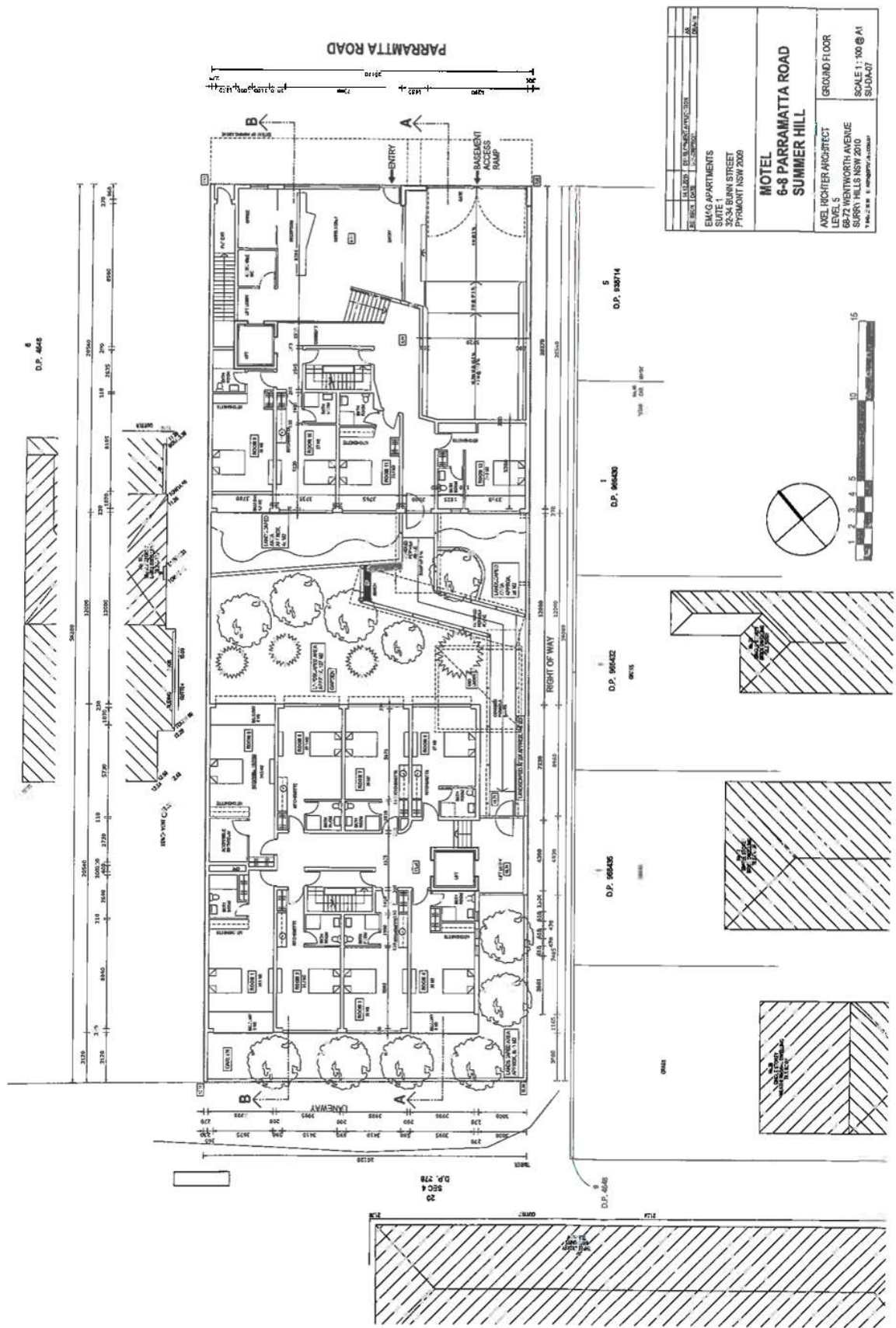




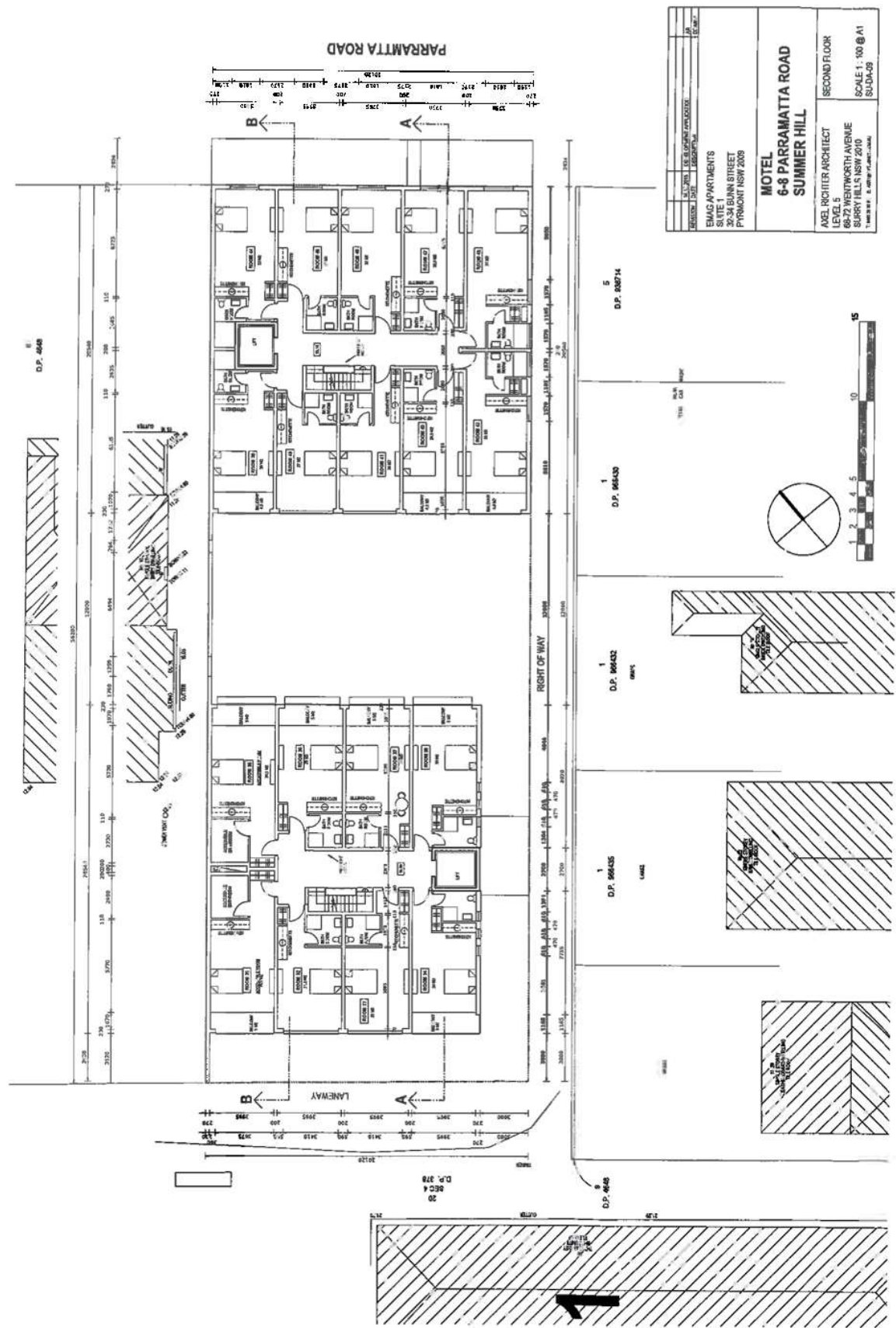












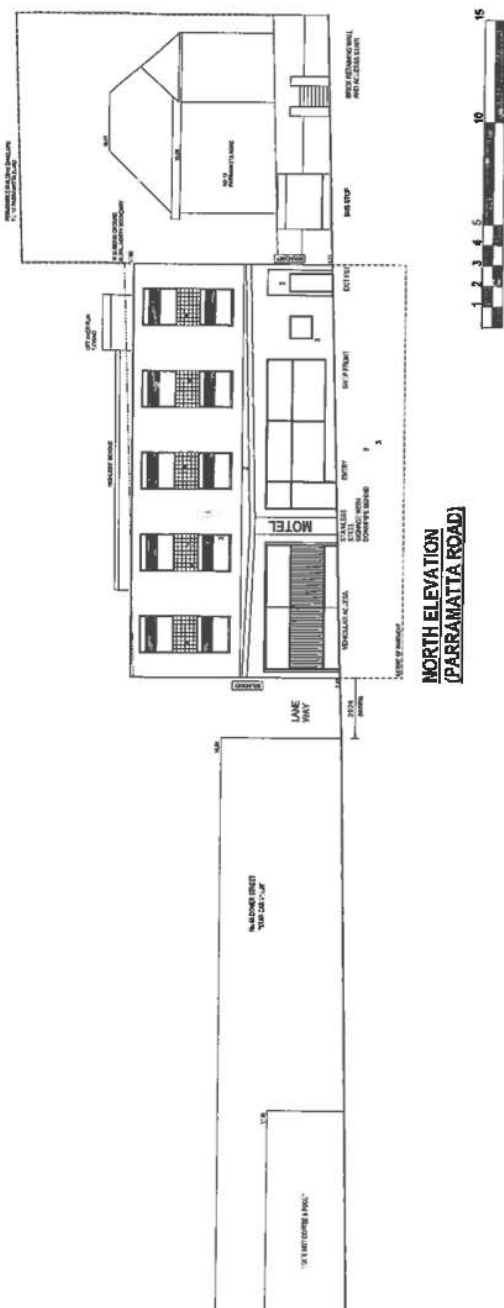


- 1 FACE BRICK, BOWTIE, BRICKS "BOWTIE, BLUE"
- 2 WHITE CEMENT FACE CONCRETE, SEALED
- 3 CLEAR ANODIZED ALUMINUM WINDOW FRAMES
- 4 CLEAR ANODIZED ALUMINUM BALUSTRADES
- 5 CLEAR ANODIZED ALUMINUM SHADE BUTTRES
- 6 GALVANIZED STEEL
- 7 WHITE CERAMIC TILE INLAY POINT WITH CORAL-BLUE FEATURES TILES
- 8 STAINLESS STEEL WIRE FOR EVERGREEN CLIMBERS
- 9 OCEANIC GLAZING



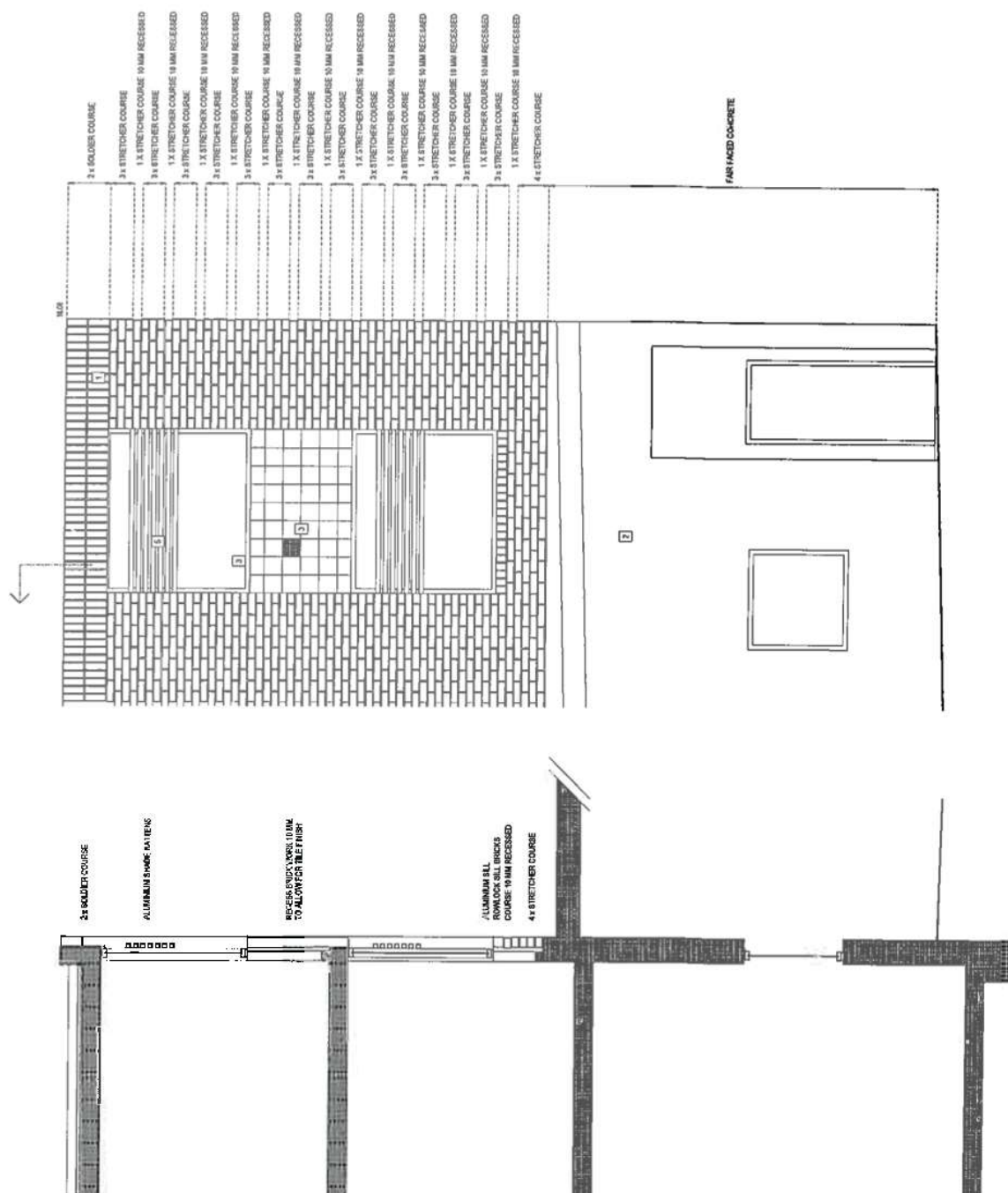
PARRAMATTA ROAD

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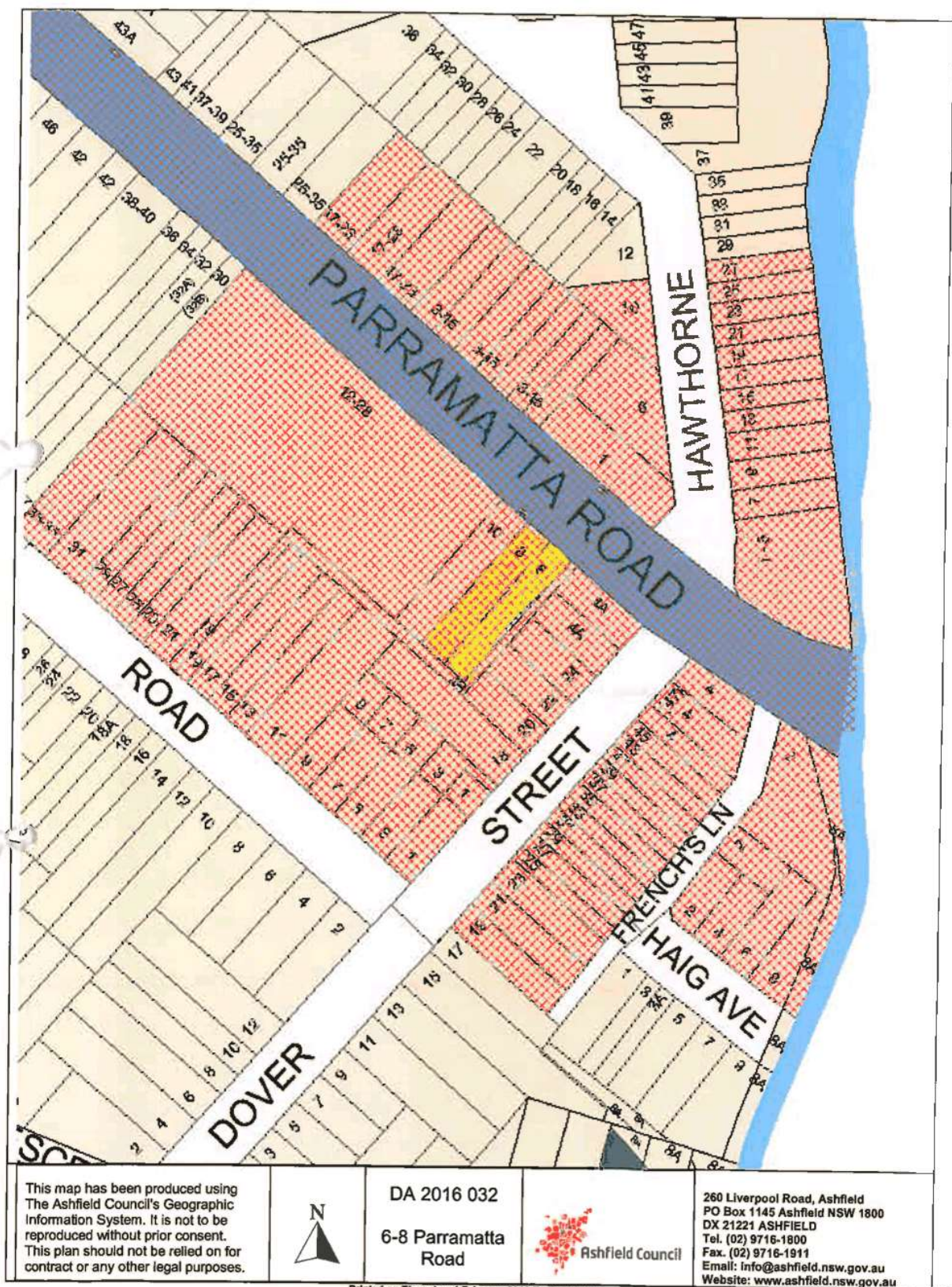




- 1 FACE BRICK: BOWRAL BRICK "BOWRAL BLUE"
- 2 WHITE CEMENT FACE CONCRETE, SEALED
- 3 CLEAR ANCHORED ALUMINUM WINDOW FRAMES
- 4 CLEAR ANCHORED ALUMINUM BALUSTRADES
- 5 CLEAR ANCHORED ALUMINUM SQUARE BATTENS
- 6 GALVANIZED STEEL
- 7 WHITE CERAMIC TILE INLAY (COME WITH CORAL)
- 8 STAINLESS STEEL WIRE FOR EVERGREEN CLIMBER
- 9 CONCRETE OF 4000 PSI

[illegible]





CONDITIONS

DA 2016.32.1
6 Parramatta Road SUMMER HILL 2130

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

Demolition of the existing structures, lot consolidation and the construction of a three storey motel comprising 48 rooms, a basement car park and landscaping.

PART A

Deferred Commencement conditions to be satisfied prior to activation of consent:

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

- (1) The proposed gates at the front boundary shall be set back within the site so as to prevent any vehicle from queuing and obstructing upon the roadway and footpath.
- (2) Long sectional drawings (scale 1:20) indicating the entire to basement 1 has sufficient height for garbage service vehicles of 6.5m long (SRV type). Minimum headroom clearance for SRV size vehicles is 3.5m in accordance with AS 2890.0-2002 for Off-street commercial vehicle facilities.
- (3) Parking numbers are required in accordance with Council's DCP. Information showing a breakdown of the proposed 56 car spaces do comply with Council's requirements shall be submitted.
- (4) A Stormwater Drainage Concept Plan demonstrating the proposed stormwater drainage system which shall be disposed of by approved drainage lines discharging to a kerb pit in front of the site on Parramatta Road and a minimum 1 metre from the proposed driveway complies with Council's "Stormwater Management Code".
- (5) The bicycle parking spaces are to be relocated to Basement 1.

This information is required to be provided and approved by Council within 12 months of the date of the approval. Failure to satisfy the above requirements by the specified date will result in lapse of consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
SU-DA-02		Site Plan	Alex Richter Architect	14.12.2015
SU-DA-03		Basement 3	Alex Richter Architect	14.12.2015

SU-DA-04		Basement 2	Alex Richter Architect	14.12.2015
SU-DA-05		Basement 1	Alex Richter Architect	14.12.2015
SU-DA-06		Basement 1 – Mezzanine Level	Alex Richter Architect	14.12.2015
SU-DA-07		Ground Floor	Alex Richter Architect	14.12.2015
SU-DA-08		First Floor	Alex Richter Architect	14.12.2015
SU-DA-09		Second Floor	Alex Richter Architect	14.12.2015
SU-DA-10		Section AA	Alex Richter Architect	14.12.2015
SU-DA-11		Section BB	Alex Richter Architect	14.12.2015
SU-DA-12		Elevations 1	Alex Richter Architect	14.12.2015
SU-DA-13		Elevations 2	Alex Richter Architect	14.12.2015
SU-DA-14		Elevations - Detail	Alex Richter Architect	14.12.2015
SU-DA-15		Sections 2	Alex Richter Architect	14.12.2015
SU-DA-16		Sections 3	Alex Richter Architect	14.12.2015
SU-DA-17		Elevations 3 - Finishes	Alex Richter Architect	14.12.2015
SU-DA-18		Elevations 4 – Finishes	Alex Richter Architect	14.12.2015
L01/1-K20002	A	Landscape Planting Plan	Michael Siu Landscape Architects	14.12.2015
1583-S1/5	D	Stormwater Dranaige/Sediment Control Details	John Romanous & Associates	11.01.2016
1583-S2/5	D	Stormwater Dranaige/Sediment Control Details	John Romanous & Associates	11.01.2016
1583-S3/5	D	Stormwater Dranaige/Sediment Control Details	John Romanous & Associates	11.01.2016
1583-S4/5	D	Stormwater Dranaige/Sediment Control Details	John Romanous & Associates	11.01.2016
1583-S5/5	D	Stormwater Dranaige/Sediment Control Details	John Romanous & Associates	11.01.2016

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

Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

(2) Roads and Maritime Services Conditions

The development must comply with the following conditions required by Roads and Maritime Services:

- a) The design and construction of the gutter crossing on Parramatta Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- b) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- c) All vehicles are to enter and leave the site in a forward direction.
- d) All vehicles are to be wholly contained on site before being required to stop.
- e) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Parramatta Road.
- f) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Parramatta Road during construction activities.
- g) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- h) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- i) The proposed development should be designed such that road traffic noise from Parramatta Road is mitigated by durable materials in order to satisfy the requirements for

habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

Roads and Maritime has the following comments for Council's consideration in the determination of the application:

- j) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.

(3) NSW Police Conditions

- a) Surveillance IP Cameras are to be installed prior to issue of the Occupation Certificate. These are to have a minimum of 1.3 megapixels and be operable 24 hours a day with images kept for a minimum of 30 Days for viewing by police as required. Cameras are to be placed in the following areas to maximise security: Main entry/exits to motel building, Reception, driveway entry/exits and letterbox area.
- b) Cameras facing the driveway entry/exit are to have an Automated Number Plate Recognition camera.
- c) Cameras are to be registered with the NSW Police Force CCTV Register.
http://www.police.nsw.gov.au/cctv_register prior to the issue of any Occupation Certificate.
- d) All guests should register at check in with adequate ID (photo ID if possible).
- e) Bright sensor lights are to be installed around the building to provide adequate illumination of all areas around the building where motel guests and visitors might have access.
- f) Signage is to be fixed to the internal and external walls to reinforce security and deter unauthorised access and trespassing.
- g) All access points to the building (including lifts and stairwells) should be restricted to motel guests only through an automatic security system. Visitors to the motel complex should be provided with access via the intercom.
- h) Vehicular and pedestrian access to any parking area is controlled by key or key card access only.
- i) Any storage lockers are to be covered, so that contents cannot be seen by visitors or motel guests.
- j) The site is to be treated with anti-graffiti paint prior to issue of the Occupation Certificate to a height level to deter graffiti offenders targeting the building and its perimeter.
- k) Any vegetation surrounding the building should be trimmed to prevent hiding spots for offenders, reducing the risk of personal violence offences as well as property offences.
- l) Emergency exit signs must be clearly marked, especially the Basement car park.
- m) All access points to the building should be restricted to motel guests only through a security system. Visitors to the motel complex should be provided with access via an intercom.
- n) It is recommended that sensor lights be placed in communal open/garden areas to prevent unauthorised persons loitering in these locations at night.

- o) A sky light is to be placed in the roof over the common stairwell to brighten the stairs during the day. Sensor lights to activate in the evenings.
- p) A final risk assessment is to be conducted by the NSW Police Crime Prevention Officer prior to the issue of any Occupation Certificate to ensure that the Crime Prevention measures have been applied.

B Design Changes

(1) Privacy

In order to preserve the privacy of adjoining properties, the following amendments are necessary:

The south eastern boundary fence is to be constructed to a minimum height of 2.2m from face brickwork in "Bowral Blue" colour.

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

(1) Consolidation of allotments

Lot 7, DP 4648 and lot 8, DP 4648 are to be consolidated into one lot. A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council for signature prior to registration at the Land Titles Office (Department of Information and Land Management). Evidence of consolidation from the Land Titles Office shall be submitted to Council or the Principal Certifying Authority prior to the release of a Construction Certificate.

(2) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or

- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(3) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

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

(4) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(5) Section 94 Development Contributions

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

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$20,431.52
Local Public Transport Facilities	\$29,837.22
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	-\$30,911.77
Local Community Facilities	-\$1,627.65
Plan Preparation and Administration	\$23,840.18
TOTAL	\$41,569.50

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

$$\$C_c = \frac{\$C_p \times CPI_c}{CPI_p}$$

Where:

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

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

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

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

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

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

(6) Surveillance

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

- o a closed circuit television (surveillance cameras);
- o the Manager's office having the relevant control panels; and
- o Tapes/digital data 'on disc' to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

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

(7) Entry control - safety

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

- a boom gate;

- an intercom system between visitors and residents to entry and exit from the car park.

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

(8) Sydney Water - Section 73 Compliance Certificate

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

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

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

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

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

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

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

whichever may come first, covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(11) 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.

(12) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

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

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

(13) 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

(14) Connection to Council's street drainage

Details and sections of the proposed street drainage line and pit connection in Parramatta Road shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code, and submitted and approved by Council prior to the release of the Construction Certificate.

The depth and location of all services within the area affected by the new street drainage (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.

(15) Stormwater disposal-calculations

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

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

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

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

(16) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage (separate from any Basix requirements) shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code the minimum storage required for this site shall be 21m³. Details of the storage shall be submitted to and approved by Council or 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.

(17) Pumpout system specifications

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

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

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

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

(18) Sydney Water

A copy of the certificate of approval by Sydney Water for the proposed grease trap on the premises is required to be submitted to Council prior to the release of the Construction Certificate.

(19) Exhaust fumes from car park

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

(20) No external service ducts

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

(21) Waste management

The applicant shall enter into a private waste collection service contract. The applicant shall incorporate the requirement to service the building under private waste contract in the land title. Details of how this is to be achieved shall be provided to the satisfaction of Council prior to issue of the construction certificate.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

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

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Site Controls

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

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

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

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

(5) Building location - check survey certificate

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

- (i) location of the building with respect to the boundaries of the site;

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

(6) Crane permit

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

(7) Site fencing/security

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

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

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

Notes:

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

(9) Sydney Water approval

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

(10) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(11) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 10 Parramatta Road must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

(12) Acoustic Assessment

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

(13) 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.

(14) Traffic Management Plan

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

(15) On site detention system – check survey

REQUIREMENTS DURING CONSTRUCTION:

Prior to the construction of an on-site detention system and above the underground garage involving permanent construction work (eg construction of concrete slabs, walls, pipe-systems or pits etc, and prior to the placement of any concrete for ground floor, car park or garages) a "check survey from a registered surveyor" must be forwarded to the Council indicating compliance with the approved plans before any concrete pour is approved by the relevant Council building surveyor or Authorised Certifier.

(16) Erosion, dust, topsoil and sediment control

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

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Building materials and equipment - storage/placement on footpath/roadway - Council approval

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

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

(3) Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

(4) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(5) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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

(6) 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.

(7) 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.

(8) Footpath, kerb and gutter reconstruction

The public footpath and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense.

This shall necessitate the following works being carried out by the applicant:

1. A permit to carry out these works on Public land will be required to be obtained. In order for Council to grant approval for these works plans and details shall be submitted to Council for approval.
2. All kerb works shall be to the satisfaction of both Council and the RMS.

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

(9) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

(10) Vehicle access driveways

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

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

(11) Road opening permit- Council controlled lands

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

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

(12) 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.

(13) 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.

(14) Spoil and building materials on road and footpath

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

(15) Stormwater runoff-collection/discharge

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

Prior to works commencing a Council " Road Opening Permit" must be obtained.

(16) Connection to Council's street drainage

The connection to Parramatta Road street drainage system shall be constructed at the applicants expense. It shall consist of a pipeline across to the street kerb and connecting directly into the street pipe network. A pit shall be constructed at the property boundary and at the kerb line.

Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained prior to works commencing.

Prior to works commencing a Council " Road Opening Permit" must be obtained.

(17) Stormwater runoff

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

(18) Garbage Room

Provide a water supply within the designated garbage bay storage room for the washing of rubbish and recycling bins to maintain bins in a clean and healthy condition.

Provide a floor waste drain within the garbage bay area with a minimum diameter of 100mm drain connecting directly into Sydney Water. Concrete floor is to be finished of a smooth even impervious finish surface and graded into the waste drain.

F Conditions that must be complied with prior to installation of services

nil

G Conditions that must be complied with before the building is occupied

(1) Landscaping completion

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

(2) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(3) Private Garbage collection

Garbage collection shall be undertaken by private contractors on site.

(4) Boundary fencing replacement

The existing boundary fencing along the boundaries is to be replaced with fencing at the applicant's/owner's cost. Fencing between the building and the street alignment shall match the height of similar adjacent fences.

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

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

They are:

(a) Work-As-Executed Plans

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

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

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

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

(c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure

that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

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

(6) 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.

H Conditions that are ongoing requirements of development consents

(1) Approved use

The premises shall not be used for any purpose other than that stated in the Development Application, i.e. a motel, without the prior consent of the Council.

(2) Hours of operation

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

(3) Protection of the Environment Operations Act 1997 - offensive noise/vibration prohibited

The use and occupation of the premises including all plant and equipment installed thereon, shall not give rise to any offensive noise or vibration from the premises within the meaning of the *Protection of the Environment Operations Act 1997*.

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

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

(5) Security gates - noise attenuation

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

(6) Discharge of condensate from air conditioning units

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

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

(7) Air conditioning unit operation-noise

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

(8) Loading/unloading on site

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

(9) Garbage bin storage/placement for collection

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

(10) Liquid waste discharge to sewer - POEO Act

All liquid wastes arising from the premises, other than stormwater shall be discharged to the sewer in accordance with the requirements of Sydney Water and the *Protection of the Environment Operations Act 1997*.

(11) Stormwater drainage system - clean discharges

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

(12) Lighting overspill – amenity

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

(13) Landscape Maintenance

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

(14) Garbage collection

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

(15) On-site Manager

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

(16) Shop-front appearance

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

(17) Air conditioners

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

I Advisory Notes

(1) Other approvals

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

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

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway of footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

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

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

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

29th February 2016

Giovanni and Grace Calabrese
24 Dover Street
SUMMER HILL NSW 2130

General Manager / Director, Planning and Environment
Ashfield Council
260 Liverpool Road
ASHFIELD NSW 2131

Re: DA 10.2015.103 6 & 8 Parramatta Road, Summer Hill.

The resubmission of this proposal appears to have addressed the (high level) concerns raised by the specialist planner (Philip North – ref. DA 10.2015.103.1) in the “Report to the Ordinary Meeting” scheduled for the 27th of October, 2015.

- Layout of building resulting in unacceptable privacy impacts
- Appropriate onsite parking

My wife and I (residents and owners of 24 Dover Street for the last 27 years), will be affected by the above development proposal. We are formally objecting to this development application on the following grounds:

1. Height & scale of the development relative to the existing and neighbouring residential dwellings
2. Privacy and Security concerns by Motel visitors and staff having views of our property
3. Increased traffic in Slone Street, Kensington Road and Dover Street and increased demands for parking in Dover St
4. There are already 5 Motels in very close proximity to this proposed development
5. Noise caused by movement of vehicles accessing the motel and other motel activities.
6. Access to site by emergency vehicles
7. Hazard to commuters and flow of traffic on Parramatta Road

1. Height & scale of the proposed development relative to the existing residential dwellings.

The resubmission of this development application has addressed some of our original overshadowing concerns.

We are however concerned with the height and scale of the 3 story towers that have been proposed (especially the rear tower that appear to be significantly taller than the front tower).

The elevation of 6 & 8 Parramatta road (Parramatta Road street scape relative to the rear of the property) varies by approximately 3 meters. The proposed Motel height is raked as per the profile/elevation of the land.

With reference to other developments in Summer Hill (namely Norman House/Prouds warehouse) and with a similar property profile/elevation – the total height of this development is referenced to the Parramatta Road street scape.

2. Privacy and Security concerns by Motel visitors and staff having views of my property

The resubmission of this development proposal indicates that there will be 18 balconies/windows that will be viewing across the deep soil/communal area.

These balconies will have an indirect view of my property – on the site plans, I was not able to identify any screening of boundary fences or balconies that would address these concerns.

Like every other Motel in close proximity to this proposed development, I assume there will be advertising and lights. If so, they will shine into my back yard and rear/side windows of our home.

3. Increased traffic in Slone Street, Kensington Road and Dover Street and parking in Dover St.

Traffic and Parking in Dover Street is a challenge today, primarily due to the Light Rail commuter parking and drop-off zone, NAPF customers/visitors, Norman House (Prouds) staff/visitors and Star Carwash Staff/customers/visitors. This has been raised with both Council and the RMS on several occasions.

Norman house (Prouds), NAPF and Star Carwash also claim to have adequate parking (as per the respective DAs), But the reality is that they do park in Dover street today, hence this development will compound an existing problem with Traffic and parking in the local area.

The vast majority of visitors, customers, employees, deliveries and drop offs will need to enter this site from Parramatta Road Via Dover street.

This development will impact the local community with increased traffic and parking demands on already congested streets.

As per the proposed development application – this relatively small site (with limited site access – via Parramatta road only) will required quite a few trades personnel and equipment to move materials on and off this site.

This will create significant disruptions to neighboring streets and increased traffic / double parked trucks and demands on parking.

This was experienced with the constructions of NAPF, Bay Wash and Norman house (Prouds).

4. There are already 5 Motels in very close proximity to this proposed development.

This may not be part of Council's remit in assessing this development application and it certainly complies to the "enterprise Zoning" development. BUT, there are already a number of Motels in very close proximity to this Development Application. I drive past most of these motels daily, and I cannot recall the last time I noticed the "No vacancy" signs illuminated on any of them.

Does the area really need another Motel?

It is not my place to question the commercial viability of a business in a saturated market. BUT, will this site be utilised for other purposes?

And if it is successful – will this development drive the other motels out of business or into other businesses?

Below is a list of Motels in close proximity to this development application (two of them are within 200 meters of this site)

Garden Lodge Sydney

17 Parramatta Rd, Haberfield, NSW, 2045Haberfield, NSW

Ashfield Motor Inn

63 Liverpool Road, Ashfield, NSW, 2131Ashfield, NSW

Marco Polo Motor Inn

42 Parramatta Rd, Summer Hill, NSW, 2130Summer Hill, NSW

Ashfield's Philip Lodge

156 Parramatta Road, Ashfield, NSW, 2131Ashfield, NSW

Westside Motor Inn

85 Liverpool Rd, Ashfield, NSW, 2131

5. Noise caused by the movement of vehicles accessing the motel and other motel activities.

I believe there will be noise and light from the open balconies and transient personnel entering and leaving this facility that will directly affect our property and the surrounding community.

ie Check in and checkout times, customers coming and going through out the day (at all hours), customers utilising the outdoor facilities and balconies, rubbish removals (tip bins or other waste removal), deliveries of goods, services and staff.

The resubmission of this development application outlines a pedestrian path way the runs across the Eastern boundary between the 2 towers. On the site plans – there appears to be minimal screening (fence or other) and natural screening via plants / trees along this boundary.

In absents of any screening – there will be noise and light disruptions as a consequence.

6. Access to site by emergency vehicles

The Development application consist of 47 rooms some with cooking facilities across 3 levels. The only access for emergency vehicles to access the rear of the site will be via the eastern side lane. This lane way is at best an unsealed "track" and approximately 3 meters wide.

With reference to the NSW Fire Brigade Guidelines for Emergency Vehicle Access (policy No.4 27/10/10) require a minimum width of 4 metres for an ordinary fire-fighting vehicle and 6 metres for an aerial vehicle with stabilisers.

7. Hazard to commuters on Parramatta Road (Left hand turn from Parramatta road directly into a driveway to access the site)

As a resident and frequent user of the Dover street exit from Parramatta Road – this is a very dangerous corner. There have been numerous accidents and fatalities at this intersection.

It is no coincidence that the Parramatta Road/Slone Street and Parramatta Road/Flood street safety cameras are one the highest infringement notice generates in the state.

The run from Tavern's hill to the Motel is all down hill and motorist do speed down this hill.

NOTE:

The guard rails that were erecting in front of NAFP and Star carwash have many dents from single car accidents due to speed and road condition.

The proposed entrance to the Motel does not have an apron to exit into and it will be utilised by commuters that will not be familiar with the area or exit point to enter the Motel.

This development will create a traffic bottle neck as visitors to the Motel slow down to enter the site or larger vehicles will need to occupy the middle lane to enter the site. This will subsequently create another traffic black spot on Parramatta Road.

I am concerned about these aspects of the development that will affect our property directly and the surrounding community. If it is approved, will there be a subsequent application for change-of-use?

Giovanni and Grace Calabrese
M: 0411 439 927
E: gcala@tpg.com

Ms V Chan

General Manager
Ashfield Municipal Council
260 Liverpool Rd
Ashfield NSW 1500



30A Kensington Rd
Summer Hill 2130
3.3.16
j-shumack@ashfield.nsw.gov.au
0408404429



Re: Ms Chan

Re: Development Site 6.8 Parramatta Rd
Summer Hill
Application No: 10-2016-032

I refer to the above development application.
I object to the approval of the application
as if the development is carried out many
problems already identified by Council Staff
in the Report prepared for the Ashfield Council
meeting held 27 October 2015, will still exist and
impact the surrounding neighbourhood.

There is inadequate parking provision
proposed for the development; and this again
will impact the neighbourhood.
Yours sincerely
Justin Shumack

To whom it may concern,

As motel business owners who are operating in the Ashfield suburbs, we object to the development proposal of number 6-8 Parramatta road, Summer Hill.



We feel that the development is too close in proximity to our businesses and that its size will negatively affect the number of customers that we receive and bring a loss of value to our properties. As the Ashfield area has several motels, it is already very competitive and it is not feasible to allow the development of another motel.

Since there is over- competitive market in the area, which consists of more than 6 hotels or similar industry that are rarely fully occupied, an additional motel with 47 rooms could not be supported.

In regards to placement of the proposed development, we must object on the basis of traffic congestion, increase in noise and potential hazard to motorists, pedestrians and residents. Currently, there is an existing congestion at peak hours on Sloane street, Grosvenor Cres, railway terrace and this proposed site will only put more pressure on the traffic congestion and increase noise especially at Sloane street, Dover street, Kensington and Grosvenor Cres, Railway Terrace road, Hume highway and Parramatta road since there will be greater numbers of transport slowing down to enter and exit in summer hill area. While the government is trying to ease the congestion in Kensington and Parramatta road intersection by imposing a time restriction against turning into this road between certain times, a proposed site in this congested area is contradictory to the government's road and traffic safety improvement plan.

Furthermore, the entrance and exit to the development site, car wash site and rear residential site would also be too close to the curb. The site is placed in a downhill position which would make it awkward and dangerous for nearby residents, motorists along Parramatta Road, customers from the car wash, and the those trying to exit or enter from new hotel itself. Also, existing site features such as an awkwardly positioned post and bus stop would make the proposed space very difficult to access without compromising highway safety. So the site concerned would be particularly isolated and have limited access.

Another concern is the loss of privacy and loss of sight for the nearby residents as the building will overshadow areas close to the new motel.

The government has always been taken steps to increase the availability of public transport and reduce the amount of private transport for better road and traffic safety. Allowing this proposed site on Parramatta road will have an adverse impact on highway safety as it will compromise: traffic generation, road capacity, means of access and visibility.

In conclusion, we hope that the Ashfield council will consider our objections and those of other local residents and small businesses.

Best regards,

Calvin

Marco Polo Motor Inn

Greg Pulona
Best Western





CRM Cl Drury rfa
Carolyn Walker
to:
Ashfield Council
03/03/2016 04:17 PM
Hide Details
From: Carolyn Walker/Ashfield/AU
To: Ashfield Council/Ashfield/AU@Ashfield,

From: "Mark Drury" <mark_drury@bigpond.com>
To: <CarolynW@ashfield.nsw.gov.au>,
Cc: "Alex Loftis" <the.loftis@bigpond.com>
Date: 03/03/2016 04:10 PM
Subject: rfa

Dear Cathy

Could I please be advised as to the current status of the DA in relation to 17 -19 Gower St Summer Hill.

Regards

Cr Mark Drury
Ashfield Council
mark_drury@bigpond.com
0448722942

2 March 2016

Vanessa Chan
General Manager
Ashfield Municipal Council
260 Liverpool Road
Ashfield NSW 1500



Dear Ms Chan

DEVELOPMENT SITE: 6 & 8 PARRAMATTA ROAD, SUMMER HILL.

APPLICATION NO: 10/2016/032

I refer to your letter dated 11 February 2016 inviting written comment in relation to the abovementioned application.

I object to the approval of the application:

1. The development, if carried out, will still suffer from most of the problems identified by Council staff in the Report prepared for the Ashfield Council meeting held on 27 October 2015.
2. It will involve the movement of many vehicles in and out of the motel for accommodation purposes alone. This may occur at any time of the day or night. This will be exacerbated by the movement of other vehicles associated with the running of a motel.
3. Most customers will be arriving at such a motel by driving into Sydney down Parramatta Road or Liverpool Road and the inability to access the development site from the northern side of Parramatta Road will lead to a considerable increase in traffic in Kensington Road and Dover Street.
4. The motel has inadequate parking. This will lead to an overflow into Kensington Road and Dover Street which is already recognised as having parking problems by the introduction of restricted parking on one half of the street.

Yours sincerely

Steven Crawshaw

17 Kensington Road Summer Hill NSW 2130

John and Gail WARD

P.O.Box 362, Summer Hill, NSW 2130, Australia, ph. [02] 9794 6237; fax: same; e-mail:
wardlus@tpg.com.au

Also: 12 Peel St, O'Connor ACT 2602, Australia, ph. [02] 6161 0459

JOW mobile: 04 384 199 44

Gail mobile: 04 184 199 48

[Academic, not for mailing: John WARD, Honorary Reader, Centre For Medieval Studies, Woolley Building, University of Sydney, NSW
2006; Sydney residential address, also not for mailing: 23 Kensington Rd, Summer Hill, NSW 2130]

Date: 2 March 2016

Ms Vanessa Chan, General Manager

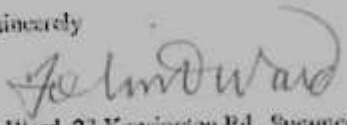
Ashfield Municipal Council, 260 Liverpool Road, Ashfield NSW 1800

Dear Ms Chan,

In regard to the development advertised for 6 & 8 PARRAMATTA ROAD, SUMMER HILL.

APPLICATION, I object to the approval of the application because the road access is not as it should be for such a development, because of the median down Parramatta Rd at this point which prevents inbound traffic from turning into the motel site, or exiting towards the city. Traffic movements occurring at all times of the day and night will have to take place through the street I live in, Kensington Rd., to gain access to and to leave the motel site. Kensington Rd is an entirely residential street and has many young families on it and all developments along Parramatta Rd are forced to use our street because of the median preventing movement on Parramatta Rd itself. It would be better to remove the median and allow vehicles to turn out of Parramatta Rd inbound to reach buildings on the south side the the road, that to crowd a residential street. How far must 'traffic flow' be given greater consideration than human lives and family comfort?

Yours sincerely


John O.Ward, 23 Kensington Rd., Summer Hill



Subject	DEVELOPMENT APPLICATION: 10.2014.326.2 7 - 9 CAVILL AVENUE, 5 MARKHAM PLACE ASHFIELD
File Ref	DA 10.2014.326.2
Prepared by	Philip North - Specialist Planner
Reasons	Information for Council consideration
Objective	Determine response to JRPP

Overview of Report

An application pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, as amended, seeks Council's approval for the modification of the development consent as follows:

- Redesign of the basement car parking to provide 5 more spaces;
- Deletion of live/work units on the ground floor to be replaced with standard retail tenancies;
- Addition of an accessible lift to the town houses fronting Cavill Avenue;
- Reduce the overall number of dwellings from 93 to 91 and modify the unit mix;
- Minor modifications to the conditions in accordance with the above.

Executive Summary

The proposal is consistent with the provisions of section 96(2) and also the development standards and controls applicable to the site except in respect of a minor issue relating to the allocation of car parking space numbers which can be rectified by way of condition of consent.

The development application relates to a type of development that the Minister of Planning has categorised as being of regional significance. The Sydney East Joint Regional Planning Panel is the consent authority for the purposes of determining the application.

Council officers have carried out an assessment of the application and the report has been prepared for the Sydney East Joint Regional Planning Panel (SEJRPP) for the Regional Panel's consideration. A copy of the Council officer's report on the development application, which recommends conditional approval of the proposal, is attached.

Council needs to determine whether it wishes to make a submission to the panel in relation to the proposal, and if so, the contents of such submission.

Given that no submissions have been received, the SEJRPP is able to execute an electronic determination of the matter upon receipt of Council's report. This will be forwarded to the panel following Council's consideration of this matter.

DEVELOPMENT APPLICATION: 10.2014.326.2
7 - 9 CAVILL AVENUE, 5 MARKHAM PLACE ASHFIELD

Council representation to a Joint Regional Planning Panel

Section 4.6 of the Department of Planning's 'Procedures for the operation of Joint Regional Planning Panels' relates to Council representation to the Regional Panel. That section reads as follows:-

"4.6 Council representation to the Regional Panel

A council may make a submission on a development application that is to be determined by a Regional Panel during and up to seven (7) days before the Panel Meeting. The applicant may consider it appropriate to provide a briefing to council prior to the council framing its submission to the Panel.

The council submission should be forwarded to the Panel Secretariat. A Regional Panel will give consideration to a council submission in its determination of the application. A council submission, however, is not a matter that must be specifically addressed in the assessment report or recommendations prepared by the council staff."

Conclusion

Council needs to determine whether it wishes to make a submission to the Panel so that it can be forwarded to the Panel for its consideration.

ATTACHMENTS

Attachment 1 Officer's Report on the Development Application 27 Pages

RECOMMENDATION

THAT Council determine whether it wishes to make a submission to the Panel in relation to the proposal, and if so, the contents of such submission.

PHIL SARIN
Director Planning and Environment

Subject Development Application: 10.2014.326.2
7 - 9 Cavill Avenue, 5 Markham Place ASHFIELD

File No 10.2014.326.2

JRPP REF: 2015SYE167

Prepared by Philip North - Specialist Planner

Prepared for: Sydney East Joint Regional Planning Panel

Overview of Report

1.0 Description of Proposal

An application pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, as amended, seeks Council's approval for the modification of the development consent as follows:

The Proposed Modifications	
Summary	Item
1	Modify the description of the development:
2	Modify Condition A(1) approved drawings to be updated with the amended drawings
3	Deletion of the requirement for a "boom gate" dot point in Condition A(13) as the proposal includes a roller shutter door for security
Detailed list of architectural amendments	
Level	Description of Modification
B3	redesigned to be more efficient with the total number of parking spaces increasing from 46 to 49 spaces of which 6 spaces are accessible
B2	redesigned to be more efficient with the total number of car parking spaces increasing from 45 to 47 spaces of which 2 spaces are accessible
B1	redesigned to be more efficient with the total number of car parking spaces unchanged however the allocation of parking spaces has been modified with an increase in visitor parking.
G	Removal of live/work units and conversion of ground floor to 3 retail units. Change to on-site utility spaces/facilities. Unit G11 proposed to change from 1 bed to 2 bed. Unit G12 proposed to change from 1 bed plus study to 2 bed. G13 proposed to change from studio to 1 bed plus study
UG	Accessible lift added. Window to northern elevation of G06
1 st	Create 2 new units as a result of deletion of live/work units. Amend layout of 1.02 to accommodate access to new units.
2 nd	Add new bathrooms in units 2.03 and 2.04. Minor changes to corridors with inclusion of glazing.
3 rd	New glazing as detailed.
4 th	Unit 4.02 changed from 3 bed to 2 bed plus study. Add bathrooms to units 4.03 and 4.04. Add terrace to unit 4.11.
5 th	New glazing as detailed. Remove planter box unit 5.10.
6 th	New glazing as detailed.

7 th	Merge units 7.02 and 7.05 to create 7.02 as 2 bed plus study, add terrace to units 7.01 and 7.04			
The Amended Proposal				
Demolition	All buildings and structures on the site.			
Construction 3 and 8 storeys	Use	Level	Use	Total Area/Gross Floor Area
	Residential	All	Residential	7,150.16m2
	Retail	Ground	Retail	349.1m2
	Parking	3 basement s	Car parking, storage, garbage, plant	N/A
	Total Building Gross Floor Area			7,499.26m2
	Open Space	Ground level	Communal open space	947.1m2
			Deep soil	609.9m2
	Public Open Space	Ground level	Publicly accessible square	598.3m2
	Residential: 93 91 dwellings	studio dwellings		20 23
		1 bedroom dwellings (incl. 2 x live/work units)		13 38
		1 bedroom + study dwellings		26 4
		2 bedroom dwellings		19
		2 bedroom dwellings + study dwellings		9 25
		3 bedroom dwellings		4
	Commercial:	7 x Retail tenancies		349.1m2 478.9m2
	Basement Parking (448 126 spaces)	Residents		96 93
		Visitors		23 44
		Retail		7 44
Subdivision		Not proposed at this stage although site consolidation followed by strata subdivision is anticipated.		

2.0 SUMMARY RECOMMENDATION

The proposal is consistent with the provisions of section 96(2) and also the development standards and controls applicable to the site except in respect of a minor issue relating to the allocation of car parking space numbers which can be rectified by way of condition of consent.

The proposal is acceptable and is recommended for approval.

3.0 APPLICATION DETAILS

Applicant	:	Ganghui Pty Ltd
Owner	:	Ganghui Pty Ltd
Value of work	:	\$30,171,755

Lot/DP : Lot 1, DP 131778, Lot 1, DP 126260 and Lot 2, DP 339644
 Date lodged : 16/11/2015
 Building classification : Various
 Application Type : Local
 Construction Certificate : No

4.0 SITE AND SURROUNDING DEVELOPMENT

Not altered by proposal.

5.0 DEVELOPMENT HISTORY

The following table summarises the development consents issued for the site under this development application:

File No	Date Approved	Details
10.2014.326.1	19.08.2015	Deferred commencement consent granted for: <i>Demolition of existing structures and construction of 3-8 storey mixed use development comprising 93 dwellings and a 5 retail tenancies above 3 levels of basement car parking.</i>

6.0 ZONING/PERMISSIBILITY/HERITAGE

Not altered by proposal.

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 section 96(2)

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

S96(2) clause	Provision	Performance	Compliance
(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),	The proposed amendments would not alter the substance of the approved development in that: <ul style="list-style-type: none"> • The overall height and scale of development would remain the same. • The building footprint would be unchanged; • The general external appearance would be generally the same; and • No new elements would be added. 	Yes
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval	<ul style="list-style-type: none"> • Sydney Trains was advised of the modification and has not elected to comment. 	Yes

	proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent		
(c)	it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent	The proposal has been notified as required.	Yes
(d)	it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions have been received.	N/A

7.2 The provisions of any Environmental Planning Instrument

7.2.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013 (as amended)

The proposal does not alter compliance with the LEP.

7.2.2 Regional Environmental Plans

Not applicable.

7.2.3 State Environmental Planning Policies

The proposal does not alter compliance with the relevant SEPPs.

7.3 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.

7.4 The provisions of any Development Control Plan.

The proposal creates a non-compliance with Part C11 of Ashfield Interim Development Assessment Policy 2013. There is a deficiency of 2 retail parking spaces which can be rectified by way of a condition of consent requiring the allocation of two of the resident parking spaces (which are 5 in excess of that required) to retail use.

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

Not applicable.

7.6 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.

7.7 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.

7.8 Any submissions made in accordance with this Act or the regulations.

The proposal was not notified in accordance with the relevant DCP.

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 24 November 2015 until 15 December 2015. No submissions were received.

7.9 The public interest

The public interest would not be served by refusal of this proposal.

8.0 REFERRALS

Internal Referrals		
Officer	Comments	Support
Building Surveyor	No objection.	Yes
Traffic Engineer	<p>Supported subject to following comments:</p> <ol style="list-style-type: none"> <i>The driveway for the first 6metres in from the property line shall be amended to 1:20 maximum grade, and the ramps leading into basement 2 and 3 amended to 1:5 maximum grade (with transitions) to comply with Council's IDAP 2013.</i> Planner's Comment: The condition will be added to any consent. <i>All waste collection and service vehicle activity is to be carried out within the site. Waste collection and service vehicles plus visitors are to be contained to basement No.1. The car park ramp and headroom clearance for basement No .1 is to comply to AS2890.2-2002 for commercial vehicle activity off-street. All other car park layout basement 1,2 and 3 are to comply to AS2890.1:2004 and As2890.6:2009.</i> Planner's Comment: Waste collection from the kerb by a private contractor was resolved as part of the original consent and this issue cannot be revisited. This condition will not, therefore, be added to any consent. <i>Sight view clearance for pedestrians and traffic is to established and designed at the driveway exits to Section 3.2.4 of AS 2890.1:2004.</i> Planner's Comment: There is no change proposed to this part of the development as approved as part of the original consent and this issue cannot be revisited. This condition will not, therefore, be added to any consent. <i>All vehicles must enter and exit the site in a forward direction.</i> Planner's Comment: The approved driveway already functions in this manner and this condition is not necessary. This condition will not, therefore, be added to any consent. 	Yes

	<p>5. A Construction Traffic Management Plan (CTMP) shall be submitted for Council approval detailing how truck movements and deliveries are to be managed during the development-construction process (i.e. demolition, excavation and construction), and how the interface of the site with the road network will be controlled. The CTMP must be submitted prior to any works (which includes demolition, excavation and construction) commencing on site and should ideally be provided with the development application.</p> <p>In this particular situation the CTMP will also need to address the following requirement by council:</p> <ul style="list-style-type: none"> All vehicles associated with development-construction activity (which includes demolition, excavation and construction) shall be accommodated on-site. No work zone shall be approved on the public street (which includes the footway). <p>Planner's Comment: This matter was resolved in the original consent and cannot be revisited. This condition will not, therefore, be added to any consent.</p> <p>6. It is felt there is insufficient headroom in basement for a normal size HRV type garbage trucks in compliance to AS2890.2:2002. Waste collection vehicles may need to be limited to smaller SRV vehicles or that rear loader garbage trucks are used not swing arm over trucks.</p> <p>Planner's Comment: This matter was resolved in the original consent and cannot be revisited. This condition will not, therefore, be added to any consent.</p>	
Drainage Engineer	No comments as no change to stormwater issues.	N/A
Heritage Adviser	Not referred as no changes which would impact on heritage.	N/A
Environmental Health Officer	Not referred as no changes which would impact on this issue.	N/A
Tree Officer	Not referred as no changes which would impact on this issue.	N/A
SEPP 65 Adviser	No objection.	Yes
Waste Management	Not referred as no changes which would impact on this issue.	N/A

External Referrals		
Referral Body	Comments	Support
Roads and Maritime Services	Not referred as no changes which would impact on this issue.	N/A
Sydney Trains	Not referred as no changes which would impact on this issue.	N/A
Ashfield Police	Not referred as no changes which would impact on this issue.	N/A
Transport NSW	Not referred as no changes which would impact on this issue.	N/A

9.0 OTHER RELEVANT MATTERS

The change of unit mix will alter the section 94 contribution calculations as follows:

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.

12.0 ATTACHMENTS

1. Plans.

RECOMMENDATION

Development application no. 10.2014.326.2 for demolition of existing structures and construction of 3-8 storey mixed use development comprising 93 dwellings and 5 retail tenancies above 3 levels of basement car parking on Lot 1, DP 131778, Lot 1, DP 126260 and Lot 2, DP 339644 known as 5 Markham Place and 7-9 Cavill Avenue, Ashfield be modified in accordance with section 96(2) of the Environmental Planning and Assessment Act 1979 as follows:

The following description be amended (alterations/additions highlighted in bold italics):

Demolition of existing structures and construction of 3-8 storey mixed use development comprising 91 dwellings and 7 retail tenancies above 3 levels of basement car parking.

The following conditions be amended (alterations/additions highlighted in bold italics):

A General Conditions

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
13015/S96 /0.02		<i>SEPP 65 & RFDC Compliance Table and NatHERS Thermal Specification</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.01		<i>Basement 03 Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96/1.02		<i>Basement 02 Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96/1.03		<i>Basement 01 Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.04		<i>Ground Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.05		<i>Upper Ground Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>

13015/S96 /1.06		<i>First Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.07		<i>Second Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.08		<i>Third Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.09		<i>Fourth Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.10		<i>Fifth Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.11		<i>Sixth Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.12		<i>Seventh Floor Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /1.13		<i>Roof Plan</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/S96 /2.01		<i>Elevations & Materials</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/DA S96/3.01		<i>Sections</i>	<i>H3 Architects</i>	<i>29.10.2015</i>
13015/DA/ 6.01		Driveway Section	H3 Architects	15.05.2015
13015/DA/ 1.11	-	Sixth Floor Plan	H3 Architects	21.11.2015
140026/ D000	4	Civil Design – Stormwater Notes Sheet	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D070	4	Civil Design – Typical Drainage Details Sheet 1	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D071	4	Civil Design – Typical Drainage Details Sheet 2	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D075	3	Civil Design – Drainage Details	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D100	4	Civil Design – Basement 3 Concept Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D120	4	Civil Design – Basement 1 Concept Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D200	4	Civil Design – Ground Floor Concept Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ D100	4	Civil Design – Basement 3 Stormwater Plan	Jones Nicholson Consulting Engineers	25.05.2015
140026/ S010	1	Structural Design – Site Plan	Jones Nicholson Consulting Engineers	14.11.2014
140026/ S015	2	Structural Design – Site Section	Jones Nicholson Consulting Engineers	09.02.2015
140026/ S016	1	Structural Design – Pile Sequence Sheet 1	Jones Nicholson Consulting Engineers	14.11.2014
140026/ S017	1	Structural Design – Pile Sequence Sheet 2	Jones Nicholson Consulting Engineers	14.11.2014
140026/ S018	1	Structural Design – Pile Sequence Sheet 3	Jones Nicholson Consulting Engineers	14.11.2014
140026/	1	Structural Design – Pile	Jones Nicholson	14.11.2014

S019		Sequence Sheet 4	Consulting Engineers	
LA01	A	Tree Retention & Removal Plan	Taylor Brammer Landscape Architects	20.11.2014
LA02	A	Ground Floor/Level 1 Combined Context Plan	Taylor Brammer Landscape Architects	20.11.2014
LA03	A	Ground Floor Landscape Plan	Taylor Brammer Landscape Architects	20.11.2014
LA04	A	First Floor Landscape Plan	Taylor Brammer Landscape Architects	20.11.2014
LA05	A	Second Floor & Fifth Floor Landscape Plan	Taylor Brammer Landscape Architects	20.11.2014
LA06	A	Landscape Details	Taylor Brammer Landscape Architects	20.11.2014
-	-	Sculpture/Public Art Element	Taylor Brammer Landscape Architects	16.06.2015

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

(13) Entry control - safety

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

- ~~a boom gate;~~
- an intercom system between visitors and residents to entry and exit from the car park.

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

B Design Changes

(1) Amended plans to be submitted

Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate

- a) Car Parking:
 - i. The resident parking allocation to be a minimum of **94** spaces.
 - ii. **The retail parking space allocation is to be a minimum of 9 spaces**

And the following conditions be added:

B Design Changes

(1) Amended plans to be submitted

Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate

- b) Car Parking:
 - x. **The first 6m inside the property boundary of the basement entry driveway ramp is to amended to a maximum grade of 1:20.**

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

(6) Section 94 Development Contributions

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

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$19,784.77
Local Public Transport Facilities	\$56,315.26
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$1,022,987.63
Local Community Facilities	\$59,515.55
Plan Preparation and Administration	\$46,475.48
TOTAL	\$1,205,078.69

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

$$\$C_c = \frac{\$C_p \times CPI_c}{CPI_p}$$

Where:

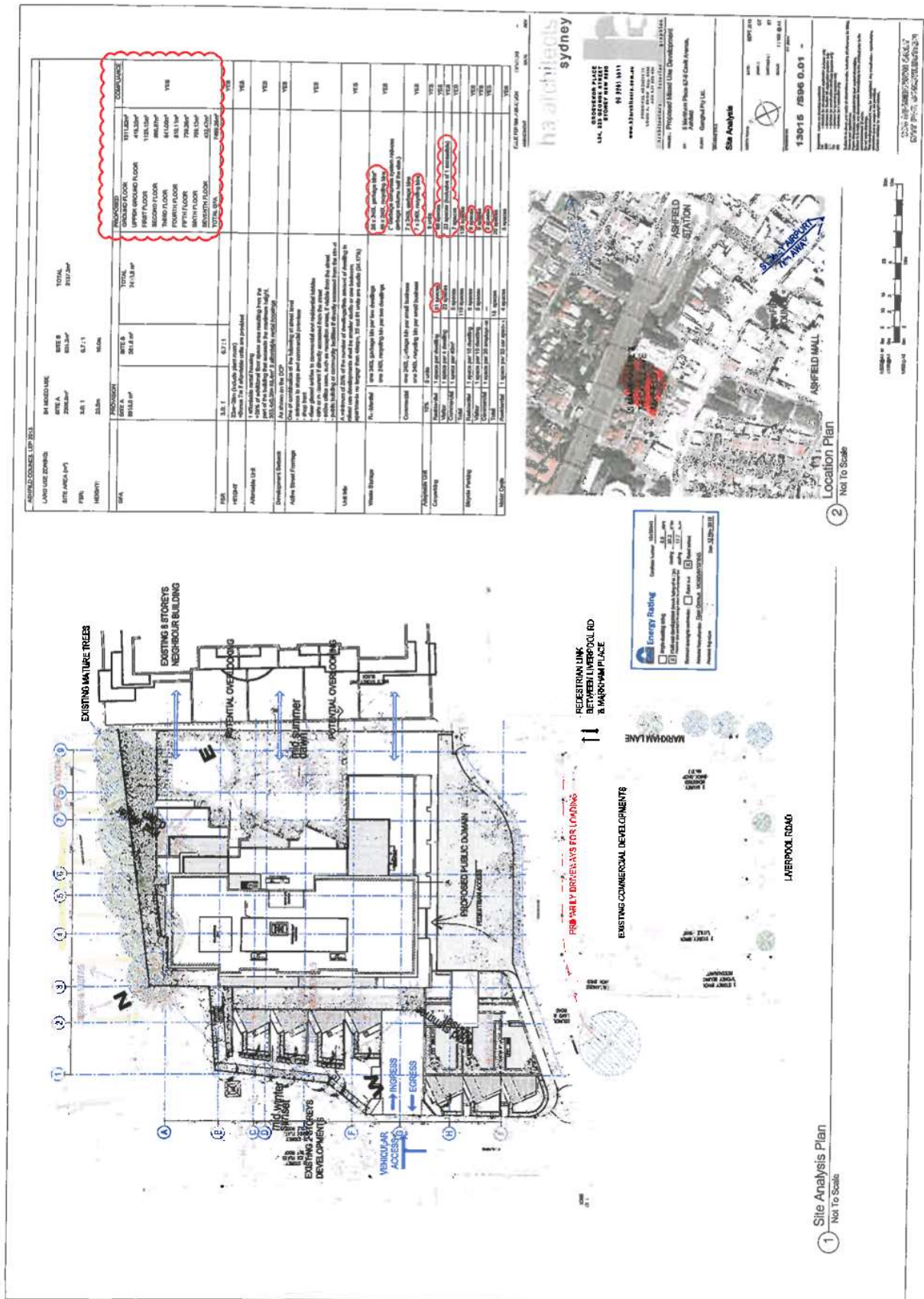
$\$C_c$ is the amount of the contribution for the current financial quarter

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

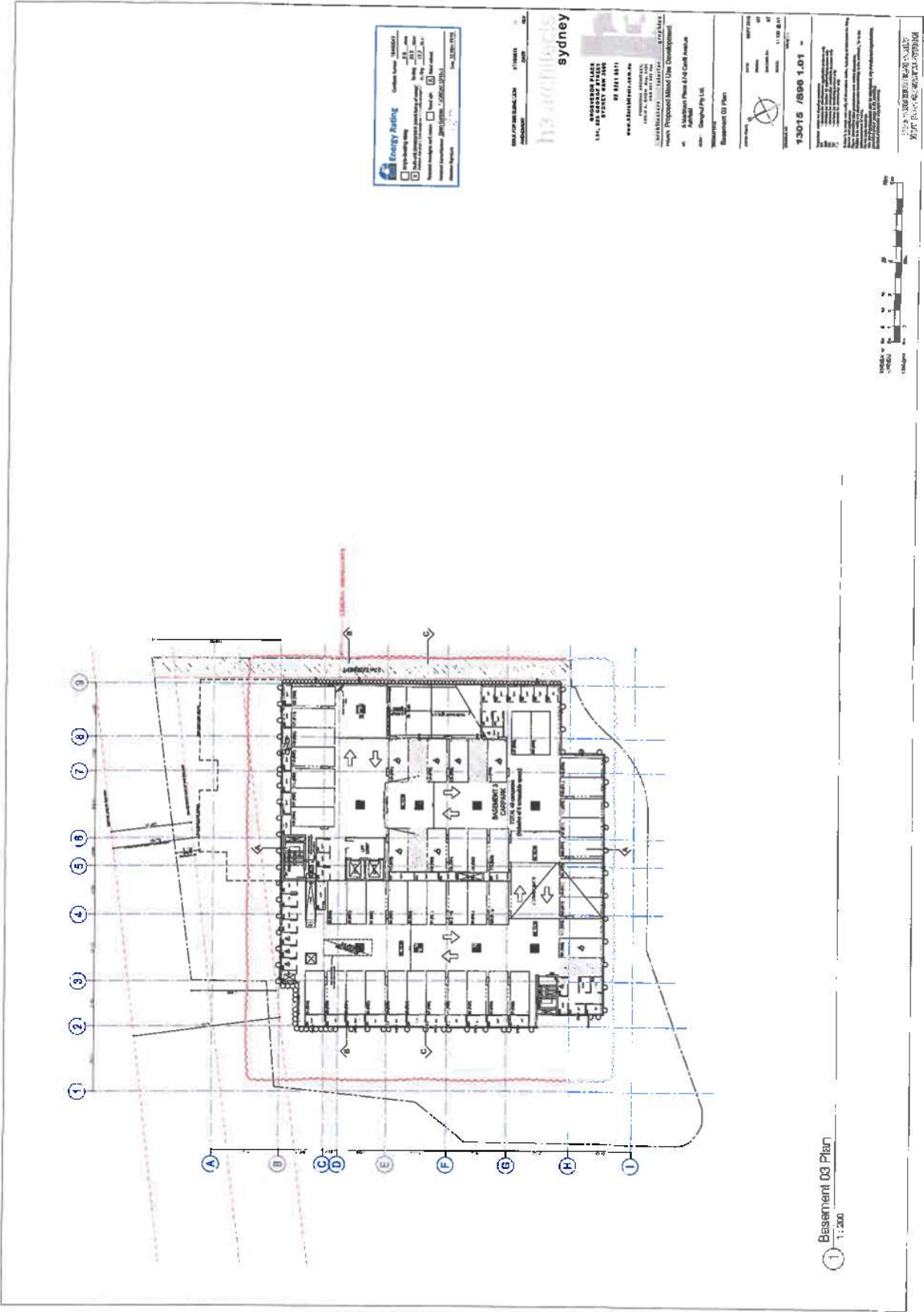
CPI_c is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

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

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque. Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

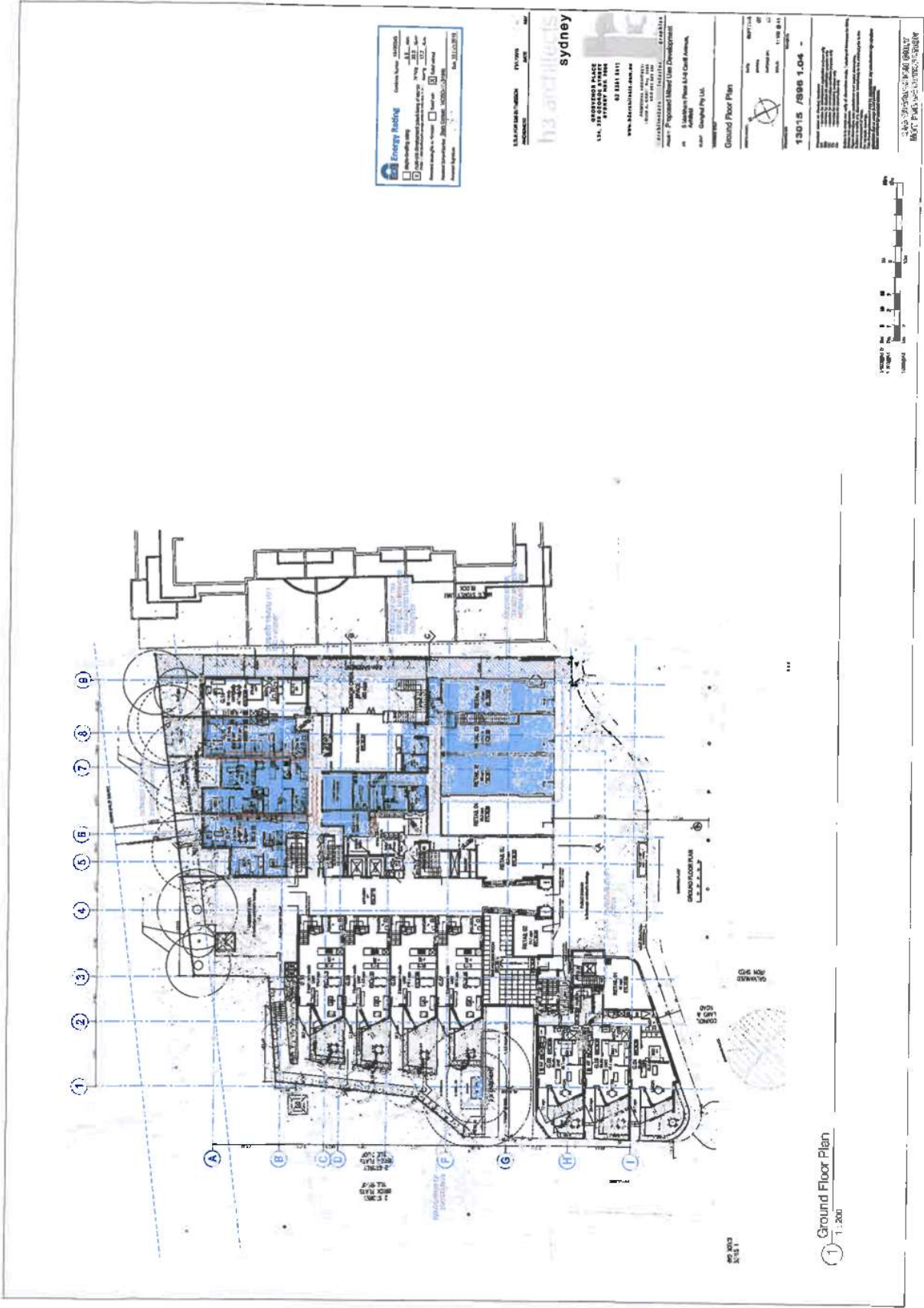


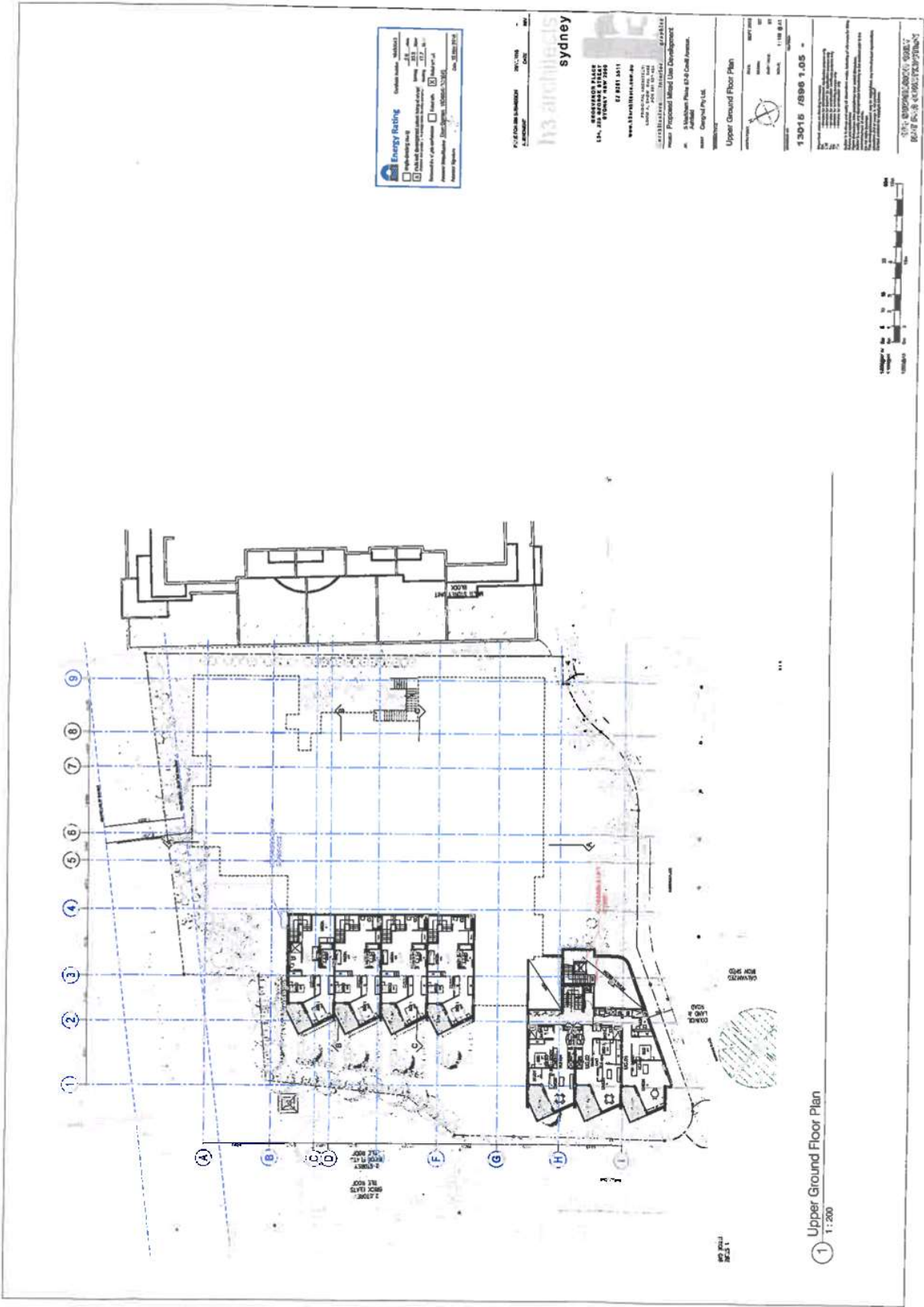
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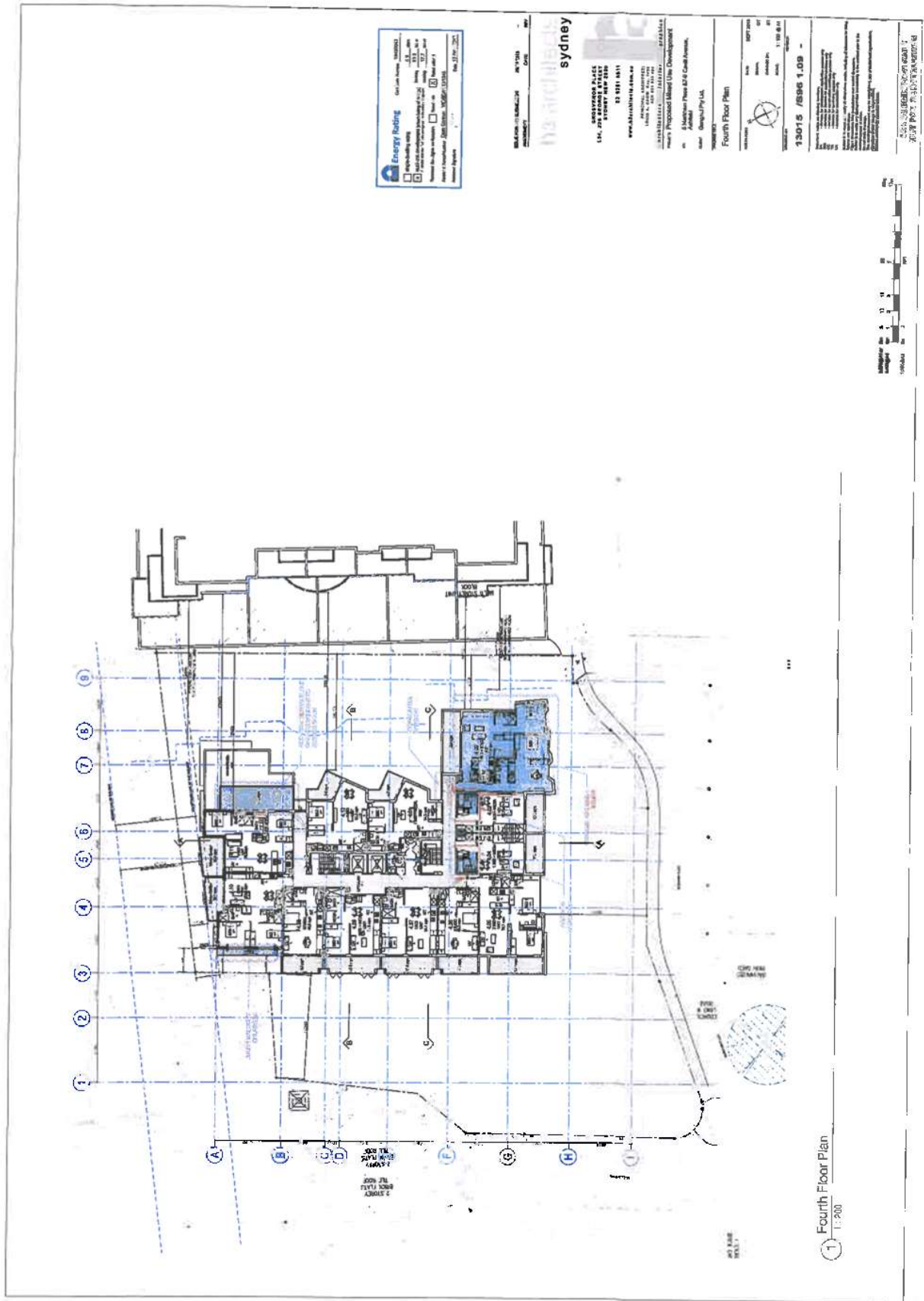








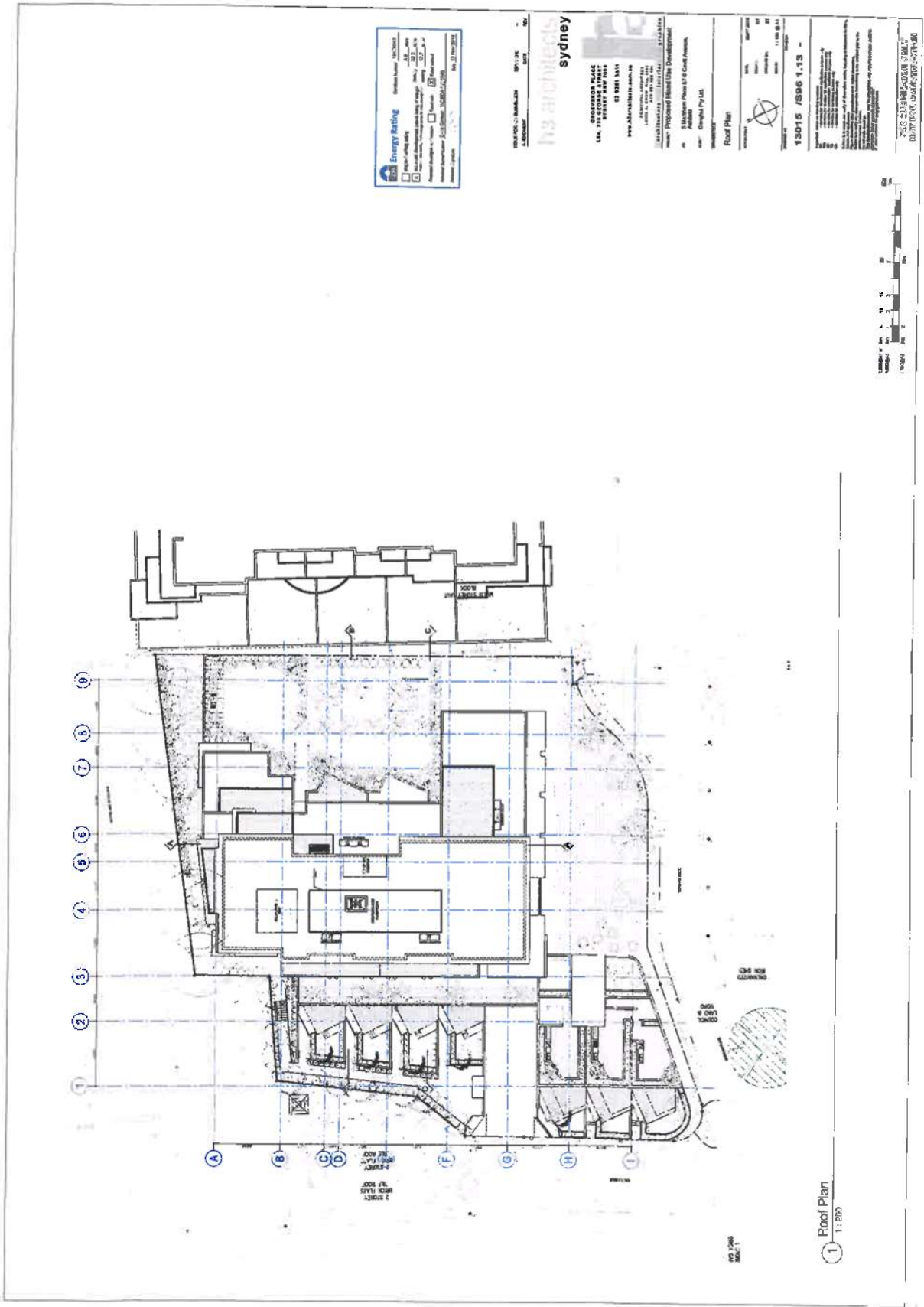
















Subject	NAMING OF TWO PRIVATE ROADS IN ALLIED MILLS SITE - 2-32 SMITH STREET, SUMMER HILL
File Ref	DA Ref MP10-0180
Prepared by	Phil Sarin - Director Planning and Environment
Reasons	Council concurrence is required for the naming of both public and private roads in the LGA
Objectives	Council to support the proposed private road names

Overview of Report

The naming of public and private roads in NSW is regulated by the Geographical Names Board (GNB). An application has been received from the Allied Mills site developer, EG Funds Management, to name two private roads in the development site. The Council is consulted through this process along with other agencies and is required to gazette the approved names.

Background

The developer has submitted the names "Flour Mill Way" and "Mungo Scott Place" for the two private roads in question - refer to plans in **Attachments 1 & 2**.

The GNB has given its concurrence to the two names and Council's Heritage Adviser is supportive of the names which reflect the historic use of the site.

Financial Implications

None.

Other Staff Comments

Not required.

Conclusion

It is recommended that Council support the two road names.

**NAMING OF TWO PRIVATE ROADS IN ALLIED MILLS SITE - 2-32 SMITH STREET,
SUMMER HILL**


ATTACHMENTS

Attachment 1	Application - Mungo Scott Place	4 Pages
Attachment 2	Application - Flour Mills Way	4 Pages
Attachment 3	Concurrence by Geographical Names Board	1 Page

RECOMMENDATION

That Council support the proposed names "Flour Mill Way" and "Mungo Scott Place" for the two private roads in the Allied Mills site at 2-32 Smith Street, Summer Hill.

PHIL SARIN
Director Planning and Environment

 <p>Ashfield Council</p>	<p>Contact Details:</p> <p>260 Liverpool Road Ashfield NSW 2131 PO Box 1145 Ashfield NSW 1800</p>	<p>Website:</p> <p>www.ashfield.nsw.gov.au</p> <p>Email:</p> <p>info@ashfield.nsw.gov.au www.ashfield.nsw.gov.au</p>

APPLICATION FOR NEW ROAD NAME

Roads Act 1993, Roads (General) Regulation 2008, Section 162

1 Details of the applicant

It is important that Council is able to contact you if more information is required. Please give as much detail as possible.

Mr ☐ Ms ☐ Mrs ☐ Dr ☒ Other:

Surname:	
Given Names:	
Company / Organisation:	AET Ltd ATF Summer Hill ownership Trust c/o EG Funds Management
ABN:	62 465 607
Postal Address:	Graesner Philip Tower, Level 21, 1 Finner Place
Suburb / State / Postcode:	Sydney NSW 2000
Daytime Telephone:	(02) 9220 7073
Mobile:	0432 323 540
Fax:	
Email:	gmacintosh@eg.com.au

2 The land

Development Application No.	DA 10.2014.070.1	(For new subdivision)
DA		
Lot/s		
DP		
Street	2-32 Smith Street	
Locality	Summer Hill	
Further Details:	Stage 2 Approval for the Fair Mill of Summer Hill redevelopment.	

All applications must be accompanied by a map, detailing nearest cross road and sufficient particulars to enable the road to be identified.

APPLICABLE FEES & CHARGES	ONE ROAD	\$351.00 (E)	EACH ADDITIONAL:	\$ 22.00 (E)
OFFICE USE ONLY	JOB No: 1380.0130.0220	RECEIPT No:	DATE:	

Application for New Road Name

3 The proposal**Page 2**

You must give full details of your proposal and attach the information required to assess the application. All applications must suggest two (2) new names (one preferred name and one alternative name) and state reasons to support the requested name for each suggestion. If possible, the history of the name(s) proposed should be included with the application.

Preferred Road Name (Road No. 1)		Alternative Road Name (Road No. 1)
Mungo Scott Place		Mungo Scott Lane
Reason to support Preferred Road Name		Reason to support Alternative Road Name
The roadway connects to the car park for the refurbishment of the Mungo Scott heritage building.		Same as option 1.
History of the Name(s) proposed		
Applicant has consulted with Ashfield Council's heritage advisor, who has recommended both of these options.		

Preferred Road Name (Road No. 2)		Alternative Road Name (Road No. 2)
Reason to support Preferred Road Name		Reason to support Alternative Road Name
History of the Name(s) proposed		

Preferred Road Name (Road No. 3)		Alternative Road Name (Road No. 3)
Reason to support Preferred Road Name		Reason to support Alternative Road Name
History of the Name(s) proposed		

Application for New Road Name

4. Privacy and personal information protection notice

- This information is voluntarily required to process your request and will not be used for any other purpose without seeking your consent, or as required by law;
- Your application will be retained in Council's Records Management System and disposed of in accordance with the Local Government Disposal Authority;
- Your personal information can be accessed and corrected at any time by contacting this Council.

Applicant's Signature/s

I declare that to the best of my knowledge all particulars supplied by me are correct and completed. I understand that inaccurate or false statements may cause my application to be delayed or rescinded.

Signature/s :  Date: 27.11.15

Road Naming - Subdivisions

The naming of roads constructed within new subdivisions is a Local Government responsibility under the relevant sections of the Roads Act 1993, Roads (General) Regulation 2008 and the provisions of Guidelines for the Naming of Roads by the Geographical Names Board.

To have road names approved for new subdivisions, a New Road Name/s Application form must be completed and submitted, **prior to issue of the Construction Certificate.**

Application forms and fees must be forwarded to:

260 Liverpool Road Ashfield NSW 2131
PO Box 1145 Ashfield NSW 1800

or lodged at:

260 Liverpool Road Ashfield NSW 2131
PO Box 1145 Ashfield NSW 1800

Naming Requirements

All applications for the naming of streets and roads within subdivisions must be made in writing.

All applications must suggest two (2) new names (one preferred name and one alternative name) and state reasons to support the requested name for each suggestion. If possible, the history of the name(s) proposed should be included with the application.


All applications must be accompanied by a map and sufficient particulars to enable the road to be identified.

The proposed name(s) should meet the Guidelines for the Naming of Roads by the Geographical Names Board.

The proposed name(s) should have a maximum length of nine letters (excluding the suffix).

Where appropriate, name continuity shall be maintained for streets and roads in the vicinity of and crossing boundaries between adjoining Council areas.



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APPLICATION FOR NEW ROAD NAME

Roads Act 1993, Roads (General) Regulation 2008, Section 162

1 Details of the applicant

It is important that Council is able to contact you if more information is required. Please give as much detail as possible.

Mr ☐ Ms ☐ Mrs ☐ Dr ☒ Other:

Surname:	
Given Names:	
Company / Organisation:	ACT Ltd ATF Summer Hill Ownership Trust C/O EG Funds Management
ABN:	62 465 607
Postal Address:	Governor Phillip Tower, Level 21, 1 Farrer Place
Suburb / State / Postcode:	Sydney NSW 2000
Daytime Telephone:	(02) 9220 7073
Mobile:	0432 323 540
Fax:	
Email:	gmacintosh@eg.com.au

2 The land

Development Application No.	MP10 - 0180	(For new subdivision)
DA		
Lot/s		
DP		
Street	2-32 Smith Street	
Locality	Summer Hill	
Further Details:	Stage 1 Approval for the Flour Mill of Summer Hill redevelopment.	

All applications must be accompanied by a map, detailing nearest cross road and sufficient particulars to enable the road to be identified.

APPLICABLE FEES & CHARGES	ONE ROAD	\$351.00 (E)	EACH ADDITIONAL:	\$ 22.00 (E)
OFFICE USE ONLY	JOB NO: 1380.0130.0220	RECEIPT NO:	DATE:	

Application for New Road Name

3 The proposal

Page 2

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Preferred Road Name (Road No. 1)		Alternative Road Name (Road No. 1)
Flour Mill Way		
Reason to support Preferred Road Name		Reason to support Alternative Road Name
Applicant has consulted with Ashfield Council's Heritage advisor, who has indicated support of this option.		
History of the Name(s) proposed		
The site was a Flour Mill and the proposed naming reflects the history of the site		

Preferred Road Name (Road No. 2)		Alternative Road Name (Road No. 2)
Reason to support Preferred Road Name		Reason to support Alternative Road Name
History of the Name(s) proposed		

Preferred Road Name (Road No. 3)		Alternative Road Name (Road No. 3)
Reason to support Preferred Road Name		Reason to support Alternative Road Name
History of the Name(s) proposed		

Page 3
4. Privacy and personal information protection notice
<ul style="list-style-type: none">• This information is voluntarily required to process your request and will not be used for any other purpose without seeking your consent, or as required by law;• Your application will be retained in Council's Records Management System and disposed of in accordance with the Local Government Disposal Authority;• Your personal information can be accessed and corrected at any time by contacting this Council.
Applicant's Signature/s
I declare that to the best of my knowledge all particulars supplied by me are correct and completed. I understand that inaccurate or false statements may cause my application to be delayed or rescinded.
Signature/s :  Date: 11/01/16

Road Naming - Subdivisions

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The proposed name(s) should meet the Guidelines for the Naming of Roads by the Geographical Names Board.

The proposed name(s) should have a maximum length of nine letters (excluding the suffix).

Where appropriate, name continuity shall be maintained for streets and roads in the vicinity of and crossing boundaries between adjoining Council areas.





Road Names

Clare Hewitt

to:

'IyerS@ashfield.nsw.gov.au'

21/03/2016 09:41 AM

Hide Details

From: Clare Hewitt <Clare.Hewitt@lpi.nsw.gov.au>

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

Hi Iyer,

Thank you for submitting the road names again. I can confirm that I received the application through the system and I have now concurred to the names.

Council will be able to gazette the road names through the online system in three week's time. If you need help gazetting the names through the system please don't hesitate to phone me and I will walk you through the process.

Regards,

Clare

Clare Hewitt | Statutory Officer | Geographical Names Board

Land and Property Information | Department of Finance, Services & Innovation |

Level 2, 346 Panorama Avenue Bathurst NSW 2795

e: clare.hewitt@lpi.nsw.gov.au | t: (02) 6332 8320 | www.lpi.nsw.gov.au |



**Land & Property
Information**

A division of the Department of **Finance & Services**

Subject	SUPPLY OF MATTRESS COLLECTION AND PROCESSING SERVICES- REQUEST FOR DEED OF NOVATION
File Ref	SC562
Prepared by	Erin White - Senior Sustainability Officer
Reasons	Council's current supplier for the collection and processing of waste mattresses, has sort a request for Novation to TIC (Mattress Recycling) Pty Ltd.
Objective	To inform Council of the Request for Novation, and to provide approval to this request to continue providing Mattress recycling services to the Ashfield community.

Overview of Report

Council currently utilises the services of Landsavers for the collection of waste mattresses through our clean up (hard waste) collections. This service is undertaken through a contract that Council has with Landsavers, which was awarded through a Southern Sydney Regional Organisation of Councils Inc. (SSROC) process.

Landsavers have been sold to TIC (Mattress Recycling) Pty Ltd and are seeking a Deed of Novation of the existing contract.

Background

Southern Sydney Regional Organisation of Councils Inc. (SSROC) awarded a preferred supplier contract for the services of collection and processing of mattresses, to Mission Australia and Landsavers Pty Ltd in 2012.

Ashfield Council has been utilising the services of Landsavers for the past 3 years for the collection and process of all waste mattresses.

The mattresses are collected by Landsavers in a number of different ways.

1. Council's on call hard waste collection. (every Monday)
2. Council's scheduled hard waste collection (May and November).
3. Direct from the Summer Hill Depot, (if Council staff have been required to collect dumped mattresses in the interest of public safety and amenity).

SSROC received a request from Landsavers to Novate the existing contract to TIC (Mattress Recycling) Pty Ltd. Landsavers have sold its business to TIC (Mattress Recycling) Pty Ltd (TIC) which took effect on 1 March 2016.

Financial Implications

There will be no change in the current schedule of rates. Details are in the Confidential Attachment of this report.

SUPPLY OF MATTRESS COLLECTION AND PROCESSING SERVICES- REQUEST FOR DEED OF NOVATION

Other Staff Comments

Manager Operations, Kelly Loveridge, is satisfied with the level of detail provide by SSROC in regard to the Request for Novation.

Public Consultation

Not applicable.

Conclusion

SSROC have undertaken a thorough review process, as per attached report. This has included legal advice from Marsden Law Group.

TIC has communicated their agreement to continue to provide the services on the same terms and conditions of the existing contract.

Council have to now accept and approve the Novation as the final step in the process.

ATTACHMENTS

Attachment 1 SSROC Report - Request for Deed of Novation - - 10 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
(ii) confer a commercial advantage on a competitor of the council, or
(iii) reveal a trade secret.

Attachment 2 Legal Advice to SSROC from Marsdens Law Group - 6 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
(ii) confer a commercial advantage on a competitor of the council, or
(iii) reveal a trade secret.

**SUPPLY OF MATTRESS COLLECTION AND PROCESSING SERVICES- REQUEST
FOR DEED OF NOVATION**

Attachment 3 Standard Financial and Performance Assessment 22 Pages
conducted by Corporate Scorecard - -
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.*

RECOMMENDATION

- 1/3 That Council receives and notes the attached Confidential Attachment
Recommendation Report for the Novation of the Supply of Mattress Collection.
- 2/3 That Council accepts TIC (Mattress Recycling) Pty Ltd as the new provider to
this contract for the remaining term and approves the Novation.
- 3/3 That Council resolves to authorize SSROC to enter the Deed of Novation on its
behalf under Section 355 of the Local Government Act.

PHIL SARIN
Director Planning and Environment

Subject	APPOINTMENT OF LOCAL RESIDENT TO PRATTEN PARK ADVISORY COMMITTEE
File Ref	SC702
Prepared by	Carolyn Walker - Executive Assistant
Reasons	To inform Council of the appointment of local resident to Pratten Park Advisory Committee
Objective	To seek approval of Council to appoint selected resident from expression of interest which closed in September 2015.

Overview of Report

Council resolved to appoint a local resident through expression of interest process.

Background

The Pratten Park Committee Terms of Reference provides for a local resident position to be available to the community.

An Expression of Interest was run in August 2015, with one application received namely Lindy Higgins who meets all the criteria for local resident member specifically:

For Local Resident positions:

- Live within 800m of Pratten Park;
- Be a regular user of the Park, visiting at least fortnightly, if not weekly.
- Demonstrate relationships with other local resident users of the Park or willingness and ability to seek out and initiate conversation with other users to consult with them

Council's endorsement of Ms Higgins application is sought.

Financial Implications

N/A

APPOINTMENT OF LOCAL RESIDENT TO PRATTEN PARK ADVISORY COMMITTEE

Conclusion

That Council consider appointing Lindy Higgins as local resident to the Pratten Park Advisory Committee

ATTACHMENTS

There are no supporting documents for this report.

RECOMMENDATION

That Council appoint Ms Lindy Higgins as the local resident to the Pratten Park Advisory Committee.

VANESSA CHAN
General Manager