INNER WEST COUNCIL

ELECTRONIC ATTACHMENTS

for

BUSINESS PAPER

6.30PM, TUESDAY, 25 JUNE, 2019

PAGE NO.

Attachments

Item 2. Balmain Leagues Club Precinct Development Control Plan Amendment

Attachment 1**:**	Submission issues and responses	2
Attachment 2**:**	Exhibited draft amendment to Part D1 of DCP 2000	34
Attachment 3**:**	Part D1 of DCP 2000 for adoption	75

Item 4. Post Exhibition Report - Amendment to DCPs (Housekeeping)

Attachment 1**:**	Clean copy of Leichhardt Development Control Plan 2013	115
Attahcment 2**:**	Clean copy of Marrickville Development Control Plan 2011	229
Atatchment 3**:**	Clean copy of Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (Ashfield DCP)	362

Item 6. Sydney Eastern City Planning Panel Report: DA201700185: 728-750 Princes Highway, Tempe (Bunnings)

Attachment 1**:**	SECPP Assessment Report - 728-750 Princes Highway, Tempe (DA201700185)	511
Atatchment 5**:**	SECPP Second Supplementary Report - 728 -750 Princes Highway, Tempe (DA201700185)	550

Council Response to Submissions to exhibition of Leichhardt DCP 2000 for 25 June 2019 Council Meeting

106 submissions were received during the exhibition period, they can be categorised as follows:

- 7 in support
- 11 support, with changes
- 87 oppose
- 1 no comment

Issues identified in the submissions have been grouped by subject matter and are discussed in the table below. The second column provides a response to the matters raised and any subsequent changes to the draft amendment. The subject matters are:

1. Height and scale
2. Traffic and transport
3. Retail impact
4. Character
5. Parking
6. Environmental outcomes
7. Applicable planning framework
8. Amenity
9. Leagues Club
10. Town square
11. Site should be redeveloped
12. Use of site for tunnelling
13. Removal of the pedestrian bridge
14. DCP should not be developer led
15. Demand for amenities
16. Gambling harm
17. Draft DCP flawed
18. Waste management
19. Air quality
20. Apartment design
21. Public art

1. Height and scale	
Submission discussion	**Officer response**
Approximately 80% of submissions opposed the height and scale of the building envelope, noting that it is excessive and incongruous with the surrounding area. Many were of the opinion that the DCP would result in a poor relationship with the adjoining Heritage Conservation Area (HCA), other low scale development and nearby heritage items. It was suggested that the site's location at the top of a ridge reinforced the inappropriateness of the height and scale. A number of the submitters misunderstood the height of the building envelopes, interpreting the RLs (reduced levels) as metres, while others misinterpreted that the DCP was establishing a building envelope that would facilitate a floor space ratio (FSR) greater than that permitted under *Leichhardt Local Environmental Plan 2000* (LEP 2000). Approximately 4% of submissions supported the building envelopes presented in the DCP, specifically the scale of development adjacent to Victoria Road and Waterloo Street and the stepping of building heights, noting that this reduced bulk and intrusiveness. Conversely, one submission suggested that the tallest buildings should be placed to the north of the site to reduce the impact of the building bulk on Darling Street. Other suggestions from individual submitters relating to height and scale were: • Development at 1-7 Waterloo Street should take the form of dwelling houses. • D1.5 C2 should be amended to require mobile phone towers and the like to be integrated into the design of the development and not exceed building heights. • The building envelope from the front page of the existing DCP does not appear in the draft. • If supported, the height and scale should be applied to surrounding	While the draft DCP amendment proposes to alter the arrangement of the built form on the site, it does not seek to increase the density and height of development permitted. Schedule 1, Part 3 of LEP 2000 includes site specific floor space ratio and height controls for the Balmain Leagues Club Precinct site) which came into effect in 2008. These are not proposed to be amended. The DCP amendment is attempting to distribute this height and density most appropriately, minimising impacts. Heights are shown in the DCP as RLs for consistency with the LEP. The RLs are relative to the Australian Height Datum. The associated LEP controls also make reference to numbers of storeys. To avoid inconsistency with the height controls of LEP 2000, RLs that are not contained in the LEP have been removed. Notwithstanding, the building envelope still shows the towers along Victoria Road stepping down from southeast to northwest to provide a height transition to the low scale properties to the northwest of the Precinct, respond to the topography and facilitate solar access to the plaza. This distribution of height was informed by the independent urban design and heritage analysis undertaken by Council engaged consultants. The LEP permits development of a maximum height of 12.5m and 3 storeys along Waterloo Street, and as such it would be futile for the DCP to require development in this location to comprise dwelling houses. Schedule 1, Part 3 of LEP 2000 includes the following definition of building height: *building height (or height of building) means the vertical distance between ground level at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite*

commercial lots. • A note should be included that the provisions for the Precinct are an anomaly and do not set a precedent for other sites. • The reduction in retail space is supported, however the increase in residential is not. • The draft DCP includes controls that contravene the LEP height controls, reducing the maximum height from RL82 to RL71 along the Victoria Road frontage. • The building envelope included in the draft DCP makes it impossible to achieve the maximum FSR of 3.9:1 permitted under LEP 2000. • Proposed building setbacks will further constrain the yield, including the 3m setback above the Victoria Road street wall is unnecessary and a more appropriate control would be to require a 10m street wall that is distinctively different in terms of architectural character from the towers above. The 6m setback from the southern boundary should be taken from the midline of the right of way on the adjoining property, rather than the property boundary. • The upper level setbacks to the tower forms facing the centre of the Precinct will have inconsequential impact on overshadowing to the Town Square and will result in inefficient floor space and a stepped built form which will compromise the design outcome.	*dishes, masts, flagpoles, chimneys, flues and the like.* Accordingly, it is not possible for the DCP to prohibit telecommunications equipment from exceeding the maximum building heights. It should be noted that the building envelope shown in the existing DCP has been replaced by an alternative envelope, hence it does not appear in the proposed DCP. The controls for the site and its redevelopment are predicated on the return of the Balmain Leagues Club (or its successor) to the site. While there is likely to be a future review of the controls for surrounding land, it is not considered that the subject site will set a precedent. The building envelopes depicted in the draft were designed to allow for some flexibility, while ensuring that overall urban design objectives are achieved. Post-exhibition yield analysis revealed that amendment of the draft DCP was required to ensure that the maximum FSR could be achieved within the controls. This process has resulted in amendment of the building envelope to accommodate additional floor space to the rear of the north and south towers, including additional height behind the southern tower. Notwithstanding, a note has been included advising that built form behind the southernmost tower may be considered if bulk is minimised when viewed from Victoria Road and Darling Street and an appropriate transition to the HCA is achieved. Legal input confirmed that the distribution of floor space should not deviate from the maximum floor space ratios prescribed for particular uses in the LEP. As such, the envelope no longer delineates between residential and commercial/retail floor space. Any increase in residential floor space above the maximum FSR (1.9:1) in the LEP will need to be justified by a DA. The primary intent of the 3m upper level setback to Victoria Road is to

	minimise the scale of the towers within the Victoria Road streetscape and the broader northeast visual catchment. The current setting for the development is on an elevated ridge within an urban fabric of two and three storey buildings. The new development will inevitably stand out from this lower scale setting. It is therefore important that the Victoria Road street wall height of 10m is emphasised and that the residential tower buildings which extend above are setback a further 3m, above podium height, to assist the transition in scale to the two-to-three storey urban context. Reinforcing the two-storey street wall will also achieve a pedestrian scale at street level. While it is accepted that Victoria Road is a major road, of broader width than Darling Street and other streets in Rozelle, the transition in scale and the need for an upper level podium setback is an important requirement to ensure this new development sits comfortably in the urban context. The Apartment Design Guide specifies minimum separation distances for buildings to be used in establishing controls for a site. It notes that adjoining sites should share the burden of building separation evenly, with buildings setback from a common boundary half of the separation distance. Accordingly, the southernmost tower is to be setback 6m from the property boundary. Measuring the setback from the midline of the ROW on the adjoining property would unduly burden the Darling Street properties and constrain their future development potential. The upper level tower setbacks facing the centre of the Precinct are essential to achieving the desired objectives of solar access and good urban scale. They will contribute to the solar access to the future plaza and will mitigate the scale of the towers when viewed from Waterloo Street and Darling Street. Efficient floor spaces can be achieved via different design measures e.g. providing penthouse units and/or cross-over apartments on the top most levels.

2. Traffic and transport	
Submission discussion	**Officer response**
60% of submissions raised concern that the redevelopment of the site in accordance with the DCP will result in major adverse traffic impacts, with a significant increase in vehicles in an already congested area. Particular concern was raised in relation to: • The inability of the Darling Street and Victoria Road intersection to absorb impacts of additional traffic. • Impact on traffic, parking and safety in surrounding local streets. • Given traffic volumes, the 11% increase in Victoria Road pm-peak travel time is likely to have a massive impact. • A supermarket will have poor traffic circulation patterns and introduce an additional traffic burden to local streets. • The requirement that the final mix of uses "must ensure traffic does not significantly impact the road network in the area", needs to be quantified. • Latent traffic demand should be explained. • Traffic conditions in the area are likely to change with WestConnex proposals and attempts to second guess traffic impacts are futile. • Safety implications for pedestrians, cyclists and drivers in the surrounding areas. Poor sight lines will worsen and footpaths will be inadequate. Building setbacks on Victoria Road and Waterloo Street should be further increased to accommodate wider footpaths. • No controls are proposed to restrict rat runs by all vehicles, including heavy trucks. A number of comments were made in relation to vehicular access and egress: • All vehicular ingress and egress should be via Victoria Road to minimise the impact on Waterloo Street. • All egress from the site should be via a left turn (including Waterloo Street). • Consider restricting right turn access to the site from Waterloo St to	The traffic analysis undertaken by Council's appointed traffic consultants was based on the scheme submitted by the Proponent in May 2018, comprising less retail floor space than permitted under the LEP and more residential floor space. It is estimated that the proposal would generate some 240 (AM peak period) to 400 cars/hour during (PM peak period). Both of these volumes fall within the agreed traffic budget for the development and associated traffic modelling indicates that the development, as proposed, is only likely to result in minor increases of average delay and traffic density across the network. The transport and traffic analysis indicates that the Darling Street and Victoria Road intersection will operate satisfactorily. The requirement that the final mix of uses must ensure traffic does not significantly impact the road network is an existing provision of the DCP. The LEP includes maximum FSRs for different land uses, within the overall 3.9:1 FSR. It is anticipated that this control will allow consideration to be given to the appropriateness of the amount of floorspace attributed to each use and any variations proposed. While 'significant impact' cannot be simply quantified in a DCP provision, the impacts associated with the redevelopment of the site have been examined in detail by the studies undertaken to date. Latent demand is travel demand that is desired but not realised (or taken) due to constraints in the network such as traffic congestion. The independent review of the applicant's traffic modelling took latent demand into account for all scenarios and found it to be non-existent i.e. no latent demand was found in the modelled scenarios. RMS forecasts that the Iron Cove Link (a component of WestConnex Stage 3B) will significantly reduce traffic volumes on Victoria Road. Based on these projections, Council will develop a master plan for this section of Victoria

minimise impact on traffic flow. • Need further controls to ensure that only residential vehicles enter and exit via Waterloo Street. With poor access to and from Victoria Rd for the commercial and retail parking, patrons and customers will seek access from Waterloo Street. • More detail should be provided for the proposed deceleration lane in Victoria Road. • The location of the vehicular access/egress for retail and commercial facilities on Victoria Road will create considerable issues, including congestion and safety, with traffic entering and exiting the development via Victoria Road westbound. City-bound drivers will then face a daunting prospect upon exiting the site. Five submissions raised concerns relating to public transport, with the following comments made: • Public transport is not well-frequented as it needs to be drastically improved to facilitate cross-suburb travel within reasonable travel times. • City-bound buses are already at capacity once they get to Rozelle and will not stop. • A further 10-15% delay in traffic will deter public transport use. • A requirement should be included for any proposal to demonstrate that consultation has occurred with bus service providers regarding how the additional demand will be serviced. • The community bus is ill-conceived and could be very inefficient. Much better to consult with TfNSW about how to improve existing bus services and perhaps have a developer levy that supports bus service improvements or even taxi/Uber subsidies. • Objective "Reduces reliance on motor vehicles and encourages pedestrian use" has been omitted. Other concerns raised by individual submissions: • The developer or government should bear costs associated with local traffic improvements, including:	Road. The draft DCP requires setbacks to be provided at ground level on Victoria Road (4.5m) and Waterloo Street (1m) to allow for the widening and improvement of footpaths. Separate controls require the upgrading of footpaths at the perimeter of the Precinct and include design requirements to prioritise pedestrians along the Victoria Road frontage. This will allow for enhanced conditions and improved safety for pedestrians and cyclists. Any future changes to the local road network to alter traffic flow and conditions and can be considered by Council both pre and post redevelopment. This includes limiting trucks and making roads single direction. All previous proposals have included the need to minimise impact on Waterloo Street. This has been accommodated by excluding all commercial traffic from Waterloo Street and restricting the Waterloo Street access to residential vehicles only. Allowing residential access from Waterloo Street splits the traffic flow and results in a fair distribution of traffic to the road network. Left turn only egress in Waterloo Street would result in vehicles utilising the Waterloo Street/Darling Street signalised intersection. Restricting egress from the site via left turn only to Waterloo Street will be considered in the assessment of the development application (DA) for the site. Modelling indicated that right turns into the site did not present a significant traffic issue. Restricting right hand turn access to the site will be further considered in the assessment of the DA, however it is noted that Waterloo Street is a local road and the use of Waterloo Street as a thoroughfare from Darling Street to Moodie Street is not supported other than for the purpose of accessing local properties. The access to the site by residents should not be restricted for the purpose of encouraging increased traffic flows through

- Traffic lights at the intersection of Denison and Darling Streets to facilitate entry to Darling St. - Repairs to Denison St - this is currently in poor condition and will become a busy thoroughfare as drivers seek to avoid the congestion near the site. • One submission suggested that universal free home delivery to within a 5km radius of the centre is impractical and counterproductive, while another questioned how this component of the voluntary planning agreement (VPA) can be deleted. A submission from Roads and Maritime Services (RMS) advised that vehicle access principles for the site may need to be reconsidered upon assessment of a future DA.	Waterloo Street to bypass Darling Street/Victoria Road intersection. It is envisaged that physical separation of the commercial and residential carparks will preclude vehicles associated with the commercial tenancies from accessing Waterloo. This will be confirmed at the DA stage. Access requirements for Victoria Road will be a matter for RMS. They will give consideration to any changes to the classified road to which the developer may need to contribute. Council continues to pursue the improvement of both public and community transport. Council has a role in advocating for improved public transport services to, through and around Inner West and for transport infrastructure that aligns with population growth. Council does not currently have a legislative mechanism within which it can apply a levy toward improved private or state run public transport. The provision of buses to transport patrons is common for registered clubs and is considered appropriate for the proposed redevelopment. Section D1.15 Parking includes an objective to promote choice in available transport modes and reduce dependency on private cars. This effectively replaces the objective of the existing DCP relating to reduced reliance on motor vehicles and encouraging pedestrian use. The existing Part D of DCP 2000 includes a provision requiring free home delivery from all shops located on site to within a five kilometre radius of the centre. The exhibited amendment did not include this provision. It is envisaged that a new VPA will be negotiated for the site which removes all components of the current DCP that are no longer sought. There is no nexus between the intersection of Denison and Darling Streets and the redevelopment of the Precinct. Requests for signalisation should be

	forwarded to RMS. Council's asset engineers will be advised to assess the current condition of Denison Road as part of their maintenance programme.
3. Retail impact	
Submission discussion	**Officer response**
Approximately 42% of submissions raised concern that the redevelopment of the site will include excessive retail which will adversely affect the existing businesses on Darling Street. A number of these submissions opposed a supermarket on the site, suggesting that local demand is adequately met by existing supermarkets, many of which have opened since the adoption of the existing DCP provisions in 2008. It was suggested that the density of Rozelle is better suited to walkable shopping precincts and smaller scale supermarkets and a large scale supermarket and associated parking will threaten the vitality and walkability of Darling Street. Other related concerns included: • Lack of connectivity of retail within the Precinct with Darling Street. • Proponent's Economic Impact Assessment (EIA) is flawed in the following ways: - Calculates demand for supermarket floor space by comparing the LGA with an Australia wide average which is problematic as retail needs are not uniform across Australia. - Bias toward only "full-line" supermarkets providing supermarket floor space. - There is considerable discussion about retail leakage but not retail influx, the amount of money that comes into the area, precisely because the area is distinctive and offers great retail diversity. - Does not undertake specific analysis of inner city retail expenditure and practices. • The draft DCP has an objective to support the long-time viability of the Balmain Leagues Club, but it should also include objectives to support the long term amenity of the residents nearby and the long term viability of existing small businesses on Darling Street.	Council commissioned SGS Economics and Planning to undertake a peer review of the Proponent's EIA and provide an independent parallel assessment. Contrary to the claim that the EIA is flawed, SGS's review found it to be a sound report, presenting a reasonably accurate assessment of retail floor space demand in the host-economy of the proposed development. It did question the extension of estimated trade area into Balmain, but noted this wasn't a profoundly consequential error that would lead to misrepresentation of the economic impact of the development. SGS's review concluded that the quantum and mix of retail shown in the Proponent's scheme is warranted on the grounds of: - The site is located within an established retail centre, generating potential co-location benefits, reducing the need for vehicular travel and (potentially) greater integration within this centre. - There is an undersupply of retail floor space in the local economy, particularly in terms of full-line supermarkets. - Population growth is expected in the coming years, so the undersupply issue is likely to be exacerbated. - There is policy support for increased floor space (including retail) in established centres across Metropolitan Sydney under the GSC's Eastern City District Plan to meet the impending population growth. - There is no demonstrably significant trade diversion effect on any other centre (largely due to the established nature of supermarket undersupply in this area). The study provided additional insights and recommendations: - Consider better integration of the specialty shops with Darling Street. - There is a risk that prominence along Victoria Road may jeopardise retail trade along the southern portion of Darling Street by dragging foot traffic

• Economic impact of congestion on existing businesses and vibrancy of the area. • "Safe and accessible paths of travel shall be provided from established retail and commercial areas along Darling Street and Victoria Road to the central plaza area" has been omitted. • DCP should formally preference independent small businesses. • Hours of operation of retail uses not addressed.	directly to the facility rather than past the exiting Darling Street frontages. The review suggested that to avoid self-containment, the location and arrangement of the new retail units should extend the current specialty retail strip along Darling Street. It recommended that the most appropriate way to integrate the development in this location would be for uses to wrap from Darling Street around into the through-site link, maximising vitality at this corner and drawing people into or out of the site. Achieving this outcome is a requirement of the draft DCP. Furthermore, the exhibited DCP includes a requirement that any development application for the redevelopment of the Precinct must be accompanied by an economic study outlining how the design will support the long-term prosperity of the Rozelle commercial centre. A number of the proposed objectives and provisions are related to the preservation of residential amenity. The proposed DCP is not seeking to facilitate additional development on the site, nor is it amending the parking requirements for the Precinct. Traffic assessment has concluded that the Proponent's scheme (including less than the maximum retail FSR and more than the maximum permitted residential FSR under the LEP) is likely to result in only minor increases of average delay and traffic density across the network. The appropriateness of the variances and the impact of the development on the surrounding road network will be given further consideration at the DA stage. There has been no loss of intent through replacement of the control requiring safe and accessible paths of travel from Darling Street and Victoria Road to the central plaza area. The DCP amendment provides further detail in this regard, requiring the link from Darling Street to provide unimpeded physical and visual connection to the central plaza and unrestricted access to be available from Victoria Road.

	It is not appropriate for a DCP to preference independent businesses, however the land use provisions state that uses shall include limited speciality retail focused on food and beverage, that does not detract from the surrounding Rozelle Commercial Centre. It also includes a provision requiring smaller scale retail units, in particular cafes and restaurants, to be located around the future plaza, the Club, laneways and Darling Street to promote activity. Suitable hours of operation will be determined in the assessment of the development application for the site. This will follow consideration of the nature of the proposed uses, operating times for nearby businesses and impacts on the surrounding area.
4. Character	
Submission discussion	**Officer response**
19 submissions made reference to the character of the surrounding area. Approximately 90% of these submissions raised concern that the redevelopment of the Precinct in accordance with the draft DCP would be totally out of character with and unsympathetic to the unique character of the suburbs of Balmain and Rozelle and the village atmosphere. Other comments received in relation to impacts on the existing character were: • Any argument that the redevelopment will destroy the 'village' ambience is absurd given the large number of nearby apartment buildings. • The site specific controls are a threat to the coherence of Rozelle. • There is no "connection" with the low-scale (2-3 storey) and heritage character of the area. • Consideration of the cultural nature of the Rozelle community and the potential impact of new development is inadequate, with consideration being limited to public art. • Controls relating to minimising visual impacts to the surrounding HCA and heritage items are totally insufficient as they do not relate to the very	The site-specific controls were established in 2008. Not only do these specify the properties to which these provisions apply, but facilitate a scale of development that contrasts distinctly with the surrounding area. The DCP includes a number of requirements which seek to maximise the integration of the Precinct with the surrounding area, both physically and visually. Within the context of the generous LEP controls for the site, the Darling Street interface will have a sensitive relationship with the HCA and the existing strip retail front. Development along Waterloo Street will also provide an appropriate urban design response to the existing fine grained houses. The DCP requires submission of a Heritage Impact Statement which addresses the impact of proposed works on the HCA and heritage items in the vicinity, having regard to scale, form, materials, colours and the local character. 'Before' and 'after' perspective views from the heritage items,

specific nature of the area. • The subject site falls outside of the HCA and the DCP should be amended to correct any reference to the contrary. • There should be a requirement that any application acknowledge and compliment the intrinsic value and cultural heritage of the Balmain Tigers Rugby League Football Club.	Darling Street and Waterloo Street are to also be provided to enable assessment of the potential impact on heritage items and the HCA. Consistent with Figure 2 of the draft DCP, properties within the Balmain Leagues Club site are within a HCA under LEP 2000. The site specific DCP provisions require the return of the Balmain Leagues Club to the site. This will acknowledge the value and heritage of the Balmain Tigers Rugby League Football Club. The development of a Public Art Strategy (required by the draft DCP) may present further opportunity for the history of the Club to be recognised.
5. Parking	
Submission discussion	**Officer response**
14% of submissions made comments in relation to the parking requirements of the draft DCP. These included: • The total required parking should be allowed to flexibly allocated to any category of user. • "Lounge and bar" and "gymnasium" have the highest parking requirements which is illogical. • Insufficient parking to be provided, particularly with a full-line supermarket. • No specific allowance for a hotel or other similar accommodation on site. • The developer will be permitted to provide the minimum number of spaces as per the standard provisions of DCP 2000. • The number of car parking spaces should be reduced and a significant number of apartments sold without car parking. • On street parking in surrounding streets will be severely impacted by visitors and shoppers to the site. • Requiring the existing 22 public car parking spaces to be accommodated, above the number of car spaces required for the development, is unacceptable. • No indication of the depth of the basement and number of parking levels.	Flexibility and adaptability of on-site parking is currently under investigation in Council's Integrated Transport Strategy, however the application and enforcement of such flexibility will require a comprehensive framework to be established before Council would be confident that such a mechanism could be used without detrimentally impacting on adjacent areas. On-site parking rates have been calculated based on a series of studies and surveys. The rates proposed have been developed in order to achieve an optimum balance between parking demand and the impacts of associated traffic on adjacent areas. It is considered that, under normal operating conditions, the rates proposed should not result in unreasonable kerbside parking demand in nearby streets. To capture any uses that may be permissible on the site but for which parking rates are not provided in C2 of D1.15, it is proposed to include a statement that car parking for any other uses is to be provided for in accordance with the rates outlined in Leichhardt DCP 2013. Deletion of the term 'maximum' from control C2 of D1.15 will confirm the

• The loading dock areas for residential and non-residential uses should not be required to be fully separated, sharing would allow a more efficient basement configuration. • The requirement to design and construct car parking areas to allow electric vehicle charging points to be installed at a later time is useless. Businesses should be consulted on appropriate controls and the developer required to pay. • Potential for the taxi zone to be adapted to include ride sharing systems like Uber.	intent that parking is to be provided in accordance with the specified rates. These rates align with the minimums under the general parking rates in Part A of DCP 2000. As per draft provision C3 of D1.15, if less than the required parking is proposed, a traffic and parking study is to be submitted to justify the parking rate and demonstrate no impact on surrounding streets. The site currently and historically provides 22 car parking spaces (2 hour time limit) accessed from Waterloo Street for public use. Following further consideration by Council's traffic engineers, it is proposed to revise the control requiring the provision of these spaces in addition to the number of spaces required for the development. The revised control will require a minimum of 22 parking spaces for public use, without charge and for not less than 2 hours, at all times. The depth of the basement carpark and number of levels is not a matter for the DCP. This detail will be included in a development application. Council's traffic engineers raised no objection to the provision of a consolidated loading dock subject to adequate ingress/egress in a forward direction. It is proposed to delete C7 of D1.14 and amend C8 of C1.15 of the draft DCP which require separation of un/loading and servicing areas. Council is currently preparing its Integrated Transport Strategy which will lead to the development of a comprehensive electric vehicle plan/policy. At this time, electric vehicle charging is addressed on a case by case basis and is subject to individual negotiations with property owners. Road Rules 2014 (NSW) permits only a taxi to stop in a taxi zone. Alteration to the taxi zone to permit other vehicles use is not supported as the spaces are required to be available for taxis to service the development including the club. It is considered that there will be sufficient public parking on and off street to accommodate pick up and drop off, including ride sharing systems like Uber.

6. Environmental outcomes	
Submission discussion	**Officer response**
Six (6) submissions made reference to the environmental outcomes identified for the Precinct. Comments included: • The site should incorporate more soft landscaping with minimal hard surfaces to reduce urban heat. • Encouraging green walls and façades on at least 50% of the surfaces of all buildings, is onerous and would require a significant maintenance commitment and significant costs. Additionally, many of the building façades face south-west or south-east, or have heritage significance, hence options to provide green walls are limited. • The landscaping and deep soil controls cannot be delivered in a dense development that requires a significant basement footprint. It is not possible to deliver deep soil, as defined by the ADG, in central locations within the site. • Council should focus on securing a BASIX Energy Target of 40 for all buildings 6 or more storeys, via a VPA or incentive clauses in an amended LEP. • The requirement for office premises with a net lettable area of 1,000m^2 or more to support a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 is onerous and unreasonable given the size and scale of commercial development proposed. • The economic rationale for the proportions of roof space identified for green roofs should be explained and consideration given to how should this be balanced with more or less rooftop photovoltaics. • The Water Sensitive Urban Design controls are strict and onerous. • D1.6 Land Use O2 to be amended to include a reference to 'environmentally suitable' land uses.	While the draft DCP does not prescribe a minimum landscaped area for the site, it does include minimum deep soil zone (10%) and site canopy coverage (15%) requirements. Furthermore, it incorporates requirements for green walls and roofs and street planting. Together, these will achieve the objectives of providing high quality landscaping, accommodating significant tree plantings and reducing ambient air temperature and impacts of the urban heat island effect. In relation to the provisions for green walls and facades, the vision is that the site will be a 'green gateway', hence the building needs to have substantial vertical greening. The wording of draft control C8 is that green walls and facades are 'encouraged', rather than 'required'. Notwithstanding, it is acknowledged that, given the site constraints, achieving green walls on 50% of building surfaces may not be feasible. Accordingly, it is recommended that control C8 of Section D1.16 be amended to: *Green walls and façades are required on a minimum of 15% of the available building surfaces, with particular focus on the north-eastern facades facing Victoria Road.* It is acknowledged that it will not be possible to provide deep soil zone (areas unimpeded by buildings or structures above and below ground) with areas of 100m^2 in central locations on the site, while providing an underground supermarket and required parking and servicing within a basement. Proposed revisions to Section D1.10 are shown in Appendix 3. These changes will provide greater flexibility in locating areas of 'deep soil zone' while still requiring a minimum provision across the site. They will also allow mature trees to be provided on structure (on top of built structures such as basement car parks) in planters of minimum volumes, rather than within the deep soil zone. This will not compromise achievement of the objectives but allow greater flexibility in locating landscaping and mature

	planting. In relation to the mechanism used to secure water and energy usage and thermal comfort performance outcomes for the residential component, amendment of the LEP is not appropriate. This process of amending DCP 2000 is based on the premise of working within the existing LEP provisions for the site. It is envisaged that a revised VPA for the site will be negotiated subsequent to the adoption of the DCP amendment. As part of the negotiation process, consideration may be given to securing environmental outcomes. Inclusion of the NABERS requirement for office premises with a net lettable area of 1,000m^2 follows an amendment to the Sydney DCP 2012 by the City of Sydney (CoS) requiring the same. The evidence base cited by the CoS included the following: • The proposed amendment utilises 1,000m^2 to align with the NABERs Commercial Building Disclosure (CBD) Program. The Federal Government's CBD Program requires energy efficiency information to be provided in most cases when commercial office space of 1000m^2 or more is offered for sale or lease. • Studies indicate a 5.5 star NABERS Energy rating is an appropriate minimum target to require for future developments, with reasons including: a) higher rental rates; b) positive net present value and internal rate of return possible; and c) little or no 'additional' energy savings at the local government area level if below 5.5 star as NABERS Energy ratings in the City of Sydney are increasing over time, on average. • The Office of Environment and Heritage, the NABERS national administrator, commissioned AECOM to conduct a life cycle cost analysis based on the capital and operating costs of a building targeting different NABERS Energy star ratings. The study indicates there is a strong

	business case that high NABERS rated buildings are more desirable to construct and operate than average or low performing buildings. • Investment Property Database Australia Markets Results (2014) show: a) a 10.6 per cent average return on buildings that achieve a 5 star NABERS Energy and higher, compared to 8.5 per cent return for 4 - 4.5 star and 7.6 per cent for 3.5 star or lower; and b) high performing NABERS Energy buildings have a vacancy rate of 0.4 percentage points lower than the average lower performing buildings, have 17 per cent higher net income ($/sqm), have a 21 per cent higher capital value ($/sqm), and a longer weighted average lease expiry by 45 per cent. • Stakeholders voiced support for including NABERS Energy Commitment Agreements for commercial office buildings into the planning controls. In relation to balancing the requirement for green roofs and the provision of solar panels, green roofs provide many benefits, including social, economic and environmental. Potential economic benefits include: • reduced energy requirements • increased life span of roof structure • additional space for food production • reduced costs of emergency flood works • increased efficiency of solar panels • reduced health care costs Research shows that green roofs improve the efficiency of solar panels. By lowering ambient roof temperatures, green roofs enable solar panels mounted over them to operate more efficiently, with energy outputs up to 15% more than from panels on asphalt or gravel covered roofs. Accordingly, it is considered that green roofs and solar panels can be successfully co-located. With regard to the exhibited WSUD controls, Council officers are of the opinion that these are appropriate for a site and development of this scale.

7. Applicable planning framework	
Submission discussion	**Officer response**
15% of submissions suggested that Council should pursue amendment of the height and FSR controls for the site. Some voiced disapproval that Council changed their position from "reduce the height to 6-8 storeys" on 11 August 2015 and were displeased with the "intervention of the Mayor in the process". In addition, a small number of submissions suggest that the DCP should take into account the 'desired future character' for the area referenced in *Leichhardt Local Environment Plan 2013* (LEP 2013) and be prepared under this instrument. It was highlighted that the 'desired future character' respects the lower density of the surrounding area and the draft DCP does not reflect this. Inconsistency with the aims LEP 2013 was also noted. Similarly, the suggestion was made that the draft DCP for the site should address all matters specified in clause 6.14(4) of LEP 2013 which are to be provided for by a DCP prepared for sites in excess of 3,000m^2. A few submissions noted that the current DCP is adequate and that the developer should adhere to the controls already endorsed by Councillors.	In addition to endorsing the preparation and exhibition of amended DCP provisions for the Precinct, at its meeting of 11 December 2018 Council resolved to reiterate its support for the planning proposal developed by Leichhardt Council in 2015 as the appropriate intensity of development on the site. Notwithstanding, Councillors considered amendment of the DCP the most appropriate way to influence the outcomes for the Precinct given the lack of support by the Department of Planning and Environment and the Planning Assessment Commission for the 2015 planning proposal. The 'Desired Future Character' detailed in the DCP 2013 and referred to in LEP 2013 is not a relevant consideration for the Precinct as these plans do not apply to the site. While it is acknowledged that DCP 2000 does include similar character provisions which reference maintaining the predominant scale of development, the site-specific provisions of Part D prevail in the event of inconsistency with other sections of the document. Furthermore, the DCP is required to be consistent with LEP 2000 which includes specific provisions for the site. Notwithstanding, the draft DCP requires provision of a two-storey (maximum 10m) street wall to Victoria Road which is a relevant control for the Rozelle Commercial Neighbourhood under LDCP 2000 and LDCP 2013. While the aims of LLEP 2013 have merit, the instrument does not apply to the site and is therefore not a relevant consideration in the preparation of the DCP amendment. Similarly, clause 6.14 of LEP 2013 is not a matter for consideration in the preparation of the DCP. Notwithstanding, it is considered that between the general provisions of DCP 2000 and the draft site-specific Part D, the matters referred to in clause 6.14 are addressed or were taken into account. Analysis undertaken by Council's appointed consultants revealed that the

	current DCP provisions for the site would result in poor urban design outcomes. The DCP amendment does not amend the height and FSR controls for the site and as such does not alter the development potential of the site. The revised DCP aims to facilitate improved urban design, environmental and community outcomes for the Precinct.
8. Amenity	
Submission discussion	**Officer response**
Ten (10) submissions raised amenity concerns, including: • Privacy and overshadowing impacts on surrounding properties, including Rozelle Public School, particularly due to the tower forms along Victoria Road. • Requirement that new buildings or structures within the Precinct shall not create additional overshadowing of the Darling Street footpaths should be deleted as the towers will overshadow the footpath late in the afternoon during winter. • Visual privacy controls are of no effect due to SEPP 65. • The acoustic privacy controls relating to the design of buildings adjacent to Victoria Road should be simplified to allow greater flexibility in unit layouts and mitigating noise impacts. • Solar access provision for surrounding properties is of no effect due to SEPP 65. • Claim that the tower forms along Victoria Road will provide an acoustic barrier is questioned. • The proposed building breaks to Waterloo Street will expose the residents of Waterloo Street to noise and pollution from Victoria Road. • Proposed redevelopment will create excessive wind tunnels.	While the redevelopment of the site in accordance with the draft DCP will result in the additional overshadowing of surrounding properties on Waterloo Street and Darling Street, the draft DCP includes provisions to minimise overshadowing to these properties and the footpath of Darling Street. The Apartment Design Guide includes objectives and criteria to ensure the privacy of surrounding properties is maintained. Clause 6A of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) specifies matters for which DCP provisions are of no effect (where the SEPP is applicable). For those matters, including visual privacy, it is the relevant objectives, design criteria and design guidance that prevail. Accordingly, the objectives and controls of D1.9 have been amended to remove references to visual privacy. The acoustic privacy provisions have been reviewed, following the suggestion that they be simplified, and they are considered sound. The LEP 2000 permits a building on the site of RL 82.0m. Locating the tallest buildings along the Victoria Road frontage, with the tallest tower in the east corner of the site was recommended by Council's engaged consultants and included in the draft DCP. There will inevitably be a small amount of additional overshadowing of the Darling Street footpaths. It is proposed to reword the control pertaining to the overshadowing of Darling Street to ensure that additional shadow is limited through design measures.

	Clause 6A of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) specifies matters for which DCP provisions are of no effect (where the SEPP is applicable). For those matters, including visual privacy, it is the relevant objectives, design criteria and design guidance that prevail. Accordingly, the objectives and controls of D1.9 have been amended to remove references to visual privacy. The acoustic privacy provisions have been reviewed, following the suggestion that they be simplified, and they are considered sound. While solar and daylight access is also a matter identified in clause 6A of SEPP 65, the ADG does not address solar access to adjoining dwelling houses (the design criteria and guidance reference only apartments) hence retention of C1 of D1.12 is considered appropriate. The DCP notes that the building forms adjacent to Victoria Road will provide an acoustic barrier to the remainder of the site. This position is supported by the 'Development Near Rail Corridors and Busy Roads – Interim Guideline' which is used in conjunction with *State Environmental Planning Policy (Infrastructure) 2007* in the assessment of development adjacent to rail corridors and busy roads. It acknowledges the acoustic benefits of shielding provided by topography, barriers or other buildings and notes that solid objects that break the line-of-sight have an ability to reduce noise. While it is acknowledged that breaks in the building form may allow noise and pollutants to penetrate through to Waterloo St, the site permeability benefits of the through-site links are paramount. Furthermore, any impacts will be significantly reduced by the building mass adjacent to Victoria Road and the level changes between Waterloo St and the site. It is anticipated that the northernmost link from Waterloo St will include stairs, while the link nearer to Darling St will be ramped to accommodate differences in level. The draft DCP includes wind as a criteria to be considered in the assessment of design excellence.

9. Leagues Club	
Submission discussion	**Officer response**
Twelve (12) submissions raised matters pertaining to the return of a leagues club to the site: • Locals don't want a leagues club. • Previously enjoyed facilities that the club offered. • Club facilities were satisfactory and only require refurbishment. • The leagues club should be returned to its home, housed in an appropriate development, not the scale proposed. • Given that the Club is in voluntary administration, its return to the site is not plausible. • All references to 'Balmain Leagues Club (or its successor)' to be amended to add 'or their successor deemed by the combined board of Wests Ashfield'. • Reference should be made to the 'former' Balmain Leagues Club Precinct. • There should be an exit clause added to give Wests Ashfield final say, should they determine that having a licensed club on the site is unviable. • The DCP should be on hold until the full amalgamation between Wests Ashfield and the failed Balmain Leagues Club has taken place legally. • The club component of the development needs to be protected as a community based space should the club not be viable in this location. The current controls were established on the basis the Tigers Club was considered to be an essential part of the local community. • The business case for the proposed redevelopment of the site is 15 years old and obsolete, and clever and appropriate alternatives should be considered for the return of the Leagues Club to the site.	Facilitating the return of the Balmain Leagues Club to the site has been a key objective of Council (and the former Leichhardt Council) since the adoption of the current controls for the Precinct in 2008. In 2016, the NSW Land and Environment Court's noted the following: *While the Court would not normally concern itself with the user of a development, because of the way LEP 2000 was prepared and the requirement in DCP 2000 to promote the long term viability of the Balmain Leagues Club on the site, it is a valid planning consideration. Furthermore, to be satisfied that this development will be promoting the long term viability of the Club, the Court should be satisfied that the GFA provided for club use will be occupied by the Balmain Leagues Club for its long term viable usage.* At its meeting of December 2018, Council resolved, in part: *Council note the information provided by the Administrator of the Balmain Leagues Club about the proposed Deed of Company Arrangement for the merger of the Club and seek final confirmation of the outcome of this process prior to the DCP amendment being reported back to Council for adoption.* On 12 June 2019, Council received correspondence from Greg Parker (joint and several voluntary administrator of Balmain Leagues' Club Ltd) (**Attachment 4**) advising that the Deed of Company Arrangement ("DOCA") between Balmain and Western Suburbs Leagues Club Ltd T/as Wests Ashfield ("Wests") was executed on 14 March 2019 and lodged with the Australian Securities and Investments Commission. The terms of the DOCA are continuing to be progressed. Some of the obligations required by Liquor & Gaming NSW in order to progress an amalgamation have been satisfied. A Memorandum of Understanding and Deed of Amalgamation between Balmain and Wests are currently being finalised and should be executed

	shortly. Given that the entire rezoning of the site and its future development were predicated upon the site being saved for the Tiger's Club, Council's legal staff have advised that if the Club is not viable, the question of what to put in its place should be a matter for the Council. Balmain Tigers Club is now referred to as the 'former Balmain Tigers Club' in the Character Statement. Even if the club facilities are adequate, with refurbishment, to enable the return of the Balmain Tigers to the site, feasibility assessment concluded that the return of the club was not viable without additional development. While this business case may be obsolete, it informed an LEP amendment which remains current.
10. Town square	
Submission discussion	**Officer response**
Ten (10) submissions made comment in relation to the proposed town square. A number suggested that the proposed space will degrade the function of Darling Street and the existing central public space outside Rozelle Public School. It was noted that this existing space is embraced by many as the town square and hence the proposed space, on private land, should not be called a town square. The term 'plaza' was suggested. Another submission suggested that the space must be publicly owned. A few submissions made reference to the size and accessibility of the town square. Some supported of the provision of public open space, the location of the square and the accessibility afforded by the through site links. Others suggested it is moderate in size, will be exposed to noise and pollution from Victoria Road. Another submission suggested the laneways will encourage antisocial behaviour and access to the town square and laneways should be restricted to tower residents between 12am and 6am and a security office and closed circuit cameras provided. Leichhardt Forum is provided as an	The proposed central open space within the Precinct is of a different scale and form to the public space outside Rozelle Public School. Rozelle Square is a long linear space of approximately 250m^2 adjacent to Darling Street. The 1400m^2 space required by the DCP amendment will facilitate connectivity through the Precinct and to surrounding streets and will provide a high quality space for social interaction. It is not considered that the role of Rozelle Square will be diminished. To avoid any confusion, it is proposed that references to town square be replaced with plaza. Ownership of the plaza by Council is not desirable given the maintenance costs and responsibility associated. As discussed under 'amenity' above, it is considered that the plaza will be buffered from noise and pollution by the tower development adjacent to Victoria Road. Furthermore, reduced traffic volumes on Victoria Road associated with the Iron Cove Link will change the setting considerably.

example that is secured after hours and as an example of a failed 'town square' remote from the high street. One submission suggested that the town square should be for residents only. A small number of submissions (3) questioned the accessibility of the town square and made suggestions to improve it: • The site must be activated and accessible from the north-west corner with all sites along Victoria Road, to the corner with Moodie St, acquired. • The access from Darling Street is likely to discourage pedestrian access to the Town Square. Lot 703 on the corner of Darling and Waterloo Streets should be acquired and the buildings on lots 703 and 1 Waterloo St (fronting Darling Street) and 697 Darling Street demolished to more effectively integrate the Town Square with Darling Street. An additional entranceway from Darling Street should be provided from Darling Street. • Retain existing DCP rationale that "development within the conservation area would provide an essential pedestrian link from Darling Street to the central plaza area". One submission provided evidence that the building envelope included in the DCP is not capable of achieving the required 25% solar access to the Town Square at 12pm on June 21. It also suggested that it would be difficult to achieve future integration of the link along the south-east boundary and the adjoining properties without level changes. The submission also queried the need for all through site links to be open to the sky.	Concerns in relation to after-hours safety and activity within the Precinct have validity, particularly given that the through-site links and plaza are only likely to be used by people coming and going from the Precinct. It is recommended that control C4 of D1.11 be amended to replace the requirement for the plaza to be accessible at all times with minimum hours. These minimum hours will ensure that a public benefit is realised but allow for extended hours to be considered as part of a development application (DA) once further detail is provided in relation to the through-site links, nature and size of ground floor tenancies, hours of operation both within and outside the Precinct and any Council late night trading strategies. Additional security measures can also be considered during assessment of a DA. LLEP 2000 clearly defines the properties that comprise the 'Balmain Leagues Club Precinct site'. The role of the DCP is to facilitate development of the Precinct consistent with the LEP. It cannot establish a site to which the controls apply which differs from the one identified in the LEP, and as such the DCP does not recommend expansion of the Precinct to include adjoining properties. Furthermore, providing additional links to the site by demolishing properties along Darling St would adversely impact the HCA. With regard to the proposed removal of the DCP rationale relating to the conservation area providing an essential pedestrian link from Darling Street to the central plaza, this reflects a proposed change in the structure of the DCP (simplified to objectives and controls) rather than a change of intent. Accessibility from Darling Street, including the removal of 1 Waterloo Street and retention of 697 Darling Street (which the current DCP earmarks for demolition) to facilitate a pedestrian and visual connection between Darling Street and the central plaza, is provided for in the draft. The draft DCP included minimum solar access requirements for the Town Square of 25%, 55% and 70% for 12noon, 1pm and 2pm respectively, in mid-winter. Further analysis of the 3D model revealed that the building

	envelopes presented in the draft DCP would achieve slightly less than the required solar access, with the biggest difference being at 12noon (19.5% rather than 25%). This variance was brought about by Council's appointed urban designers modelling the Town Square lower than presented in the Proponent's scheme. This further modelling and minor amendments to the building envelope (discussed in the response to height and scale concerns) has resulted in changes to the solar access controls for the future plaza. The minimum solar access requirements for 1pm and 2pm in mid-winter are proposed to be reduced by 5%, and the noon requirement of 25% is to be replaced with requirement for 35% at 12:30pm. It is acknowledged that this will allow for reduced solar access to the plaza at noon, 12.5% rather than the exhibited 25%, but a substantial proportion of the reduction affects the link from Darling Street, a thoroughfare rather than a gathering place. Furthermore, the controls will still achieve good solar access to the space at lunchtime in mid-winter, consistent with an objective of Council's independent urban design analysis. It is noted that mid-winter is the worst case scenario and in the months either side, the solar access for the plaza would increase substantially. It is noted that the adjoining Right of Way drops approximately 700mm from Victoria Road, with the rear of the properties along Darling Street having varied internal floor levels. Temporary measures i.e. providing planter boxes to mitigate the height difference can be introduced, however, the Proponent should demonstrate that the Darling Street shop floor levels, facing the Right of Way, can in the future, be married-in with the proposed new levels. Minor amendment of the relevant control is proposed to confirm this intent. While the number and location of through-site links is not proposed to change, a minor change to the 'linkages, access and egress' diagram confirms that not be all links will be 'open to the sky' for their full length.

11. Site should be redeveloped	
Submission discussion	**Officer response**
Ten (10) submissions included general support for the redevelopment of the Precinct, noting that it is a 'disgrace and embarrassment', has been derelict for too long and should be a thriving location within the inner west. Notwithstanding, the majority of these submissions noted that development should not proceed at the scale identified in the DCP. They were eager to see development that is sustainable, consistent with the existing character of Rozelle and that won't result in increased traffic congestion.	The amendments to the DCP aim to facilitate the redevelopment of the Precinct in accordance with the provisions of LLEP 2000 while achieving improved urban design, environmental and community outcomes.
12. Use of site for tunnelling	
Submission discussion	**Officer response**
Approximately 6% of submissions objected to the acquisition and use of the site for tunnelling for the Western Harbour Tunnel. It was suggested that Council should continue to oppose the use of the site for tunnelling and queried whether Council can offer an alternative site. A small number noted that Council should not be supporting the developer in pursuing a claim for greater compensation from the State Government.	A submission received from Roads and Maritime Services (RMS) advised that the proposed reference design for the Western Harbour Tunnel and Beaches Link (WHTBL) program identifies the property as impacted and it anticipates that the subject site will be utilised as a temporary construction site. No major permanent facilities would be required at this location. The key project activities currently intended for the site include: - Entry site for road header machines tunnelling north and south - Western Harbour Tunnel fit-out - Tunnel spoil removal direct onto the arterial road network It noted that the final design for the project will be included in the Environmental Impact Statements for the project, which are expected to be publicly exhibited in 2019. In October 2017, the newly-elected Inner West Council formally adopted a position of continued opposition to the WestConnex project, both approved and future stages including Stage 3, consistent with the opposition of the former councils of Ashfield, Leichhardt and Marrickville. In December 2017 Council resolved to "Write to the Minister for Roads

	expressing its opposition to the Western Harbour Tunnel and Beaches Link project as part of its overall position of opposing inner-Sydney motorways and preference for public transport options." In November 2018, Council made a submission on the reference design for the proposed Western Harbour Tunnel (WHT) motorway in which it reinforced its opposition to inner-Sydney motorways, citing a number of strategic concerns including reduced economic productivity, reduced liveability, induced traffic, declining air quality, mode-shifting from public transport and the equity impact of tolls. In relation to the subject site, Council expressed its opposition to use for tunnelling operations, identifying the following concerns: • Delay in the redevelopment of this site preventing a Tigers Leagues Club being established. • Noise, vibration, dust, road safety and congestion impacts associated with the significant number of truck movements and 24/7 operations. Surrounding residents, businesses and children attending Rozelle Primary School would be most vulnerable. • Impact of traffic congestion on Victoria Road on the multiple bus services in operation. • Cumulative impacts of the site and the Victoria Road construction site (part of the Iron Cove Link component of WestConnex Stage 3B). • Air quality impacts on children attending Rozelle Public School, including truck diesel emissions and dust emitted from spoil handling, combined with existing surface traffic emissions from Victoria Road and future emissions from the Victoria Road stack, proposed as part of WestConnex Stage 3B. Both Council and RMS have investigated alternative tunnelling sites, and no appropriate sites have been found. As discussed above, Council opposes the use of the site for tunnelling

	purposes and is endeavouring to facilitate redevelopment of the site. A proposed DCP was submitted to Council for consideration, and following review of this material Council resolved to prepare and exhibit a revised DCP. Councillors considered amendment of the DCP as the most appropriate means of influencing the outcomes for the Precinct. Council's intent is not to facilitate the developer in pursuing a claim for greater compensation.
13. Removal of the pedestrian bridge	
Submission discussion	**Officer response**
Six (6) submitters were disappointed that the Victoria Road pedestrian bridge has been removed from the DCP, noting that this is a loss for the community and will impact pedestrian safety and the connectivity of the Rozelle shopping strip.	As noted in the Council report of 11 December 2018, the connectivity and pedestrian amenity of an at-grade crossing at Darling Street is considered essential for the shopping precincts on both sides of the intersection. Based on RMS projections that the Iron Cove Link will significantly reduce traffic volumes on Victoria Road, Council will develop a master plan for this section of Victoria Road. This master plan will be aimed at significantly enhancing the local pedestrian environment, initiating numerous public domain/streetscape improvements and requesting increased pedestrian "green time" to cross Victoria Road. It is considered that such measures will improve pedestrian safety and amenity at the Victoria Road/Darling Street intersection without the visual impact of a pedestrian overbridge. While the pedestrian bridge was a requirement of the Voluntary Planning Agreement (VPA) executed in 2008, the Proponent has provided an amended offer. Once an alternate VPA is negotiated, this will be placed on public exhibition. Related to pedestrian movement, additional objectives and controls have been included in section D1.13 (Linkages) pertaining to the provision of awnings along Victoria Road. These were unintentionally omitted from the exhibited draft.
14. DCP should not be developer led	

Submission discussion	Officer response
A small number of submissions (4) suggested that the DCP amendment should be set aside and Council should prepare an amended DCP for Precinct from first principles. Additional submissions raised concern that Council has spent significant rate payer money accommodating the developer and that only they will benefit from the development.	Council officers undertook an extensive review of the Proponent's proposed amendment. This included urban design and heritage, economic and traffic peer reviews. As outlined in the report considered by Council at its meeting of 11 December 2018, Council's engaged urban design and heritage consultants applied the following methodology: - Peer review of the Proponent's documentation - Urban design and heritage analysis - Consideration of traffic and economic peer reviews - Identification of site opportunities and constraints - Development of key urban design principles - Development of alternate precinct master plan options - Assessment of the appropriateness of potential built form scenarios in terms of urban design considerations - Preparation of urban planning and development controls for the precinct It was the Council prepared amendments to Part D of DCP 2000 that were exhibited. Council's fees and charges allow for the full recovery of costs incurred in undertaking studies and peer reviews to inform the assessment of DCP amendments. The schedule also outlines fees associated with the advertisement and notification of amendments. This is in addition to the DCP amendment fee, paid upon lodgement, which is to cover staff time. As discussed above, LLEP 2000 includes height and floor space ratio controls for the site. No amendment of these controls is proposed and as such the review process had to have regard to these established provisions. The revised DCP aims to facilitate improved urban design, environmental and community outcomes for the Precinct.

15. Demand for amenities	
Submission discussion	**Officer response**
Four (4) submissions raised concern that the redevelopment of the site will create additional demand for amenities, including child care, school places and parks, stating that local facilities are already stretched.	The availability of services and infrastructure to meet increased demand is considered when amendment is made to the planning framework to facilitate this increase. The DCP amendment is not facilitating an increase in development potential, but is informing the arrangement of the built form and urban design outcomes for the Precinct. Any development consent for the site would require the payment of development contributions. These are contributions towards the cost of new and upgraded amenities, such as parks, footpaths and child care centres, where the increased number of residents or workers will result in an increased demand for those services. Council liaises with the Department of Education, thus enabling advice to be provided in relation to future development and anticipated population growth.
16. Gambling harm	
Submission discussion	**Officer response**
Three (3) submissions raised concern about the potential for gambling-related harm, noting that there has been much focus on returning a club to the site and no consideration of the negative impacts of gambling. It was suggested that the DCP should limit the amount of floor space allocated to gambling.	It is not within the remit of a DCP to control the amount of floor space allocated to gambling. The NSW Department of Industry regulates club gaming licences and the number of gaming machines that can be operated.
17. Draft DCP flawed	
Submission discussion	**Officer response**
Three (3) submissions suggested the following shortcomings of the exhibited DCP: • Contrary to the provisions of the *Environmental Planning an Assessment Act 1979* (Act) which outlines the purpose and intent of a DCP.	The claim that the draft DCP is contrary to the Act is rejected. Under s3.42 of the Act the principle purpose of a DCP is to provide guidance as to how development may proceed under an LEP. The DCP addresses these issues in the context of the LEP objectives. Far from breaching the Act, it responds to

• A DCP cannot be inconsistent or incompatible with an environmental planning instrument such as an LEP. A development consistent with the building envelope and requirements of the draft DCP is incapable of achieving the maximum FSR under the LEP. • The draft DCP is so unreasonable that no reasonable planning authority would approve it. • Council failed to take into account the Proposed DCP. • Clauses requiring land dedication and works are not legally enforceable. • Controls in the draft DCP are expressed in general terms leaving them open to challenge. • The setbacks to Victoria Road and Waterloo Street to allow the widening of footpaths are supported, but this land cannot be dedicated to Council as the basement will extend underneath and balconies will overhang above. • The proposed development is incongruous with the overall objectives of the draft DCP, including: - O2. To achieve high quality urban design for the Precinct and integration of the Precinct with the surrounding areas. - O4. To achieve design excellence which provides high quality built form that responds to the existing and future context. - O5. To minimise the impact to the surrounding HCA and heritage items. - O6. To locate tower forms along Victoria Road and provide transition in scale to the surrounding low scale areas. • The Character Statement (D1.3) of the DCP makes a number of false claims, including: - "The future buildings will respond sensitively to the HCA, heritage items, and low scale built form as well as the local topography" and "the development is to establish a sensitive urban design response and relationship with the fine grained houses along Waterloo Street." These statements are seen to be conspicuously out-of-place when the bulk of the proposed redevelopment totally overwhelms its surrounds.	the requirements to provide the requisite guidance. In relation to the concern that the draft DCP limited the development yield below the 3.9:1 FSR allowable under the LEP, post-exhibition analysis and minor adjustments to the building envelope have confirmed that the 3.9:1 FSR is achievable within the envelope. The claim that the draft DCP is so unreasonable that no reasonable decision maker would approve it is not supported. This is "Wednesbury unreasonableness" from the House of Lords decision of the same name, and it is an extremely high standard. The DCP draft is seeking to reconcile a large number of FSR, height and use controls so as to regulate development for this difficult site in an already developed environment. There is no Wednesbury unreasonableness. It is contended that Council ignored key clauses and controls of the Proponent's draft DCP. On the contrary, Council officers undertook an extensive review of the Proponent's proposed amendment and supporting documentation. This included urban design and heritage, economic and traffic peer reviews. Recommendations of the independent urban design and heritage analysis were presented to the Proponent's consultants for consideration and incorporation. In November 2018, two workshops were conducted to proactively discuss the issues identified by the urban design and heritage peer review and its recommendations. These were attended by Council Officers, Council's engaged consultants and the Proponent's consultants. The differences between the Proponent's DCP and the exhibited drafted are entirely supported by Council's analysis. The fact that the developer doesn't like the proposal is not a head of consideration under the Act when determining the appropriateness or otherwise of the draft DCP. Controls C2 and C4 of D1.7 require setbacks for the purpose of widened footpaths to be dedicated to Council. C2 of D1.13 requires the upgrading of

- The redevelopment, including its public open spaces and retail/commercial uses with active frontages will contribute to the reactivation of the Precinct. - The images shown in Figure 3, of high pedestrian traffic areas supporting high street retail uses, do not support the logic for remote pedestrian circulation paths.	footpaths at the perimeter of the Precinct. The DCP objectives adequately set out the planning reasons for imposing such conditions. The need to have adequate setbacks, and to provide satisfactory footpaths is set out in the DCP and is mandated by the LEP objectives, particularly Leichhardt LEP 2000, Schedule 1, Part 3, (2) (d): *the traffic generated by the development does not have an unacceptable impact on **pedestrian** or motor vehicle traffic on Darling Street, Waterloo Street and Victoria Road, Rozelle,* (my emphasis) As such, the requirement is for a proper planning purpose. The objection appears to be founded on the lack of specific reference to footpaths, tree planting and paving in the s94 contributions plan, and the requirement for there to be a link to plan. The former Leichhardt Council *Developer Contributions Plans No 2 Community Facilities and Services (2005)* makes reference to a wide variety of contributions without limiting scope to those nominated in the DCP. The glossary of terms at page 53 of that document include the following definition: ***Development Contribution:*** *is a contribution from developers comprising the dedication of land (free of cost), or the payment of a monetary contribution, or both, for the purpose of partly or wholly supplying new or improved public amenities or services required as a consequence of the demands generated by their new development. These development contribution requirements are required to be reasonable and to be embodied within an approved developer contributions plan before they are imposed upon developers.* The underlined words are identical to the Act and the Plan itself sets out a method of calculation. The Plan recognises at several points the possibility of a developer providing works in kind which would include all the items sought above. Accordingly, it is not considered that the draft DCP breeches

	s7.13 of the Act. With regard to the assertion that the DCP controls lack detail and could be open to challenge, it is considered that draft controls are detailed and, where necessary, use definitive language which clearly articulates expectations. Controls are aligned with objectives, making Council's intent clear. It acknowledged that balconies will extend beneath widened footpaths which the DCP earmarks for dedication to Council, however this land can be dedicated in stratum to a specified depth. Alternatively Council may be satisfied with an easement for public access. It is recommended that the controls remain as exhibited as this will enable the most appropriate approach to be determined during the assessment of a DA. Within the context of the site-specific LEP controls, the DCP provisions have been developed to ensure consistency with the stated objectives and Character Statement. Controls have been drafted to minimise impacts and provide a transition to the surrounding development, including the HCAs and heritage items. The objective of high quality urban design has informed the arrangement of the building mass on site, the solar access provisions for the central plaza and the number and location of through-site links. Design excellence provisions, including detailed assessment criteria and a design review process, will ensure that redevelopment provides high quality built form that responds to the existing and future context. The combination of active uses and the enhanced permeability and public domain will contribute to the reactivation of the Precinct. The precedent images in Figure 3 are indicative of the outcomes that could be achieved.

18. Waste management	
Submission discussion	**Officer response**
One submission recommended that greater detail be included in the waste management controls. Specifically, it requested systems and processes to manage waste, rather than just requiring the provision of areas for waste recovery. It also suggested that there should be a limit on the amount of time problem wastes can be left on site to ensure that the space does not become a long term storage area. Control C19 of Section D1.20 requires submission of a Litter Management Plan for the Precinct's open spaces and surrounding streets. The Proponent has taken exception to this provision, stating that managing litter on the surrounding streets is the responsibility of Council. Control C20 of Section D1.20 encourages the allocation of space for a publicly accessible Return and Earn take-back point (e.g. a reverse vending machine). The Proponent has requested deletion of the control, suggesting that this will be difficult to accommodate while ensuring public safety and access.	Control C5 of D1.20 requires the submission of a Resource Recovery and Waste Management Plan (RWMP) addressing ongoing waste and resource recovery and management for both residential, retail and commercial components of the development. This will include the management and storage of problem wastes. While maintenance and rubbish removal in the surrounding streets will continue to be Council's responsibility, for a development of this size, including a large amount of retail, it is acceptable that a Litter Management Plan extends to the surrounding streets. The DCP encourages the provision of a publicly accessible Return and Earn take-back point, but does not require it. Given the scale and nature of the redevelopment, incorporating this infrastructure would be advantageous and appropriate. It is recommended that the control is retained so that opportunities to accommodate a machine can be considered in the assessment of a development application.
19. Air quality	
Submission discussion	**Officer response**
One submission noted that the draft amendment fails to identify and address the air quality impacts on future residents of the towers immediately adjacent to Victoria Road. It stated that natural ventilation will expose residents to air pollution which exceeds the National Environment Protection Measure (NEPM) values. It also suggested that the draft DCP amendment fails to address noise impacts on residential development adjacent to Victoria Road.	Clause 101(2) of *State Environmental Planning Policy (Infrastructure) 2007* requires that where land has a frontage to a classified road (such as Victoria Road) consent must not be granted unless development is appropriately located and designed, or includes measures, to ameliorate potential traffic noise and vehicle emissions arising from the adjacent classified road. The associated 'Development Near Rail Corridors and Busy Roads – Interim Guideline' aims to assist in reducing the health impacts of rail and road noise and adverse air quality on sensitive adjacent development. Section 4 of the Guideline describes some of the principles that should be considered at the design stage to achieve improved air quality.

	Accordingly, it is not considered necessary or appropriate to include comparable provisions in the DCP.
20. Apartment design	
Submission discussion	**Officer response**
One submission raised concern that the DCP is overly prescriptive in relation to balcony design and solar access. It suggested that including minimum requirements would impact the cost of housing and operating costs.	Minimum requirements for balconies and solar access to apartments are contained within the Apartment Design Guide which is used in conjunction with SEPP 65 in the assessment of residential apartment development. Accordingly, the DCP does not include such controls.
21. Public art	
Submission discussion	**Officer response**
A submission on behalf of the owner of the site noted that they raise no objection to providing public art within the scheme, however the requirement that public art valued at 1% of the overall development value is a significant cost, which is unacceptable in light of the considerable VPA value already being committed.	The mechanism used to secure the provision of public art on the site will be given further consideration in the negotiation of the VPA and assessment of the DA. Retention of the draft provisions relating to public art is deemed appropriate and similar provisions have been levied on large developments within other town centres in the Inner West LGA.

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

SITE SPECIFIC CONTROLS
BALMAIN LEAGUES CLUB PRECINCT

D1.0 Background

This section of Leichhardt Development Control Plan 2000 (Leichhardt DCP 2000) has been amended from the previous version which was adopted on 3 June 2008 and came into effect on 26 August 2008. This section has been updated to reflect Council's current view on the most appropriate development for the site and has been designed to guide the redevelopment of the Balmain Leagues Club Precinct (**Figure 1**) in conjunction with the site-specific provisions contained within Schedule 1 Part 3 of *Leichhardt Local Environmental Plan 2000 (Amendment 16)*.



Figure 1 Balmain Leagues Club Precinct

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

The purpose of this section of the DCP is to set out the desired future character, local area character, principles and development controls for the Balmain Leagues Club Precinct. Council will assess future development applications against these principles and controls.

This section of the DCP promotes high quality urban design outcomes for the site within the context of environmental, social and economic sustainability.

D1.1 Land to which this Section Applies

This section of the DCP applies to the properties identified below and illustrated in **Figure 1**, herein referred to as the Balmain Leagues Club Precinct.

- 138-152 Victoria Road Rozelle (being Lot 1 DP 528045)
- 154-156 Victoria Road Rozelle (being Lot 1 DP 109047)
- 697 Darling Street Rozelle (being Lot 104 DP 733658)
- 1-7 Waterloo Street Rozelle (being Lots 101 & 102 DP629133, Lot 37 & 38 DP 421 and Lot 36 DP190866)

D1.2 Relationship to other Sections of this DCP

This section of the DCP applies to the Balmain Leagues Club Precinct only, and is not applicable to any other site(s) within the Inner West Local Government Area (LGA).

Development within the Balmain Leagues Club Precinct is subject to the relevant objectives, guidelines and controls contained in Leichhardt Local Environment Plan 2000 (LLEP 2000), and Leichhardt DCP 2000. If there are any inconsistencies between the objectives and controls in this section and any other objectives and controls in Leichhardt DCP 2000, those in this section will prevail, but only to the extent of that inconsistency.

DRAFT

D1.3 Character Statement

The Balmain Leagues Club Precinct is located in the northwest of the Inner West LGA, in the suburb of Rozelle. The Precinct is bounded by Victoria Road to the northeast, Waterloo Street to the southwest, Darling Street, together with retail shops, to the southeast, and one to two storey houses to the northwest. A portion of the Precinct along Darling Street and Waterloo Street is within a Heritage Conservation Area (HCA). Heritage items including Rozelle Public School, St Paul's Church, St Thomas' Church, the York Buildings and a former police station along Darling Street are proximate to the Precinct (**Figure 2**).



Figure 2 Heritage map

The land within this Precinct is currently occupied by one to two storey buildings of the Balmain Tigers Club (the Club) and associated parking facilities, which are not functional and cannot be accessed by the public. The Precinct is an anomaly within an otherwise fine-grain and vibrant neighbourhood. The presentation of these buildings and structures does not contribute positively to the Victoria Road and Waterloo Street streetscapes.

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

Revitalisation and redevelopment of the site with a sensitive built form response and a high-quality architectural and urban design outcome is a key objective for the Precinct. New development is to reactivate the Precinct by re-establishing the Balmain Leagues Club on the site and by providing public open spaces that are well connected and of high amenity, retail/commercial uses and living accommodation for the locality. The future buildings will respond sensitively to the HCA, heritage items, and existing low scale built form as well as the local topography. The development will create a low scale built form along Waterloo Street and step up to tower forms along Victoria Road, providing an acoustic barrier and scale transition to the remainder of the site. The development will also respond to the sloped topography along Victoria Road by stepping down the tower forms from the tallest in the southeast to shortest in the northwest. This will provide a sensitive response to the adjoining low scale properties to the northwest of the Precinct and allow solar access to the centre of the Precinct, particularly the proposed Town Square.

Redevelopment along Victoria Road will provide a street wall of appropriate height that contributes to the desired future character identified for the Victoria Road Sub Area in Part C of Leichhardt DCP 2013 (which applies to land adjoining the Precinct). Podiums are to step in height and setback along Victoria Road to provide articulation and appropriate scale transition and are to provide pedestrian permeability to the Precinct. Victoria Road will be activated by the Club and retail/commercial uses and will have a widened footpath. Higher built form, that has well defined podium levels with setback towers above, will concentrate along Victoria Road. Tower setbacks to the common boundaries will provide adequate separation distances to adjacent properties, optimal residential amenity and solar access for future residents of the Precinct, as well as mitigate the tower scale.

A new Town Square, located at the heart of the Precinct, will be provided to benefit the local community, future residents, the Club and businesses. The future Town Square will be surrounded by active frontages including retail/commercial and Club uses. Its accessibility will be achieved by a network of pedestrian links from Victoria Road, Darling Street and Waterloo Street. Any development within the Precinct is to ensure the future Town Square can receive good solar access in mid-winter, especially during lunch hours (12 noon to 2pm).

The development is to establish a sensitive urban design response and relationship with the fine grained houses along Waterloo Street. Buildings along the Waterloo Street boundary are to be low in scale and vertically articulated. Breaks between buildings along Waterloo Street are to be provided to improve the Precinct's permeability and open up views to the future Town Square and Victoria Road.

The Darling Street interface will be designed to integrate an 'open to the sky' pedestrian link which will visually and physically connect Darling Street with the future Town Square, as well as Club uses within the podium of the tower building. The Darling Street interface will have a sensitive relationship with the HCA and the existing strip retail frontage.

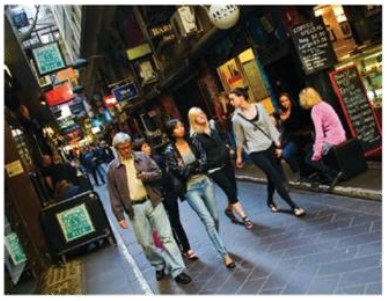
DRAFT

Redevelopment will improve the interface with the Right of Way (legally described as Lot 1 DP 1063965 and Lots A-E DP 25838) adjacent to the southeast boundary of the Precinct. A new 'open to the sky' pedestrian link, with active uses along its length, will be provided along the southeast boundary of the Precinct. The pedestrian link will be integrated in overall design concept and share common levels with the adjoining Right of Way (with a reasonable consideration of the future upgrade of the Right of Way).

The new pedestrian network will improve the Precinct's permeability from the surrounding roads and streets and access through the site from Victoria Road to Waterloo Street. It will also improve the Waterloo Street pedestrian environment along the development frontage and provide access to the future Town Square and the Club. Precedent images are shown in **Figure 3**.



Source: www.sydneyboulevard.com.au



Source: devwijewardane.blogspot.com



Source: www.flickr.com

Figure 3 Precedent images

The architectural and landscape character will further enhance the Precinct's appearance by using articulation, materials, finishes, and species that are sympathetic to the HCA and the heritage items nearby.

High quality, culturally relevant and engaging public artworks will be provided within the Precinct, integrated into the new development, which will enhance the character and improve the liveability of the Precinct and surrounding neighbourhood.

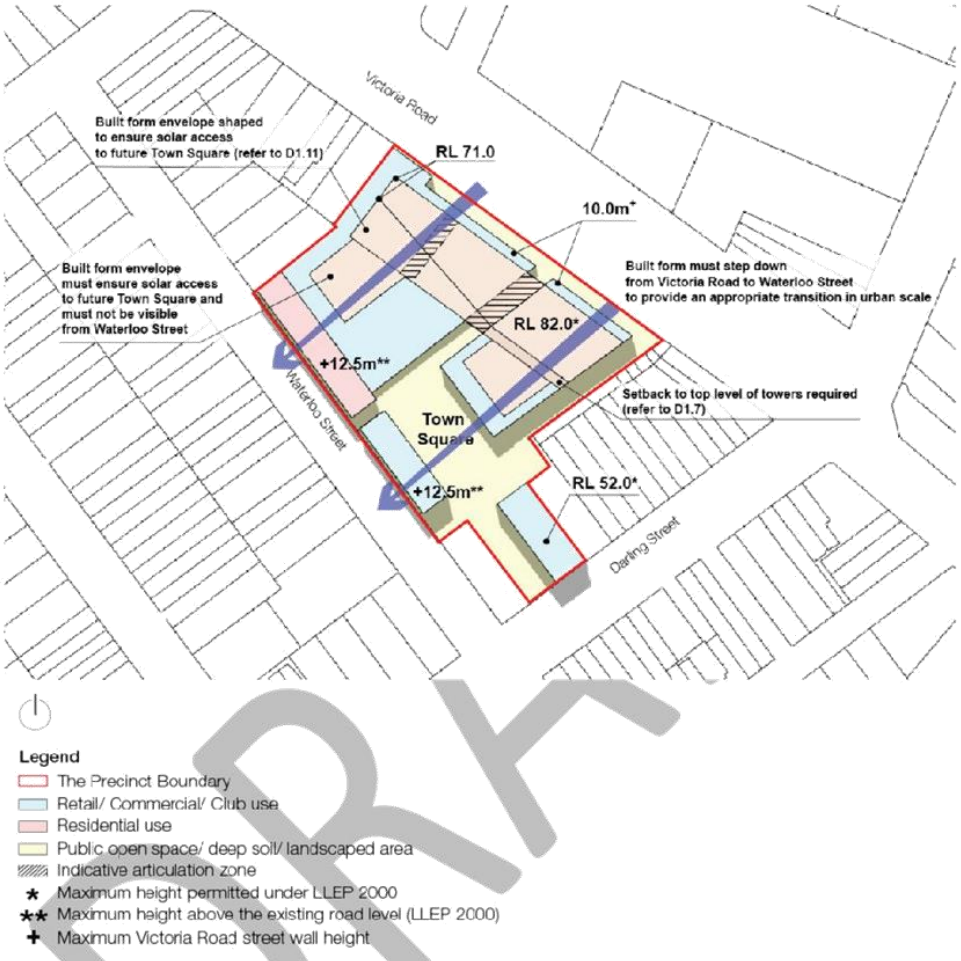
Overall, the redevelopment of the Precinct will provide a high quality urban and architectural design for the locality and assist in transforming the site to a vibrant mixed-use precinct which contributes to the surrounding context and community. The indicative design principles, 3D views and master plan for the Precinct are shown in **Figures 4, 5 and 6**.



Figure 4 Design principles

Leichhardt DCP - Part D

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

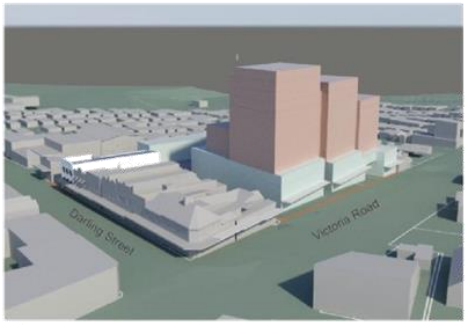


Legend
- The Precinct Boundary
- Retail/ Commercial/ Club use
- Residential use
- Public open space/ deep soil/ landscaped area
- Indicative articulation zone
- * Maximum height permitted under LLEP 2000
- ** Maximum height above the existing road level (LLEP 2000)
- + Maximum Victoria Road street wall height

Figure 5 Indicative master plan (The diagram illustrates the building envelopes only)

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted



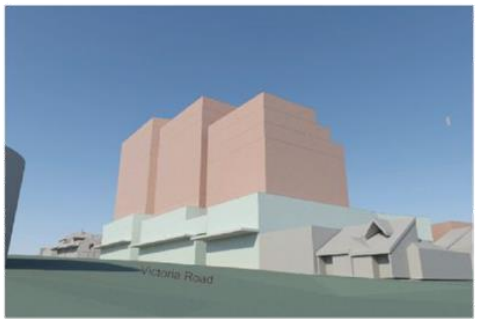
Bird's eye view



View from Darling Street/ Victoria Road intersection



View from Darling Street/ Waterloo Street



Victoria Road view

Figure 6 Indicative 3D views (The above rendered block model views illustrate one possible built form scenario; in compliance with the DCP controls)

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

D1.4 General Objectives

Overall Objectives

O1. To ensure the long term viability of Balmain Leagues Club on the site, for the benefit of the local community.

O2. To achieve high quality urban design for the Precinct and integration of the Precinct with the surrounding areas.

O3. To enable the redevelopment of the Balmain Leagues Club Precinct as a consolidated parcel.

O4. To achieve design excellence which provides high quality built form that responds to the existing and future context.

O5. To minimise the impact to the surrounding HCA and heritage items.

O6. To locate tower forms along Victoria Road and provide transition in scale to the surrounding low scale areas.

O7. To provide low scale and density buildings along Waterloo Street.

O8. To improve the Victoria Road and Waterloo Street streetscapes and to enhance the existing streetscape along Darling Street.

O9. To improve the pedestrian environment, connectivity and activity within the Precinct and along surrounding road and retail street frontages.

O10. To provide a publicly accessible Town Square and network of laneways in the Precinct with maximised amenity.

O11. To promote development that links to and contributes to the ongoing vibrancy and viability of the Rozelle Commercial Centre.

O12. To promote housing diversity through a mix of dwelling types.

O13. To promote affordable housing within the precinct.

O14. To achieve high quality residential amenity.

O15. To promote high quality landscaping, public art, signage and ecologically sustainable development.

DRAFT

D1.5 Built Form, Height and Density

Objectives

O1. To create a site layout and built form massing that is suitable to the Precinct and the locality.

O2. To enable the redevelopment of the site whilst minimising impacts on the existing and future context.

O3. To provide a well designed development with articulated height and massing which provides a high quality transition to the existing streetscape along Victoria Road, Darling Street and Waterloo Street.

O4. To provide built form articulation to reduce apparent bulk and scale.

O5. To provide an appropriate building height and density distribution, within the height and density controls in LLEP 2000 Schedule 1 Part 3, to respond to the surrounding context and to minimise amenity impacts to the neighbouring properties and in the Precinct itself.

O6. To provide tower height transition along Victoria Road to respond to the low scale properties along Victoria Road and ensure adequate solar access to the Precinct and proposed Town Square.

O7. To compliment the fine grained character and respond to the natural topography along Waterloo Street.

O8. To provide an iconic landmark development through high quality design.

O9. To introduce a street wall of appropriate height along Victoria Road, Waterloo Street and to the southeast boundary pedestrian laneway.

O10. To make sure infill buildings along Darling Street enhance the character of the streetscape.

O11. To minimise the visual impact of development when viewed from the surrounding HCA and heritage items.

Controls

C1. The maximum building height (including plantrooms and lift overruns) shall be consistent with that shown in **Figure 7** to minimise visual impacts, building scale and overshadowing issues. The Reduced Level (RLs) identified in **Figure 7** are relative to the Australian Height Datum (AHD).

C2. All roof structures, such a plant and lift overruns shall be integrated into the design of the development, are not to exceed the building heights contained within LLEP 2000 and are to be fully screened when viewed from street.

DRAFT

C3. Lift overruns on the top of buildings are permitted if:

- within the maximum allowable height of RL 82.0
- are smaller or equal to 24m^2 in plan dimension if located at podium level

C4. Provide a higher built form fronting Victoria Road and a low scale built form along Waterloo Street and Darling Street to reflect the existing low scale and fine grain character of the streetscapes.

C5. Lower podium level buildings are to be placed around the perimeter of the Precinct to form a street edge.

C6. The tower built form along Victoria Road is to step down from southeast (highest) to northwest (lowest) to provide a height transition to the low scale properties to the northwest of the Precinct and protect solar access to the proposed Town Square at centre of the Precinct. Refer to **Figures 5 and 7**.

C7. A two storey (10m maximum height) street wall is to be provided along Victoria Road which is to be defined by appropriate architectural treatments and materials. Building forms (i.e. towers) above the street wall height shall be setback from the line of the building below a minimum of 3m.

C8. Provide effective built form and façade articulation to break up the overall podium and tower building envelopes along Victoria Road.

C9. The building forms along Waterloo Street should be vertically articulated to reflect the pattern of residential lot development and step with the topography. Design the Waterloo Street frontage as a transition between the existing residential streetscape and the new mixed-use development.

C10. Development within the HCA shall be restricted to a maximum height of RL 52.0 AHD and be consistent with adjoining properties with respect to height and scale.

C11. The maximum floor space ratio may not necessarily be able to be achieved; if adverse visual, acoustic, privacy, amenity and overshadowing impacts occur to neighbouring properties and/ or impact the development within the Precinct.

C12. The building envelopes in **Figures 5 and 7** define the preferred built form outcome for the Precinct, whilst permitting architectural innovation within the building envelopes.

C13. The building envelopes illustrated in this section allow for some flexibility in the detailed architectural design of buildings. This development control is intended to promote highly articulated buildings with generous balconies, recesses and steps in facades to avoid a sense of excessive bulk, especially along Victoria Road.

C14. Alternative building envelopes will only be permitted if the proposal can demonstrate a higher quality outcome can be achieved with regard to:

- response to the surrounding context
- built form and scale transition across the Precinct

DRAFT

- impacts to the HCA and heritage items
- amenity to the surrounding properties and within the Precinct
- amenity to the future Town Square
- the Precinct's permeability and connectivity

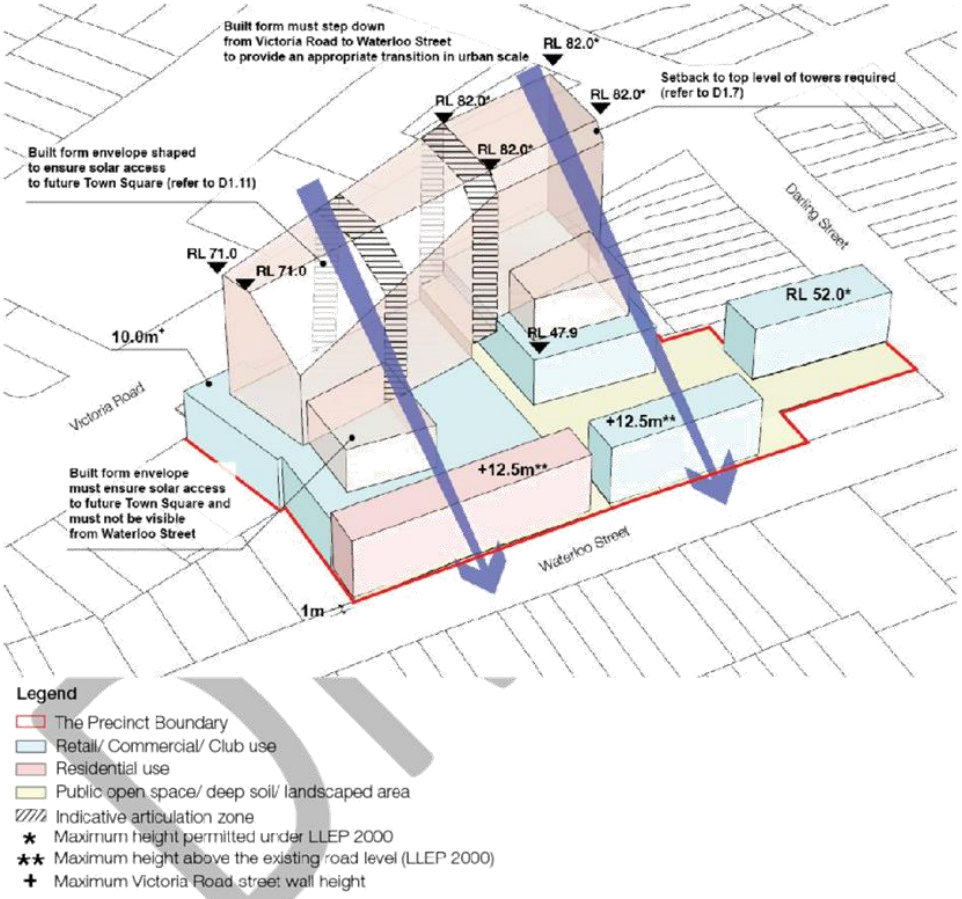


Figure 7 Building height (The diagram illustrates the Precinct building envelopes)

D1.6 Land Use

Objectives

O1. To integrate the Balmain Leagues Club with other compatible uses on the site.

O2. To provide a range of land uses that are suitable for the Precinct and the surrounding neighbourhood.

O3. To maximise activity level and surveillance along main pedestrian routes.

O4. To contribute to a vibrant Rozelle Commercial Centre.

O5. To provide a mix of dwelling types.

Controls

C1. Provide a range of land uses to promote the development of a vibrant Rozelle Commercial Centre that meets the needs of the local community. The range of uses shall include:
- Balmain Leagues Club
- public Town Square and other publicly accessible spaces
- commercial
- retail, including
  - a supermarket
  - limited speciality retail focused on food and beverage retail that does not detract from the surrounding Rozelle Commercial Centre
- residential
- car parking

C2. Any development application must demonstrate that the gross floor area provided for club use will be occupied by the Balmain Leagues Club (or its successor) for its long term viable usage. This may be in the form of a report confirming that the proposed club is of a size that will service the needs of the Balmain Leagues Club (or its successor) and the community, or an indicative contract with the Balmain Leagues Club (or its successor).

C3. Locate smaller scale retail units, in particular cafes and restaurants, around the future Town Square, the Club, laneways and Darling Street to promote activity. An indicative land use diagram has been provided in **Figure 8**.

C4. Encourage greater surveillance along Waterloo Street by providing individual entryways to residential dwellings.

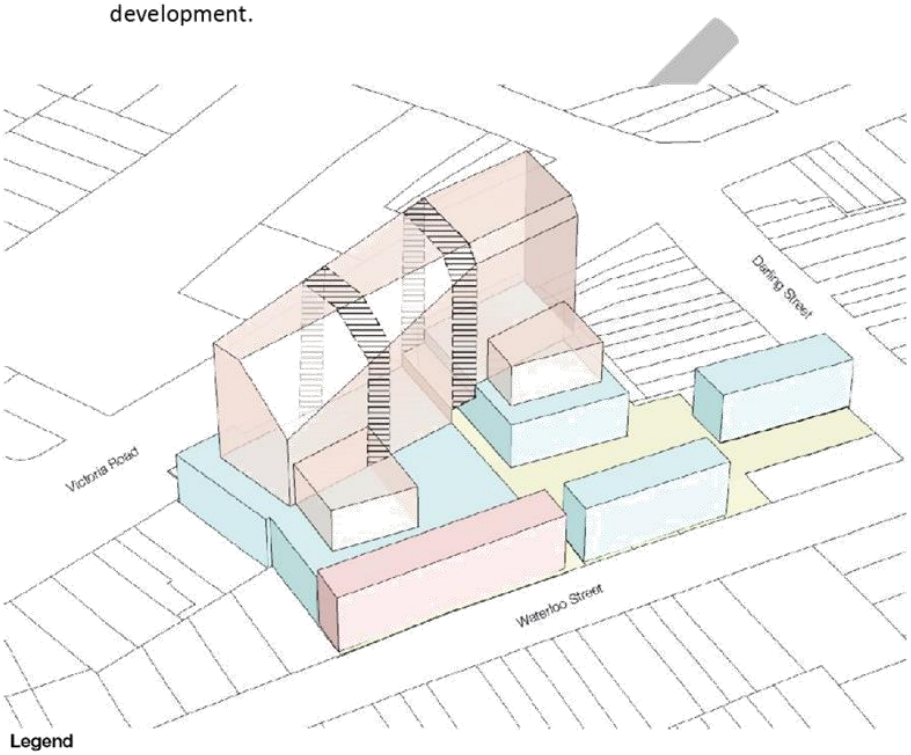
C5. The development shall be well integrated with Darling Street and maximise the activation of the corner where the proposed pedestrian link meets Darling Street.

DRAFT

C6. A variety of dwelling types shall be provided within the Precinct including apartment living (ranging from studios to 3 and more bedroom units) within the tower buildings and terrace type dwellings along Waterloo Street.

C7. The development shall comply with Council's requirements for Diverse Housing and Adaptable Housing (refer Part 4 Clause 19 of LLEP 2000).

C8. Dwellings of different sizes and tenures should be well integrated within the development.



Legend
- Retail/ Commercial/ Club use
- Residential use
- Public open space/ deep soil/ landscaped area
- Indicative articulation zone

Figure 8 Indicative land use

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

D1.7 Setback and Separation

Objectives

O1. To accommodate the widening of footpaths along Victoria Road and Waterloo Street and the provision of a slip lane along Victoria Road.

O2. To reinforce the predominant setback along Darling Street.

O3. To create a built form outcome with a distinctive base (podium) and tower and an appropriate scale along Victoria Road.

O4. To reduce the apparent overall building bulk and mass and to provide a human scaled development when viewed from surrounding streets.

O5. To maximise residential amenity.

O6. To provide opportunities for through site links.

O7. To allow for the future redevelopment of adjacent lots.

O8. To provide a transition in scale to adjoining properties.

O9. To minimise the overshadowing of the future Town Square.

O10. To reduce amenity impacts to the adjoining properties.

Controls

C1. Provide setbacks and separation distances in accordance with **Figure 9**.

C2. Allow for future Victoria Road footpath reconfiguration and widening to minimum 4.5m across the frontage. The additional setback is to be dedicated to Council at no cost.

C3. The setback to Victoria Road shall prioritise pedestrian movement. The design of the Victoria Road footpath shall also reference D1.14 Vehicular and Pedestrian Access.

C4. Allow for future Waterloo Street footpath widening by setting back any development along Waterloo Street a minimum of 1m. The 1m setback is to be dedicated to Council at no cost.

C5. An upper level setback of 3m is to be provided above podium/street wall level along the Victoria Road frontage.

C6. Upper level setbacks are to be free of any encroachments from any parts of new building structures.

C7. Development above the podium shall be setback 6m from the northwest and southeast common boundaries to mitigate the tower scale and provide adequate separation distances to the adjoining properties.

DRAFT

C8. The tower forms shall provide setbacks to the upper levels facing the centre of the Precinct to minimise overshadowing of the Town Square and to mitigate the scale of the tower buildings.



Figure 9 Setbacks and separation

DRAFT

D1.8 Visual Impact to HCA and Heritage Items

Objectives

O1. To minimise visual impacts to the surrounding HCA and to heritage items.

Controls

C1. A Heritage Impact Statement (HIS) is to be submitted with any development application for the redevelopment of the Precinct, addressing the impact of the proposed works on the HCA and heritage items in the vicinity of the proposal.

C2. This Statement should include consideration of 'The Design Context: Guidelines for Infill Development in the Historic Environment' (prepared by the NSW Heritage Office and Royal Australian Institute of Architects NSW Chapter) with regard to scale, form, materials, colours and responding to the local character.

C3. Any development application is to be accompanied by 'before' and 'after' perspective views from the heritage items, from Darling Street and from Waterloo Street to assess the potential impact on heritage items and the HCA.

D1.9 Visual and Acoustic Privacy

Objectives

O1. To ensure development in the Precinct provides adequate visual privacy, in particular to the main living area and private open space for the future residents and surrounding properties.

O2. To maximise visual privacy without compromising access to light and air.

O3. To minimise the visual privacy impacts to the adjoining properties and in the Precinct itself.

O4. To provide a high level of residential amenity by minimising noise transmission between dwellings and from external noise.

Controls

C1. Adequate setback distances to the common boundaries are to be provided in accordance with the controls in D1.7 to minimise overlooking issues to the adjacent properties.

C2. Direct lines of sight shall be avoided for windows and balconies.

DRAFT

C3. Landscape screening must not be used as the sole privacy measure; it can be used to complement other screening measurements.

C4. Where visual privacy is likely to be affected by the location of windows or balconies, measures including providing fixed screens, offset windows and hood windows can be introduced. Other solutions may be acceptable provided such measures are safe and do not distract from the streetscape or architectural integrity of the building.

C5. Buildings that are exposed to high levels of external noise are to be designed and constructed to mitigate noise impacts and to ensure architectural integrity.

C6. Private open spaces and habitable rooms shall be located away from high noise sources, especially Victoria Road, or protected with appropriate noise shielding devices.

C7. When designing the tower buildings along Victoria Road, the following measures shall be considered to mitigate the noise impacts:

- turning away habitable spaces from noise source
- utilising fixed solid glazed edges to provide an enclosed space for ventilation
- providing angled walls, winter gardens, screening and solid balconies
- orienting operable windows away from noise source

C8. Building design shall also address the NSW Road Noise Policy by the NSW Environment Protection Authority (EPA).

C9. Noise generating facilities within communal open spaces such as swimming pools and barbecue areas shall be located away from bedroom areas.

C10. Rooms with similar noise requirements shall be grouped together.

DRAFT

D1.10 Communal Open Space, Deep Soil Area and Landscaping

Objectives

O1. To ensure residents are provided with a reasonable level of outdoor amenity and access to green space.

O2. To ensure that the development incorporates consolidated deep soil areas of sufficient size and dimension to accommodate significant tree plantings and other plants, and provide optimal growing conditions.

O3. To soften the scale of buildings.

O4. To ensure that the amenity of residents, workers and visitors is enhanced by high quality landscaping.

O5. To provide a pleasant outlook and contribute to the overall amenity of the Precinct.

O6. To minimise stormwater runoff.

O7. To implement sustainable water management.

O8. To enhance biodiversity on site.

Controls

C1. A minimum of 10% of the site area is to be provided as deep soil zone.

C2. Deep soil areas must be well integrated into a development and not provided on the periphery of the site.

C3. Areas of deep soil are to be consolidated to have a minimum area of $100m^2$ to assist drainage and to allow for effective deep soil planting.

C4. Deep soil areas are to have a minimum plan dimension of 6m.

C5. The minimum number of trees is 1 large tree (at least 12 metres) per $90m^2$ of deep soil, or 2 medium trees per $90m^2$ of deep soil.

C6. Locate deep soil areas where the microclimate will support favourable growing conditions with appropriate sunlight and wind protection.

C7. Landscaping and mature tree planting with large canopy trees shall be provided in the deep soil zone, achieving 15% site canopy coverage.

C8. Incorporate mass planting in deep soil areas, including a mix of indigenous shrubs, grasses and groundcovers.

C9. Utilise a diverse variety of local Inner West native plant species and plant types with low water needs, including trees, shrubs, grasses, groundcovers and climbers.

DRAFT

C10. Landscaping is to be of the highest quality, and use appropriate stone, high quality precast concrete elements and high quality pavements.

C11. Suitable soil depth, drainage and irrigation are to be provided for all landscaping built on structures.

C12. A landscape plan prepared by a suitably qualified Landscape Architect is to be submitted with the development application showing the:

- levels adjacent to the public domain
- planting schedule with numbers and species of plants (botanical and common name)
- number and name (botanical and common name) of mature trees on site
- type and detail of paving, seating, walling, fencing and other details of external areas of the site, including the Town Square

C13. Minimise the impact upon street trees and trees on adjoining land.

C14. Overhead power cables along the Victoria Road and Waterloo Street frontages must be relocated underground and replaced with appropriate street lighting given the scale of the development and the significant aesthetic benefit resulting from undergrounding, including allowing for viable street tree planting.

C15. Incorporate street trees along Victoria Road, Darling Street and Waterloo Street in vault style structural soil to minimise available soil volume for mature trees.

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

D1.11 Town Square

Objectives

O1. To provide a centrally located Town Square which facilitates connectivity through the Precinct and to surrounding streets.

O2. To provide a green and appealing space for social interaction, with a high quality public domain.

O3. To ensure the future Town Square can achieve adequate solar access in mid-winter.

O4. To provide a new attractive Town Square destination.

O5. To ensure the design of the future Town Square is of high quality.

Controls

C1. A Town Square shall be located at the centre of the Precinct, with a clear pedestrian and visual connection to Darling Street. It will be designed to accommodate a range of activities such as outdoor restaurants, cafes, stalls, kiosks and display areas. The Town Square location shall be generally in accordance with **Figure 10**.

C2. The level of the Town Square shall align or closely align with the Darling Street footpath to provide unimpeded pedestrian access from Darling Street with no steps.

C3. The Town Square shall have active uses on all sides.

C4. The Town Square shall have a minimum area of 1,400m^2 (including the linkage from Darling Street to the Town Square) and is to be accessible at all times.

C5. The Town Square shall have a minimum dimension of 23m.

C6. A maximum of 500m^2 of the Town Square may be used for retail purposes (eg. outdoor seating/dining and kiosks) and must not conflict with paths of travel.

C7. Mature deciduous tree planting in deep soil and/or structural vault style soil shall be incorporated into the design of the Town Square to ensure the space has canopy cover and is usable during summer months.

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted



Legend
The Precinct Boundary
Town Square + Link to Darling Street
Indicative articulation zone

Figure 10 Indicative Town Square location

DRAFT

D1.12 Solar Access

Objectives

O1. To minimise the overshadowing impacts of development within the Precinct on adjoining properties.

O2. To maximise solar access to the future Town Square.

Controls

C1. The surrounding residential properties along Waterloo Street are to receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter solstice. Where properties receive less solar access than specified above, there should be no further reduction.

C2. New buildings or structures within the Precinct shall not create additional overshadowing of the Darling Street footpaths beyond that generated by the current buildings.

C3. The minimum requirements of solar access to the Town Square between 12noon and 2pm in mid-winter are:

- 25% of the Town Square area shall receive solar access at 12noon
- 55% of the Town Square area shall receive solar access at 1pm
- 70% of the Town Square area shall receive solar access at 2pm

DRAFT

Item 2
Attachment 2

D1.13 Linkages

Objectives

O1. To improve the permeability of the Precinct.

O2. To improve the footpath condition along Victoria Road and Waterloo Street

O3. To provide through site links.

O4. To prioritise pedestrian movements.

O5. To activate the Precinct and the surrounding areas.

O6. To ensure that development within the Precinct will not adversely impact the prosperity of the Rozelle commercial centre.

O7. To integrate the adjoining Right of Way into the redevelopment of the Precinct.

Controls

C1. The proposal is to be consistent with **Figures 9, 10 and 11** which show indicative locations for laneways, 'open to the sky' through site links, the Town Square and improved pedestrian footpaths.

C2. Upgrade surrounding footpaths at the perimeter of the Precinct to Council's satisfaction, including street tree planting, paving materials and street furniture.

C3. Provide unrestricted pedestrian access between Victoria Road, Darling Street and Waterloo Street to increase permeability and enhance the local pedestrian network.

C4. Provide a strong visual and pedestrian link from Darling Street through to the Precinct and Town Square.

C5. The development shall improve the Precinct's accessibility from Darling Street while retaining the continuous shop front as much as possible. This can be achieved by retaining the street frontage of No. 697 Darling Street and removing No. 1 Waterloo Street to improve access to the Precinct and facilitate a legible pedestrian link and visual connection between Darling Street and the proposed Town Square at the heart of the new development.

C6. Any development application for the redevelopment of the Precinct must be accompanied by an economic study outlining how the design will support the long-term prosperity of the Rozelle commercial centre.

C7. A development application for the redevelopment of the Precinct must be accompanied by a concept drawing detailing how the design of the 'open to the sky' pedestrian link along the southeast boundary of the Precinct is integrated with the adjoining Right of Way and the rear of the properties directly to the

DRAFT

south, both in the short and long terms. This includes providing a consistent edge-to-edge finished shared zone that is free of obstructions, including level changes, columns, steps or planter boxes, ventilation shafts.



Figure 11 Linkages, access and egress

D1.14 Vehicular and Pedestrian Access

Objectives

O1. To separate heavy commercial vehicle access from residential vehicular entry.

O2. To minimise the traffic impact on Waterloo Street.

O3. To minimise the number of basement entries.

O4. To improve the Precinct's permeability and connectivity.

O5. To enhance pedestrian safety, activity and accessibility.

O6. To provide clear street address for residential entries and activate the public domain.

O7. To improve and prioritise the continuity of the Victoria Road footpath.

Controls

C1. Vehicular access shall be provided generally in the locations shown in **Figure 11** and in accordance with the table below.

Land use	Ingress/ Egress
Residential	Waterloo Street and Victoria Road
Club	Victoria Road
Retail	Victoria Road
Commercial	Victoria Road
Servicing un/loading	Victoria Road

C2. Ingress and egress from the site shall be in a forward direction.

C3. Basement ramps must be within the built form. Exposed basement ramps are not permitted.

C4. Subject to Roads and Maritime Services (RMS) and local traffic authority approval, where necessary, the development is to incorporate the following:

- extension of existing dual lane right turn bay from Victoria Road eastbound into Darling Street
- deceleration lane (approx. 60m) into the development
- relocation of the southbound Darling Street bus stop (subject to State Transit Authority approval)

C5. Vehicular access to the site shall:

DRAFT

- minimise the impact of additional vehicular movements in surrounding residential streets, in particular heavy vehicles
- concentrate retail and commercial vehicle movements to and from Victoria Road
- provide ease of ingress/egress for vehicles to and from Victoria Road
- minimise potential pedestrian and vehicular conflicts
- identify physical works to the surrounding road network to accommodate the proposed development

C6. Service areas and loading docks for all land uses (such as deliveries, waste and recycling collection) which require access by heavy vehicles are to be directly accessed from Victoria Road only.

C7. Access, vehicle circulation, parking, un/loading and service areas are to be fully separated for residential and non-residential uses.

C8. Lifts to/from basement and entry/access points are to be separate for residential/non-residential uses.

C9. The minimum width of the footpath along Victoria Road is to be 4.5m to prioritise pedestrian movement.

C10. When designing the Victoria Road footpath:

- Continue footpath level and finishes across vehicular entry points
- Delineate the vehicular crossing point with bollards

C11. Provide a clear street address for residential entries.

C12. The final mix of uses within the development must ensure traffic does not significantly impact the road network in the area.

C13. A Traffic Management Plan (TMP) that addresses issues relating to the construction and operation phase of development shall be prepared. The TMP shall assess additional traffic generated by the development.

C14. The development shall include the following:

- a community bus that is owned and operated by the Club and is to travel along the major roads of the municipality from East Balmain to Parramatta Road
- a designated area, in an easily accessible place within the development, for taxis to pick up and drop off

DRAFT

D1.15 Parking

Objectives

O1. To provide vehicular parking on site.

O2. To provide bicycle parking on site.

O3. To promote choice in available transport modes and reduce dependency on private cars.

Controls

Vehicular Parking:

C1. Integrate the required quantum of vehicular parking in basement levels or screened from view within the design of buildings.

C2. The maximum number of car spaces for each nominated use is identified in the table below:

Type of proposed use	Number of car spaces to be provided
Amusement centre	Nil
Child care centre	One space for every four children in attendance.
Club	
Lounge and bar	5 spaces per 100m^2 gross floor area
Dining and auditorium	1 space per ten seats or 4 spaces per 100m^2 gross floor area whichever is less.
Commercial	1.5 parking spaces to be provided for every 100m^2 of gross floor area.
Gymnasium	4.5 parking spaces to be provided for every 100m^2 of gross floor area.[1]
Professional consulting room	2 parking spaces to be provided for every 100m^2 of gross floor area.
Residential[2]	
Residents Visitors	The total number of car spaces for residents and/or visitors to dwellings shall equate to the minimum in the DCP2000 – 0.6 spaces per 1 bedroom, 0.9 spaces per 2 bedroom, and 1.1 spaces per 3 or more bedrooms.
Restaurant, café or other refreshment rooms	5 parking spaces per 100m^2 of gross floor area plus 2.5 parking spaces per 100m^2 of outdoor/semi-outdoor seating areas.
Shops and other retail	1.5 parking spaces per 100m^2 of gross floor area.
Uses not defined above	1.5 parking spaces per 100m^2 of gross floor area.

[1] Based on RMS minimum parking requirements for specific land uses.
[2] This parking rate does not require each dwelling to be provided with a parking space.

C3. If providing less than the required parking, a traffic and parking study shall be submitted to justify the proposed parking rate and ensure no impact on surrounding streets.

C4. The existing 22 public car parking spaces provided within the site, accessed from Waterloo Street, shall be accommodated within the site, above the number of car spaces required for the development.

C5. Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.

C6. Motor bike parking is to be provided at a rate of one (1) space for the first 10 vehicle spaces and 5% of the required vehicle parking thereafter.

C7. Motor bike parking spaces are:

- to be located away from car reversing or manoeuvring areas
- to be located on flat and even surfaces where the gradient does not exceed 1 in 20 (5%) either parallel to or at 90 degrees to the angle of parking
- to be 2.5m x 1.2m in dimension
- to be clearly marked and where located adjacent to car parking bays delineated by landscaped areas, bollards or other protective barriers

C8. Retain separate parking and servicing areas for residential and non-residential uses on site. Appropriate security measures are to be taken on site for residential parking areas.

C9. Separate un/loading areas from parking areas and pedestrian routes.

C10. No parking permits will be issued to workers or residents.

Bicycle Parking:

C11. Bicycle parking is to be provided in accordance with the rates outlined in Table C6 of Part C Section C1.11 of Leichhardt DCP 2013.

C12. Bicycle parking facilities are to be provided in accordance with Australian Standard AS2890.3-2015 Parking Facilities Part 3: Bicycle Parking as follows:

- class 1 Bicycle lockers – for occupants of residential buildings
- class 2 Bicycle lockers – for staff/employees of any land use
- class 3 Bicycle rails – for visitors of any land use

C13. Residential apartment buildings are to include a lockable bicycle storeroom with adequate space and bicycle stands or hooks to accommodate the required number of bicycles.

C14. Buildings used for non-residential purposes are to incorporate bicycle parking facilities as follows:

- one (1) personal locker for each bicycle parking space

DRAFT

- one (1) shower/change cubicle for 1 up to 10 bicycle parking spaces
- two (2) shower/change cubicles where 11 to 20 or more bicycle parking spaces are provided
- two (2) additional showers/cubicles for each additional 20 bicycle parking spaces or part thereof

C15. Bicycle storage facilities for use by the public are to be located prominently within the public domain.

C16. The pedestrian route between the bicycle storage facility and the land use it serves is to be designed and constructed in accordance with the Safety by Design principles and guidelines outlined in Part C Section 1.9 – Safety by Design of Leichhardt Development Control Plan 2013.

On-Site Car Share Facilities:

C17. Residential development – a minimum of one (1) car share space per 50 residential units.

C18. Office, business or retail premises – a minimum of one (1) car share space per 50 car spaces provided.

C19. Written evidence, in the form of a letter of commitment, from an established car share operator must be provided with the development application demonstrating the operator's intentions and method of management of the space(s).

C20. Car share spaces are to be conveniently located and appropriately sign posted.

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

D1.16 Finishes and Materials

Objectives

O1. To provide high quality and durable finishes and materials.

O2. To mitigate impacts to the surrounding HCA and heritage items, using appropriate materials and finishes.

O3. To ensure that the development includes green roofs, green podiums, green walls and green façades to improve air quality, amenity, habitat, ambient air temperature, building insulation, and aesthetic quality of the urban environment.

Controls

C1. Employ high quality finishes and materials that are contemporary, with reference to the following:

- Modern forms that incorporate ecologically sustainable development principles
- Materials and finishes: use high quality materials and finishes that highlight architectural features and enhance articulation in particular at the lower levels of the street frontages and Town Square interface. Encourage the use of materials that are durable, produce low glare and do not require high levels of maintenance, particularly around public spaces
- Legibility: use balanced variations in form, articulation and materials/finishes to highlight individual buildings and enhance the visibility of entrances
- Fenestration: reflect the function of buildings through fenestration patterns. Avoid expansive areas of blank glass especially along Waterloo Street, to adjoining properties and internal public spaces. Avoid solid walls unless required for ADG or BCA purposes
- Roof structures: carefully integrate roof structures into the architectural style of the building and minimise the impact of any plant or telecommunications equipment

C2. Incorporate finishes and materials in the scheme which reference, and are sympathetic to, the surrounding heritage items and HCAs.

Green Roofs and Podiums

C3. Green roofs and podiums are encouraged on all buildings. The size of the green roofs for buildings with the following gross floor areas are to be:

- 250 to 999m² — 30% of roof space
- 1,000 to 1,499 m² — 50% of roof space
- 1,500m² or greater — 75% of roof space

DRAFT

C4. Green roofs and podiums must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features such as habitat boxes, stone boulders and native bee hives.

C5. Green roofs must have a minimum substrate depth of 150mm.

C6. Green roof areas designed for use as communal open space are to have a high standard of finish and design.

C7. A detailed description, plan and sections of the roof top design are to be submitted with the development application (as part of landscape plan). The design must address:

- safety and security
- biodiversity
- visual and acoustic privacy
- maintenance and servicing
- wind effects

Green Walls and Façades

C8. Green walls and façades are encouraged on at least 50% of the surfaces of all buildings, with particular focus on the northern façades.

C9. Green walls and façades must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features.

C10. Green facades using planter boxes/container planting installed at different levels across the building are encouraged

C11. A detailed description, plan and sections of the proposed green wall and/or facade design are to be submitted with the development application (as part of landscape plan). The design of any green wall or facade is to address:

- safety and security
- biodiversity
- maintenance and servicing
- wind effects

DRAFT

D1.17 Signage

Objectives

O1. To provide signage that promotes wayfinding and identifies the presence of key land uses, such as the Club, supermarket, Town Square, pedestrian links and apartments.
O2. To ensure signs do not create a road safety risk, hazard and or confusion.
O3. To promote high quality signs which contribute positively to the building appearance and streetscape.
O4. To protect the amenity of residents, tenants, pedestrians and visitors.
O5. To minimise visual impacts to the surrounding areas.

Controls

C1. Signage shall be compatible with the architecture, finishes and materials of the building and streetscape.
C2. Signage shall be designed to avoid confusion with directional and traffic signs.
C3. A co-ordinated presentation of signs is required where there are multiple occupancies or uses within a single building.
C4. Signs are not permitted on public footpaths unless associated with a bus stop shelter or kiosk.
C5. Signage that will detract from the amenity or visual quality of heritage items or HCAs is not permitted.
C6. Tower building facades shall be free from signage from the top of the podium to the rooftop.
C7. Signage is not permitted facing private residential streets, or on side walls abutting residential properties.
C8. Signage is not to contain reflective materials and finishes.
C9. The lights to illuminate signage should be concealed or integral with the sign.
C10. Illuminated signs must not impact residential amenity.
C11. Relevant controls contained in Part C 1.15 Signs and Outdoor Advertising of Leichhardt DCP 2013 shall be considered when designing signs.

DRAFT

D1.18 Public Art Strategy

Objectives

O1. To encourage public art within the Precinct and guarantee the funding.

O2. To promote cultural activity, improve public domain appearance and define the Precinct.

O3. To encourage collaborations between artists, Council and the local community.

O4. To foster community connection to place.

Controls

C1. A minimum of 1% of the overall development value should be provided for the development of public art.

C2. All public art shall be relevant to the local character, the surrounding heritage items and HCAs, be of a scale appropriate to the public realm, and be specific to time and place. Themes relevant to the Precinct include:

- local geography, flora and fauna
- local heritage
- urban revitalisation

C3. Development applications are to include a Public Art Strategy that describes how proposed public art has been selected to suit the historic, environmental and social contexts of the Precinct and the surrounding area and contributes to a unique 'sense of place'.

C4. Public art must be located in publicly accessible places such as street frontages, the Town Square and external facing walls. Alternatively, monetary contributions may be made to Council's public art programs.

C5. Consult with Council and community groups in the design and execution of public artworks.

C6. The use of public artists is encouraged.

C7. The Leichhardt Public Art Policy 10-Year Strategic Plan 2015-2024 should be considered when preparing the Public Art Strategy.

DRAFT

D1.19 Environmental Management

Objectives

O1. To ensure that the new development applies the principles of ecologically sustainable development.

O2. To reduce environmental impacts of the development.

O3. To encourage improved environmental performance through the use of industry recognised building rating tools.

O4. To promote the use of renewable energy sources and materials to reduce the use of resources, and the generation of pollution and waste resulting from development activity.

O5. To reduce the cause and impact of the urban heat island effect.

O6. To implement sustainable urban water management.

O7. To improve the diversity and abundance of locally indigenous flora and fauna species across the Inner West.

O8. To enhance habitat and contribute to the network of wildlife corridors throughout the Inner West.

Controls

Ecologically Sustainable Development (ESD)

C1. The development is encouraged to use an environmental rating tool, such as Green Star, to demonstrate the degree to which it is an ecologically sustainable development. Where Green Star is used, achievement of a minimum of 5 stars is encouraged.

C2. The installation and use of photovoltaic solar panels is encouraged. Where possible, solar panels should be co-located with extensive green roofs to increase the operational efficiency of the solar panels.

C3. The development must increase urban green cover on the site through tree planting, mass planted garden beds, WSUD, and green roofs and walls.

C4. The development must enhance urban biodiversity by increasing habitat for local flora and fauna.

C5. Use building materials, fittings and finishes that have been recycled, made from or incorporate recycled materials, and have been certified as sustainable or 'environmentally friendly' by a recognised third party certification scheme.

C6. Where office premises with a net lettable area of 1,000m^2 or more are proposed, documentation is to be submitted confirming that the building will be capable of

DRAFT

supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars with the NSW Office of Environment and Heritage. Such an agreement is to be entered into prior to any construction certificate being issued for the approved development.

C7. All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and private open space are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.

C8. Non-residential development is to be designed to minimise the need for active heating and cooling by incorporating passive design measures related to glazing, natural ventilation, thermal mass, external shading and vegetation.

C9. All lighting within the public domain should be energy-efficient, such as LED lighting.

Water Sensitive Urban Design (WSUD)

C10. The development should adopt an integrated approach to water cycle management and address water conservation, efficiency, stormwater management, drainage and flooding through a coordinated process.

C11. A suitably qualified engineer with experience in stormwater, drainage and WSUD is to assess the site requirements for the proposed development, and prepare the required stormwater, drainage and WSUD plans in accordance with the provisions of this DCP and with best practice sustainable water management techniques.

C12. Design the site to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

C13. Bioswales and rain gardens are to be incorporated into public open space and footpath design.

C14. Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.

Water Re-use, Recycling and Harvesting

C15. Water used for irrigation of public and private open space (including green roofs and walls) is to be drawn from reclaimed water or harvested rainwater sources where there is feasible access to those water sources. Possible sources include harvested stormwater, treated greywater and wastewater and water from a decentralised local network. Water treatment measures must be incorporated to ensure that the water is fit for purpose.

C16. Rainwater tanks should be installed where there are roof forms from which rainwater can be feasibly collected and plumbed to appropriate end uses.

DRAFT

Biodiversity

C17. New habitat features are to be incorporated into the development, including trees, shrubs and groundcover vegetation, water bodies, artificial habitat (such as insect hotels and habitat boxes), rockeries, and green roofs and walls where possible.

C18. Opportunities to link to, extend or enhance existing or potential biodiversity corridors should be realised in the new development.

C19. A mix of locally indigenous tree, shrub, grass and groundcover species should be incorporated into the planting palette. Where this is not practical, use Australian native plants.

D1.20 Waste Management

Objectives

O1. Reduce the amount of construction and demolition waste going to landfill.

O2. Reduce the amount of waste generated during operation of a development from going to landfill and maximise resource recovery.

O3. To minimise the overall impacts of waste and recycling management by designing for systems that are hygienic, accessible, efficient, safe, quiet to operate, adequately sized, visually compatible with the surroundings and which reduce waste and maximise recycling.

Controls

C1. The collection of all residential and commercial waste, recycling and bulky waste is to occur on-site.

C2. Residential and commercial waste areas are to be separated (these areas should not be accessible to one another).

C3. Waste and recycling must be managed, stored and presented within acoustically treated areas to minimise the noise of collection.

C4. A Site Waste Minimisation and Management Plan (SWMMP) addressing the demolition and construction phases is to be submitted with a development application. The SWMMP is to provide details of the following:

- the volume and type of waste and recyclable materials that will be generated at each stage of demolition and construction
- the storage and disposal, and reuse where possible, of materials

DRAFT

- full disclosure of any asbestos-contaminated material found on site, and details of how it will be managed in accordance with the guidelines for asbestos work published by Safework NSW

C5. A Resource Recovery and Waste Management Plan (RWMP) addressing ongoing waste and resource recovery for both residential, retail and commercial components of the development is to be submitted. The RWMP is to include details of the following:

- types and estimated quantities of the predicted waste streams
- size and location of recycling and waste storage areas, including bulky waste
- routes of access and transfer from source to storage areas for all users
- routes of transfer from storage areas to collection point
- access route for waste and recycling collection vehicle
- ongoing management, including responsibility for cleaning and transfer of bins between storage areas and collection points, implementation and maintenance of relevant signage, and ongoing education of all residents/tenants

Residential Waste Controls:

C6. The residential component of the development must be designed to accommodate standard Council waste and recycling services and collection vehicles.

Truck Dimensions (approx.)	
Length	9.5 metres
Width	2.6 metres
Height	4.5 metres (operational)
Mass	23,000 kg

C7. Waste and recycling storage areas are to be provided within the premises in reasonable proximity to the vehicle entrance, and no lower than one level below street level.

C8. Truck access must be designed to comply with Australian Standard AS 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities.

C9. Access to garbage and recycling disposal points is to be provided on each residential level, either in the form of inlet hoppers, or bin storage cupboards/rooms. For residential buildings with a rise of four storeys or more, a waste chute is advisable.

DRAFT

C10. Cupboards/space is to be provided within each residential unit with the capacity to store up to two day's generation of garbage, food waste and recycling.

C11. A dedicated space (room or caged area) is to be provided within or in close proximity to the bin storage area for the interim storage and management of Council-collected bulky waste and mattresses. A minimum of $8m^2$ is to be provided for every 50 residences.

C12. Additional communal space is to be provided for the separate recovery of materials including (but not limited to) textiles, hazardous, e-waste, polystyrene, materials under product stewardship schemes and problem wastes. A minimum of $1m^2$ is to be provided for every 50 residences.

C13. A dedicated space is to be allocated for communal composting or worm-farming for residents or design for source separation, collection and processing of food organics.

Non-Residential Waste Controls:

C14. On-site composting via small scale composting system (such as anaerobic digestion system, dehydrator, composting) to avoid food waste entering the waste stream or design for source separation, collection and processing of food organics.

C15. Arrange collection points to minimise the need for truck access and movement of trucks through the site.

C16. A minimum of $4m^2$ of dedicated space is to be provided for every $500m^2$ of retail, or every $2,000m^2$ of office space for the interim storage of bulky or fit-out waste, paper, cardboard packaging, batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes or other recyclable resources from the waste stream.

C17. Space must be provided on-site in reasonable proximity to retail or commercial premises to store re-usable commercial items such as crates, pallets, kegs and polystyrene packaging.

C18. Secure space is to be allocated for the separate storage of liquid wastes, including commercial cleaning products, chemicals, paints, solvents, motor and cooking oils.

C19. A Litter Management Plan for the Precinct's open spaces and surrounding streets is to be submitted.

C20. The Precinct is likely to produce very large quantities of containers that are eligible for refund as part of the Container Deposit Scheme. Allocation of space for a publicly accessible Return and Earn take-back point (e.g. a reverse vending machine) is encouraged.

DRAFT

D1.21 Design Excellence

Objectives

O1. To achieve design excellence for new development within the Precinct.

O2. To ensure development within the Precinct contributes to the urban design and architectural quality of the locality.

Controls

C1. Design excellence is to be achieved to ensure a high quality outcome for the Precinct.

C2. Council's design and heritage experts shall assess proposals for the site and/or a Design Excellence Panel shall be appointed by Council to determine whether design excellence is achieved by the project. The proponent shall cover the cost of a design review process.

C3. The following criteria shall be considered to determine whether design excellence is achieved:

- excellence of architectural design, including internal layout, façade treatment, architectural detailing, roof features and spaces between buildings
- the proposed uses and use mix
- heritage conservation and restoration
- streetscape character and site context
- the location of any tower/s proposed, having regard to the need to achieve an acceptable relationship with other buildings on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form
- the bulk, massing and modulation of buildings
- street frontage heights
- environmental outcomes, such as sustainable design
- overshadowing and solar access, visual and acoustic privacy, wind and reflectivity
- noise and air pollution attenuation, especially along Victoria Road
- the achievement of the principles of Ecological Sustainable Development
- pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network
- the impact on, and any proposed improvements to the public domain

DRAFT

- achieving appropriate interfaces at ground level between the building and the public domain
- excellence and integration of landscape design
- high quality finishes and materials
- public art excellence

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

SITE SPECIFIC CONTROLS
BALMAIN LEAGUES CLUB PRECINCT

D1.0 Background

This section of Leichhardt Development Control Plan 2000 (Leichhardt DCP 2000) has been amended from the previous version which was adopted on 3 June 2008 and came into effect on 26 August 2008. This section has been updated to reflect Council's current view on the most appropriate development for the site and has been designed to guide the redevelopment of the Balmain Leagues Club Precinct (**Figure 1**) in conjunction with the site-specific provisions contained within Schedule 1 Part 3 of *Leichhardt Local Environmental Plan 2000 (Amendment 16)*.



Figure 1 Balmain Leagues Club Precinct

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

The purpose of this section of the DCP is to set out the desired future character, local area character, principles and development controls for the Balmain Leagues Club Precinct. Council will assess future development applications against these principles and controls.

This section of the DCP promotes high quality urban design outcomes for the site within the context of environmental, social and economic sustainability.

D1.1 Land to which this Section Applies

This section of the DCP applies to the properties identified below and illustrated in **Figure 1**, herein referred to as the Balmain Leagues Club Precinct.

- 138-152 Victoria Road Rozelle (being Lot 1 DP 528045)
- 154-156 Victoria Road Rozelle (being Lot 1 DP 109047)
- 697 Darling Street Rozelle (being Lot 104 DP 733658)
- 1-7 Waterloo Street Rozelle (being Lots 101 & 102 DP629133, Lot 37 & 38 DP 421 and Lot 36 DP190866)

D1.2 Relationship to other Sections of this DCP

This section of the DCP applies to the Balmain Leagues Club Precinct only, and is not applicable to any other site(s) within the Inner West Local Government Area (LGA).

Development within the Balmain Leagues Club Precinct is subject to the relevant objectives, guidelines and controls contained in Leichhardt Local Environment Plan 2000 (LLEP 2000), and Leichhardt DCP 2000. If there are any inconsistencies between the objectives and controls in this section and any other objectives and controls in Leichhardt DCP 2000, those in this section will prevail, but only to the extent of that inconsistency.

DRAFT

D1.3 Character Statement

The Balmain Leagues Club Precinct is located in the northwest of the Inner West LGA, in the suburb of Rozelle. The Precinct is bounded by Victoria Road to the northeast, Waterloo Street to the southwest, Darling Street, together with retail shops, to the southeast, and one to two storey houses to the northwest. A portion of the Precinct along Darling Street and Waterloo Street is within a Heritage Conservation Area (HCA). Heritage items including Rozelle Public School, St Paul's Church, St Thomas' Church, the York Buildings and a former police station along Darling Street are proximate to the Precinct (**Figure 2**).



Figure 2 Heritage map

The land within this Precinct is currently occupied by one to two storey buildings of the former Balmain Tigers Club (the Club) and associated parking facilities, which are not functional and cannot be accessed by the public. The Precinct is an anomaly within an otherwise fine-grain and vibrant neighbourhood. The presentation of these buildings and structures does not contribute positively to the Victoria Road and Waterloo Street streetscapes.

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

Revitalisation and redevelopment of the site with a sensitive built form response and a high-quality architectural and urban design outcome is a key objective for the Precinct. New development is to reactivate the Precinct by re-establishing the Balmain Leagues Club on the site, by providing public open spaces that are well connected and of high amenity as well as retail/commercial uses and living accommodation for the locality. The future buildings will respond sensitively to the HCA, heritage items, and existing low scale built form as well as the local topography. The development will create a low scale built form along Waterloo Street and step up to tower forms along Victoria Road, providing an acoustic barrier and scale transition to the remainder of the site. The development will also respond to the sloped topography along Victoria Road by stepping down the tower forms from the tallest in the southeast to shortest in the northwest. This will provide a sensitive response to the adjoining low scale properties to the northwest of the Precinct and allow solar access to the centre of the Precinct, particularly the proposed plaza.

Redevelopment along Victoria Road will provide a street wall of appropriate height that contributes to the desired future character identified for the Victoria Road Sub Area in Part C of Leichhardt DCP 2013 (which applies to land adjoining the Precinct). Podiums are to step in height and setback along Victoria Road to provide articulation and appropriate scale transition and are to provide pedestrian permeability to the Precinct. Victoria Road will be activated by the Club and retail/commercial uses and will have a widened footpath. Higher built form, that has well defined podium levels with setback towers above, will concentrate along Victoria Road. Tower setbacks to the common boundaries will provide adequate separation distances to adjacent properties, optimal residential amenity and solar access for future residents of the Precinct, as well as mitigate the tower scale.

A new plaza, located at the heart of the Precinct, will be provided to benefit the local community, future residents, the Club and businesses. The future plaza will be surrounded by active frontages including retail/commercial and Club uses. Its accessibility will be achieved by a network of pedestrian links from Victoria Road, Darling Street and Waterloo Street. Any development within the Precinct is to ensure the future plaza can receive good solar access in mid-winter, especially during lunch hours (12 noon to 2pm).

The development is to establish a sensitive urban design response and relationship with the fine grained houses along Waterloo Street. Buildings along the Waterloo Street boundary are to be low in scale and vertically articulated. Breaks between buildings along Waterloo Street are to be provided to improve the Precinct's permeability and open up views to the future plaza and Victoria Road.

The Darling Street interface will be designed to integrate an 'open to the sky' pedestrian link which will visually and physically connect Darling Street with the future plaza, as well as Club uses within the podium of the tower building. The Darling Street interface will have a sensitive relationship with the HCA and the existing strip retail frontage.

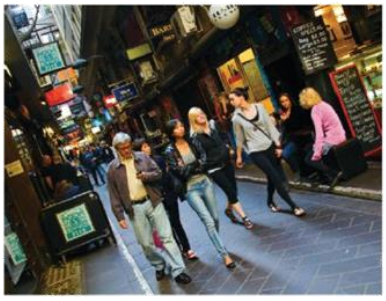
DRAFT

Redevelopment will improve the interface with the Right of Way (legally described as Lot 1 DP 1063965 and Lots A-E DP 25838) adjacent to the southeast boundary of the Precinct. A new 'open to the sky' pedestrian link, with active uses along its length, will be provided along the southeast boundary of the Precinct. The pedestrian link will be integrated in overall design concept and share common levels with the adjoining Right of Way (with a reasonable consideration of the future upgrade of the Right of Way).

The new pedestrian network will improve the Precinct's permeability from the surrounding roads and streets and access through the site from Victoria Road to Waterloo Street. It will also improve the Waterloo Street pedestrian environment along the development frontage and provide access to the future plaza and the Club. Precedent images are shown in **Figure 3**.



Source: www.sydneyboulevard.com.au



Source: devwijewardane.blogspot.com



Source: www.flickr.com

Figure 3 Precedent images

The architectural and landscape character will further enhance the Precinct's appearance by using articulation, materials, finishes, and species that are sympathetic to the HCA and the heritage items nearby.

High quality, culturally relevant and engaging public artworks will be provided within the Precinct, integrated into the new development, which will enhance the character and improve the liveability of the Precinct and surrounding neighbourhood.

Overall, the redevelopment of the Precinct will provide a high quality urban and architectural design for the locality and assist in transforming the site to a vibrant mixed-use precinct which contributes to the surrounding context and community. The indicative design principles, 3D views and master plan for the Precinct are shown in **Figure 4**.



Figure 4 Design principles

D1.4 General Objectives

O1. To ensure the long term viability of Balmain Leagues Club on the site, for the benefit of the local community.

O2. To achieve high quality urban design for the Precinct and integration of the Precinct with the surrounding areas.

O3. To enable the redevelopment of the Balmain Leagues Club Precinct as a consolidated parcel.

O4. To achieve design excellence which provides high quality built form that responds to the existing and future context.

O5. To minimise the impact to the surrounding HCA and heritage items.

O6. To locate tower forms along Victoria Road and provide transition in scale to the surrounding low scale areas.

O7. To provide low scale and density buildings along Waterloo Street.

O8. To improve the Victoria Road and Waterloo Street streetscapes and to enhance the existing streetscape along Darling Street.

O9. To improve the pedestrian environment, connectivity and activity within the Precinct and along surrounding road and retail street frontages.

O10. To provide a publicly accessible plaza and network of laneways in the Precinct with maximised amenity.

O11. To promote development that links to and contributes to the ongoing vibrancy and viability of the Rozelle Commercial Centre.

O12. To promote housing diversity through a mix of dwelling types.

O13. To promote affordable housing within the precinct.

O14. To achieve high quality residential amenity.

O15. To promote high quality landscaping, public art, signage and ecologically sustainable development.

DRAFT

D1.5 Built Form, Height and Density

Objectives

O1. To create a site layout and built form massing that is suitable to the Precinct and the locality.

O2. To enable the redevelopment of the site whilst minimising impacts on the existing and future context.

O3. To provide a well designed development with articulated height and massing which provides a high quality transition to the existing streetscape along Victoria Road, Darling Street and Waterloo Street.

O4. To provide built form articulation to reduce apparent bulk and scale.

O5. To provide an appropriate building height and density distribution, within the height and density controls in LLEP 2000 Schedule 1 Part 3, to respond to the surrounding context and to minimise amenity impacts to the neighbouring properties and in the Precinct itself.

O6. To provide tower height transition along Victoria Road to respond to the low scale properties along Victoria Road and ensure adequate solar access to the Precinct and proposed plaza.

O7. To compliment the fine grained character and respond to the natural topography along Waterloo Street.

O8. To provide an iconic landmark development through high quality design.

O9. To introduce a street wall of appropriate height along Victoria Road, Waterloo Street and to the southeast boundary pedestrian laneway.

O10. To make sure infill buildings along Darling Street enhance the character of the streetscape.

O11. To minimise the visual impact of development when viewed from the surrounding HCA and heritage items.

Controls

C1. The maximum building height (including plantrooms and lift overruns) shall be consistent with that shown in **Figure 5** to minimise visual impacts, building scale and overshadowing issues. The Reduced Level (RLs) identified in **Figure 5** are relative to the Australian Height Datum (AHD).

C2. All roof structures, such as plant and lift overruns, shall be integrated into the design of the development. They are not to exceed the building heights contained within LLEP 2000 and are to be fully screened when viewed from street.

DRAFT

C3. Lift overruns on the top of buildings are permitted if:

- within the maximum allowable height of RL 82.0
- are smaller or equal to 24m^2 in plan dimension if located at podium level

C4. Provide a higher built form fronting Victoria Road and a low scale built form along Waterloo Street and Darling Street to reflect the existing low scale and fine grain character of the streetscapes.

C5. Lower podium level buildings are to be placed around the perimeter of the Precinct to form a street edge.

C6. The tower built form along Victoria Road is to step down from southeast (highest) to northwest (lowest) to provide a height transition to the low scale properties to the northwest of the Precinct and protect solar access to the proposed plaza at the centre of the Precinct. Refer to **Figure 5**.

C7. A two storey (10m maximum height) street wall is to be provided along Victoria Road which is to be defined by appropriate architectural treatments and materials. Building forms (i.e. towers) above the street wall height shall be setback from the line of the building below a minimum of 3m.

C8. Provide effective built form and façade articulation to break up the overall podium and tower building envelopes along Victoria Road.

C9. The building forms along Waterloo Street should be vertically articulated to reflect the pattern of residential lot development and step with the topography. Design the Waterloo Street frontage as a transition between the existing residential streetscape and the new mixed-use development.

C10. Development within the HCA shall be restricted to a maximum height of RL 52.0 AHD and be consistent with adjoining properties with respect to height and scale.

C11. The maximum floor space ratio may not necessarily be able to be achieved if adverse visual, acoustic, privacy, amenity and overshadowing impacts occur to neighbouring properties and/or impact the development within the Precinct.

C12. The building envelopes in **Figure 5** define the preferred built form outcome for the Precinct, whilst permitting architectural innovation within the building envelopes.

C13. The building envelopes illustrated in this section allow for some flexibility in the detailed architectural design of buildings. This development control is intended to promote highly articulated buildings with generous balconies, recesses and steps in facades to avoid a sense of excessive bulk, especially along Victoria Road and when viewed from Darling and Waterloo Streets.

C14. Alternative building envelopes will only be permitted if the proposal can demonstrate a higher quality outcome can be achieved with regard to:

- response to the surrounding context
- built form and scale transition across the Precinct

DRAFT

- impacts to the HCA and heritage items
- amenity to the surrounding properties and within the Precinct
- amenity to the future plaza
- the Precinct's permeability and connectivity

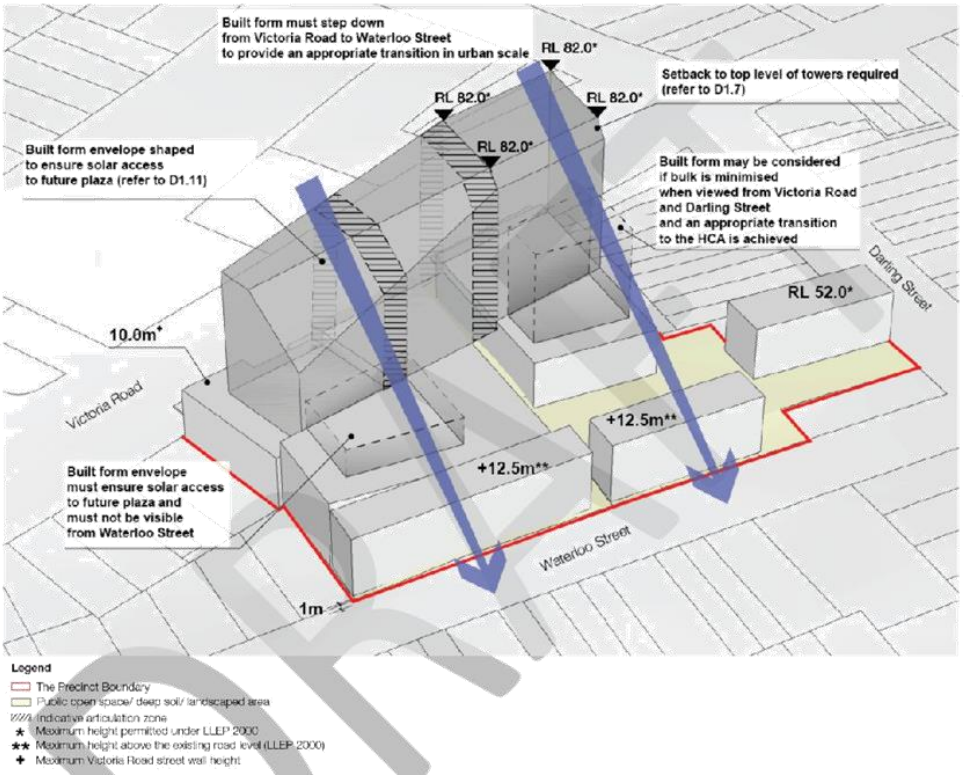


Figure 5 Building envelopes (illustrates the maximum development envelopes)

D1.6 Land Use

Objectives

O1. To integrate the Balmain Leagues Club with other compatible uses on the site.

O2. To provide a range of land uses that are suitable for the Precinct and the surrounding neighbourhood.

O3. To maximise activity level and surveillance along main pedestrian routes.

O4. To contribute to a vibrant Rozelle Commercial Centre.

O5. To provide a mix of dwelling types.

Controls

C1. Provide a range of land uses to promote the development of a vibrant Rozelle Commercial Centre that meets the needs of the local community. The range of uses shall include:

- Balmain Leagues Club
- public plaza and other publicly accessible spaces
- commercial
- retail, including
  - a supermarket
  - limited speciality retail focused on food and beverage retail that does not detract from the surrounding Rozelle Commercial Centre
- residential
- car parking

C2. Any development application must demonstrate that the gross floor area provided for club use will be occupied by the Balmain Leagues Club (or its successor) for its long term viable usage. This may be in the form of a report confirming that the proposed club is of a size that will service the needs of the Balmain Leagues Club (or its successor) and the community, or an indicative contract with the Balmain Leagues Club (or its successor).

C3. Locate smaller scale retail units, in particular cafes and restaurants, around the future plaza, the Club, laneways and Darling Street to promote activity.

C4. Encourage greater surveillance along Waterloo Street by providing individual entryways to residential dwellings.

DRAFT

C5. The development shall be well integrated with Darling Street and maximise the activation of the corner where the proposed pedestrian link meets Darling Street.

C6. A variety of dwelling types shall be provided within the Precinct including apartments (ranging from studios to 3 and more bedroom units) within the tower buildings and terrace type dwellings along Waterloo Street.

C7. The development shall comply with Council's requirements for Diverse Housing and Adaptable Housing (refer Part 4 Clause 19 of LLEP 2000).

C8. Dwellings of different sizes and tenures should be well integrated within the development.

DRAFT

D1.7 Setback and Separation

Objectives

O1. To accommodate the widening of footpaths along Victoria Road and Waterloo Street and the provision of a slip lane along Victoria Road.

O2. To reinforce the predominant setback along Darling Street.

O3. To create a built form outcome with a distinctive base (podium) and tower and an appropriate scale along Victoria Road.

O4. To reduce the apparent overall building bulk and mass and to provide a human scaled development when viewed from surrounding streets.

O5. To maximise residential amenity.

O6. To provide opportunities for through site links.

O7. To allow for the future redevelopment of adjacent lots.

O8. To provide a transition in scale to adjoining properties.

O9. To minimise the overshadowing of the future plaza.

O10. To reduce amenity impacts to the adjoining properties.

Controls

C1. Provide setbacks and separation distances in accordance with **Figure 6**.

C2. Allow for future Victoria Road footpath reconfiguration and widening to minimum 4.5m across the frontage. The additional setback is to be dedicated to Council at no cost.

C3. The setback to Victoria Road shall prioritise pedestrian movement. The design of the Victoria Road footpath shall also reference D1.14 Vehicular and Pedestrian Access.

C4. Allow for future Waterloo Street footpath widening by setting back any development along Waterloo Street a minimum of 1m. The 1m setback is to be dedicated to Council at no cost.

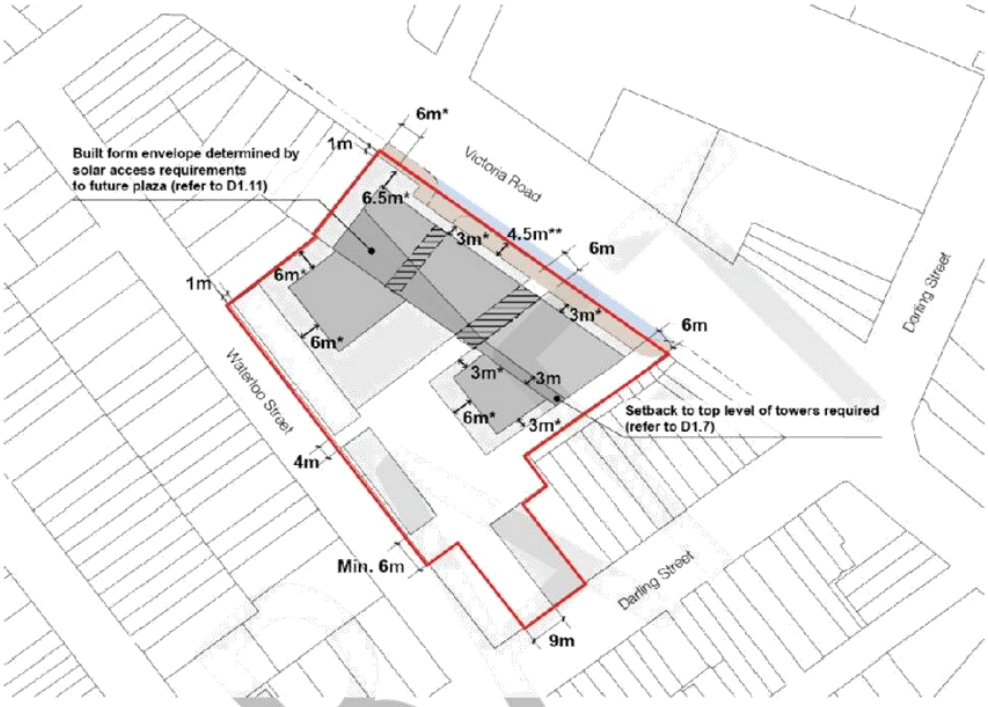
C5. An upper level setback of 3m is to be provided above podium/street wall level along the Victoria Road frontage.

C6. Upper level setbacks are to be free of any encroachments from any parts of new building structures.

C7. Development above the podium shall be setback 6m from the northwest and southeast common boundaries to mitigate the tower scale and provide adequate separation distances to adjoining properties.

DRAFT

C8. The tower forms shall provide setbacks to the upper levels facing the centre of the Precinct to minimise overshadowing of the plaza and to mitigate the scale of the tower buildings.



Legend
- The Precinct Boundary
- Tower form
- Podium/ lower scale form
- Indicative articulation zone
- Indicative slip lane location
- Continuous 4.5m footpath along Victoria Road
- * Minimum setback above podium
- ** 4.5m Victoria Road setback where slip lane occurs

Figure 6 Setbacks and separation

D1.8 Visual Impact to HCA and Heritage Items

Objectives

O1. To minimise visual impacts to the surrounding HCA and to heritage items.

Controls

C1. A Heritage Impact Statement (HIS) is to be submitted with any development application for the redevelopment of the Precinct, addressing the impact of the proposed works on the HCA and heritage items in the vicinity of the proposal.

C2. This Statement should include consideration of 'The Design Context: Guidelines for Infill Development in the Historic Environment' (prepared by the NSW Heritage Office and Royal Australian Institute of Architects NSW Chapter) with regard to scale, form, materials, colours and responding to the local character.

C3. Any development application is to be accompanied by 'before' and 'after' perspective views from the heritage items, from Darling Street and from Waterloo Street to assess the potential impact on heritage items and the HCA.

D1.9 Acoustic Privacy

Objectives

O1. To provide a high level of residential amenity by minimising noise transmission between dwellings and from external noise.

Controls

C1. Adequate setback distances to the common boundaries are to be provided in accordance with the controls in D1.7 to minimise impact to adjacent properties.

C2. Windows and balconies should be offset.

C3. Buildings that are exposed to high levels of external noise are to be designed and constructed to mitigate noise impacts and to ensure architectural integrity.

C4. Private open spaces and habitable rooms shall be located away from high noise sources, especially Victoria Road, or protected with appropriate noise shielding devices.

C5. When designing the tower buildings along Victoria Road, the following measures shall be considered to mitigate the noise impacts:

- turning away habitable spaces from noise source

DRAFT

- utilising fixed solid glazed edges to provide an enclosed space for ventilation
- providing angled walls, winter gardens, screening and solid balconies
- orienting operable windows away from noise source

C6. Building design shall also address the NSW Road Noise Policy by the NSW Environment Protection Authority (EPA).

C7. Noise generating facilities within communal open spaces such as swimming pools and barbecue areas shall be located away from bedroom areas.

C8. Rooms with similar noise requirements shall be grouped together.

DRAFT

D1.10 Communal Open Space, Deep Soil Area and Landscaping

Objectives

O1. To ensure residents are provided with a reasonable level of outdoor amenity and access to green space.

O2. To ensure that the development incorporates consolidated deep soil areas of sufficient size and dimension to accommodate significant tree plantings and other plants, and provide optimal growing conditions.

O3. To soften the scale of buildings.

O4. To ensure that the amenity of residents, workers and visitors is enhanced by high quality landscaping.

O5. To provide a pleasant outlook and contribute to the overall amenity of the Precinct.

O6. To minimise stormwater runoff.

O7. To implement sustainable water management.

O8. To enhance biodiversity on site.

Controls

C1. A minimum of 10% of the site area is to be provided as deep soil zone.

C2. Where possible, deep soil areas are to be well integrated into a development and not provided on the periphery of the site.

C3. The consolidation of deep soil areas is encouraged to assist drainage and to allow for effective deep soil planting.

C4. Any planting on structure is to satisfy the following soil volume requirements:

Tree size	Height	Soil volume
Small	6-9m	$20m^3$
Medium	10-13m	$30m^3$
Large	14m+	$40m^3$

C5. The minimum number of trees is 1 large tree (at least 12 metres) per $90m^2$ of soil, or 2 medium trees per $90m^2$ of soil.

C6. Locate landscaping where the microclimate will support favourable growing conditions with appropriate sunlight and wind protection.

DRAFT

C7. Landscaping and mature tree planting with large canopy trees shall achieve 15% site canopy coverage.

C8. Incorporate mass planting including a mix of indigenous shrubs, grasses and groundcovers.

C9. Utilise a diverse variety of local Inner West native plant species and plant types with low water needs, including trees, shrubs, grasses, groundcovers and climbers.

C10. Landscaping is to be of the highest quality, and use appropriate stone, high quality precast concrete elements and high quality pavements.

C11. Suitable soil depth, drainage and irrigation are to be provided for all landscaping built on structures.

C12. A landscape plan prepared by a suitably qualified Landscape Architect is to be submitted with the development application showing the:

- levels adjacent to the public domain
- planting schedule with numbers and species of plants (botanical and common name)
- number and name (botanical and common name) of mature trees on site
- type and detail of paving, seating, walling, fencing and other details of external areas of the site, including the plaza

C13. Minimise the impact upon street trees and trees on adjoining land.

C14. Overhead power cables along the Victoria Road and Waterloo Street frontages must be relocated underground and replaced with appropriate street lighting given the scale of the development and the significant aesthetic benefit resulting from undergrounding, including allowing for viable street tree planting.

C15. Incorporate street trees along Victoria Road, Darling Street and Waterloo Street in vault style structural soil to minimise available soil volume for mature trees.

DRAFT

D1.11 Plaza

Objectives

O1. To provide a centrally located plaza which facilitates connectivity through the Precinct and to surrounding streets.

O2. To provide a green and appealing space for social interaction, with a high quality public domain.

O3. To ensure the future plaza can achieve adequate solar access in mid-winter.

O4. To provide a new attractive plaza destination.

O5. To ensure the design of the future plaza is of high quality.

Controls

C1. A plaza shall be located at the centre of the Precinct, with a clear pedestrian and visual connection to Darling Street. It will be designed to accommodate a range of activities such as outdoor restaurants, cafes, stalls, kiosks and display areas. The plaza location shall be generally in accordance with **Figure 7**.

C2. The level of the plaza shall align or closely align with the Darling Street footpath to provide unimpeded pedestrian access from Darling Street with no steps.

C3. The plaza shall have active uses on all sides.

C4. The plaza shall have a minimum area of 1,400m^2 (including the linkage from Darling Street to the plaza) and is to be accessible between 7am and 10pm, at the minimum.

C5. The plaza shall have a minimum dimension of 23m.

C6. A maximum of 500m^2 of the plaza may be used for retail purposes (eg. outdoor seating/dining and kiosks) and must not conflict with paths of travel.

C7. Mature deciduous tree planting in deep soil and/or structural vault style soil shall be incorporated into the design of the plaza to ensure the space has canopy cover and is usable during summer months.

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted



Figure 7 Indicative plaza location

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

D1.12 Solar Access

Objectives

O1. To minimise the overshadowing impacts of development within the Precinct on adjoining properties.

O2. To maximise solar access to the future plaza.

Controls

C1. The surrounding residential properties along Waterloo Street are to receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter solstice. Where properties receive less solar access than specified above, there should be no further reduction.

C2. Shadow diagrams shall be prepared to establish if there is any additional overshadowing of the Darling Street footpaths beyond that generated by the current buildings, and wherever possible additional overshadowing is to be limited through design measures.

C3. The minimum requirements of solar access to the plaza between 12:30pm and 2pm in mid-winter are:

- 35% of the plaza area shall receive solar access at 12:30pm
- 50% of the plaza area shall receive solar access at 1pm
- 65% of the plaza area shall receive solar access at 2pm

DRAFT

D1.13 Linkages

Objectives

O1. To improve the permeability of the Precinct.

O2. To improve the footpath condition along Victoria Road and Waterloo Street.

O3. To provide through site links.

O4. To prioritise pedestrian movements.

O5. To activate the Precinct and the surrounding areas.

O6. To ensure that development within the Precinct will not adversely impact the prosperity of the Rozelle commercial centre.

O7. To integrate the adjoining Right of Way into the redevelopment of the Precinct.

O8. To achieve weather protection along Victoria Road footpath.

O9. To create a safe pedestrian connection day and night along Victoria Road.

O10. To contribute to the overall appearance of the buildings.

Controls

C1. The proposal is to be consistent with **Figures 6, 7 and 8** which show indicative locations for laneways, through site links, the plaza and improved pedestrian footpaths.

C2. Upgrade surrounding footpaths at the perimeter of the Precinct to Council's satisfaction, including street tree planting, paving materials and street furniture.

C3. Provide unrestricted pedestrian access between Victoria Road, Darling Street and Waterloo Street to increase permeability and enhance the local pedestrian network.

C4. Provide a strong visual and pedestrian link from Darling Street through to the Precinct and plaza.

C5. The development shall improve the Precinct's accessibility from Darling Street while retaining the continuous shop front as much as possible. This can be achieved by retaining the street frontage of No. 697 Darling Street and removing No. 1 Waterloo Street to improve access to the Precinct and facilitate a legible pedestrian link and visual connection between Darling Street and the proposed plaza at the heart of the new development.

C6. Any development application for the redevelopment of the Precinct must be accompanied by an economic study outlining how the design will support the long-term prosperity of the Rozelle commercial centre.

DRAFT

C7. A development application for the redevelopment of the Precinct must be accompanied by a concept drawing detailing how the design of the 'open to the sky' pedestrian link along the southeast boundary of the Precinct is integrated with the adjoining Right of Way and the rear of the properties directly to the south, both in the short and long term. A consistent edge-to-edge finished shared zone that is free of obstructions, including level changes, columns, steps or planter boxes and ventilation shafts, shall be provided once the Darling Street shops are redeveloped in the future. Temporary measures such as providing planter boxes to mitigate the level change are permitted. However, the design shall not preclude the long term integration with the Right of Way.

C8. Awnings shall be provided along Victoria Road.

C9. The awning face shall be horizontal. Steps for design articulation and to accommodate the sloping along Victoria Road shall be provided.

C10. Awning width is to be a minimum of 3m.

C11. A minimum of 3.5m underpass clearance shall be provided for the awnings along Victoria Road.

C12. Awnings shall have no more than 50% of their area transparent to protect pedestrians from the sun.

C13. Awning materials and colours shall be of high quality and contribute to the overall building aesthetics.

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted



Figure 8 Linkages, access and egress

DRAFT

D1.14 Vehicular and Pedestrian Access

Objectives

O1. To separate heavy commercial vehicle access from residential vehicular entry.

O2. To minimise the traffic impact on Waterloo Street.

O3. To minimise the number of basement entries.

O4. To improve the Precinct's permeability and connectivity.

O5. To enhance pedestrian safety, activity and accessibility.

O6. To provide clear street address for residential entries and activate the public domain.

O7. To improve and prioritise the continuity of the Victoria Road footpath.

Controls

C1. Vehicular access shall be provided generally in the locations shown in **Figure 8** and in accordance with the table below.

Land use	Ingress/ Egress
Residential	Waterloo Street and Victoria Road
Club	Victoria Road
Retail	Victoria Road
Commercial	Victoria Road
Servicing un/loading	Victoria Road

C2. Ingress and egress from the site shall be in a forward direction.

C3. Basement ramps must be within the built form. Exposed basement ramps are not permitted.

C4. Subject to Roads and Maritime Services (RMS) and local traffic authority approval, where necessary, the development is to incorporate the following:

- extension of existing dual lane right turn bay from Victoria Road eastbound into Darling Street
- deceleration lane (approx. 60m) into the development
- relocation of the southbound Darling Street bus stop (subject to State Transit Authority approval)

DRAFT

C5. Vehicular access to the site shall:

- minimise the impact of additional vehicular movements in surrounding residential streets, in particular heavy vehicles
- concentrate retail and commercial vehicle movements to and from Victoria Road
- provide ease of ingress/egress for vehicles to and from Victoria Road
- minimise potential pedestrian and vehicular conflicts
- identify physical works to the surrounding road network to accommodate the proposed development

C6. Service areas and loading docks for all land uses (such as deliveries, waste and recycling collection) which require access by heavy vehicles are to be directly accessed from Victoria Road only.

C7. Lifts to/from basement and entry/access points are to be separate for residential/non-residential uses.

C8. The minimum width of the footpath along Victoria Road is to be 4.5m to prioritise pedestrian movement.

C9. When designing the Victoria Road footpath:

- Continue footpath level and finishes across vehicular entry points
- Delineate the vehicular crossing point with bollards

C10. Provide a clear street address for residential entries.

C11. The final mix of uses within the development must ensure traffic does not significantly impact the road network in the area.

C12. A Traffic Management Plan (TMP) that addresses issues relating to the construction and operation phase of development shall be prepared. The TMP shall assess additional traffic generated by the development.

C13. The development shall include the following:

- a community bus that is owned and operated by the Club and is to travel along the major roads of the municipality from East Balmain to Parramatta Road
- a designated area, in an easily accessible place within the development, for taxis to pick up and drop off

DRAFT

D1.15 Parking

Objectives

O1. To provide vehicular parking on site.

O2. To provide bicycle parking on site.

O3. To promote choice in available transport modes and reduce dependency on private cars.

Controls

Vehicular Parking

C1. Integrate the required quantum of vehicular parking in basement levels or screened from view within the design of buildings.

C2. Car parking is to be provided in accordance with the table below.

Type of proposed use	Number of car spaces to be provided
Amusement centre	Nil
Child care centre	One space for every four children in attendance.
Club	
Lounge and bar	5 spaces per 100m^2 gross floor area
Dining and auditorium	1 space per ten seats or 4 spaces per 100m^2 gross floor area whichever is less.
Commercial	1.5 parking spaces to be provided for every 100m^2 of gross floor area.
Gymnasium	4.5 parking spaces to be provided for every 100m^2 of gross floor area.[1]
Professional consulting room	2 parking spaces to be provided for every 100m^2 of gross floor area.
Residential[2]	
Residents Visitors	The total number of car spaces for residents and/or visitors to dwellings shall equate to the minimum in the DCP2000 – 0.6 spaces per 1 bedroom, 0.9 spaces per 2 bedroom, and 1.1 spaces per 3 or more bedrooms.
Restaurant, café or other refreshment rooms	5 parking spaces per 100m^2 of gross floor area plus 2.5 parking spaces per 100m^2 of outdoor/semi-outdoor seating areas.
Shops and other retail	1.5 parking spaces per 100m^2 of gross floor area.
Uses not defined above	1.5 parking spaces per 100m^2 of gross floor area.

[1] Based on RMS minimum parking requirements for specific land uses.
[2] This parking rate does not require each dwelling to be provided with a parking space.

For any uses not included in the table above, car parking is to be provided in accordance with the rates outlined in Table C4 of Part C Section C1.11.1 of Leichhardt DCP 2013.

C3. If providing less than the required parking, a traffic and parking study shall be submitted to justify the proposed parking rate and ensure no impact on surrounding streets.

C4. A minimum of 22 car parking spaces are to be provided on site for public use. These spaces are to be free for a minimum of 2 hours, at all times.

C5. Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.

C6. Motor bike parking is to be provided at a rate of one (1) space for the first 10 vehicle spaces and 5% of the required vehicle parking thereafter.

C7. Motor bike parking spaces are:

- to be located away from car reversing or manoeuvring areas
- to be located on flat and even surfaces where the gradient does not exceed 1 in 20 (5%) either parallel to or at 90 degrees to the angle of parking
- to be 2.5m x 1.2m in dimension
- to be clearly marked and where located adjacent to car parking bays delineated by landscaped areas, bollards or other protective barriers

C8. Retain separate parking areas for residential and non-residential uses on site. Appropriate security measures are to be taken on site for residential parking areas.

C9. Separate un/loading areas from parking areas and pedestrian routes.

C10. No parking permits will be issued to workers or residents.

Bicycle Parking

C11. Bicycle parking is to be provided in accordance with the rates outlined in Table C6 of Part C Section C1.11 of Leichhardt DCP 2013.

C12. Bicycle parking facilities are to be provided in accordance with Australian Standard AS2890.3-2015 Parking Facilities Part 3: Bicycle Parking as follows:

- class 1 Bicycle lockers – for occupants of residential buildings
- class 2 Bicycle lockers – for staff/employees of any land use
- class 3 Bicycle rails – for visitors of any land use

C13. Residential apartment buildings are to include a lockable bicycle storeroom with adequate space and bicycle stands or hooks to accommodate the required number of bicycles.

DRAFT

C14. Buildings used for non-residential purposes are to incorporate bicycle parking facilities as follows:

- one (1) personal locker for each bicycle parking space
- one (1) shower/change cubicle for 1 up to 10 bicycle parking spaces
- two (2) shower/change cubicles where 11 to 20 or more bicycle parking spaces are provided
- two (2) additional showers/cubicles for each additional 20 bicycle parking spaces or part thereof

C15. Bicycle storage facilities for use by the public are to be located prominently within the public domain.

C16. The pedestrian route between the bicycle storage facility and the land use it serves is to be designed and constructed in accordance with the Safety by Design principles and guidelines outlined in Part C Section 1.9 – Safety by Design of Leichhardt Development Control Plan 2013.

On-Site Car Share Facilities

C17. Residential development – a minimum of one (1) car share space per 50 residential units.

C18. Office, business or retail premises – a minimum of one (1) car share space per 50 car spaces provided.

C19. Written evidence, in the form of a letter of commitment, from an established car share operator must be provided with the development application demonstrating the operator's intentions and method of management of the space(s).

C20. Car share spaces are to be conveniently located and appropriately sign posted.

DRAFT

DCP Amendment No. to be inserted Balmain Leagues Club Precinct
Adopted on to be inserted Operational on to be inserted

D1.16 Finishes and Materials

Objectives

O1. To provide high quality and durable finishes and materials.

O2. To mitigate impacts to the surrounding HCA and heritage items, using appropriate materials and finishes.

O3. To ensure that the development includes green roofs, green podiums, green walls and green façades to improve air quality, amenity, habitat, ambient air temperature, building insulation, and aesthetic quality of the urban environment.

Controls

C1. Employ high quality finishes and materials that are contemporary, with reference to the following:

- Modern forms that incorporate ecologically sustainable development principles
- Materials and finishes: use high quality materials and finishes that highlight architectural features and enhance articulation in particular at the lower levels of the street frontages and plaza interface. Encourage the use of materials that are durable, produce low glare and do not require high levels of maintenance, particularly around public spaces
- Legibility: use balanced variations in form, articulation and materials/finishes to highlight individual buildings and enhance the visibility of entrances
- Fenestration: reflect the function of buildings through fenestration patterns. Avoid expansive areas of blank glass especially along Waterloo Street, to adjoining properties and internal public spaces. Avoid solid walls unless required for ADG or BCA purposes
- Roof structures: carefully integrate roof structures into the architectural style of the building and minimise the impact of any plant or telecommunications equipment

C2. Incorporate finishes and materials in the scheme which reference, and are sympathetic to, the surrounding heritage items and HCAs.

Green Roofs and Podiums

C3. Green roofs and podiums are encouraged on all buildings. The size of the green roofs for buildings with the following gross floor areas are to be:

- 250 to 999m² — 30% of roof space
- 1,000 to 1,499 m² — 50% of roof space
- 1,500m² or greater — 75% of roof space

DRAFT

C4. Green roofs and podiums must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features such as habitat boxes, stone boulders and native bee hives.

C5. Green roofs must have a minimum substrate depth of 150mm.

C6. Green roof areas designed for use as communal open space are to have a high standard of finish and design.

C7. A detailed description, plan and sections of the roof top design are to be submitted with the development application (as part of landscape plan). The design must address:

- safety and security
- biodiversity
- visual and acoustic privacy
- maintenance and servicing
- wind effects

Green Walls and Façades

C8. Green walls and façades are required on at least 15% of the available building surfaces, with particular focus on the north-eastern façades facing Victoria Road.

C9. Green walls and façades must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features.

C10. Green facades using planter boxes/container planting installed at different levels across the building are encouraged

C11. A detailed description, plan and sections of the proposed green wall and/or facade design are to be submitted with the development application (as part of landscape plan). The design of any green wall or facade is to address:

- safety and security
- biodiversity
- maintenance and servicing
- wind effects

DRAFT

D1.17 Signage

Objectives

O1. To provide signage that promotes wayfinding and identifies the presence of key land uses, such as the Club, supermarket, plaza, pedestrian links and apartments.
O2. To ensure signs do not create a road safety risk, hazard or confusion.
O3. To promote high quality signs which contribute positively to the building appearance and streetscape.
O4. To protect the amenity of residents, tenants, pedestrians and visitors.
O5. To minimise visual impacts to the surrounding areas.

Controls

C1. Signage shall be compatible with the architecture, finishes and materials of the building and streetscape.
C2. Signage shall be designed to avoid confusion with directional and traffic signs.
C3. A co-ordinated presentation of signs is required where there are multiple occupancies or uses within a single building.
C4. Signs are not permitted on public footpaths unless associated with a bus stop shelter or kiosk.
C5. Signage that will detract from the amenity or visual quality of heritage items or HCAs is not permitted.
C6. Tower building facades shall be free from signage from the top of the podium to the rooftop.
C7. Signage is not permitted facing private residential streets, or on side walls abutting residential properties.
C8. Signage is not to contain reflective materials and finishes.
C9. The lights to illuminate signage should be concealed or integral with the sign.
C10. Illuminated signs must not impact residential amenity.
C11. Relevant controls contained in Part C 1.15 Signs and Outdoor Advertising of Leichhardt DCP 2013 shall be considered when designing signs.

DRAFT

D1.18 Public Art Strategy

Objectives

O1. To encourage public art within the Precinct and guarantee funding.

O2. To promote cultural activity, improve public domain appearance and define the Precinct.

O3. To encourage collaborations between artists, Council and the local community.

O4. To foster community connection to place.

Controls

C1. A minimum of 1% of the overall development value should be provided for the development of public art.

C2. All public art shall be relevant to the local character, the surrounding heritage items and HCAs, be of a scale appropriate to the public realm, and be specific to time and place. Themes relevant to the Precinct include:

- local geography, flora and fauna
- local heritage
- urban revitalisation

C3. Development applications are to include a Public Art Strategy that describes how proposed public art has been selected to suit the historic, environmental and social contexts of the Precinct and the surrounding area and contributes to a unique 'sense of place'.

C4. Public art must be located in publicly accessible places such as street frontages, the plaza and external facing walls. Alternatively, monetary contributions may be made to Council's public art programs.

C5. Consult with Council and community groups in the design and execution of public artworks.

C6. The use of public artists is encouraged.

C7. The Leichhardt Public Art Policy 10-Year Strategic Plan 2015-2024 should be considered when preparing the Public Art Strategy.

DRAFT

D1.19 Environmental Management

Objectives

O1. To ensure that the new development applies the principles of ecologically sustainable development.

O2. To reduce environmental impacts of the development.

O3. To encourage improved environmental performance through the use of industry recognised building rating tools.

O4. To promote the use of renewable energy sources and materials to reduce the use of resources, and the generation of pollution and waste resulting from development activity.

O5. To reduce the cause and impact of the urban heat island effect.

O6. To implement sustainable urban water management.

O7. To improve the diversity and abundance of locally indigenous flora and fauna species across the Inner West.

O8. To enhance habitat and contribute to the network of wildlife corridors throughout the Inner West.

Controls

Ecologically Sustainable Development (ESD)

C1. The development is encouraged to use an environmental rating tool, such as Green Star, to demonstrate the degree to which it is an ecologically sustainable development. Where Green Star is used, achievement of a minimum of 5 stars is encouraged.

C2. The installation and use of photovoltaic solar panels is encouraged. Where possible, solar panels should be co-located with extensive green roofs to increase the operational efficiency of the solar panels.

C3. The development must increase urban green cover on the site through tree planting, mass planted garden beds, WSUD, and green roofs and walls.

C4. The development must enhance urban biodiversity by increasing habitat for local flora and fauna.

C5. Use building materials, fittings and finishes that have been recycled, made from or incorporate recycled materials, and have been certified as sustainable or 'environmentally friendly' by a recognised third party certification scheme.

C6. Where office premises with a net lettable area of 1,000m^2 or more are proposed, documentation is to be submitted confirming that the building will be capable of

DRAFT

supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars with the NSW Office of Environment and Heritage. Such an agreement is to be entered into prior to any construction certificate being issued for the approved development.

C7. All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and private open space are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.

C8. Non-residential development is to be designed to minimise the need for active heating and cooling by incorporating passive design measures related to glazing, natural ventilation, thermal mass, external shading and vegetation.

C9. All lighting within the public domain should be energy-efficient, such as LED lighting.

Water Sensitive Urban Design (WSUD)

C10. The development should adopt an integrated approach to water cycle management and address water conservation, efficiency, stormwater management, drainage and flooding through a coordinated process.

C11. A suitably qualified engineer with experience in stormwater, drainage and WSUD is to assess the site requirements for the proposed development, and prepare the required stormwater, drainage and WSUD plans in accordance with the provisions of this DCP and with best practice sustainable water management techniques.

C12. Design the site to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

C13. Bioswales and rain gardens are to be incorporated into public open space and footpath design.

C14. Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.

Water Re-use, Recycling and Harvesting

C15. Water used for irrigation of public and private open space (including green roofs and walls) is to be drawn from reclaimed water or harvested rainwater sources where there is feasible access to those water sources. Possible sources include harvested stormwater, treated greywater and wastewater and water from a decentralised local network. Water treatment measures must be incorporated to ensure that the water is fit for purpose.

C16. Rainwater tanks should be installed where there are roof forms from which rainwater can be feasibly collected and plumbed to appropriate end uses.

DRAFT

Biodiversity

C17. New habitat features are to be incorporated into the development, including trees, shrubs and groundcover vegetation, water bodies, artificial habitat (such as insect hotels and habitat boxes), rockeries, and green roofs and walls where possible.

C18. Opportunities to link to, extend or enhance existing or potential biodiversity corridors should be realised in the new development.

C19. A mix of locally indigenous tree, shrub, grass and groundcover species should be incorporated into the planting palette. Where this is not practical, use Australian native plants.

D1.20 Waste Management

Objectives

O1. Reduce the amount of construction and demolition waste going to landfill.

O2. Reduce the amount of waste generated during operation of a development from going to landfill and maximise resource recovery.

O3. To minimise the overall impacts of waste and recycling management by designing for systems that are hygienic, accessible, efficient, safe, quiet to operate, adequately sized, visually compatible with surroundings and which reduce waste and maximise recycling.

Controls

C1. The collection of all residential and commercial waste, recycling and bulky waste is to occur on-site.

C2. Residential and commercial waste areas are to be separated (these areas should not be accessible to one another).

C3. Waste and recycling must be managed, stored and presented within acoustically treated areas to minimise the noise of collection.

C4. A Site Waste Minimisation and Management Plan (SWMMP) addressing the demolition and construction phases is to be submitted with a development application. The SWMMP is to provide details of the following:

- the volume and type of waste and recyclable materials that will be generated at each stage of demolition and construction
- the storage and disposal, and reuse where possible, of materials

DRAFT

- full disclosure of any asbestos-contaminated material found on site, and details of how it will be managed in accordance with the guidelines for asbestos work published by Safework NSW

C5. A Resource Recovery and Waste Management Plan (RWMP) addressing ongoing waste and resource recovery for both residential, retail and commercial components of the development is to be submitted. The RWMP is to include details of the following:

- types and estimated quantities of the predicted waste streams
- size and location of recycling and waste storage areas, including bulky waste
- routes of access and transfer from source to storage areas for all users
- routes of transfer from storage areas to collection point
- access route for waste and recycling collection vehicle
- ongoing management, including responsibility for cleaning and transfer of bins between storage areas and collection points, implementation and maintenance of relevant signage, and ongoing education of all residents/tenants

Residential Waste Controls

C6. The residential component of the development must be designed to accommodate standard Council waste and recycling services and collection vehicles.

Truck Dimensions (approx.)	
Length	9.5 metres
Width	2.6 metres
Height	4.5 metres (operational)
Mass	23,000 kg

C7. Waste and recycling storage areas are to be provided within the premises in reasonable proximity to the vehicle entrance, and no lower than one level below street level.

C8. Truck access must be designed to comply with Australian Standard AS 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities.

C9. Access to garbage and recycling disposal points is to be provided on each residential level, either in the form of inlet hoppers, or bin storage cupboards/rooms. For residential buildings with a rise of four storeys or more, a waste chute is advisable.

DRAFT

C10. Cupboards/space is to be provided within each residential unit with the capacity to store up to two day's generation of garbage, food waste and recycling.

C11. A dedicated space (room or caged area) is to be provided within or in close proximity to the bin storage area for the interim storage and management of Council-collected bulky waste and mattresses. A minimum of $8m^2$ is to be provided for every 50 residences.

C12. Additional communal space is to be provided for the separate recovery of materials including (but not limited to) textiles, hazardous, e-waste, polystyrene, materials under product stewardship schemes and problem wastes. A minimum of $1m^2$ is to be provided for every 50 residences.

C13. A dedicated space is to be allocated for communal composting or worm-farming for residents or design for source separation, collection and processing of food organics.

Non-Residential Waste Controls

C14. On-site composting via small scale composting system (such as anaerobic digestion system, dehydrator, composting) to avoid food waste entering the waste stream or design for source separation, collection and processing of food organics.

C15. Arrange collection points to minimise the need for truck access and movement of trucks through the site.

C16. A minimum of $4m^2$ of dedicated space is to be provided for every $500m^2$ of retail, or every $2,000m^2$ of office space for the interim storage of bulky or fit-out waste, paper, cardboard packaging, batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes or other recyclable resources from the waste stream.

C17. Space must be provided on-site in reasonable proximity to retail or commercial premises to store re-usable commercial items such as crates, pallets, kegs and polystyrene packaging.

C18. Secure space is to be allocated for the separate storage of liquid wastes, including commercial cleaning products, chemicals, paints, solvents, motor and cooking oils.

C19. A Litter Management Plan for the Precinct's open spaces and surrounding streets is to be submitted.

C20. The Precinct is likely to produce very large quantities of containers that are eligible for refund as part of the Container Deposit Scheme. Allocation of space for a publicly accessible Return and Earn take-back point (e.g. a reverse vending machine) is encouraged.

DRAFT

D1.21 Design Excellence

Objectives

O1. To achieve design excellence for new development within the Precinct.

O2. To ensure development within the Precinct contributes to the urban design and architectural quality of the locality.

Controls

C1. Design excellence is to be achieved to ensure a high quality outcome for the Precinct.

C2. Council's design and heritage experts shall assess proposals for the site and/or a Design Excellence Panel shall be appointed by Council to determine whether design excellence is achieved by the project. The proponent shall cover the cost of a design review process.

C3. The following criteria shall be considered to determine whether design excellence is achieved:

- excellence of architectural design, including internal layout, façade treatment, architectural detailing, roof features and spaces between buildings
- the proposed uses and use mix
- heritage conservation and restoration
- streetscape character and site context
- the location of any tower/s proposed, having regard to the need to achieve an acceptable relationship with other buildings on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form
- the bulk, massing and modulation of buildings
- street frontage heights
- environmental outcomes, such as sustainable design
- overshadowing and solar access, visual and acoustic privacy, wind and reflectivity
- noise and air pollution attenuation, especially along Victoria Road
- the achievement of the principles of Ecological Sustainable Development
- pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network
- the impact on, and any proposed improvements to the public domain

DRAFT

- achieving appropriate interfaces at ground level between the building and the public domain
- excellence and integration of landscape design
- high quality finishes and materials
- public art excellence

DRAFT

PART A: INTRODUCTION

Item 4

Attachment 1

CONTENTS

SECTION 1 – PREAMBLE 4

A1.1 NAME OF THIS PLAN AND WHEN THIS PLAN CAME INTO FORCE 4
A1.2 PLANS REPEALED BY THIS PLAN 4
A1.3 LAND TO WHICH THIS PLAN APPLIES 4
A1.4 SAVINGS AND TRANSITIONAL PROVISIONS 4
A1.5 AIMS OF THIS PLAN 5
A1.6 DEFINITIONS 5
A1.7 RELATIONSHIP OF THIS PLAN TO OTHER PLANS 5
A1.8 HOW COUNCIL ASSESSES PROPOSED DEVELOPMENT 6
A1.9 THE STRUCTURE OF THIS DEVELOPMENT CONTROL PLAN 6
A1.10 MONITORING AND REVIEW 7

SECTION 2 – DEVELOPMENT APPLICATION REQUIREMENTS 9

A2.1 DEVELOPMENT APPLICATION GUIDELINES 9

SECTION 3 – NOTIFICATION OF APPLICATIONS 10

A3.1 EXEMPT DEVELOPMENT 10
A3.2 COMPLYING DEVELOPMENT 10
A3.3 LOCAL DEVELOPMENT 10
A3.4 INTEGRATED DEVELOPMENT 11
A3.5 DESIGNATED DEVELOPMENT 11
A3.6 STATE SIGNIFICANT DEVELOPMENT 11
A3.7 SECTION 4.55 APPLICATIONS 11
A3.8 REVIEW OF DETERMINATIONS (SECTION 8.2, AND SECTION 8.9) 12
A3.9 ACTIVITY APPLICATIONS 12
A3.10 BUILDING CERTIFICATE APPLICATIONS 12
A3.11 TREE APPLICATIONS 13
A3.12 CONTAMINATED LAND 13
A3.13 SPECIFIC CIRCUMSTANCES WHERE NOTIFICATION IS NOT REQUIRED 13
A3.14 PROCEDURAL ADVICE TO INTERESTED PARTIES 13
A3.15 POST DETERMINATION NOTIFICATION 14

A3.16 DISCRETION TO NOTIFY 14
A3.17 EXPLANATORY INFORMATION ON NOTIFICATION METHODS 14

LIST OF FIGURES

Figure A1: Guide to notification for ground floor rear additions 17
Figure A2: Guide to notification for ground floor rear additions 17
Figure A3: Guide to notification for ground floor rear additions 18
Figure A4: Guide to notification for ground floor additions, single storey dwelling 18
Figure A5: Land Covered by this Development Control Plan 19

LIST OF TABLES

Table A1: Notification Requirements 16

SECTION 1 – PREAMBLE

A1.1 NAME OF THIS PLAN AND WHEN THIS PLAN CAME INTO FORCE

This Development Control Plan is the *Leichhardt Development Control Plan 2013*. Council adopted this Plan on 24th September 2013 and it came into force on 3rd February 2014.

A1.2 PLANS REPEALED BY THIS PLAN

The following Plans are repealed by this Development Control Plan, except to the extent that those Plans shall continue to apply to development applications saved under clause 1.8A of *Leichhardt Local Environmental Plan 2013*:

a. Leichhardt Development Control Plan 2000, however this plan does not repeal Leichhardt Development Control Plan 2000 to the extent that it applies to land identified as a "Deferred matter" in the Land Application Map LAP_001 under cl. 1.3 (1A) of the *Leichhardt Local Environmental Plan 2013*.

b. Development Control Plan 21 – Wharf Road Birchgrove

c. Development Control Plan 27 – Balmain Power Station

d. Development Control Plan 31 – Ampol Site (White Bay)

e. Development Control Plan 32 – Design for Equitable Access

f. Development Control Plan 35 – Exempt and Complying Development

g. Development Control Plan 36 – Notifications

h. Development Control Plan 38 – Avoid, Reuse, Recycle

i. Development Control Plan 42 – Contaminated Land Management

j. Development Control Plan 47 – Jane Street Balmain

k. Development Control Plan 48 – Approvals Policy Managing Activities on Footpaths and Verges

l. Development Control Plan 51 – Telecommunications and Radiocommunications.

This Development Control Plan also replaces the Tree Preservation Order.

A1.3 LAND TO WHICH THIS PLAN APPLIES

Subject to clause A1.2 (a), this Development Control Plan applies to the land identified in *Figure A5: Land covered by this Development Control Plan*.

A1.4 SAVINGS AND TRANSITIONAL PROVISIONS

This Development Control Plan does not apply to an application under the *Environmental Planning and Assessment Act 1979* which was lodged with Council, but not determined before, the commencement of this Development Control Plan. Any application lodged before the commencement of this Development Control Plan, will be assessed in accordance with any relevant previous Development Control Plans, which applied at the time of application lodgement.

A1.5 AIMS OF THIS PLAN

The principal aim of this Development Control Plan is to facilitate development that gives effect to the aims and objectives, including the objectives of the land zones under *Leichhardt Local Environmental Plan 2013,* and to provide for the matters set out in s3.43 of the *Environmental Planning and Assessment Act 1979*.

Many of the performance measures against which an application is assessed relate to *amenity*, environmental performance or heritage issues. Planning and design outcomes that Council is pursuing include sustainable and contemporary building and place design, transit oriented development, heritage conservation, active streets and laneways and diversity of land use which supports economic, environmental and social sustainability.

A1.6 DEFINITIONS

The glossary in Appendix A of this Plan defines words and expressions for the purposes of this Development Control Plan. Where this Development Control Plan uses a term that is defined in *Leichhardt Local Environmental Plan 2013* the meaning of that term is to be taken from *Leichhardt Local Environmental Plan 2013.*

A reference in this Development Control Plan to any Australian Standard or legislation includes a reference to any amendment or replacement as made.

A1.7 RELATIONSHIP OF THIS PLAN TO OTHER PLANS

State policies

State Environmental Planning Policies (SEPPs) may apply to land to which this Development Control Plan applies.

Codes SEPP

State Environment Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) applies to certain land in Leichhardt. The *Codes SEPP* identifies a range of development of minor environmental impact that may be carried out as exempt development without the need for approval under the NSW planning system. The Codes SEPP also specifies certain types of development that may be carried out as complying development. Complying development does not require a development application to be lodged with Council; it may be carried out after obtaining a complying development certificate (CDC) from Council or an accredited certifier. Further information on the *Codes SEPP* is available at www.planning.nsw.gov.au/housingcode.

Leichhardt Local Environmental Plan 2013 (LEP 2013)

Leichhardt Local Environmental Plan 2013 applies to the land to which this Development Control Plan applies. *Leichhardt Local Environmental Plan 2013* is a statutory environmental planning instrument that sets out land use zones and development standards and controls for development in Leichhardt. This Plan supports and supplements the provisions of *Leichhardt Local Environmental Plan 2013*. The provisions of *Leichhardt Local Environmental Plan 2013* prevail over this Development Control Plan in the event of any inconsistency.

A1.8 HOW COUNCIL ASSESSES PROPOSED DEVELOPMENT

Preparing and lodging a development application

A development application is required to be submitted to Council for most land uses and development proposals, unless that development is identified as exempt development or complying development in *Leichhardt Local Environmental Plan 2013* or *SEPP (Exempt and Complying Development Codes) 2008* or other State Environmental Planning Policies (SEPP's).

A development application submitted must contain all necessary information referred to in Council's documentation entitled *"DA Lodgement Checklist*" and "*Specifications for Development Application Documentation*" along with the required fees.

Assessing the application

Council assesses each application according to:

- S4.15 of the *Environmental Planning and Assessment Act 1979*;
- the statutory provisions of *Leichhardt Local Environmental Plan 2013* and any relevant SEPPs;
- the objectives and planning controls set out in this Development Control Plan;
- the provisions of any other policies or guidelines adopted by Council and referred to within this Plan or identified as relevant to the development proposal; and
- Section 7.11 and 7.12 (formerly 94 or 94A) contributions plan or plans that apply.

Council expects that applicants will satisfy the objectives and comply with the corresponding planning controls set out in this Plan. Every application will be dealt with on its merits. A proposal must address each relevant planning control and respond to the context of the site, streetscape and the desired character of the area.

Council is required by section 4.15 (3A) of the Act to apply the controls of this Development Control Plan flexibly and to consider alternative design solutions. Where a planning control cannot be satisfied because of conflict with another control in this Development Control Plan, Council will consider a flexible application of the controls only where it can be demonstrated that the objectives of all relevant controls are nonetheless satisfied.

A1.9 THE STRUCTURE OF THIS DEVELOPMENT CONTROL PLAN

This Development Control Plan complements and provides further detail to support the *Leichhardt Local Environmental Plan 2013.*

This Development Control Plan is structured as follows:

- Part A includes the *Introduction*, outlines how this Development Control Plan works, Council's approach to the notifications, and statutory information about the implementation of this Development Control Plan;
- Part B is called *Connections* and includes objectives and controls which support health and well-being, social inclusion, creativity, employment and economic opportunity;
- Part C is called *Place* and includes Suburb Profiles, Distinctive Neighbourhood Character Statements, objectives and controls, General Provisions including controls for both residential and non-residential development; Residential Provisions for all types of residential development,

irrespective of the zone; and Non-residential Provisions which provides for types of non-residential development, irrespective of the zone;

- Part D is called *Energy* and relates to Energy and Waste Management;
- Part E relates to *Water Management*;
- Part F is called *Food* and relates to food production;
- Part G relates to *Site Specific Controls*;
- Appendix A includes the *Glossary*;
- Appendix B includes the *Building Typologies*;
- Appendix C includes the *Urban Framework Maps*;
- Appendix D includes *Energy and Waste Templates;*
- Appendix E includes *Water Management Templates*; and
- Appendix F includes *Late Night Trading Maps*.

Development is assessed against all relevant parts of this Development Control Plan including general provisions and use specific provisions. A use that has specific provisions in this Development Control Plan must still comply with the general provisions of the relevant part. Where there is an inconsistency between the general provisions and the use provisions, the use provisions apply.

This Development Control Plan is a performance-based instrument that facilitates merit based assessment. Merit-based assessment is appropriate in Leichhardt due to the variety of development contexts where a planning and design solution, that is appropriate for one location, may not be appropriate for another location.

In this context, through the development application process, development must demonstrate to Council's satisfaction that it complies with the provisions of the relevant parts of the Development Control Plan. The provisions contain two parts:

1. Objectives; and
2. Controls.

Development must achieve the objectives of the relevant sections within the Development Control Plan. The controls represent one solution that may demonstrate compliance with the objectives; however every application will be dealt with on its merits. Development may propose an alternative solution to the controls. In such cases, the applicant is required to clearly demonstrate to Council how this alternative solution meets the objectives.

A1.10 MONITORING AND REVIEW

Council is required to keep Local Environmental Plans and Development Control Plans under regular and periodic review under s.3.21 of the *Environmental Planning and Assessment Act 1979*. The Council is committed to this process to ensure that the Plans continue to be useful and relevant planning instruments.

The Council aims to review the *Leichhardt Local Environmental Plan 2013* and this Development Control Plan at least at five yearly intervals in order to:

a. assess the continued relevance and responsiveness of the Plan's provisions and objectives;

b. measure the achievement of the objectives of the Plan;

c. identify the need for changes to the provisions to better achieve the objectives of the Plan; and

d. ensure the availability of adequate development capacity under the Plan's provisions.

Council may update this Development Control Plan on a more frequent basis to ensure that the objectives and controls contained in the document reflect the desired future character of the municipality.

SECTION 2 – DEVELOPMENT APPLICATION REQUIREMENTS

A2.1 DEVELOPMENT APPLICATION GUIDELINES

Council has outlined a step-by-step development assessment process on the Council website. Reference should also be made to "*Development application lodgement Checklist*" and "*Development Application Documentation Requirements*" forms.

This is amended from time to time to take account of legislative amendments and best practice.

Item 4

Attachment 1

SECTION 3 – NOTIFICATION OF APPLICATIONS

General Objectives

O1 To provide a framework for dealing with the notification requirements in the assessment of applications and certificates.

O2 To assist the public in understanding Council's notification obligations, requirements and procedures.

O3 To establish a system of community participation.

O4 To vary the minimum notification provisions where it is considered necessary.

A3.1 EXEMPT DEVELOPMENT

Controls

C1 Exempt development is development that does not require Council's consent as set out in the *Leichhardt Local Environmental Plan 2013* and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and any other SEPP.

C2 No one is notified of exempt development.

A3.2 COMPLYING DEVELOPMENT

Controls

C1 Complying development is development that meets certain criteria and is issued a Complying Development Certificate by an accredited certifier or Council. It is defined by reference to fixed standards for a range of developments. The relevant development types and standards are contained in the *Leichhardt Local Environmental Plan 2013, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and any other SEPP.

C2 Notification of complying development is carried out under the relevant section of the Environmental Planning and Assessment Regulation 2000

A3.3 LOCAL DEVELOPMENT

Controls

C1 Local development, for the purposes of notification, is development that requires Council consent and does not include exempt, complying, designated or State significant development.

C2 The notification period for local development, that is required under this plan to be notified, is a minimum of fourteen (14) days.

C3 The notification period for local development, where Category 1 remediation is required/proposed, is a minimum of thirty (30) days.

C4 Notification will be listed on Council's website, a notification sign erected on the land on or before the commencement of the notification period to which the proposal relates, and notification letters sent in accordance with Table A1 (see Section A3.17 below).

A3.4 INTEGRATED DEVELOPMENT

Controls

C1 Integrated development is development that requires approval under other Acts.

Nominated Integrated Development (includes certain types of development nominated under the Environmental Planning and Assessment Act 1979 that require heritage, water and pollution approvals).

C2 The notification period for nominated integrated development is thirty (30) days.

C3 Notification will be in the form of an advertisement in the local newspaper, a notice placed on Council's website, a notification sign erected on the land on or before the commencement of the notification period to which the proposal relates and notification letters sent in accordance with Table A1 (see Section A3.17 below).

Other Integrated Development

C4 The notification period for other integrated development is a minimum of thirty (30) days.

C5 Notification will be listed on Council's website, a notification sign erected on the land on or before the commencement of the notification period to which the proposal relates and notification letters sent in accordance with Table A1(see Section A3.17 below).

A3.5 DESIGNATED DEVELOPMENT

Controls

C1 Designated development is development that is declared to be designated development by an environmental planning instrument or by the *Environmental Planning and Assessment Regulation 2000*.

C2 The notification period for designated development is thirty (30) days.

C3 Notification will be in the form of an advertisement in the local newspaper, a notice placed on Council's website, a notification sign erected on the land on or before the commencement of the notification period to which the proposal relates and notification letters sent in accordance with Table A1 (see Section A3.17 below).

A3.6 STATE SIGNIFICANT DEVELOPMENT

Controls

C1 Notification of State Significant Development is undertaken by the State Government in accordance with the relevant legislation.

A3.7 SECTION 96 APPLICATIONS

Controls

C1 Section 96 of the *Environmental Planning and Assessment Act 1979* makes provision for a Council to accept applications to modify development consents.

C2 There are four types of Section 96 modifications.

C3 Applications under Section 96(1) are concerned with correcting minor errors, inaccurate description or mistaken calculations. Notification is not required.

C4 Applications under Section 96(1A) are concerned with minor alterations involving minimal impact. Those applications that involve: reduction in the extent of development, internal changes, changes to conditions (except those requiring design changes to the approved building) and minor changes to details of development do not require notification. All other applications under this section require notification in the form of the original application.

C5 Applications under Section 96(2) are for all other modifications. The notification period and form of notification is based on the form of the original application.

C6 Applications under Section 96AA are concerned with modification of consents granted by the Court. The notification period and area of notification is based on the type of modification sought and which of the above categories it would fall under, if it was not a modification of a Court consent. That is, if it is for a minor error, inaccurate description or mistaken calculation, as set out in Section 96(1) above, the application would not be notified.

A3.8 REVIEW OF DETERMINATIONS (SECTION 82A, AND SECTION 96 AB)

Controls

C1 The *Environmental Planning and Assessment Act 1979* makes provision for the applicant to request a review of the determination, made by Council, of a development application or application to modify a development consent.

C2 Council notifies all review of determinations generally for a minimum of 14 days in the same manner as the original notification of the development application.

A3.9 ACTIVITY APPLICATIONS

Controls

C1 Activity applications are applications made under Section 68 of the *Local Government Act, 1993*.

C2 Notification for activity applications is only required for the following proposals on public land:

a. applications to engage in a trade or business outside of the B1 Neighbourhood Centre and B2 Local Centre zoned Business areas under the *Leichhardt Local Environmental Plan 2013* that are not operating under a current development consent.

A3.10 BUILDING CERTIFICATE APPLICATIONS

Controls

C1 Building certificate applications submitted for unauthorised or illegal works shall be notified. There is no requirement for other building certificates to be notified.

C2 The notification period for building certificate applications is fourteen (14) days.

C3 Notification will be listed on Council's website, a notification sign erected on the land to which the proposal relates and notification letters sent in accordance with Table A1.

A3.11 TREE APPLICATIONS

Controls

C1 The notification period for applications seeking the removal of significant trees is fourteen (14) days. The removal of non-significant trees does not require notification.

C2 Notification will be listed on Council's website, a notification sign erected on the land on or before the commencement of the notification period to which the proposal relates and notification letters sent in accordance with Table A1.

A3.12 CONTAMINATED LAND

C1 All category 1 remediation works must be advertised for 30 days pursuant to Section 29A of the *Environmental Planning and Assessment Act 1979*

A3.13 SPECIFIC CIRCUMSTANCES WHERE NOTIFICATION IS NOT REQUIRED

Controls

The following do not require notification:

C1 Temporary hoardings, scaffolding and waste bins where a development application has been approved for building works or where the scaffolding is to be in place for less than one (1) week.

C2 Change of use proposals which, in the opinion of Council, will not result in any significant increase in environmental impact.

C3 Applications for internal fit outs and/or a change of use within non-residential zones associated with such fit outs.

C4 Subdivision except where the property is affected by *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

C5 Amendments to an undetermined application, which are of a minor nature and/or which constitute a reduced or lesser development having minimal environmental impacts or which have been proposed in order to address concerns raised by Council and/or objectors.

C6 Activity applications for a waste storage container in a public place; and proposals that would also require approval under the *Roads Act 1993* for A-frame signs and footpath occupations.

C7 Building certificate applications where the works involved would have been considered exempt or complying development, or would have been considered a Section 96(1) or Section 96(1A) application, or where the works were notified with a development application or Section 96 application.

C8 Applications which significantly breach planning controls and which are not supported by Council.

A3.14 PROCEDURAL ADVICE TO INTERESTED PARTIES

Controls

C1 At the end of each week a report summarising all development applications lodged during the course of that week will be forwarded to the Councillors, all Council Precinct Committees, The

Balmain Associations, the Heritage Group of Leichhardt District and the Annandale Historical Society.

C2 Should an application need to be subsequently notified after the initial notification period (re-notification), then the re-notification will be carried out in accordance with this Development Control Plan.

C3 Where Council seeks to hold a formal site inspection of the subject site, applicants and those who made a submission to the application will be notified by a letter dated and posted a minimum five (5) days prior to the site inspection. The letter will advise the applicant and those who made a submission, that they have the opportunity to attend the inspection.

C4 Where an application is reported to a meeting of Council for consideration and/or determination, applicants and those who made a submission to the application, will be notified by a letter dated and posted a minimum five (5) days prior to the meeting. The letter will advise the applicant and those who made a submission that they have the opportunity to attend the meeting.

A3.15 POST DETERMINATION NOTIFICATION

Controls

C1 Council will notify the applicant of the determined development application, complying development application, activity application, building certificate application and tree application within fourteen (14) days from the date of determination.

C2 Council will notify those who made a submission, of the determination of an application.

C3 Council will provide a notice in the local newspaper on a regular basis including a list of all approvals made in accordance with the regulations.

A3.16 DISCRETION TO NOTIFY

Controls

C1 Council may, either by way of resolution, or at the discretion of Council officers, vary from the minimum provisions of this Development Control Plan where it is considered appropriate.

A3.17 EXPLANATORY INFORMATION ON NOTIFICATION METHODS

Council's Website

All applications undergoing notification will be listed on Council's website. The notice on Council's website will include a reference number, the address of the subject property, a description of the proposal, the location and times where the application may be viewed, and the period during which submissions may be made.

Newspaper Notification

For applications advertised in the local newspaper, the newspaper advertisement will include a reference number, the address of the subject property, a description of the proposal, the location and times where the application may be viewed, and the period during which submissions may be made and any legislative requirements.

A recurring advertisement will be placed in the local newspaper every week reading as:

Details of all applications currently on exhibition are available on Council's website at www.leichhardt.nsw.gov.au. If you do not have access to the internet please contact Council's Customer Service Centre on 9367 9222 for a current list of applications on exhibition.

Notification Sign

Notification signs are erected on or immediately adjacent to, land to which the proposal relates. The sign includes a reference number, the address of the subject property, a description of the proposal, the location and times where the application may be viewed, and the period during which submissions may be made.

Notification Letters

Notification letters are sent to persons who own and/or occupy land adjoining or neighbouring the site. If the land contains a strata-titled building, the body corporate, owners of each unit and occupants of each unit will be notified. The minimum area for notification letters is summarised in Table A1. Council reserves the right to notify further sites in addition to those outlined in the Table A1.

Notification letters include a reference number, the address of the subject property, a description of the proposal, the location and times where the application may be viewed, the period during which submissions may be made, any legislative requirements and an indicative A4 size plan of the proposal where appropriate.

Table A1: Notification Requirements

Residential Development	Minimum Notification Letter Requirement
Ground floor rear additions only	2 properties either side of the site 5 properties to the rear of the site
Ground floor additions, single storey dwelling	2 properties either side of the site 5 properties to the rear of the site 3 properties opposite the site
New dwelling greater than single storey Alterations and additions greater than single storey	3 properties either side of the site 5 properties to the rear of the site 3 properties opposite the site
Deck or Balcony	3 properties either side of the site 5 properties to which the deck/balcony faces
Developments of between two and four dwellings	6 properties either side of the site 6 properties to the rear of the site 6 properties opposite the site
Developments in excess of four dwellings	At the discretion of Council
Other Development	**Minimum Notification Letter Requirement**
New restaurant / café / new development or use less than 500sqm Significant Tree Removal on heritage listed properties	6 properties either side of the site 6 properties to the rear of the site 6 properties opposite the site
New development or use greater than 500m2 Child care centre / Place of Public Worship	8 properties either side of the site 8 properties to the rear of the site 8 properties opposite the site
Extension of trading hours to licensed premises	12 properties either side of the site 12 properties to the rear of the site 12 properties opposite the site
Subdivision	3 properties either side of the site 5 properties to the rear of the site 3 properties opposite the site
Trees	6 properties either side of the site 6 properties to the rear of the site 6 properties opposite the site
High impact telecommunications facility	At the discretion of Council to include those properties which in the opinion of Council, may be impacted upon as a result of the proposal.



Figure A1: Guide to notification for ground floor rear additions

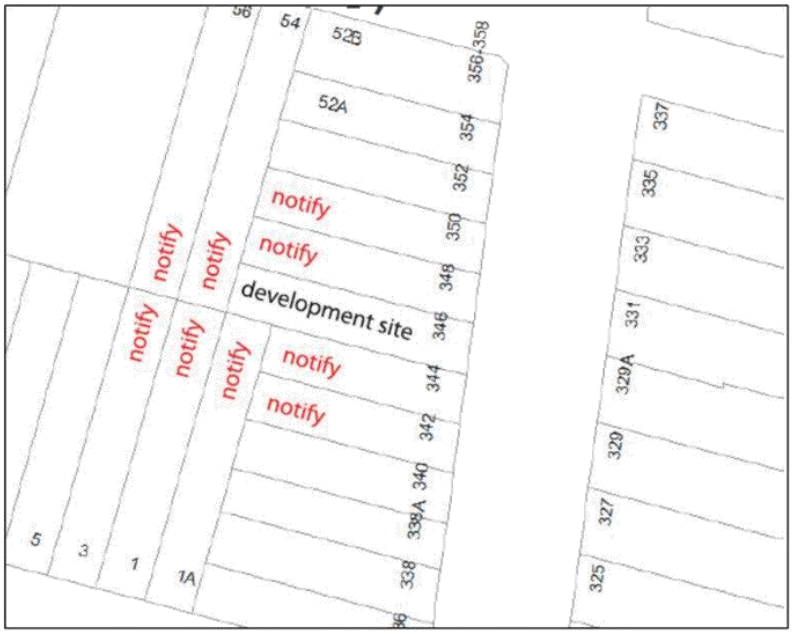


Figure A2: Guide to notification for ground floor rear additions



Figure A3: Guide to notification for ground floor rear additions

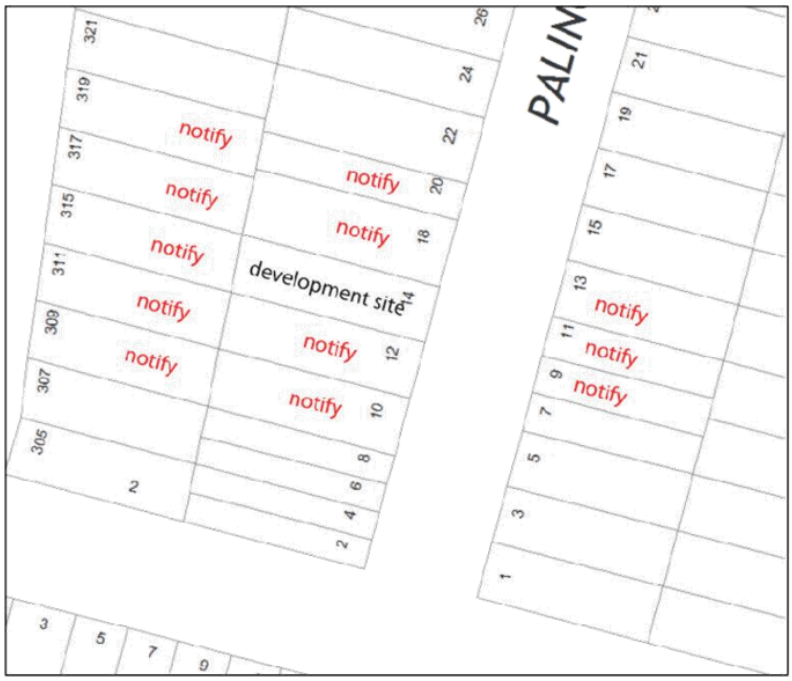


Figure A4: Guide to notification for ground floor additions, single storey dwelling

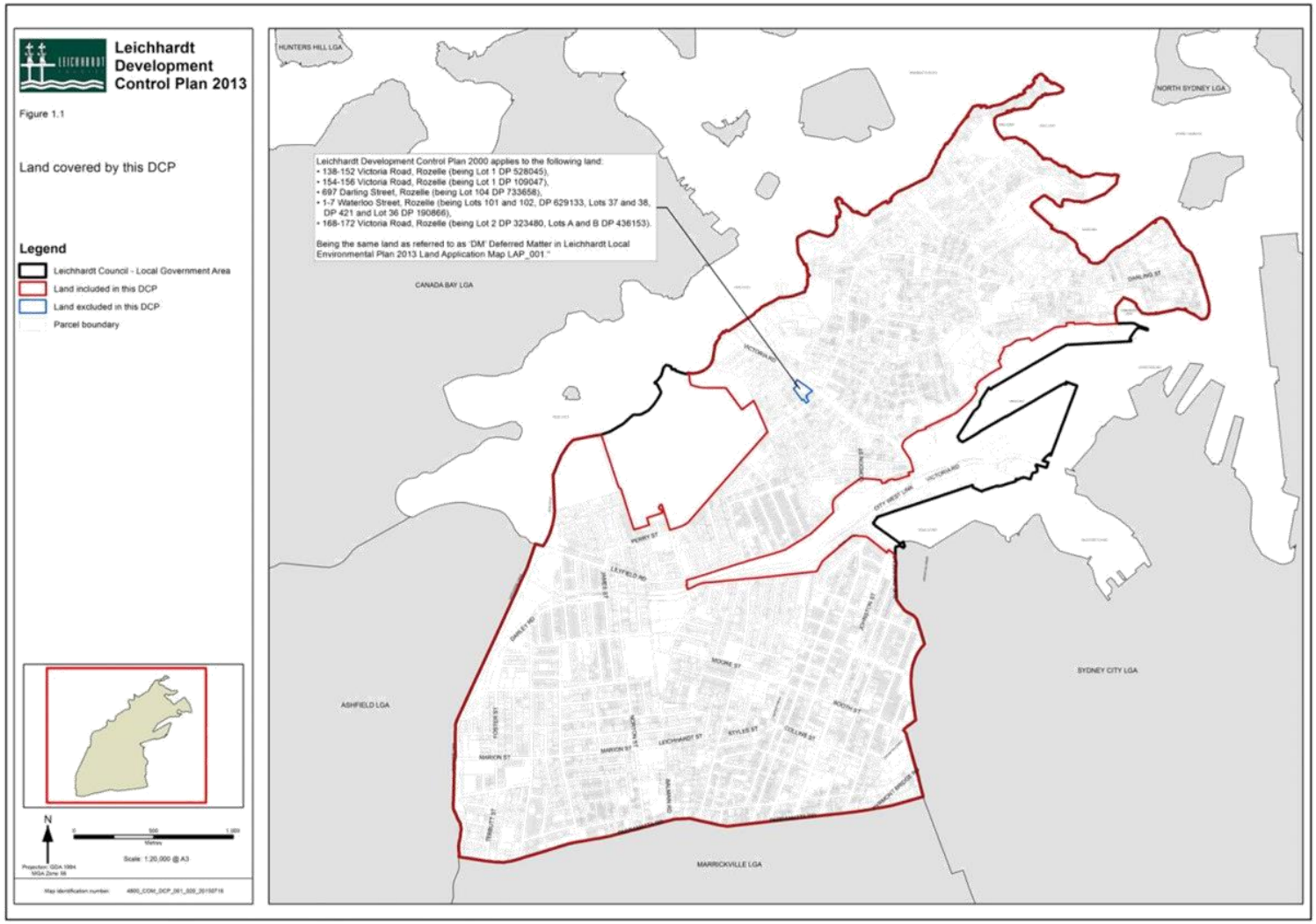


Figure A5: Land Covered by this Development Control Plan

PART C: PLACE

CONTENTS

C1.11 PARKING 2
C1.11.1 General Vehicle Parking Rates 15
C1.11.2 Accessible Car Parking Rates 18
C1.11.3 Bicycle Parking Rates and Facilities 19
C1.11.4 Minimum Car Parking Dimensions 20
C1.11.5 Garage Door Widths 21
C1.11.6 Bike Parking Dimensions 22
C1.11.7 Recognised shopping streets 23

C1.11 PARKING

Background

For the foreseeable future the municipality will have significant car parking demands. The location, design and treatment of these areas have a major impact on the streetscape and will need to be carefully considered.

General Objectives

Reduce Car Dependency

O1 In order to reduce reliance on the car, residents and workers should be within walking distance of facilities and public transport.

O2 Priority is to be given to the needs of pedestrians, disabled people and cyclists above the needs of the car. This must be taken into consideration in the location and design of any parking facilities.

O3 To set and provide acceptable levels of on-site vehicle and bicycle parking spaces.

O4 To integrate bicycle parking & facilities (such as showers and lockers) into developments so that cycling is a viable transport alternative.

O5 To implement best practice management of parking and promote walkable, cycle-able mixed use neighbourhoods.

Urban Design

O6 To accommodate on-site parking that is safe, accessible, well laid out and appropriately lit.

O7 To provide parking that can meet the needs of building or facility users for all modes of transport.

O8 The impact of car parking areas on the urban fabric of the neighbourhood should be minimised.

O9 To design parking for all appropriate transport modes on private properties so that it will reinforce the quality and integrity of streetscapes, the layout, siting and use of neighbouring buildings, as well as the subject site and building design and will not detract from the amenity of adjoining areas.

O10 To ensure the design and construction of vehicle parking, service and delivery areas and loading facilities minimises visual and amenity impacts that can be caused by traffic movements and parked vehicles.

O11 To provide on-site parking for a range of vehicles, including very small cars, hybrid cars and fully electric cars in multi space car parks. Spaces allocated to environmental vehicles should be marked and managed according to the specific vehicle type targeted.

Residential Development will also consider the following:

O12 Vehicle access, manoeuvring and parking will:

a. achieve a balance between encouraging public transport, pedestrians and cycling and catering for the needs of on-site residents and their visitors;

b. not visually dominate the building façade or streetscape;

c. integrate with overall site and building design;

d. provide for a high level of residential amenity for the site and protect existing residential amenity of adjoining sites; and

e. enable the safe, convenient and efficient movement of vehicles, pedestrians and cyclists.

Special Events Traffic and Parking Management will also consider the following:

O13 To ensure the safe movement of people and vehicles involved with the temporary use of land for special events.

O14 To ensure provision of adequate and safe parking for patrons of special events.

General Controls

C1 Approval for any new off-street parking space will be subject to meeting the requirements of Australian Standard AS 2890.1 Parking facilities and any relevant clauses outlined within this Development Control Plan.

Layout, Design and Legibility

C2 The layout and design of parking areas shall:

a. be sensitively located so that it does not dominate the street scene;

b. minimise visual impacts to the building and street;

c. maximise accessibility;

d. provide clear, safe, direct, legible and well-lit pedestrian and cycling routes through the parking area to adjacent access points and main building entry points; and

e. be situated away from the front of buildings and positioned at the rear, side or beneath the building.

C3 In the event that established parking areas located at the front of a property are proposed to be altered, or in the instance that new parking areas are sought to be located at the front, consideration will be given to the reasonableness of the parking location based on the general pattern of development within the streetscape, the constraints of the site, the desired future character of the neighbourhood and if:

a. the design is of high quality;

b. the development proposes quality materials;

c. the development includes tree planting; and

d. the development includes lighting and appropriate boundary treatments to reinforce the legibility of the area.

Note: For residential development, refer below to heading Residential Development within this section of the Development Control Plan for further controls

C4 On-site parking areas must be designed and constructed to ensure that the movements of pedestrians and cyclists are properly accommodated, and that the safety and accessibility of disabled people is not compromised.

C5 In any instance where Council permits a new vehicle cross over, only one (1) single width vehicle crossover will be permitted for individual dwellings. In some circumstances, with regard to the desired future character, or heritage significance of an area, vehicle crossings will not be supported.

Note: Exceptions will be considered in certain circumstances for residential flat buildings or for commercial/industrial situations, following consideration of the urban character of the neighbourhood.

C6 Double width crossovers will only be permitted in accordance with Australian Standard AS 2890.1 Parking Facilities and consideration of the urban character of the neighbourhood.

Note: Single residential properties will not be permitted double width crossovers.

Headroom

C7 The vehicular access and structures above must be compliant with Australian Standard AS 2890.1 Parking Facilities and be designed to achieve safe and practical clearance over the vehicles using the parking facilities.

Note: Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors, taking into account the roller door housing, where applicable.

Landscaping

C8 Street trees represent an important Council and environmental asset. Removal of street tree(s) for the purpose of accommodating a vehicle crossover is generally not supported.

C9 All new vehicle crossings should be clear of any tree trunk to ensure safe sightlines and reduction of potential root damage to the existing tree.

Note: Council will assess the likely impacts to the trees affected by the development proposal and the reasonableness of the proposal.

Manoeuvring

C10 At a minimum, turning areas to enable forward entering and exiting, must be provided, off-street, in the following instances:

a. vehicular access onto a State or Regional road;

Note: vehicular access onto a State or Regional Road is prohibited when access can be provided from an alternative roadway. NSW Roads and Maritime Services concurrence will also be required for any access onto a State Road.

b. where the vehicular access crosses a footpath with high pedestrian traffic, such as commercial precincts;

c. where the parking space is serviced by a battle-axe handle or long driveway (generally in excess of 12 metres).

Note: Where a turning area is required, manoeuvring must comply with the swept path of an 85th percentile (B85) vehicle as specified in Australian Standard AS 2890.1 Parking Facilities

C11 Developments with access to a classified road shall refer the requirements of Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*.

Overland Flow

C12 Off-street parking spaces must be designed to accommodate overland flow of water. Where the parking space extends across an overland flowpath, it must be limited to an open parking space or carport.

General Parking Rates

C13 Off-street parking spaces are to be provided in accordance with Table C4: General Vehicle Parking Rates.

C14 Developments and land uses, which are not specifically listed in Table C4: General Vehicle Parking Rates, will be assessed on their merit in accordance with the following criteria to determine the required parking provision:

a. parking requirements established by survey of comparable establishments;

b. the person capacity of the premises;

c. the proportion of visitors, staff or patrons likely to arrive by car;

d. the characteristics of the use and whether persons are likely to arrive in concentrated groups and the consistency of such arrivals/departures;

e. the availability and level of service of public transport;

f. details provided in a Site Specific "Travel Plan". Refer to 'Travel Plans' within Section C1.11 (refer to Control 26); and

g. the proportion of trips induced by the development that could be taken by bicycle

C15 In accordance with Table C4: General Vehicle Parking Rates, specific uses are provided with a parking provision exemption for the first 50m^2 of floor space, subject to the location being:

a. located within the mapped area of a recognised shopping strip (refer to C1.11.7 Recognised shopping streets)

Note: This control is to encourage vitality in the municipality in recognised shopping areas that are zoned B2 Local Centre. These areas are within walkable neighbourhoods and have access to public transport. The reduced rate of provision is provided to encourage evening activity particularly to cater for the needs of local residents and is applied to attract activities which encourage the local workforce to remain after "close of business" to dilute PM peak period travel demand.

Accessible Parking Rates

C16 Accessible car parking spaces for people with mobility impairment are to be provided in accordance with Table C5: Accessible car parking space rates.

C17 Accessible car parking spaces for people with mobility impairment are to be:

a. 5.4 m length and 2.4 m width for angle parking spaces or 3.2 m width for parallel parking spaces and include the provision of adjacent shared areas in accordance with Australian Standard AS2890.6 Off-street parking for individuals with a disability;

b. located where unimpeded access can be provided between the car parking space and an adjoining accessible walkway compliant with the Building Code of Australia and Australian Standard AS2890.6 Off-street parking for individuals with a disability;

c. located close to wheelchair accessible entrances or lifts;

d. well-lit, clearly line marked with non-slip or textured paint on the ground;

e. identified by a sign displaying the International Symbol of Access;

f. readily visible from a vehicle at the car park entrance or by guide signs which indicate the direction of the designated parking spaces; and

g. on a level surface with a grade (parallel to or at 90 degrees to the angle of parking) no greater than 1 in 40 unless the parking space is an outdoor bitumen area where a grade of 1 in 33 may be permissible.

Bicycle Parking Rates

C18 Bicycle parking spaces are to be provided in accordance with *Table C6: Bicycle parking provision rates.*

C19 Bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.2-1993 Parking facilities – Bicycle Parking Facilities as follows:

a. class 1 Bicycle lockers – for occupants of residential buildings;

b. class 2 Bicycle lockers – for staff/employees of any land use;

c. class 3 Bicycle rails – for visitors of any land use.

C20 Residential apartment buildings are to include a lockable bicycle storeroom with adequate space and bicycle stands or hooks to accommodate the number of bicycles required by the provisions of Table C6: Bicycle parking provision rates.

C21 Non-residential land uses and buildings used for non-residential purposes are to incorporate bicycle parking facilities as follows:

a. one (1) personal locker for each bicycle parking space;

b. one (1) shower/change cubicle for 1 up to 10 bicycle parking spaces;

c. two (2) shower/change cubicles where 11 to 20 or more bicycle parking spaces are provided;

d. two (2) additional showers/cubicles for each additional 20 bicycle parking spaces or part thereof.

C22 Bicycle storage facilities which are to be incorporated into any retail or commercial area are to be located prominently in or immediately adjacent to the edge of the main shopping area. The pedestrian route between the bicycle storage facility and the land use it serves is to be

designed and constructed in accordance with the Safety by Design principles and guidelines outlined in Part C Section 1.9 – Safety by Design of this Development Control Plan.

Motor Bike Parking Facilities

C23 Motor bike parking is to be provided at a rate of one (1) space for developments that require between 1 to 10 vehicle spaces and 5% of the required vehicle parking thereafter. The rate of total parking provision required is established by Table C4: (General Vehicle Parking Rates) for the land use.

C24 Motor bike parking spaces are:

a. to be located away from car reversing or manoeuvring areas;

b. to be located on flat and even surfaces where the gradient does not exceed 1 in 20 (5%) either parallel to or at 90 degrees to the angle of parking;

c. to be 2.5m x 1.2m in dimension; and

d. to be clearly marked and where located adjacent to car parking bays delineated by landscaped areas, bollards or other protective barriers.

On-Site Car Share Facilities

C25 Car share parking spaces are to be provided for new multi-dwelling residential buildings and other commercial development as follows:

a. residential development – a minimum of one (1) car share space is to be provided for any residential development containing more than 50 residential units;

b. office, business or retail premises – a minimum of one (1) car share space per 50 car spaces provided;

c. one (1) car share space can be provided in lieu of 5 car spaces;

d. written evidence, in the form of a letter of commitment, from an established car share operator must be provided with the development application demonstrating the operator's intentions and method of management of the space(s).

C26 Car share spaces are to be conveniently located and appropriately sign posted.

Travel Plans

A travel plan is a set of measures designed to reduce private car dependency for a development by encouraging use of more sustainable transport modes. Such a plan should contain a series of complementary measures which will act in unison to discourage private car dependency. Travel plans can be developed for both residential and non-residential developments and may include:

a. provision of on-site car share spaces or car share membership for building occupants;

b. facilities for charging electrical vehicles;

c. establishment of self-managed car pool systems;

d. "welcome packs" for new building occupants, which provide information on sustainable transport choices including bus stops, light rail stops, cycleways and public transport timetables;

e. site-specific bike share facilities;

f. management initiatives for employees including subsidised public transport. Provision of peak period shuttle buses, locality-based relocation allowances, subsidised bicycle purchase and flexible working hours; and

g. sustainable transport web-portal, on-site displays, or digital apps, as information for both building occupants and visitors.

C27 A travel plan must be submitted for:

a. any residential developments containing more than 50 residential units; and

b. any office, business or retail developments which exceeds 3000sqm of gross floor space or accommodates more than 50 employees.

C28 A travel plan must include:

a. targets – including reductions in single occupancy car trips and increased mode share for sustainable transport;

b. travel data – baseline travel demand and mode share estimates derived from experience with comparable developments;

c. action plan – which outlines the measures to be implemented as part of the travel plan, associated promotional, information and education initiatives, and management mechanisms to be introduced as part of the travel plan;

d. commitment – to the on-going maintenance and adaptation of the action plan to ensure its long term success. If the future occupants of the building are known there should be a letter of commitment, to the travel plan, provided by the future occupants of the development. There should also be a management mechanism introduced which will bind future owners or lessees of the development to the travel plan; and

e. monitoring and review – shall be conducted in consultation with Council officers.

Service and Loading Facilities

C29 Service and delivery areas and loading facilities in new developments are to be provided in accordance with the current RMS "Guide to Traffic Generating Developments", Australian Standard AS 2890.2 Parking Facilities and Table C4 – General Vehicle Parking Rates.

C30 Service and delivery areas and loading facilities in new developments are to be designed in accordance with the following:

a. be congruent to the location and layout of service and loading operations relevant to the development and not be used for any other purpose such as the storage of goods and equipment or as parking areas;

b. be physically separate from areas used for car, pedestrian and bicycle movements;

c. be located in a manner that will not visually impact on the development, streetscape or adjacent premises;

d. all vehicles must enter and leave the property in a forward direction; and

e. access driveways, internal circulation roadways and service areas are to be designed for the largest vehicle anticipated to use the site in accordance with Clause C29 above.

Note: Retail uses are not permitted to receive deliveries from vehicles which cannot be accommodated at the on-site loading facility unless an existing 'Loading Zone/Truck Zone' is provided on-street outside the property. Such uses are to arrange deliveries to be made by appropriate size vehicles.

C31 Service and delivery areas and loading facilities are to be designed to accommodate the largest vehicle anticipated to use the site.

For commercial vehicles, the access driveways, circulation roadways and service areas are to be designed to comply with the relevant requirements of AS 2890.2 Parking Facilities - Off-street commercial vehicle facilities.

For smaller vehicles, including station wagons, utilities, vans and other light commercial vehicles, the design of the access driveways, circulation roadways and service areas are to meet the requirements of a 99th percentile (B99) vehicle as specified in AS 2890.1 Parking facilities – Off-street car parking. A minimum headroom clearance of 2500mm is to be provided within the service area and along the vehicular path of travel to or from the service area. The loading bays are to be a minimum of 0.5m wider than a standard parking space and a minimum of 2.0m longer. The added width may be shared with a footway, parking aisle or other adjacent unobstructed area.

Note: In some instances development will be approved subject to conditions limiting the size of service vehicles and number of trips for delivery vehicles. Care must be taken to ensure the initial design does not limit the use of the building.

Bus/Coach Facilities

C32 The potential impacts on the amenity, traffic management and vehicle parking provision in the vicinity of the bus/coach set down and parking areas will be a matter for consideration in assessing any application for bus/coach set down or parking areas.

C33 Bus/coach set down areas and parking spaces are to be provided in accordance with Table C3: Bus and coach parking rates where private buses or coaches are used to transport people to or from the premises.

Table C1: Bus and coach parking rates

Type of development	Minimum requirements
Clubs, Drive-in Takeaway with seating	One (1) bus/coach space per 100 seats up to 200 seats, then one (1) space per 200 seats
Reception premises	One (1) bus/coach space per 200 sqm GFA up to 200 sqm then one (1) space per 400 sqm GFA

Basement / Underground Car Parking Facilities

C34 The design (including materials, locations, scale and relationship to built and landscape elements)of car park access and egress is to:

a. be integrated into the overall design of the site and building; and

b. minimise the visual impact of the driveway, car park access/egress doors and any associated structures.

c. Address all relevant requirements of Australian Standard AS 2890.1 Parking facilities – off-street car parking relating to location, width, gradient, headroom and sight distance to vehicular traffic and pedestrians.

C35 Basements within close vicinity to the road reserve or adjoining properties must be designed in accordance with the following criteria:

a. all elements of the basement walls, including the subsoil drainage system and structural elements, shall be fully contained within the property boundaries;

b. the existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;

c. the basement walls must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment; and

d. include recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.

Notes:

1. *Any basement proposal must be supported by an Integrated Structural and Geotechnical Engineering report prepared by a practising Civil or Structural Engineer.*
2. *Reference should also be made to the requirements of Part E – Section 1 (Sustainable Water and Risk Management) of this Development Control Plan.*
3. *Any excavation proposed adjacent to a State Road requires the developer to submit detailed geotechnical reports relating to the exaction of the site and support structures to RMS for approval.*

Mechanical Devices

C36 Car lifts, stackers and turntables will only be permitted where there is no viable alternative to accommodate an additional off-street parking space and where provision is made for vehicles to independently enter and exit the device.

C37 Car lifts and car stackers must have a clear internal width of 3000mm to allow for disembarking from all doors of the parked vehicle. The facilities must be located at least 1000mm inside the property boundary to allow for unloading at the rear of the vehicle from within the property boundary

Special Events - Traffic and Parking Management

C38 The applicant is to submit a Traffic, Parking and Transport Arrangements Plan incorporating Traffic Control Plans with the relevant application. The Plan is to outline the following:

a. the local traffic networks and existing parking arrangements, and an assessment as to how they will cope with the increased demand generated by the event;

b. additional parking (in accordance with Australian Standard AS1742:11 Parking Controls);

c. the proposed main access route;

d. a Traffic Control Plan that conforms to the RMS Traffic Control at Worksites Manual which can be accessed online at:

   http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/tcwsv4_dl1.html;

e. a contingency plan for things such as, but not limited to wet weather, an accident or greater than anticipated attendance;

f. provisions for the advertisement of traffic changes, for a minimum period of seven days prior to the event;

g. the detailed location of traffic marshals and traffic controllers e.g. at temporary pedestrian road crossing location;

h. transport arrangements to and from the event, promoting public transport or group private transport (e.g. car-pooling, event tickets which are inclusive of public transport) where possible;

i. a Marketing and Promotion Plan which includes promotion of sustainable transport options for the event and information on "best routes", "best modes" and "best times" to access and egress the site;

j. access for local residents and emergency vehicles, to be maintained at all times;

k. heavy vehicle alternate route for the arrival and departure of coaches and equipment trucks;

l. pedestrian and cycle access and safety provisions; and

m. loading zones.

C39 Class 1, 2 and 3 special events under the *Roads Act 1993* will first be referred to the Leichhardt Traffic Committee for their consideration and recommendations prior to determination by Council.

C40 Suitably qualified traffic marshals (e.g. RMS Accredited Traffic Controllers Certificate) in safety attire are, as a minimum, to be situated at the entrance and exit locations.

C41 Bus parking and set down areas for passengers are to be provided in a location away from the traffic stream, where safe access and egress can be achieved, and queuing minimised.

C42 The parking areas are to be laid out and designated in accordance with Australian Standard AS 2890.1 - Parking Facilities, Part 1: Off-street car parking.

C43 An area of parking in the closest proximity to the venue is to be set aside for disabled parking and appropriately reserved by temporary signage.

C44 Use of public transport and car-pooling schemes are to be promoted where appropriate.

Existing Parking Spaces

C43 Depending on the nature and extent of the proposal Council may require existing vehicle access and/or parking facilities that do not meet the minimum requirements of Australian Standard AS 2890.1 – Parking facilities, Part 1 Off street car parking to be modified, depending on the degree of non-compliance.

Redundant vehicle crossings

C44 Depending on the nature and extent of the proposal Council may require existing vehicle crossings within the property's street frontage, which no longer service an off-street parking space, to be closed and replaced with kerb, gutter and footpath.

Residential Development

Background

These controls apply to all alterations and additions as well as new development and all types of residential development.

Visual Impact

C45 Development is to be consistent with the suburb profiles and desired future character statements within the Distinctive Neighbourhood controls within Part C Section 2: Urban Character of this Development Control Plan.

C46 Where a site has access to a rear lane/road, vehicle parking is to be provided from that rear lane/road only. Access from the primary street frontage will not be supported.

C47 Swept path diagrams indicating vehicle manoeuvring in and out of the off-street parking area under the existing on-street parking arrangements (on public road) must be provided.

C48 Where no rear lane or secondary road access is available, vehicle parking may be provided from the primary street frontage when:

a. it is located wholly behind the front wall of the main building of the dwelling;

b. has a single width parking space only;

c. has one access point per dwelling;

d. has a maximum vehicle crossing and parking space width less than 50% of the width of the front elevation of the main building on the site; and

e. is subordinate to the main building.

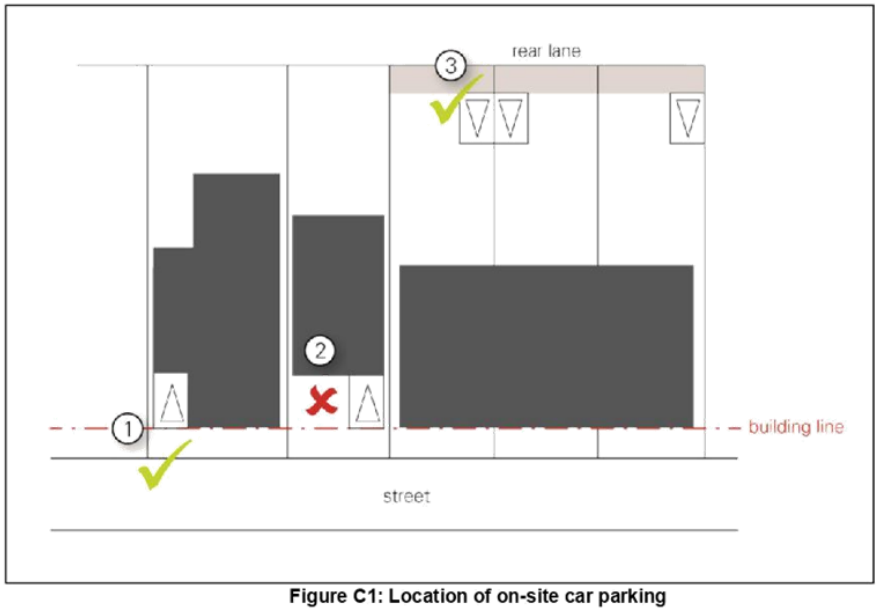


Figure C1: Location of on-site car parking

1. **Car parking is recessed behind the main street fronting building wall**
2. **Car parking should not be located in front of the main street fronting building wall**
3. **Car parking is located at the rear of the site with access from a rear lane**

Landscaped open space and on-street parking

C49 Vehicle crossovers do not significantly adversely impact street trees, or on-street parking capacity of the street/lane.

Materials

C50 Vehicle access, manoeuvring and parking should be finished in high quality, durable materials that integrate with the building and streetscape. Materials such as porous or open block paving should be considered where appropriate.

Residential Amenity

C51 Driveways and garages should be, where possible, located away from doors and windows to bedrooms in adjacent properties.

C52 Where a driveway or parking is to be provided along a side boundary, a landscaped strip with a minimum width of 500mm is to be planted between the side boundary and the vehicle access and/or manoeuvring areas. Where a landscape strip cannot be provided, the design must incorporate landscaping within the front setback that endeavours to soften the impacts of the parking space on the streetscape.

Safety

C53 The design of the vehicle access must provide for clear sight-lines to vehicular traffic and pedestrians when entering and exiting the site.

C54 The design of the vehicle access, manoeuvring and parking must provide for gradients that enable safe universal pedestrian and cycling access.

Residential Flat Buildings and Mixed Use Development

C55 Vehicle parking for residential flat buildings and mixed use developments shall be provided underground, unless:

a. the development meets the objectives of Part C1.11 – Parking and Part C1.0 – General Provisions within this Development Control Plan;

b. vehicle crossovers and driveways minimise any adverse visual impacts of the vehicle entrance from the streetscape and desired future character of the neighbourhood.

C56 Underground parking should be designed to ensure:

a. the maximum height of the vehicle parking area that protrudes above ground level (existing) is 500mm;

Note: Minimal above ground protrusion is particularly important where the end walls are situated on or close to property boundaries or street frontages.

b. landscaped areas provided above underground vehicle parking provides for a minimum 600mm soil depth for trees and shrub planting and 300mm for ground cover planting; and

c. maintains and enhances pedestrian safety.

C1.11.1 General Vehicle Parking Rates

*Note: When calculating the total number of parking spaces (including car parking spaces required for people with disabilities and bicycle and motor cycle parking spaces) - if the result is not a whole number, it must be rounded **UP or DOWN** to the nearest whole number. For example –*

2.5 spaces = 3 spaces required

4.4 Spaces = 4 spaces required

Table C2: General vehicle parking rates

Parking Rates				
Land Use	Residents		Visitors	
	Minimum	Maximum	Minimum	Maximum
Residential				
Single dwelling house	Nil	2 spaces per dwelling house	Nil	Nil
Bed-sit / Studio	Nil	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
1 bedroom unit	1 space per 3 dwellings	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
2 bedroom unit	1 space per 2 dwellings	1 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
3+ bedrooms unit	1 space per dwelling	1.2 spaces per dwelling	1 space per 11 dwellings	0.125 spaces dwelling
Boarding Houses	1 space per resident employee and 0.5 space per boarding room			
Land Use	Staff		Visitors	
	Minimum	Maximum	Minimum	Maximum
Amusement centre	Nil	0.4 spaces per staff	Nil	0.2 spaces per machine plus 1 space per pool/snooker table
Hotel or motel accommodation	1 space per 5 staff	1 space per 4 staff	1 space per 5 bedrooms	1 space per 4 bedrooms
Service station	1 space per 4 vehicle repair bays for staff	1 space per 3 vehicle repair bays	1 space per 80 sqm for ancillary retail	1 space per 50 sqm for ancillary retail

Land Use	Pick up/ drop off (minimum)	Loading zone / visitors (minimum)	Staff parking (minimum)
Child care centre (Refer to Note 1)	2 spaces (Refer to Note 2)	1 space	1 space per 30 children

Land Use	Staff & Visitors Combined	
	Minimum	Maximum
Bulky goods premises	1 space per 125 sqm	1 space per 100 sqm
Business premises	1 space per 100 sqm	1 space per 60 sqm
Office premises	1 space per 100 sqm	1 space per 80 sqm
Health consulting rooms	2 spaces per 3 consulting rooms	2 parking spaces for every consulting room
Medical centre	2 spaces per 3 consulting rooms	2 parking spaces for every consulting room
Licensed Hotel, Pub or registered club	1 space per 6 staff and 1 space per 30 patrons	1 space per 3 staff and 1 space per 10 patrons
Industry	1 space per 250 sqm Note: Retailing associated with industrial developments will be assessed at the same rate as "shops" (i.e. 1 space per 50 sqm (min) and 1 space per 50 sqm (max))	1 space per 150 sqm
Vehicle sales or hire premises	1 spaces per 300 sqm site area	1 space per 200 sqm site area
Place of public worship	1 space per 50 sqm	1 space per 40 sqm
Small Bars, Restaurants or cafes	1 space per 80 sqm. If the premises are located on a "Recognised Shopping Street" the first 50 sqm are exempt from parking provision. (Refer to note 3)	1 space per 50 sqm
Educational establishment (non-tertiary)	1 space per 4 staff and pickup/drop off facility for parents/carers	1 space per 2 staff and pickup/drop off facility for parents/carers
Educational establishment (tertiary)	1 space per 4 staff for staff + 1 space per 25 full-time students for students	1 space per staff + 1 space per 15 full-time students
Shops / supermarkets	1 space per 50 sqm If the premises are located on a "Recognised Shopping Street" the first 50 sqm are exempt from parking provision (Refer to Note 3)	1 space per 50 sqm

Attachment 1

Take away food or drink premises	1 space per 100 sqm If the premises are located on a "Recognised Shopping Street" the first 50 sqm are exempt from parking provision (Refer to Note 3)	1 space per 100 sqm
Warehouse or distribution centre	1 space per 300 sqm	1 space per 250 sqm
Entertainment facility	Car parking will be calculated on the specific characteristics of the facility/venue and hours of operation.	

Notes in relation to Table C4: General vehicle parking rates

1. *A parking study is required when more or less parking spaces (than the minimum required number) are proposed;*
2. *Drop-off/pick up facilities for Child Care Centres may be located kerbside subject to appropriately satisfying the following:*
   a. *suitable kerbside availability at times relevant to the child care centre;*
   b. *being located immediately adjacent to the child care centre and on the same side of the street as the centre;*
   c. *a suitable safe footpath is available between the spaces and the centre;*
   d. *traffic activity on the subject street does not create an unsafe environment for drop-off/pick-up activity;*
   e. *the spaces represent best practice in parking design and placement including reference to Safety by Design principles including sightlines, accessibility and opportunities for passive surveillance.*
   f. *spaces may be timed (i.e. 15 minute parking) at peak movement times of the day.*
3. *Several specific land uses within* recognised shopping streets *have an exemption applied for the first 50 m^2 in the "minimum" category. The exemption is based on an assumption that 50 m^2 represents a minimum basic space in a main street premise, such as a shop or café, and is aimed at recognising the walk-up potential of the locations. Refer to section C1.11.7 within this section of the Development Control Plan.*

   ("Recognised shopping streets" are: Norton and Marion Streets Leichhardt, Darling Street and Balmain Road Rozelle, Darling Street Balmain, Johnston and Booth Streets Annandale, Parramatta Road Leichhardt and Annandale).
4. *The 'maximum' parking rates are provided in Table C4 to provide limits as a move towards reducing private car dependency.*
5. *Occupants of new developments in existing Parking Permit Areas will not be eligible for resident or business parking permits.*
6. *Floor space is calculated as Gross Floor Area (GFA) unless otherwise specified.*
7. *Control C23 above requires 5% of the above requirements to be provided as motor bike parking.*

C1.11.2 Accessible Car Parking Rates

Table C3: Accessible car parking space rates

Building Class to which the car park or car parking area is associated	Accessible Parking Spaces
Class 3 (a) Boarding house, guest house, hostel, lodging housing, backpackers accommodation, or the residential part of a hotel or motel	To be calculated by multiplying the total number of car parking spaces by the – i) percentage of accessible sole-occupancy units to the total number of sole-occupancy units; or ii) percentage of beds to which access for people with disabilities is provided to the total number of beds provided. The calculated number to be taken to the next whole figure.
Class 3 (b) Residential part of a school, accommodation for the aged, disabled or children, residential part of a health –care building which accommodates members of staff or the residential part of a detention centre.	1 space for every 100 parking spaces or part thereof.
Class 5, 7, 8 and 9c	1 space for every 100 car parking spaces or part thereof
Class 6 (a) up to 1000 car parking spaces; and (b) for each additional 100 car parking spaces or part thereof in excess of 1000 car parking spaces.	(a) 1 space for every 50 car parking spaces or part thereof. (b) 1 space
Class 9a (a) a hospital (non-outpatient area)	1 space for every 100 car parking spaces or part thereof.
Class 9a (b) Hospital (outpatient area) (i) up to 1000 car parking spaces; and (ii) for each additional 100 car parking spaces or part thereof in excess of 1000 car parking spaces	(i) 1 space for every 50 car parking spaces or part thereof. (ii) 1 space
Class 9a (c) Nursing home	1 space for every 100 car parking spaces or part thereof.
(d) clinic or day surgery not forming part of a hospital	1 space for every 100 car parking spaces of part thereof.
Class 9b (a) school	1 space for every 100 car parking spaces or part thereof.
(b) other assembly building (i) up to 1000 car parking spaces; and (ii) for each additional 100 car parking spaces or part thereof in excess of 1000 car parking spaces.	(i) 1 space for every 50 car parking spaces or part thereof. (ii) 1 space

C1.11.3 Bicycle Parking Rates and Facilities

Table C4: Bicycle parking provision rates

Land use	Residents/staff	Customers/Visitors
Apartments	1 space per 2 dwellings	1 space per 10 dwellings
Backpackers accommodation	1 space per 4 staff	1 space per 10 beds
Group homes/student accommodation	1 space per 6 rooms	1 space per 6 rooms
Home occupation/home industry	1 space per dwelling	1 space per dwelling
Seniors Housing	1 space per 10 staff and 1 per 20 self-contained dwelling units	1 space per 30 dwellings
Serviced apartments	1 space per 10 staff	1 space per 20 rooms
Amusement centre	1 space per 10 staff	2 spaces per centre
Bulky goods Retail	1 space per 10 staff	Nil
Child Care facility	1 space per 10 staff	2 spaces per centre
Clubs	1 space per 10 staff	1 space per 140 sqm GFA
Commercial	1 space per 10 staff	1 space per 400 sqm GFA
Hotels/motels	1 space per 10 staff	1 space per 20 rooms
Industry	1 space per 10 staff	Nil
Motor and retail showrooms	1 space per 10 staff	1 space per 200 sqm GFA
Professional consulting rooms	1 space per 10 staff	1 space per 200 sqm GFA
Restaurants	1 space per 10 staff	2 spaces plus 1 space per 100 sqm over 100sqm GFA
Recreation facility (indoor, outdoor and major)	2 spaces, plus 1 space per 10 staff	2 spaces, plus 1 space per 100 sqm GFA
Service stations	1 space per 10 staff	2 spaces per service station
Shops	1 space per 10 staff	2 spaces, plus 1 space per 100 sqm over 100 sqm GFA
Warehouse	1 space per 10 staff	Nil

C1.11.4 Minimum Car Parking Dimensions

The minimum dimensions for a garage or enclosed parking space must be as follows:

Table C5: Minimum car parking dimensions

Single		Double		Tandem	
Length	Width	Length	Width	Length	Width
6.0m	3.0m	6.0m	5.4m	11.4m	3.0m

Notes:

1. *For open parking spaces or carports, the above dimensions can be reduced by 300mm for any open side, front or back of the parking space. For example, for a carport with the rear and one side open, the minimum dimensions will be reduced to 5.7 metres by 2.7 metres.*
2. *Where the parking space is accessed via a narrow roadway, the width of the parking space may need to be increased so that a wider access door can be provided, to allow for manoeuvring in accordance with the following section.*
3. *Where the parking space is located adjacent to the path of travel to the main pedestrian entry to the building, only 300mm of unobstructed width of a compliant parking space can be allocated to the width of the pedestrian access.*

C1.11.5 Garage Door Widths

Table C6: Garage door widths

Width (metres)	Minimum dimensions in metres*			
	Single Garage			Double Garage
	Doorway Width	Doorway Setback from boundary	Opening Width at boundary	Doorway Width
> 7.0	2.8	-	-	5.0
6.0	3.0	-	-	5.3
5.0	3.3	-	-	5.6
4.0	4.2	-	-	-
3.5	4.2	0.5**	5.2**	-
3.0	4.2	1.0**	6.5**	-

* For apron widths other than those specified, or for other than right angled access, detailed plans must be prepared showing the swept path for the B85 vehicle inclusive of 300mm manoeuvring clearances.

** Where the apron width is less than 3.5 metres, the doorway must be set back from the boundary and the driveway widened to the property boundary to the extent of the opening widths specified.

C1.11.6 Bike Parking Dimensions

The minimum dimensions for envelope clearances for bike parking must be as follows.

Table C7: Minimum bicycle parking dimensions

Storage dimensions	
Standard bicycle dimensions	
Handlebar height	750mm-1100mm
Handlebar width	Up to 750mm
Bicycle length	1500mm-1800mm
Minimum storage dimensions	
One standard bicycle	1200mm
Height	1200mm
Depth	2000mm
Door Aperture	780mm
Two standard bicycles	
Height	1200mm
Width	1500mm
Depth	2000mm
Door Aperture	780mm

C1.11.7 Recognised shopping streets

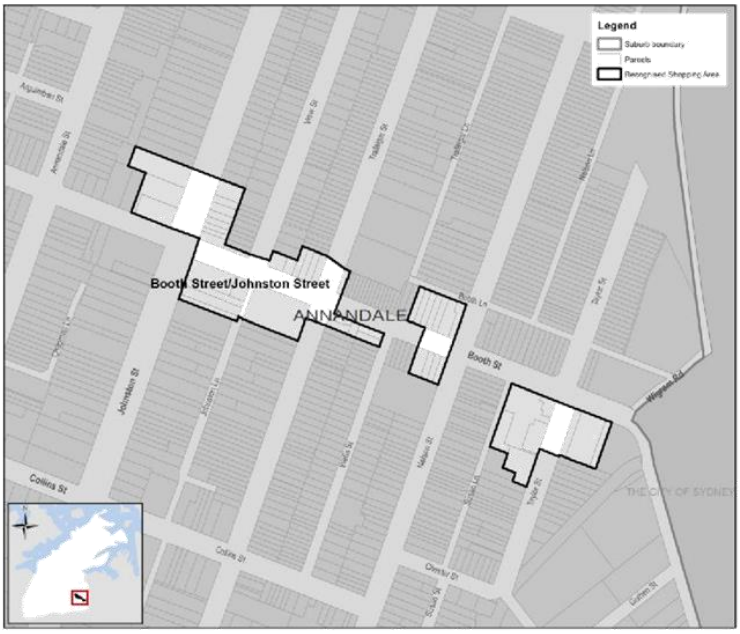


Figure C2: Booth Street / Johnston Street recognised shopping street

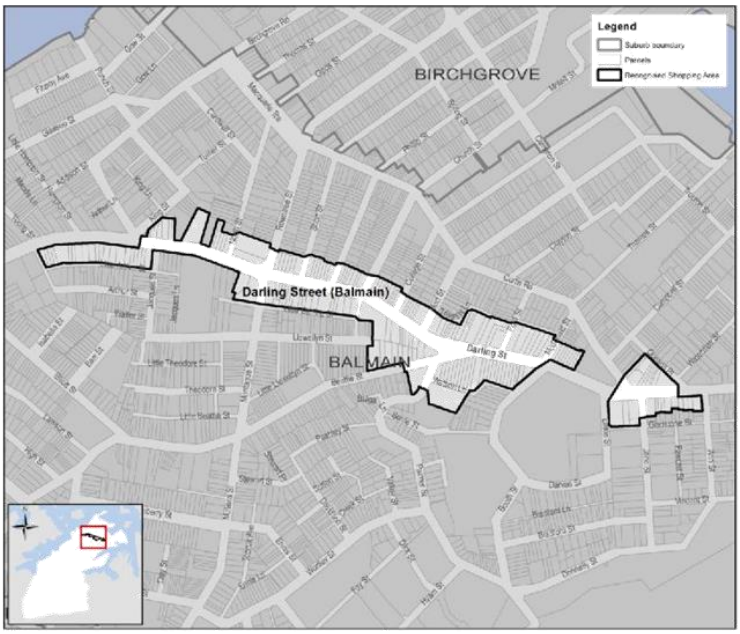


Figure C3: Darling Street Balmain recognised shopping street

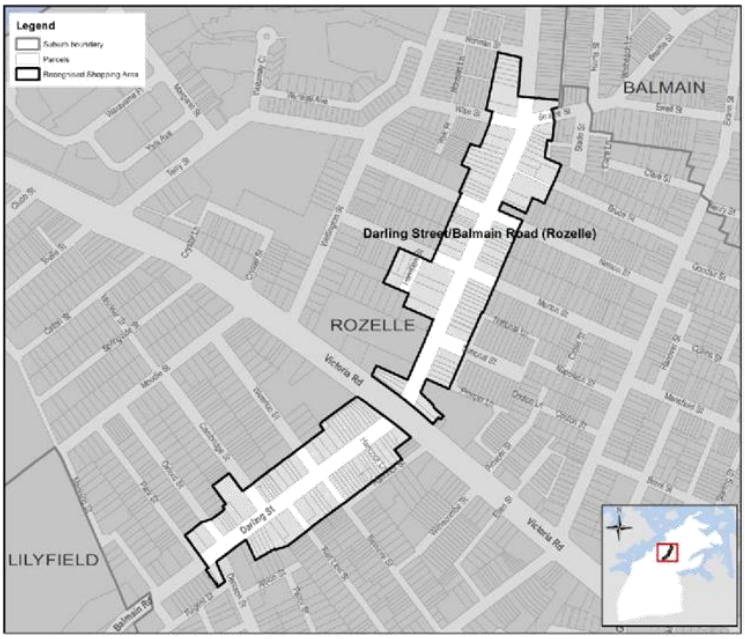


Figure C4: Balmain Road / Darling Street Rozelle recognised shopping street

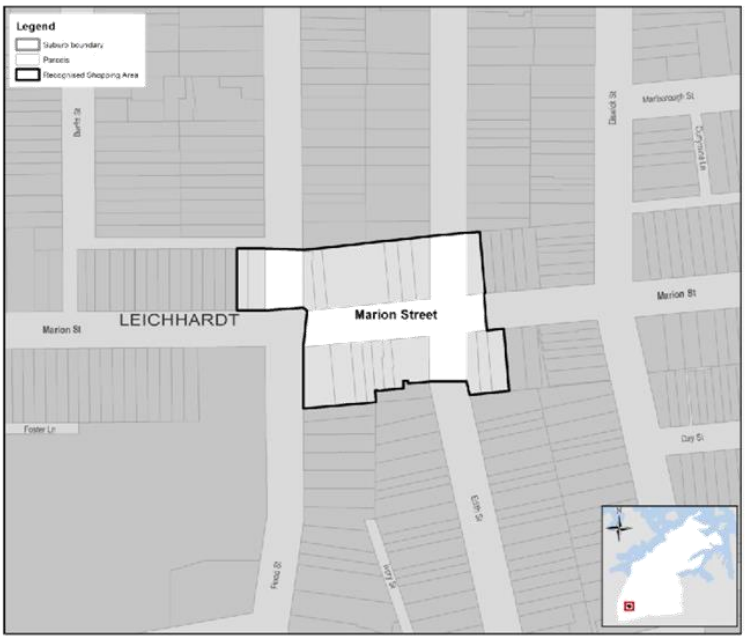


Figure C5: Marion Street recognised shopping street

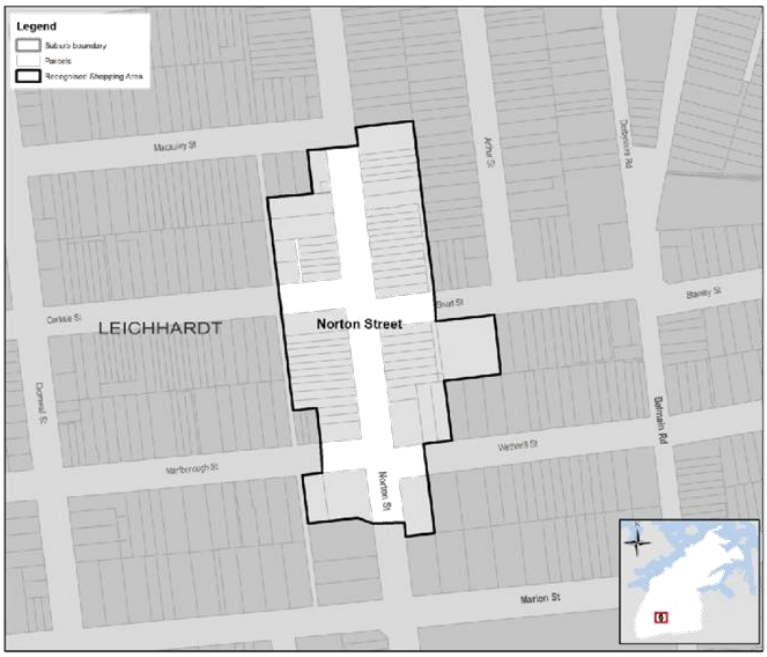


Figure C6: Norton Street recognised shopping street

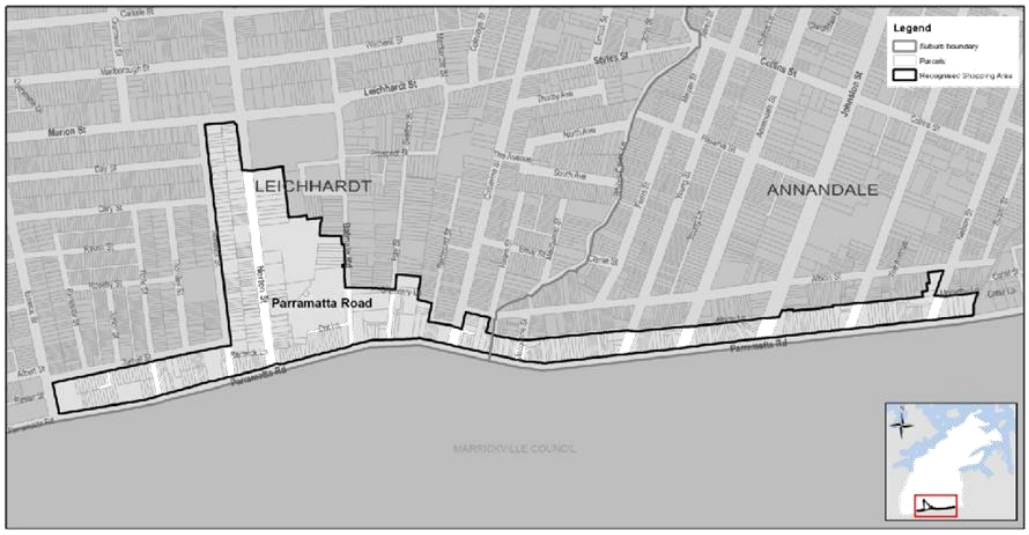


Figure C7: Norton Street and Parramatta Road recognised shopping street

PART D: ENERGY

Item 4

Attachment 1

CONTENTS

SECTION 1 – ENERGY MANAGEMENT **3**

SECTION 2 – RESOURCE RECOVERY AND WASTE MANAGEMENT **6**

D2.1 GENERAL REQUIREMENTS 6

D2.2 DEMOLITION AND CONSTRUCTION OF ALL DEVELOPMENT 8

D2.3 RESIDENTIAL DEVELOPMENT 9

D2.4 NON-RESIDENTIAL DEVELOPMENT 14

D2.5 MIXED USE DEVELOPMENT 16

Item 4

Attachment 1

SECTION 1 – ENERGY MANAGEMENT

Objectives

Council promotes optimisation of environmental performance of new and existing buildings through minimisation of energy consumption as a means of achieving the principles of ecologically sustainable development and minimising the negative impacts of development on the environment, in accordance with the objectives of the *Leichhardt Local Environmental Plan 2013*. Cutting energy demand is the first and most affordable step towards reducing emissions. Council encourages residents and property owners to minimise energy consumption by undertaking alterations and additions to existing buildings or the construction of new buildings in a manner which will minimise the use of manufactured energy to heat, cool or light the building. The building siting and layout, solar access, landscaping and ecologically sensitive design provisions of this Development Control Plan have been developed to reduce energy consumption whilst maximising the amenity of building occupants.

Where passive heating, cooling or lighting is not sufficient for the needs of occupants, Council encourages the use of renewable energy sources. The installation of renewable energy technologies, such as photovoltaic panels, is to be undertaken in ways which reflect Council's heritage, amenity and urban design objectives.

Council supports a reduction in car dependency as a way of minimising energy consumption, as reflected in the objectives of the *Leichhardt Local Environmental Plan 2013*. To achieve this Council promotes the enhancement of walkable neighbourhoods through the implementation of the urban design principles outlined in Part C – Place of this Development Control Plan. The urban design principles relate to the accessibility, amenity, connectedness, adaptability and sustainability of places and spaces in the municipality.

Objectives

O1 To promote energy minimisation in the development and operation of residential and non-residential buildings.

O2 To encourage the implementation of renewable energy production technologies in residential and non-residential buildings.

Controls

Energy minimisation

C1 Energy consumption minimisation measures are to be implemented in:

a. new residential and non-residential buildings; and

b. alterations and additions to residential and non-residential buildings.

Council will apply the relevant solar access, landscaping, building siting and layout provisions of this Development Control Plan to minimise energy consumption.

Energy efficiency

C2 Energy efficiency measures to reduce energy consumption are to be implemented in alterations and additions to an existing dwelling or commercial building. Energy reduction measures are to include but should not be limited to:

a. the installation of low energy light bulbs;

b. the installation of smart technology such as HVAC (heating, ventilation and cooling) controls to limit/set indoor climate;

c. improved insulation;

d. repairs to damaged windows, doors and seals;

e. ensure windows are operable to enable cross ventilation (where this does not compromise visual and/or acoustic privacy);

f. avoid blocking up windows or reinstate windows (where previously blocked up) for cross ventilation purposes (where this does not compromise visual and/or acoustic privacy)

g. unblock ceiling vents and flues to enable the escape of heat through the roof;

h. ensure the location of windows, doors and internal layout of the building promotes air movement for cooling.

Renewable energy production technologies

C3 Energy production technologies should, wherever possible, use renewable energy sources. Council may approve the implementation of new or emerging renewable energy technologies where the necessary infrastructure:

a. will be of a design, including colour of trim and siting, that is sympathetic to the character of the building and its streetscape context;

b. will not;

i. have an adverse impact on the amenity and solar access of the property or nearby or adjacent properties and occupants;

ii. restrict the development potential of nearby and adjacent properties;

iii. result in the production of noise, air or water pollution or other adverse environmental impacts;

iv. reduce the structural integrity or have an adverse impact on the setting or significance of any property listed as a Heritage Item in Schedule 5 of the *Leichhardt Local Environmental Plan 2013*; and

v. result in negative impacts on amenity, building fabric or heritage values of the building and its setting including streetscape;

c. the use, location and placement of solar collectors is to take into account the potential permissible building form on adjacent properties.

C4 Development consent is required for the installation of renewable energy technologies where the works will not meet the requirements of the following:

a. Exempt and Complying Development provisions of the *State Environmental Planning Policy (Infrastructure) 2007*

Photovoltaic panels

C5 Photovoltaic systems are prohibited on any part of a slate roof with decorative features where the property is in a Heritage Conservation Area or is identified as a Heritage Item in Schedule 5 of the *Leichhardt Local Environmental Plan 2013*.

C6 Installation of a photovoltaic system on a property located in a Heritage Conservation Area or that is listed as a Heritage Item in Schedule 5 of the *Leichhardt Local Environmental Plan 2013* may be granted development consent where it can be shown that the installation will:

a. be located where:

   i. the potential for overshadowing by adjacent trees, buildings or general infrastructure is minimal; and

   ii. orientation of the photovoltaic panel (direction and angle) will ensure an optimum power output;

b. be of a design, siting and materials, including colour of trim, that is sympathetic to the character of the building and its streetscape context and which will have minimal visual impact;

c. not reduce the structural integrity of or involve structural alterations to any building to which it is attached that may adversely impact the significance of the building;

d. not result in negative impacts on amenity, building fabric or heritage values of the building and its setting in the streetscape; and

e. not result in any irreversible alteration or damage to the fabric of the building.

C7 The impact of development on the operation of installed photovoltaic cells on adjoining or near-by sites will not be a ground for refusal of development or modification applications.

C8 Photovoltaic panels should be cleaned and serviced regularly to ensure optimal power output.

C9 When obsolete, photovoltaic panels should be removed from the roof and where possible, sent to a recycling facility.

SECTION 2 – RESOURCE RECOVERY AND WASTE MANAGEMENT

Background

Waste and resource consumption is a major environmental issue. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government, business and society alike are exposed to the issue of managing the increasingly large volumes of waste generated. Sustainable resource management and waste minimisation are essential in the quest for ecologically sustainable development and accordingly achieving the objectives of *Leichhardt Local Environmental Plan 2013*.

Waste is inextricably linked to energy and water use, greenhouse gas production, pollution and habitat destruction.

Differing types of development are dealt with below and have differing requirements. All applications will require the submission of a Site Waste Minimisation and Management Plan.

D2.1 GENERAL REQUIREMENTS

Objectives

O1 Reduce the demand for waste disposal in line with Federal and NSW State Government reduction targets and the Waste Avoidance & Resource Recovery Act 2001.

O2 Consider the use of resources at all phases of development.

O3 Provide criteria for the disposal of demolition and construction waste and the design and management of recycling, composting and waste storage and collection facilities within developments.

O4 To encourage sorting and separation of material to maximise reuse and recycling of building and construction materials, household generated waste and industrial and commercial waste.

O5 Encourage building design and construction techniques that will minimise waste generation.

O6 Encourage new technologies to influence and solve waste management including small scale local technologies that can provide local solutions.

O7 Minimise the overall environmental impacts of waste, in line with the principles of ecologically sustainable development. Waste is inextricably linked to energy and water use, greenhouse gas production, pollution and habitat destruction.

O8 Provide advice on the preparation of Site Waste Minimisation and Management Plans and other appropriate documentation for submission with applications for development.

O9 To consider the ongoing management of recycling and waste for the life of the building and uses.

Controls

Site Waste Minimisation and Management Plans

C1 A Site Waste Minimisation and Management Plan (SWMMP) will be required to be submitted for *all forms of development that* involve any construction, demolition or change to the use of the premises and for the ongoing use of a building or place.

The SWMMP is to be submitted with the development application.

Note: The design and location of recycling and waste management facilities should be investigated at an early, (i.e. pre development application) stage of the proposal.

C2 The SWMMP should outline, as appropriate to the proposed development, the:

- volume and type of waste and recyclables to be generated;
- storage and treatment of waste and recyclables on site;
- disposal of residual waste and recyclables;
- operational procedures for ongoing waste minimisation, resource recovery (reuse and recycling) and management once the development is complete; and
- the method of reuse, recycling or disposal and the recycling/ waste management service provider.

A template of a SWMMP is provided in Part 1 of Appendix D "Site Waste Minimisation and Management Template".

In the absence of project specific calculations, the rates specified in Appendix D2.4 "Waste and Recycling Generation Rates" should be used to inform the compilation of a SWMMP.

Plans and Drawings

C3 For applications that require a SWMMP, plans and drawings (to scale) must be submitted with the application.

C4 For applications that include demolition and construction, the plans and drawings must show the material storage areas for reusable and recyclable materials during the demolition and construction phases, indicating the areas to be excavated, the types and numbers of storage bins required, appropriate signage and the vehicular access to material storage areas.

C5 For the ongoing operation of the use, the plans and drawings must indicate the location and provision for the storage and collection point of waste and recyclables, the access routes and path of travel for moving bins (if collection is to occur away from the storage area/room), design of internal areas, traffic flow, path of travel for collection vehicles and amenity details.

C6 A checklist at Appendix D (Part 2 – Plans and Drawings) must be completed in regards to the requirements for the plans and drawings for all development other than single dwellings, dual occupancies and secondary dwellings.

Further details of these requirements are provided in Appendix D (Part 1) "Site Waste Minimisation and Management Plan Template".

D2.2 DEMOLITION AND CONSTRUCTION OF ALL DEVELOPMENT

Controls

C7 Where material cannot be reused or recycled it should be disposed of at a lawful/ licensed waste facility as per the NSW government regulatory authority

C8 Waste and or recycling bins such as skips may only be placed by persons or companies that hold a current licence from Council. On street placement, insurance and other standard conditions apply.

C9 An area within the development site must be allocated for the storage of materials for reuse, recycling and disposal. Recyclable materials should be separately stored apart from other left over materials for collection by a recycling contractor. This can be facilitated by the process of "deconstruction" where various materials are carefully dismantled and sorted.

C10 Separated materials should be kept clean where appropriate and protected from weather damage.

C11 The bins and storage areas at a development site shall be clearly signposted outlining their purpose and content.

C12 Minimise site disturbance and limit unnecessary excavation.

C13 Pursue adaptive reuse opportunities of buildings and structures.

C14 Evidence such as weighbridge dockets and invoices for waste disposal or recycling services must be retained.

D2.3 RESIDENTIAL DEVELOPMENT

Controls

C1 For the development of new dwellings, the site must provide suitable area/s capable of accommodating Council's standard waste and recycling bins as indicated in Appendix D (Part 3) "Indicative Bin Sizes" with convenient access for all dwellings, suitable manoeuvrability space and within easy access to the collection point.

C2 All dwellings must provide an internal storage area for recyclable and compostable material, of a sufficient size to hold a minimum of a single day's recyclable, compostable and waste material.

C3 Areas for composting should be available for all residents in rear yards for single dwellings and in the communal area for multi-unit housing. This area should not impact on adjoining properties.

C4 In sink waste disposal systems are strongly discouraged.

C5 Consideration of the use of standard material sizes, prefabricated construction methods and by ordering materials "to fit", to limit waste.

Multi Dwelling Housing/Residential Flat Buildings

C6 Communal on-site waste storage and recycling areas or rooms should be provided where:

a. each dwelling does not have a separate area at ground level for the storage of bins;

b. the number of dwellings and number of bins would visually detract from the appearance of the development and surrounding streetscapes (i.e. generally when more than 20 dwellings are proposed);

c. it is necessary for ensuring an efficient collection service; and

d. it is required by Council.

C7 Communal waste storage and recycling areas (or rooms) should be provided which are:

a. located behind the main building alignment;

b. appropriately screened to minimise visual impacts on the development and streetscape;

c. designed in an appropriate manner and size to allow suitable manoeuvrability of bins;

d. designed to accommodate a servicing garbage truck;

e. designed with clearly defined loading areas for collection adjacent to waste and recycling storage rooms; and

f. within easy access for all dwellings and to the collection point.

Note: These communal waste storage and recycling areas should be located within the basement car park (or in the case when there is no basement, another accessible area that abides by the design criteria above).

Appendix D (Section 4) "Waste Recycling/Storage Rooms in Multi Dwelling Housing/Residential Flat Buildings" and (Section 7) "Example of a waste and recycling

storage room(s)" provides further specifications. Appendix D (Section 5) "Garbage Truck Dimensions for Residential Resource Recovery/Waste Collection", Appendix D (Section 7) "Example of a Waste and Recycling Storage Room(s)" and Appendix D (Section 8) "Vehicle Access and Turning Circles" should be referred to for further information.

C8 Developments that are four storeys or higher are to provide waste chute rooms on each floor. Chute rooms are to provide a chute for the disposal of general waste as well as space for co-mingled and paper and cardboard 240L recycling bins and 240L organic waste bin(s). Enough bins are to be provided to accommodate the equivalent of two days' of material for the dwellings serviced.

Note: Waste chute rooms are to be designed in accordance with the provisions under Appendix D (Section 9) "Waste chutes".

C9 Council may require developments to provide interim storage areas within the development or on separate floors. The interim storage areas must be large enough to accommodate and manoeuvre the number and size of bins required by Council (for waste, recycling, paper/cardboard and organics and the like).

An appropriate system for the transportation of recycling and waste bins from each floor must be provided.

C10 Communal on site waste storage and recycling areas or rooms must be capable of accommodating and manoeuvring Council's required number of standard waste and recycling bins as set out below.

C11 For multi-unit developments that propose 20 or more dwellings or where required by Council, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal for reuse or disposal. This room is to provide a minimum area of 0.63m² per unit. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.

C12 Communal waste storage and recycling areas or rooms must have bin wash facilities (trapped gully and water taps) and be clearly labelled with appropriate signage that indicates recycling and waste bin areas. It is preferable that residents and building maintenance staff have access to a hot and cold water supply for the cleaning of bins and the waste storage areas. These areas should be weatherproof and easy to clean, with the wastewater discharged to the sewer.

C13 The waste storage and recycling areas or rooms must be serviceable by Council's own waste and recycling vehicles and/or private collection contractors. Where collection vehicles must enter private property, design should be carried out in accordance with the requirements specified in Appendix D (Section 8) "Vehicle access and Turning Circles" and the *Australian Standard 2890.2 Parking Facilities* as amended.

C14 Within multi unit residential developments, an area is required to be nominated onsite for communal composting. This area is to be incorporated in any submitted landscaping plans. The operation of the facility is to be the responsibility of the owners' corporation. In determining the siting of this communal composting facility the following should be considered:

a. location and proximity to proposed and adjoining development, odour and the location of the drainage system;

b. the facility should be purpose built in design; and

c. appropriate signposting, to ensure that inappropriate waste is not added.

C15 The use of waste and recycling compaction equipment is prohibited.

Waste

Single Dwellings

C16 The amount of waste (domestic garbage) service provision is a maximum of 120 litres per dwelling per week.

Note: Households can choose a 55-litre, 80-litre or 120 litre bin which will result in differing rates of payment of the Domestic Waste Charge according to bin capacity.

Multi Dwelling Housing/Residential Flat Buildings

C17 Multi-unit housing generally share 240 litre garbage bins (red lid) for domestic garbage. All calculations for waste and recycling storage rooms are to be based on the dimensions of a 240L bin. The maximum garbage service for a single unit is 120 litres per week.

Note: The waste/recycling room needs to be designed to ensure that it can accommodate this maximum 120L service per unit. Waste bin allocation will be rounded up to the nearest 240L bin.

Recycling

Single Dwellings

C18 A 120L yellow lid recycling bin for comingled containers (i.e. bottles / cans) per household.

C19 A 120L blue lid bin for paper and cardboard per household.

Multi Dwelling Housing/Residential Flat Buildings

C20 Multi-unit housing developments generally share both 240L co-mingled and 240L paper and cardboard recycling bins. The maximum recycling service is 60L per dwelling per week (collected fortnightly). It is evenly split between the two recycling bin types.

C21 Allocation of the 240L recycling bins is to be rounded up to the nearest 240L bin for each bin type (co-mingled and paper & cardboard).

Example of recycling bin allocation calculation:

A 12 dwelling development generates 720L of recycling per week (60L x 12 dwellings). As recycling is collected fortnightly, the bin capacity to store this recycling is doubled. 1,440L of recycling bin capacity is therefore required. This is split between the two recycling bin types (comingled and paper & cardboard), resulting in the need 3 x 240L of each bin type, or 6 x 240L recycling bins in total.

C22 Accommodation for potential swap over to 660L bins must be made if waste or recycling material storage requirements meet or exceeds 660L for any waste or recycling bin type.

Garden Organics Bin

Single Dwellings

C23 A 240L lime green lid bin for organics per household

Multi Dwelling Housing/Residential Flat Buildings

C24 Where the development generates garden organic material (contains open space areas) a 240L bin (green lid) is provided which is generally shared as required based on the landscape component of the development.

Appendix D (Section 3) "Indicative Bin Sizes" provides Council's standard bin sizes

Ongoing Management of Residential Development

C25 For single dwellings, each dwelling shall have their own bins with individual householders taking responsibility for on-street placement and removal.

C26 For multiple residences, agents of the owners' corporation are to ensure that waste is transported to the collection areas at appropriate times on collection days. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

Note: Bins are to remain in their on-site storage area at all times other than for their placement at the collection point on the nominated collection day and then returned to their storage area within 12 hours of collection.

D2.4 NON-RESIDENTIAL DEVELOPMENT

Controls

C1 Typical waste generation rates for various non-residential uses are provided in Appendix D (Section 2) "Waste Generation Rates". These rates should be considered in the design of all developments.

C2 Waste and recycling storage and collection areas and/or rooms are to be provided that:

a. ensure that the system for waste management is compatible with the collection service;

b. provide for the onsite separation of reusable and recyclable materials;

c. provide for appropriate signage;

d. are suitably enclosed, covered and maintained;

e. ensure an acceptable method for the transportation of waste from each level or tenancy to the waste and recycling storage and collection areas;

f. provide for an appropriately designed and well located waste storage and recycling area and/or room with suitable manoeuvrability; and

g. provide for clear access for staff and collection services.

Further details can be found in Appendix D (Section 6) "Non Residential Development Waste and Recycling Storage Areas".

C3 Where these waste and recycling storage and collection areas are not internally located, they should be located behind the main building alignment and appropriately screened to minimise visual impacts on the development and streetscape.

C4 Communal waste and recycling areas shall be provided in the following circumstances:

a. for multiple occupancy tenancies; or

b. where design and/or site characteristics make it impractical for all tenancies to have separate collection points.

C5 Each tenancy within the building or complex shall have a designated and clearly defined space within a communal waste and recycling area, if provided. Each designated space shall provide sufficient commercial containers to accommodate the quantity of waste and recyclable material generated.

Appendix D (Section 7) "Example of a Waste and Recycling Storage Rooms" provides further details.

C6 Where collection vehicles must enter private property, design should be carried out in accordance with the requirements specified in Appendix D (Section 8) "Vehicle Access and Turning Circles" and the *Australian Standard 2890.2 Parking Facilities* as amended.

C7 Details are to be provided of compliance with any environmental health and safety requirements relating to on site storage and removal of waste materials such as refrigerated waste rooms, grease traps and the like.

C8 Waste disposal and recycling areas should be flexible in design allowing for future changes of use or tenancy.

C9 An internal waste/ recycling cupboard must be provided for every kitchen area in a development which is of a sufficient size to hold at a minimum a single day's recyclable, compostable and waste material.

C10 Consideration should be given to the provision of composting areas and/or organics recycling on-site. Composting equipment may also be considered providing that it's usage meets any state and federal legislative requirements.

C11 The use of waste and recycling compaction equipment is prohibited.

C12 In sink waste disposal systems are strongly discouraged.

Ongoing Management of Non-Residential Development

C13 For all developments, details must be provided in the Site Waste Minimisation and Management Plan which indicate the ongoing management of waste on site, such as lease conditions, caretaker on site and the like.

C14 Non-residential developments with multiple tenancies shall provide an acceptable method for the transportation of waste and recycling from each level or unit to a waste and recycling storage area. This should provide direct and convenient internal access which is available to all levels and tenants such as a goods lift or by a caretaker.

In these circumstances, space must be provided per floor for the temporary storage of waste and recyclables.

C15 All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site.

C16 Consideration should be given to the following:

a. where separation of glass is undertaken it should be carried out within the premises during the hours 8am to 5pm to ensure minimal noise impacts on surrounding properties;

b. production of hazardous waste requires particular attention and should be checked with the Council and NSW Department of Environment and Heritage; and

c. premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.

C17 Grease traps must be provided, where appropriate in accordance with Sydney Water's Trade Waste Pre-treatment Guidelines. Where possible, grease traps must be installed outside the building or in a dedicated grease trap room. Grease traps must not be accessed through food handling and storage areas.

Note: A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewerage system.

D2.5 MIXED USE DEVELOPMENT

Controls

C1 Mixed use development must incorporate separate and self-contained waste management systems for the residential and non-residential components.

C2 The residential waste management system must be designed in accordance with the controls related to residential development and the non-residential waste management system must be designed in accordance with the controls for non-residential development.

An example of a waste and recycling storage room is provided in Appendix D (Part 7) "Example of a Waste and Recycling Storage Room(s)".

Item 4

Attachment 1

PART E: WATER

Item 4

Attachment 1

CONTENTS

SECTION 1 – SUSTAINABLE WATER AND RISK MANAGEMENT 3

E1.1 APPROVALS PROCESS AND REPORTS REQUIRED WITH DEVELOPMENT APPLICATIONS 5

E1.1.1 Water Management Statement 5
E1.1.2 Integrated Water Cycle Plan 5
E1.1.3 Stormwater Drainage Concept Plan 6
E1.1.4 Flood Risk Management Report 6
E1.1.5 Foreshore Risk Management Report 6

E1.2 WATER MANAGEMENT 8

E1.2.1 Water Conservation 8
E1.2.2 Managing Stormwater within the Site 8
E1.2.3 On-Site Detention of Stormwater 9
E1.2.4 Stormwater Treatment 11
E1.2.5 Water Disposal 12
E1.2.6 Building in the Vicinity of a Public Drainage System 14
E1.2.7 Wastewater Management 14

E1.3 HAZARD MANAGEMENT 16

E1.3.1 Flood Risk Management 16
E1.3.2 Foreshore Risk Management 19

SECTION 1 – SUSTAINABLE WATER AND RISK MANAGEMENT

Objectives

Leichhardt is characteristic of an urbanised landscape with roads, buildings and footpaths creating significant surface area which is impervious to water. In this context, Council promotes water sensitive urban design as a means of minimising the impacts on the water cycle and resultant economic, environmental and social consequences.

O1 To ensure that development is carefully designed, constructed and maintained to minimise impacts on the water cycle and counteract the impacts of urban development by utilising measures in the design and operation of development that:

a. protect and restore aquatic and riparian ecosystems and habitats;

b. maintain and restore natural water balance;

c. reduce and manage the social, environmental and economic risks and impacts associated with major flood or tidal inundation events;

d. reduce erosion of waterways, slopes and stream banks;

e. improve water quality in streams and groundwater;

f. make more efficient use of water;

g. reduce the cost of providing and maintaining water infrastructure; and

h. contribute to reduction in the heat island effect by promoting growth of trees and vegetation.

i. minimise erosion of land from stormwater, minimise impacts to surrounding properties and ensure effective drainage of stormwater both via topography, natural resources and piped systems.

O2 To ensure that water management is considered at the site analysis stage of any development with consideration given to site characteristics such as soil type, slope, groundwater conditions, rainfall, the position within the catchment and the floodplain, and the scale and density of development. Planning and design of development is to incorporate site specific water sensitive urban design responses which may include such measures as:

a. use of roof water in place of mains supply for non-potable uses, especially for toilet flushing, laundry use and irrigation;

b. reuse of surface runoff for irrigation purposes;

c. use of greywater treatment systems to supplement water supply;

d. infiltration of stormwater to underground aquifers;

e. landscaping designed for cleansing runoff and conserving water;

f. protection of native vegetation to minimise site disturbance and conserve habitat; and

g. protection of stream corridors for their environmental, recreational and cultural values.

Note: The NSW Officer of Water Aquifer Interference Policy (AIP) applies to aquifers, and all of the considerations in the AIP would need to be incorporated in any such proposal.

O3 To maximise retention and absorption of surface drainage water on site.

O4 To minimise obstruction to the surface and underground flow of water.

O5 To avoid, minimise and mitigate adverse impacts:

O6 on any existing drainage pattern, waterway or drinking water catchment;

O7 of stormwater runoff on public and private property, the stability of watercourses and river banks, native bushland and receiving waters.

O8 To implement risk management measures in relation to flooding which:

a. minimise the adverse consequences of floods on the community and environment including potential danger to personal safety and damage to property, whilst taking into account the potential effects of climate change and sea level rise;

b. implement risk management measures in relation to tidal inundation and wave impact from Parramatta River and Sydney Harbour which minimise the adverse consequences on the community and environment including potential danger to personal safety and damage to property, taking into account the potential effects of climate change and sea level rise.

E1.1 APPROVALS PROCESS AND REPORTS REQUIRED WITH DEVELOPMENT APPLICATIONS

Council may require the submission of reports to accompany a development application. Some applications may require multiple reports to be submitted. The requirements of these reports are indicated in each section below.

E1.1.1 Water Management Statement

A Water Management Statement is to be included with all development applications where building works or subdivision is proposed.

The Water Management Statement should summarise how proposed water management measures comply with the water management controls contained in this Development Control Plan and how they are to be integrated into the development, including the following:

a. water conservation measures;

b. stormwater management and treatment;

c. stormwater disposal method;

d. any additional wastewater measures, if proposed;

e. on site stormwater detention facilities design, if applicable; and

f. flood or foreshore risk management, if applicable.

In a development affected by the NSW Building Sustainably Index (BASIX), the BASIX certificate is the appropriate response for the residential component of such development.

E1.1.2 Integrated Water Cycle Plan

The Integrated Water Cycle Plan is a design, management and implementation plan for large scale developments.

An Integrated Water Cycle Plan is required for all applications which are for:

a. 15 or more dwellings or residential lots; or

b. the provision of accommodation for 50 or more residents, occupants or employees; or

c. the creation of 2,500sqm or greater of impermeable surface; or

d. the subdivision of 2,500sqm or greater of land for commercial or industrial purposes; or

e. proposals which are expected to generate a water demand of 5,000 litres per day or more.

Where an Integrated Water Cycle Plan is required for BASIX affected development then, specifically regarding water conservation measures, the BASIX certificate is acknowledged as the appropriate response for the residential component of such development proposals and the Integrated Water Cycle Plan should respond to remaining aspects of water management, including water conservation measures for non-residential components of a proposal, if applicable.

Appendix E – Part 1: Integrated Water Cycle Plan of this Development Control Plan provides further information.

E1.1.3 Stormwater Drainage Concept Plan

A Stormwater Drainage Concept Plan is required for all applications that include alterations or additions to existing roof areas, new roof areas, or as required elsewhere in this Development Control Plan.

The purpose of a Stormwater Drainage Concept Plan is to demonstrate how stormwater will be managed on the site, how it will be collected, conveyed and disposed of from the site and any stormwater management measures that are required by this Development Control Plan. A Stormwater Drainage Concept Plan is not intended for use as a construction plan. Further details of design and specification may be required for the issue of a Construction Certificate.

E1.1.4 Flood Risk Management Report

A Flood Risk Management Report is required for applications that are identified as flood control lots on the maps in Appendix E – Part 4: Flood Control Lot Maps.

The Report must be informed by a Flood Certificate issued for the subject property, to be obtained by application to Council. The Certificate provides relevant flood information for the subject site and surrounds, including the 1% AEP flood level, Flood Planning Level, Probable Maximum Flood (PMF) level and the Flood Hazard Category.

The report is not required where the assessed value of the works is under $50,000 except where, in the opinion of Council, those works are likely to substantially increase the risk of flood to the subject or adjoining or nearby sites. The Report may be limited to a short report (Flood Risk Management Statement) for single residential dwellings, alterations and additions or change of use developments where the property is confirmed by the Flood Certificate as being subject only to low hazard flooding.

Some applications for sites identified as a flood control lot will require both a Flood Risk Management Report and a Foreshore Risk Management Report (see below).

Appendix E – Part 2: Flood Risk Management Report provides further information on how to prepare a Flood Risk Management Report or Statement.

E1.1.5 Foreshore Risk Management Report

A Foreshore Risk Management Report is required for sites identified as foreshore flood control lots on the maps in Appendix E – Part 5: Foreshore Flood control lot Maps.

This report is not required where:

a. the value of works is under $50,000; or

b. there are no new works proposed below RL 3.5m Australian Height Datum (AHD); or

c. there are no existing habitable structures or buildings below RL 3.5m AHD; or

d. any proposed jetties, bridging ramps or pontoons are located on the seaward side of the foreshore edge.

Unless Council considers that the works are likely to substantially increase the risk of flooding to the subject or adjoining or nearby sites.

The Foreshore Risk Management Report must establish the Foreshore Planning Level and an on-site response and evacuation plan. Some applications for sites identified as flood control lots will require both a Flood Risk Management report and a Foreshore Risk Management Report (see above).

An application for a Flood certificate can be made to Council to obtain information on flooding of the subject site and surrounds. The information within the Flood certificate can be utilised to inform the preparation of the Flood Risk Management Report.

Appendix E – Part 3: Foreshore Risk Management Report provides further information.

E1.2 WATER MANAGEMENT

E1.2.1 Water Conservation

There is a need to use water more efficiently due to the limitations on potable water supply systems and the increasing urban population.

Objective

O1 To design development to improve water conservation and increase on-site storage of rainwater for reuse.

Controls

C1 These controls are complementary to BASIX. For all applications where BASIX is not applicable the following water efficiency design elements must be included and indicated on submitted plans:

a. new or altered showerheads are to have a flow rate of no greater than 9 litres per minute or a 3 star or better water rating;

b. new or altered toilets are to have a flow rate no greater than 4 litres per average flush or a 3 star or better water rating; and

c. new or altered taps must have a flow rate no greater than 9 litres per minute or a 3 star or better water rating.

C2 Site landscaping should be designed with water efficient gardens. Planting schedules indicating suitable indigenous and low water use species from the relevant local native vegetation community should be provided. These should be chosen from the following list: https://www.basix.nsw.gov.au/basixcms/basix-help-notes/water/landscape-2/plantspecies.html

C3 Where on site retention facilities for rainwater reuse and/ or stormwater reuse are proposed to service all toilets, laundries and outdoor usage, on site detention storage volume (where required) may be reduced. Calculations to justify this reduction must be provided to Council and demonstrate that the equivalent reduction in post development flows are achieved.

E1.2.2 Managing Stormwater within the Site

Council seeks to minimise the effect of new buildings and structures and alterations to the existing topography on the natural flow of stormwater runoff by integrating the general site layout with the design of the stormwater drainage system.

Typical considerations should include:

a. minimising disturbance to the natural surface landform;

b. allowing a gap between buildings or structures and the boundary to allow excess surface flows to pass through the site, consistent with the topography of the land (i.e. downhill);

c. using lightweight or paling fences to allow excess surface flows to pass through; and

d. providing a step up to the building entrances from external finished ground levels.

Objective

O1 To integrate site layout and the drainage system to avoid nuisance flows and flooding within the development and onto neighbouring properties.

Controls

C1 Site layout must be designed to minimise disruption or disturbance of land surfaces or natural drainage patterns. Where natural surface flows from uphill lands, have the potential to flow through the property, notwithstanding the presence of fences, walls and minor structures, they must not be blocked or redirected as a consequence of the proposal.

C2 Buildings are to be setback where overland flow paths are needed in that location due to site constraints to convey flows across the surface.

C3 Solid or masonry boundary fences should not be erected where they will divert stormwater runoff to another property. Boundary fences should be of lightweight or partially open construction in these circumstances.

C4 The site drainage system must be designed to collect and convey flows by gravity and include a pipe system for frequent rainfall events combined with an overland flow path to convey larger flows that are generated during storms.

C5 Where an overland flow path cannot be provided due to the position of existing buildings and structures that are to be retained, the capacity of the pipe system must be designed to capture and convey the 100 year Average Recurrence Interval storm event flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.

C6 Where the development would cause the existing and/ or natural drainage patterns in the vicinity of the site to be blocked or diverted or otherwise concentrate flows onto another property, an inter allotment drainage system must be constructed to collect and convey those flows, and an associated drainage easement created.

C7 Adequate provision must be provided to minimise the potential for surface waters entering buildings which may cause damage to property. This should include a minimum of 150mm step between the external finished surface level and the finished floor level. A larger step may be required where the surface waters from multiple uphill properties have the potential to enter the site.

E1.2.3 On-Site Detention of Stormwater

Urban development increases the area of impermeable surfaces and causes significant alterations to the hydrological cycle. As older buildings are redeveloped, and drainage systems are replaced, they have the potential to increase the rate of discharge from those sites. These effects can cause the peak flow rates to be increased along the downstream drainage systems and place additional burden on the aging stormwater infrastructure, which has often been installed many years ago to a standard applicable at the time.

This increases the likelihood of flooding to downhill properties, and needs to be mitigated by providing detention storage on the development site which temporarily stores stormwater before slowly releasing it into the public drainage system.

Objective

O1 To reduce the peak stormwater flows into the public drainage system and reduce the probability of downstream flooding.

Controls

C1 On-site detention facilities are required except where:

a. the site drains directly into Parramatta River or Sydney Harbour; or

b. the proposal is for minor works to a single dwelling, commercial or industrial building and where the impervious area is not increased by more than 40 square metres; or

c. subdivision of existing or currently approved dwellings.

C2 The on-site detention facilities design should be designed by an appropriately qualified civil engineer and be supported by calculations demonstrating that the post development flows for the 100 year Average Recurrence Interval (ARI) storm event are restricted to the pre development flows for the 5 year ARI storm event. Additional on-site detention storage may be required where the site does not drain naturally to any street frontage in accordance with controls in Section E1.2.5 C3.

C3 On-site-Retention (OSR) may be used in lieu of OSD in accordance with the following criteria:

a. For attached dwellings, dwelling houses, secondary dwellings and semi-detached dwellings, the OSR storage shall be sized as follows:-

LOT SIZE - sqm	Minimum OSR TANK SIZE per PROPOSED LOT (Strata or Torrens) - Litres
Greater 200	5,000
Less 200, greater 100	4,000
Less 100	3,000

b. For other developments excluded by the above, OSR may be used to offset the calculated OSD storage volume at a rate of 1m3, for every 2.5m3 of OSR storage provided (up to a maximum OSD offset of 10m3).

c. The OSR must supply water to all new and/or upgraded toilet cisterns, laundry washing machine connections, external taps, and irrigation systems. The standard labelling shall be displayed at such outlets.

E1.2.4 Stormwater Treatment

Increased runoff during rainfall events flushes pollutants such as litter, sediment, suspended solids, nutrients, oil, grease and toxicants into the stormwater system which may reach other waterways.

Objective

O1 To minimise the transport of pollutants into the harbour and other waterways.

Controls

C1 For all development applications for building works, other than single dwellings, a water quality filtration basket or similar primary treatment device must be installed on the site stormwater drainage system.

C2 For major or significant development, water quality treatment techniques such as gross pollutant traps, sediment traps, filter strips, grass swales, porous pavers, infiltration trenches, rain garden and sand filters should be provided where appropriate.

C3 For applications for open car parks with 9 or more spaces (including loading bays), an additional device to remove oil and grease from the driveway and stormwater runoff must be installed.

C4 Car wash bays must be provided for applications for multi unit residential development. For developments with more than 3 but less than 16 dwellings, the car wash bay may be provided separately or in one of the visitor car spaces. For developments with 16 or more dwellings, a dedicated car wash bay must be provided at a rate of 1 bay per 60 dwellings or part thereof.

C5 For applications that require an Integrated Water Cycle Plan, water quality treatment measures must be installed that meet the following environmental targets for stormwater runoff leaving the site:

Pollutant	Baseline Annual Pollution Load (kg/ha/yr)	Retention Criteria
Gross pollutants, including trash, litter and vegetation matter greater than 5mm	500	90% reduction of average annual load
Total suspended solids, including sediment and other fine material less than 5mm	900	85% retention of average annual load
Total Phosphorous	2	65% retention of average annual load
Total Nitrogen	15	45% retention of average annual load
Hydrocarbons (Oils and Greases)		90% reduction of annual load – no visible discharge
Toxicants		100% containment of toxicants

(Source: Catchment Management Authority Sydney Metropolitan: Draft Managing Urban Stormwater: Environmental Targets October 2007)

The design of the stormwater treatment system must be incorporated into the Integrated Water Cycle Plan.

E1.2.5 Water Disposal

The public stormwater drainage system is made up of minor and major drainage infrastructure. This infrastructure is both piped and un-piped with different components owned and managed by either Council or Sydney Water.

Stormwater infrastructure

- Council minor drainage systems include kerb and gutter, dish gutters, surface drains and small pipes to take water through road intersections.
- Council and Sydney Water trunk drainage systems include pits, pipelines, culverts, open channels and associated overland flow paths located within public land or passing through private property.
- Sydney Water major drainage systems include Whites Creek, Johnstons Creek and Hawthorne Canal.

All properties should be connected to the public drainage system, unless stormwater can be discharged directly to Parramatta River or Sydney Harbour. The scale and nature of the development will determine whether the site discharge should be connected to the minor or piped/trunk drainage system.

The discharge should always be in the same direction and within the same catchment as the site naturally drains. The discharge of subsurface waters from basement structures to the public drainage system should be avoided as it can cause nuisance or public health risks. Where possible subsurface water should be retained on site or otherwise be connected to the piped trunk drainage system.

Objective

O1 To maintain existing natural drainage patterns and avoid nuisance and flooding to the drainage system and downstream properties.

Controls

C1 Where the site drains naturally towards any street frontage, stormwater runoff from all roof and impermeable areas must be drained by gravity to the public drainage system of that street frontage.

C2 Where the site naturally drains away from all street frontages and cannot discharge stormwater directly to Parramatta River or Sydney Harbour, stormwater runoff should be drained to a piped trunk drainage system, if it passes through the site, or an existing registered drainage easement benefiting the site.

Where neither of these options is available but the roof areas of the development may be drained to the street:

a. for minor developments that result in additional roof area of less than 20sqm of roof area (including a garage or carport), the existing site drainage system may be utilised;

b. for minor developments that result in the addition or alteration of more than 20sqm but less than 40sqm of roof area, as much roof and surface areas as practicable should be drained by gravity to the street frontage above;

c. for development to a single dwelling that results in the addition or alteration of more than 40sqm of roof areas, the entire roof areas of the existing dwelling should be drained by gravity to the street frontage above; and

d. for new single dwellings, at least 80% of all paved/impermeable surfaces should be drained by gravity to the street frontage above.

The drainage of any roof and surface areas that cannot drain to the street must be designed to cause no concentration of flows or nuisance to downstream properties.

C3 Where the controls in E1.2.5 C2 cannot be met, a drainage easement over a downstream property to the street below should be sought. Council will not consider alternative solutions unless detailed evidence of the efforts to obtain an easement is provided and the development is for a single dwelling or minor works to a residential, commercial or industrial building.

C4 Connection to the public stormwater drainage system should be undertaken as follows:

a. Where the development is for up to two dwellings or minor works to residential, commercial or industrial buildings, new connections should be made to the kerb and gutter of the street frontage.

The peak discharge to the kerb and gutter is 15 Litres/second for the 100 year Average Recurrence Interval storm event. Where the site discharge exceeds 15 Litres/ second, the outlet pipeline must be connected directly to the public piped drainage system. Alternatively, for developments that require on site detention facilities, the storage volume may be increased such that the peak discharge is limited to 15 Litres/ second;

b. For all other developments, the site must be drained to the downhill extent of the site, generally in the direction that the site naturally drains. The outlet pipeline must be connected directly to the public piped drainage system. Where the piped drainage system is not available at the street frontage, the existing public system must be extended to the frontage of the site as specified by Council.

Council will only consider permitting the site to be drained contrary to the direction that the site naturally drains where it is demonstrated that there is no adverse impacts on the receiving drainage system. At a minimum, additional on-site detention and on site retention storage must be provided to ensure that peak flow rates and flow volumes are not increased in the receiving drainage system.

C5 Basements must be of fully tanked construction such that pump-out systems are not required to drain the subsurface drainage system. Consideration will only be given to the provision of a pump-out system where it can be demonstrated by detailed geotechnical investigation that groundwater flows are minimal or intermittent.

C6 For basements other than for car parking purposes this will only be considered where it is demonstrated that they will not be subject to the ingress and surface stormwater, and where the sump and pump facilities can be housed and accessed for maintenance from an area external to the building above. Floor areas partly below the natural ground surface level will only be considered where it is demonstrated that they will not be subject to the ingress of surface stormwater, and where an overland flowpath can be provided from all adjacent external finished surfaces.

C7 For basements associated with car parking facilities, a pump out system is permitted for minor surface areas that drain to the basement. All other forms of access to the basement must be protected from the weather so that the entry of stormwater runoff to the basement is minimised.

E1.2.6 Building in the Vicinity of a Public Drainage System

The public stormwater drainage system often passes through private property. This system will be owned by Council or Sydney Water and will generally be carrying out dual functions. Water from more common rainfall events is carried by the pipelines below the ground, while the water generated during larger storm events is carried across the surface.

New development in close proximity to these drainage systems must not compromise the functionality of or limit the capacity of the responsible authority to manage the system.

Approval is required from Sydney Water for construction in the vicinity of their piped drainage system and Council must consider the wider implications such as the flood risk.

Objective

O1 To ensure that development in close proximity to the public drainage system does not compromise the functionality of the system and provides adequate access for its future management.

Controls

C1 The construction of permanent structures or placing of fill over Council's piped drainage system is not permitted. Permanent structures include buildings, eaves, balconies, garages, impervious fences, swimming pools and retaining walls.

C2 Where the drainage system is within a drainage easement, these above restrictions extend over the width of the easement. Where the drainage system is not within an easement, the above restrictions are extended by 1500mm to both sides of the centreline of the drainage structure. These restrictions may be extended further due to considerations associated with flood risk management.

C3 Council may permit open structures where it can be demonstrated that they will not increase the risk of flooding to the subject or adjoining properties or Council property. These structures must not prevent or hamper future access to the drainage system for works and maintenance. Examples of open structures include carports or open parking spaces.

C4 The construction of structures over or adjacent to the Sydney water piped stormwater drainage system must be approved by Sydney Water. This Development Control Plan may impose additional conditions to those imposed by Sydney Water.

E1.2.7 Wastewater Management

In addition to the installation of water saving devices and rainwater tanks, water may be conserved by treating wastewater on the site and, where appropriate, reusing it.

Objective

O1 To encourage recycling of the water resources in a safe and sustainable manner.

Controls

C1 All developments must be connected to the centralised sewerage waste disposal system operated by Sydney Water.

C2 On site wastewater treatment must be designed and installed to meet all relevant statutory requirements and any relevant Australian Standards.

E1.3 HAZARD MANAGEMENT

E1.3.1 Flood Risk Management

Much of the Council and Sydney Water owned stormwater drainage systems were designed at a time which preceded the current level of development and have not been upgraded or updated to a corresponding level.

The piped component of the system is designed to carry the runoff from frequent rainfall events. During larger storm events stormwater will flow across the surface following the natural valleys and depressions.

With the increased stormwater runoff that follows development and the greater number and concentration of buildings and dwellings along the creeks and natural depressions, there has been a gradual rise in flooding risk in the area. Careful design is required to ensure that property's current and future landowners, occupiers and the community are not exposed to flooding due to the redirection or removal of flow paths.

Objective

O1 To manage development of flood control lots and flood prone land to reduce the risks and costs associated with flooding.

Controls

C1 Applications submitted for a flood control lot must be accompanied by a Flood Risk Management Report supported by a flood study prepared by a relevantly qualified civil engineer. The report must establish the Hazard Category of the site.

Single Dwelling Residential or Dual Occupancy Development

C2 All floor levels including any existing components to be retained, are to be at or above or raised to the Flood Planning Level with the following exceptions:

for alterations and additions to a residential dwelling, some or all of the existing floor levels may be retained below the Flood Planning Level provided that each of the following is complied with:

a. the floor levels of the additions and any altered floor areas must be at or above or raised to the Flood Planning Level;

b. where the alterations and additions affect less than 60% of the total existing habitable ground floor areas, those existing areas that are not to be significantly altered may be retained below the Flood Planning Level;

c. where the alterations and additions affect greater than 60% of the total existing habitable ground floor areas, but raising some or all of the existing floor levels is impracticable due to Heritage or Conservation Area constraints, only those areas so constrained may be retained below the Flood Planning Level;

d. the additions must be designed and constructed such that they do not preclude the raising of the existing floor areas to the Flood Planning Level at a future date;

e. for any addition above ground floor, the floor level of the addition must be at a height that allows for the ground floor below to be raised in the future (if not required to be raised under the above controls) to the Flood Planning Level, whilst maintaining minimum floor to ceiling height requirements;

f. parts (d) and (e) are subject to compliance with other relevant requirements in the Development Control Plan residential controls; and

g. any floor areas of the existing dwelling that are to be retained at the existing level, or below the Flood Planning Level, must be satisfactorily flood proofed (either wet or dry) to the Flood Planning Level.

h. Council will consider a reduction in the freeboard from 500mm to 300mm the property is only affected by areas of minor overland flow(a depth of 300mm or less, or overland flow of 2 cum/sec or less) subject to an adequate alternate flow path being available.

Multi Unit Residential Development for 3 or more Dwellings

C3 All floor levels are to be at or above the Flood Planning Level.

Commercial, Industrial and Mixed Use Development

C4 All floor levels, including any existing components to be retained, are to be at or above the Flood Planning Level or raised to the Flood Planning Level.

Where constructing the floor level or raising the floor level of existing development to the Flood Planning Level may be impracticable, due to site and access constraints, consideration may be given to some or all of the non-residential floor levels having a freeboard of less than 500mm above the 1% AEP flood level provided that satisfactory flood proofing (either wet or dry) is achievable to the Flood Planning Level. All entrances and evacuation routes servicing any residential components must be above the Flood Planning Level.

Subdivision

C5 Permitted only where it can be demonstrated that as a result of the development or future anticipated development on the proposed lots, that there are adequate building platforms or developable areas such as car parking facilities that can be provided above the Flood Planning Level.

For the subdivision of an existing building or one with a current development consent, the flood risk management options must be implemented where practicable. This is to include, at a minimum, suitable evacuation and emergency response measures.

Special uses (emergency services, accommodation or treatment of children, the aged, disabled or vulnerable)

C6 All floor levels are to be at or above the Probable Maximum Flood Level or Flood Planning Level, whichever is the highest.

Other Developments

C7 The above controls for Commercial, Industrial and Mixed Use Development apply to all other development.

Land with a High Hazard Category

C8 If a development is identified in the Flood Risk Management Report as being in a High Hazard Category, the development must demonstrate that:

a. there is no net loss in flood storage and floodway area as a result of the development;

b. the development will not increase velocity, volume or direction of flood waters;

c. for subdivisions, that there are adequate building platforms or developable areas including car park facilities and access which are not affected by the High Hazard Category;

d. the underside of all new floors are above the Probable Maximum Flood Level or Flood Planning Level, whichever is the highest, and all structures designed to withstand the High Hazard condition;

e. the principle entries to all dwellings and common areas are located above the Probable Maximum Flood Level or Flood Planning Level, whichever is the highest, and an evacuation route is provided clear of the floodway;

f. Basement (below natural ground level) car parking is only permitted where all access and potential water entry points are above the Probable Maximum Flood Level or Flood Planning Level, whichever is the higher, and a clearly signposted flood free pedestrian evacuation route is provided from the basement area separate to the vehicular access ramps: and

g. parts (d) and (e) are subject to compliance with other relevant requirements in the Development Control Plan residential controls.

Car parking Facilities and Basements

C9 The floor level of new enclosed garages must be at or above the 1% AEP flood level plus 200mm. In extenuating circumstances, consideration may be given to a floor level at a lower level, being the highest practical level but no lower than 180mm below the 1% AEP flood level, where it can be demonstrated that providing the floor level at the Flood Planning Level is not practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking facilities as amended.

The floor levels of open car park areas and carports must meet the same criteria as above for garages. In extreme circumstances, for single dwelling residential development, a floor level below the 1% AEP minus 180mm may be accepted for a single car space, subject to bollards being provided along the 'free' perimeter (excluding the vehicle entry on one side only) at 1.2m intervals and the floor level being raised as high as practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking facilities as amended.

On properties with a low flood hazard classification, basement (below natural ground level) car parking must have all access and potential water entry points above the Flood Planning Level and provide a clearly signposted flood free pedestrian evacuation route from the basement area separate to the vehicular access ramps. Refer to C8(f) for basement car parking in properties affected by High Hazard flooding.

Flood Mitigation and Modification Works

C10 Those works that modify the stormwater drainage system or flood behaviour within the development site are permitted subject to the following:

a. they do not have an adverse impact on any surrounding property;

b. a Section 88B notation is to be placed on the title of the land that informs future landowners that flood protection measures, and the associated locations, have been undertaken on the property and/or the dwelling and of the need to retain and maintain these structures and works for future flood mitigation; and

c. where it is demonstrated that flood mitigation works result in the safe diversion of the floodwater away from the proposed development, the floor level may be located below the Flood Planning Level.

E1.3.2 Foreshore Risk Management

Properties along the foreshore land bordering Parramatta River and Sydney Harbour can be affected by inundation and wave impact during storm events. Future global sea level rises will see an increase in this effect.

Floor levels of development along the foreshore need to be constructed high enough to minimise the potential for inundation in the long term and designed to withstand the impact of waves during storm events.

Objective

O1 To manage development along the Parramatta River and Sydney Harbour foreshores to reduce the long term risks associated with tidal inundation and wave impact.

Controls

C1 Applications for a flood control lot on the foreshore must be accompanied by a Foreshore Risk Management Report supported by a flood study prepared by an appropriately qualified civil engineer.

New residential development and alterations and additions to residential development

C2 All floor levels including any existing components of the development (excluding open balconies) must be at or above or raised to the Foreshore Planning Level. However, existing floor levels may be retained below the Foreshore Planning Level for alterations and additions to existing residential dwellings, provided that each of the following controls are complied with:

a. the floor levels of the additions and any altered floor areas must be at or above or raised to the Foreshore Planning Level;

b. where alterations and additions affect less than 60% of the total existing floor areas, those existing areas that are not to be significantly altered may be retained below the Foreshore Planning Level;

c. where the alterations and additions affect greater than 60% of the total existing ground floor areas and raising some or all of the existing floor levels is impracticable due to Heritage or Conservation Area constraints, only those areas so constrained may be retained at the existing level;

d. the additions must be designed and constructed such that they do not preclude the raising of the existing floor areas to the Foreshore Planning Level at a future date or when further additions are proposed;

e. for any addition above ground floor, the floor level of the addition must be at a height that allows for the ground floor below to be raised in the future (if not required to be raised under the above control) to the Foreshore Planning Level, whilst maintaining minimum floor to ceiling height requirements;

f. parts (d) and (e) are subject to compliance with other relevant requirements in the Development Control Plan residential controls; and

g. any floor areas of the existing dwelling to be retained at the existing level, below the Foreshore Planning Level, must be satisfactorily flood proofed (either wet or dry) to the Foreshore Planning Level.

All other development types

C3 Where constructing the floor level, or raising the floor level of existing development to the Foreshore Planning Level is difficult to achieve due to site and access constraints, consideration may be given to some or all of the floor levels being up to 300mm lower than the Foreshore Planning Level provided that satisfactory flood proofing (either wet or dry) is achievable to the Foreshore Planning Level.

Subdivision

C4 Subdivision of foreshore land will only be supported where it can be demonstrated that adequate building platforms or developable areas, including car parking facilities and access, can be provided above the Foreshore Planning Level.

Car parking Facilities / Basements

C5 The floor level of new enclosed garages must be at or above the Foreshore Planning Level. The floor levels of open car park areas and carports are permissible as low as 300mm below the Foreshore Planning Level, subject to them having been raised as high as practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking Facilities as amended.

Basements (below natural ground level) for car parking or other purposes, must have all access and potential water entry points above the Foreshore Planning Level and a clearly signposted pedestrian evacuation route from the basement area separate to any vehicular access ramps.

General Requirements

C6 Mitigation works that modify the wave action or tidal inundation behaviour within the development site, including the filling of land, the construction of retaining structures and the construction of wave protection walls, may be permitted on a merit basis subject to demonstrating that there is not adverse impact on the subject property or surrounding land.

A Section 88B notation under the *Conveyancing Act 1919* may be required to be placed on the title of the land describing the location and type of mitigation works with a requirement for their retention and maintenance.

APPENDIX D: SITE WASTE MINIMISATION AND MANAGEMENT PLAN TEMPLATE

Item 4

Attachment 1

CONTENTS

SECTION 1 – SITE WASTE MINIMISATION AND MANAGEMENT PLAN TEMPLATE..... 4

1.1 APPLICANT AND PROJECT DETAILS..... 4
1.2 DEMOLITION (ALL TYPES OF DEVELOPMENTS)..... 5
1.3 CONSTRUCTION (ALL TYPES OF DEVELOPMENTS)..... 6
1.4 ONGOING OPERATION (ALL TYPES OF DEVELOPMENT)..... 8
1.5 "INDICATIVE BIN SIZES" PROVIDES COUNCIL'S STANDARD BIN SIZES..... 9

SECTION 2 – PLANS AND DRAWINGS..... 10

2.1 DEMOLITION..... 10
2.2 CONSTRUCTION..... 10
2.3 ONGOING OPERATION..... 11
2.4 WASTE AND RECYCLING GENERATION RATES..... 12

SECTION 3 – INDICATIVE BIN SIZES..... 13

SECTION 4 – WASTE/RECYCLING STORAGE ROOMS IN MULTI DWELLING HOUSING / RESIDENTIAL FLAT BUILDINGS..... 14

SECTION 5 – GARBAGE TRUCK DIMENSIONS FOR RESIDENTIAL RESOURCE RECOVERY/WASTE COLLECTION..... 15

SECTION 6 – NON RESIDENTIAL DEVELOPMENT WASTE AND RECYCLING STORAGE AREAS..... 16

6.1 LOCATION AND APPEARANCE..... 16
6.2 SIZE..... 16
6.3 LAYOUT..... 16
6.4 ACCESS: WASTE/RECYCLING COLLECTION..... 17
6.5 ACCESS: GENERAL..... 17
6.6 SURFACES..... 17
6.7 DOORS/GATES..... 17
6.8 SERVICES..... 17
6.9 SIGNAGE..... 17
6.10 MANAGEMENT..... 18

SECTION 7 – EXAMPLE OF A WASTE AND RECYCLING STORAGE ROOM(S)..... 19

SECTION 8 – VEHICLE ACCESS AND TURNING CIRCLES..... 20

WASTE MINIMISATION AND MANAGEMENT PLAN TEMPLATE

Item 4

Attachment 1

SECTION 1 – SITE WASTE MINIMISATION AND MANAGEMENT PLAN TEMPLATE

1.1 APPLICANT AND PROJECT DETAILS

Applicant and Project Details (All Developments)	
Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
This development achieves the waste objectives set out in this Development Control Plan. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, relevant NSW State waste and health and safety authorities.	
Name	
Signature	
Date	

1.2 DEMOLITION (ALL TYPES OF DEVELOPMENTS)

Address of development: _____

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m^3)	Estimate Volume (m^3)	Estimate Volume (m^3)	Specify method of on site reuse, contractor and recycling outlet and /or waste disposal facility to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metal (specify)				
Glass				
Furniture				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste e.g. asbestos (specify)				

Other (specify)				

1.3 CONSTRUCTION (ALL TYPES OF DEVELOPMENTS)

Amounts provided below should be for excess or leftover construction waste material.

Address of development: _____

Construction Waste 'Rule of Thumb' for renovations and small home building:

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: *Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998*

Type of Waste	Reuse	Recycling	Disposal	Onsite reuse
Type of waste generated	Estimate Volume (m^3)	Estimate Volume (m^3)	Estimate Volume (m^3)	Specify method of onsite reuse, contractor and recycling outlet and/or waste disposal facility to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metal (specify)				
Glass				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste (specify)				

1.4 ONGOING OPERATION (ALL TYPES OF DEVELOPMENT)

Address of development: _____

Show the total volume of waste and recyclables expected to be generated by the development and the associated waste and recycling storage requirements.

Please note that if the development is for a mixed use, that is, contains components of both residential and non-residential development, separate plans regarding the "ongoing operation" may need to be completed.

	Recyclables		Compostable	Residual waste*	Other
	Paper/ cardboard	Metals/ plastics/ glass			
Amount generated (L per unit per day)					
Amount generated (L per development per week)					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m^2)					
Floor area required for manoeuvrability (m^2)					
Height required for manoeuvrability (m)					

**Current "non-recyclables" waste generation rates typically include food waste that might be further separated for composting.*

1.5 "INDICATIVE BIN SIZES" PROVIDES COUNCIL'S STANDARD BIN SIZES

Construction Design (All Types of Developments)
Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development:
Detail the arrangements that would be appropriate for the ongoing use of waste facilities as provided in the development. Identify each stage of waste transfer between residents' units/commercial tenancies and loading into the collection vehicle, detailing the responsibility for and location and frequency of, transfer and collection. *(Please refer to other Appendices within this Chapter for further information)*

SECTION 2 – PLANS AND DRAWINGS

(This section to be completed for all developments other than single dwellings, dual occupancies and secondary dwellings).

The following checklists are designed to help ensure SWMMPs are accompanied by sufficient information to allow assessment of the application.

Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during:

- demolition
- construction, and
- ongoing operation.

2.1 DEMOLITION

Ensure the site plans indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

2.2 CONSTRUCTION

Ensure the site plans indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

2.3 ONGOING OPERATION

Ensure the site plans indicate:

	Tick Yes
Space	
Size and location(s) of waste and recycling storage areas	
Recycling bins placed next to residual waste bins	
Space provided for access to and the manoeuvring of bins/equipment	
Any additional facilities	
Access	
Access route(s) to deposit waste in storage room/area	
Access route(s) to collect waste from storage room/area	
Bin carting grade	
Location of final collection point	
Clearance, geometric design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
Amenity	
Aesthetic design of waste storage areas	
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	

2.4 WASTE AND RECYCLING GENERATION RATES

Ongoing Operation

Premises type	Waste generation	Recyclable material generation
Backpackers' accommodation	40L/occupant space/week	20L/occupant space/week
Boarding house, guest house	60L/occupant space/week	20L/occupant space/week
Butcher	185L/100 sqm floor area/day	100L/100 sqm floor area/day
Delicatessen	80L/100 sqm floor area/day	50L/100 sqm floor area/day
Fish shop	250L/100 sqm floor area/day	85L/100 sqm floor area/day
Greengrocer	310L/100 sqm floor area/day	120L/100 sqm floor area/day
Restaurant	400L/100 sqm floor area/day	280L/100sqm floor area/day
Café	215L/100 sqm floor area/day	300L/100 sqm floor area/day
Supermarket	240L/100 sqm floor area/day	300L/100 sqm floor area/day
Takeaway food shop	175L/100 sqm floor area/day	60L/100 sqm floor area/day
Hairdresser, beauty salon	40L/100 sqm floor area/week	40L/100 sqm floor area/day
Hotel or motel accommodation	20L/100 sqm floor area/day	30L/100 sqm floor area/day
Hotels, bars, clubs	90L/100 sqm floor area/day	80L/100 sqm floor area/day
Child care centre	250L/100 sqm floor area/day	120L/100 sqm floor area/day
Offices	20L/100 sqm floor area/day	30L/100 sqm floor area/day
Retail (non-food)	50L/100 sqm floor area/day	50L/100 sqm floor area/day
Showroom	25L/100 sqm floor area/day	25L/100 sqm floor area/day

SECTION 3 – INDICATIVE BIN SIZES

Bin type	Dwelling Type	Height	Depth	Width	Footprint – ^{m2}/bin
80 Litre Bin	Single dwelling	825mm	496mm	452mm (wheel to wheel)	0.22 sqm
*120 Litre Bin	Single dwelling or Multi dwelling housing	930mm	545mm	480mm (wheel to wheel)	0.26 sqm
**240 Litre Bin	Single dwelling or Multi dwelling housing or Residential component of Mixed Use Development	1060mm	730mm	585mm	0.43 sqm
 ***660 Litre Bin	Multi dwelling housing or residential component of mixed use development	1250mm	850mm	1370mm	1.16 sqm
55 Litre Bin 	Single dwelling	540mm			Diameter 410mm
Non-Residential Use					
660Litre skip bin For use in developments that use a commercial waste collection provider.		1250mm	850mm	1370mm	1.16 sqm

* 120L recycling bins are the same dimensions

** 240L recycling and garden bins are the same dimensions

***660L recycling bins are the same dimensions

SECTION 4 – WASTE/RECYCLING STORAGE ROOMS IN MULTI DWELLING HOUSING / RESIDENTIAL FLAT BUILDINGS

Building Code of Australia

Waste/recycling storage rooms must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.

Location and Appearance

Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line. Wherever possible, and for all buildings with 20 dwellings or more or where required by Council, the room should be in a basement location within the main building envelope (rather than a separate stand-alone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.

Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:

- the proximity of the room to any dwellings;
- the visibility of the room;
- noise generated by any equipment located within the room;
- noise generated by the movement of bins into and out of the room;
- noise generated by collection vehicles accessing the site; and
- odours emanating from the room.

Size

Waste/recycling storage rooms must be of adequate size to comfortably access, accommodate, manouevre, empty and transfer all waste and recycling bins associated with the development.

Layout

The gradient of waste/recycling storage room floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying bins can occur in accordance with the NSW Government's Work Health and Safety requirements.

Within waste/recycling storage rooms, bins used for the storage of recyclable materials should be kept separate from (but close to) general waste bins with signage indicating the relevant recyclable waste type— so that the potential for contamination of recyclable materials is minimised.

SECTION 5 – GARBAGE TRUCK DIMENSIONS FOR RESIDENTIAL RESOURCE RECOVERY/WASTE COLLECTION

This page includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to enter the site for the collection of residential recycling and waste must be designed to accommodate on-site truck movement.

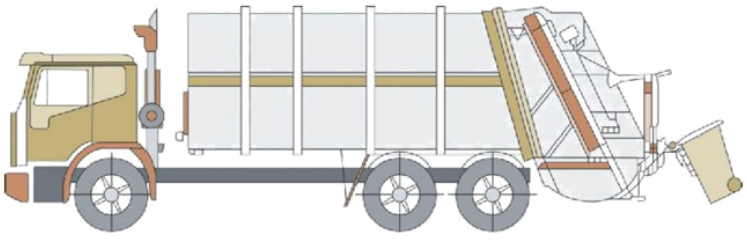
Please note that the size of Council's garbage truck may change over time

Requirements regarding vehicle turning circles and driveway width/gradient are contained in *Australian Standard 2890.2 2002/Parking Facilities — off street commercial vehicles*.

See Section D8: "Vehicle Access and Turning Circles" for further information

It is recommended that an applicant speak with Council in regards to the design of development proposals that involve garbage trucks entering the site. Services will not be provided where there are undue risks.

Typical Council Garbage Truck used for Domestic Waste Collection	
Length overall	9.5 metres
Width overall	2.6 metres
Operational height	4.5 metres
Travel height	4.5 metres
Weight (vehicle and load)	23 tonnes
Turning Circle	26 metres



Example of a Council garbage truck

Source of diagram: *Better Practice Guide for Waste Management in Multi-dwelling housing, DECC 2008.*

SECTION 6 – NON RESIDENTIAL DEVELOPMENT WASTE AND RECYCLING STORAGE AREAS

Building Code of Australia

Waste/recycling storage areas must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.

6.1 LOCATION AND APPEARANCE

Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.

Waste storage areas for non residential development need to be separate from the residential development component.

Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:

- the proximity of the area to dwellings;
- the visibility of the area;
- noise generated by any equipment located within the area;
- noise generated by the movement of bins into and out of the area;
- noise generated by collection vehicles accessing the site; and
- odours emanating from the area.

6.2 SIZE

Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.

Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated between collections.

6.3 LAYOUT

The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying bins can occur in accordance with WorkCover NSW Work Health and Safety requirements.

Within waste/recycling storage areas, bins used for the storage of recyclable materials should be kept separate from (but close to) general waste bins— so that the potential for contamination of recyclable materials is minimised.

6.4 ACCESS: WASTE/RECYCLING COLLECTION

The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and ensure collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.

Access for the purpose of emptying waste/recycling storage bins must be able to occur in accordance with NSW Government Work Health and Safety requirements.

6.5 ACCESS: GENERAL

In commercial development, public buildings and industrial development, there must be convenient access from each tenancy to the waste/recycling storage area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).

Arrangements must be in place so that the waste/recycling storage area is not generally accessible to the general public.

Vermin must be prevented from entering the waste/recycling storage area.

6.6 SURFACES

Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.

6.7 DOORS/GATES

Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling bins.

6.8 SERVICES

Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste bins and must be located in a position that is easily accessible when the area is filled with waste bins.

The floor must be graded so that any water is directed to an approved sewer connection located upon the site.

6.9 SIGNAGE

Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.

6.10 MANAGEMENT

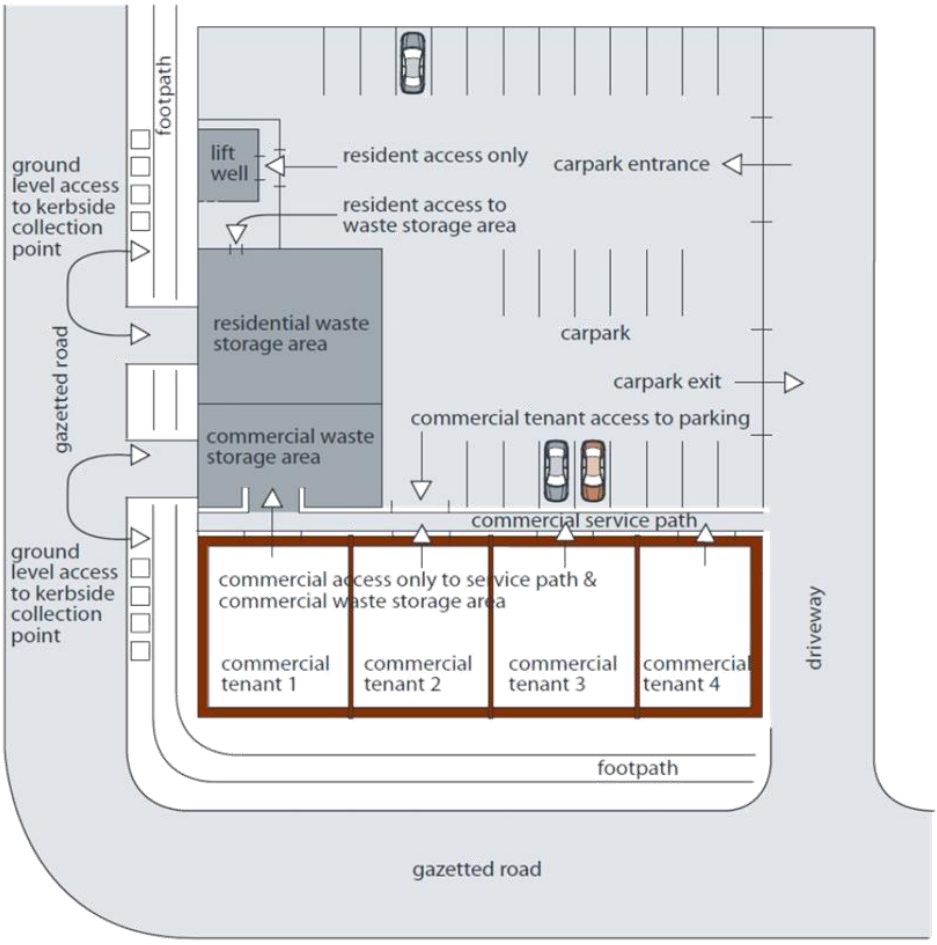
Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling bins must only be washed in an area which drains to an approved sewer connection.

The *Better Practice Guide for Waste Management in Multi-dwelling housing* gives detailed information about waste recycling/storage rooms and facilities. It can be used as a guide in conjunction with the controls in this Development Control Plan. The Guide was substantially reviewed in 2007 and is available on the NSW Office of Environment and Heritage website (www.environment.nsw.gov.au). Further updates will be published as further information from social research and waste stream audits becomes available.

SECTION 7 – EXAMPLE OF A WASTE AND RECYCLING STORAGE ROOM(S)

The following figure provides an example of the location of bin storage areas for possible mixed use developments. This diagram highlights separate storage rooms for residential and commercial use.

This example is a guide only and other arrangements could be suitable.



***Source**: Mixed Use Development – Better Practice Guide for Waste Management in Multi-dwelling housing, Department of Environment and Climate Change NSW*

SECTION 8 – VEHICLE ACCESS AND TURNING CIRCLES

General

Appropriate heavy vehicle standards should be incorporated into the development design including those specified in Acts, regulations, guidelines, and codes administered by Austroads, Standards Australia, NSW Roads and Maritime Services, NSW WorkCover and any local traffic requirements.

Designers are encouraged to consult with Council and other relevant authorities prior to the design of roads and access points to ascertain specific requirements for the proposed development.

Road and driveway construction and geometry

Roads and driveways must be designed and constructed in accordance with the relevant authority requirements to allow the safe passage of a laden collection vehicle in all seasons.

Factors to be considered in design include:

- gradients for turning heads;
- longitudinal road gradients;
- horizontal alignments;
- vertical curves;
- cross-falls;
- carriageway width;
- verges;
- pavement widths;
- turning areas (see below);
- local area traffic management requirements (for example speed humps);
- sight distance requirements;
- clearance heights (for example a vertical clearance of 6.5m is required to load front-lift vehicles);
- maneuvering clearance; and
- road strength (industrial-type strength pavement required, designed for a maximum wheel loading of seven tonnes per axle to accommodate garbage and recycling collection vehicles).

Collection from basements

Collection vehicles that are required to enter building basements to collect waste and/or recyclables are to comply with the following requirements:

- compliance with Australian Standard AS 2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities. This Standard provides detailed information regarding turning circles for a garbage truck. This Standard is available from SAI Global www.saiglobal.com;

- the height to the structural members and upper floor ceiling should allow for a typical collection vehicle travel height/operational height consistent with the type of vehicle employed;
- adequate provision of space clear of structural members or vehicle parking spaces to allow a typical three-point turn of collection vehicles; and
- the basement floor should be of industrial-type strength pavement and designed for a maximum wheel loading of seven tonnes per axle to accommodate garbage and recycling collection vehicles.

See also Section D5:"Garbage Truck Dimensions for Residential Resource Recovery/Waste Collection"

Item 4

Attachment 1

SECTION 9 – WASTE CHUTES

Waste chute room design

Waste chute rooms are to be designed in accordance with the following:

- In buildings containing a waste chute system, at least one dedicated service room must be provided on each floor of the building, containing a chute service opening (for depositing waste into the main chute) and bins for the storage of recyclable materials.
- Chute rooms must be designed with sufficient capacity for the storage of two days quantity of recyclables for all dwellings on that level, based on rates in Part D, 2.3, C20 and C21.
- Chute rooms must be located for convenient access by users and be near the lift to enable transfer of bins without moving along corridors that access building occupancies.
- Chute rooms must be well ventilated and well lit.
- The floors, walls and ceilings of chute rooms must be finished with smooth, durable, light coloured materials (with coved intersection between wall/floor), which are capable of being easily cleaned.
- Chute rooms must include signage, displayed near the chute opening and recycling bins, which clearly describes the types of materials which can be deposited into the waste chute and the types of materials which can be deposited into recycling bins.

Waste chute design

Waste chutes must be designed in accordance with the following:

- The charging device for each waste chute service opening must be self-closing and must not project into the main waste chute.
- Branches connecting service openings to the main waste chute must be no more than 1 metre long.
- Waste chutes must be located and insulated to reduce noise impact upon dwellings.
- Waste chutes, service openings and charging devices must be constructed of material (such as metal) which is smooth, durable, impervious, non-corrosive and fire resistant.
- Waste chutes, service openings and charging devices must be capable of being easily cleaned.
- Waste chutes must be cylindrical and should have a diameter of at least 500mm.
- There must not be any bends (or sections of reduced diameter) in the main shaft of the waste chute.
- Internal overlaps in the waste chute must follow the direction of waste flow.
- Waste chutes must deposit rubbish directly into a bin located within a recycling/waste storage room.
- A cut-off device must be located at or near the base of the waste chute so that the bottom of the waste chute can be closed when the bin at the bottom of the waste chute is withdrawn or being replaced.
- The main waste chute must be adequately ventilated.

- Chutes are for the disposal of general waste only, recycling chutes are not permitted.
- Use of mechanical diverters to separate various types of waste within a single chute are not permitted.

Management

- Recycling bins must be transferred daily by a building caretaker to the main recycling/waste storage room.
- Arrangements must be in place for the regular maintenance and cleaning of service rooms, waste chutes, chute service openings and charging devices.

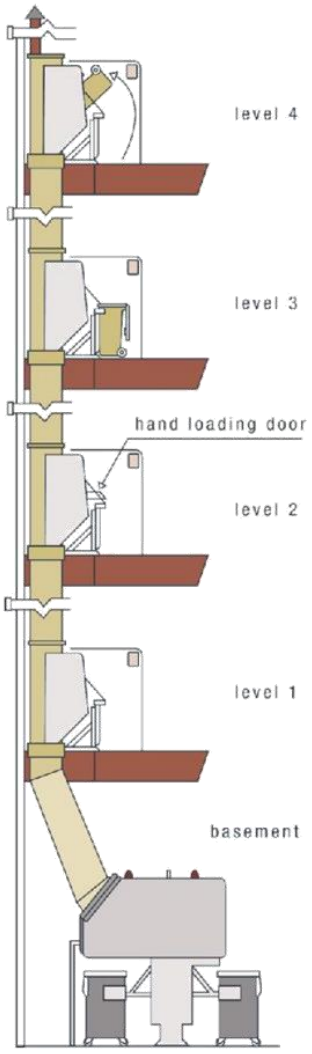


Figure 2: Example of a garbage chute system.
Source of diagram: Better Practice Guide for Waste Management in Multi-Unit Dwellings, Resource NSW, February 2002.

APPENDIX E: WATER GUIDELINES

Item 4

Attachment 1

CONTENTS

SECTION 1 – INTEGRATED WATER CYCLE PLAN 3

1.1 EXISTING ENVIRONMENT 3
1.2 OBJECTIVES AND PERFORMANCE STANDARDS 3
1.3 PLANNING AND DESIGN PRINCIPLES 4
1.4 WATER MANAGEMENT MEASURES 4
1.5 COMMUNITY PARTNERSHIPS 4
1.6 INFRASTRUCTURE PROGRAM 4
1.7 ONGOING OPERATION 4
1.8 MONITORING PROGRAM 4
1.9 CONSULTATION 4

SECTION 2 – FLOOD RISK MANAGEMENT REPORT 5

SECTION 3 – FORESHORE RISK MANAGEMENT REPORT 6

SECTION 4 – FLOOD CONTROL LOT MAPS 7

SECTION 5 – FORESHORE FLOOD CONTROL LOT MAPS 10

LIST OF FIGURES

Figure 1: Flood Control Lot Map 1 7
Figure 2: Flood Control Lot Map 2 8
Figure 3: Flood Control Lot Map 3 9
Figure 4: Foreshore Flood Control Lot Map 1 10
Figure 5: Foreshore Flood Control Lot Map 2 11

SECTION 1 – INTEGRATED WATER CYCLE PLAN

The *Integrated Water Cycle Plan* (IWCP) must be prepared by a qualified practicing Civil Engineer with demonstrated relevant experience in stormwater and environmental engineering and address the following matters:

1.1 EXISTING ENVIRONMENT

A summary of the current condition of the land and its catchment context, with particular reference to the following issues:

- catchment hydrology and hydrogeology;
- soil conditions;
- vegetation cover, remnant native vegetation and vegetation condition;
- groundwater depth and chemistry;
- site constraints and hazards such as flooding, slope stability, reactive soils, coastal hazards, erosion hazard, urban salinity, acid sulfate soils and land contamination;
- water quality conditions; and
- stream flow regime.

1.2 OBJECTIVES AND PERFORMANCE STANDARDS

Water cycle outcomes are to be achieved during construction and throughout the life of the development. These should be consistent with those contained in plans, strategies or policies adopted by relevant agencies, including regional plans and strategies, water management plans, catchment blueprints, stormwater management plans and joint statements of intent.

The following matters should be addressed:

- water consumption;
- flood risk;
- stream erosion;
- water balance (relative balance between runoff, infiltration and evapotranspiration);
- salinity;
- stream flow and environmental flows;
- water quality;
- water-dependent ecosystems such as streams, riparian zones, wetlands and estuaries;
- erosion and sedimentation;
- biodiversity and habitat conservation;
- groundwater conditions;
- public health;
- recreational use of waterways and related areas;

- aesthetic, visual and landscape issues; and
- indigenous and European cultural issues.

1.3 PLANNING AND DESIGN PRINCIPLES

General principles to be adopted at the sub-catchment, precinct, street and lot levels that seek to promote achievement of the objectives and performance standards. These principles will shape the overall planning, design and staging of the project. They should be compatible with principles outlined in strategies and plans adopted by relevant agencies, including:

- regional strategies;
- settlement, economic, housing and infrastructure strategies;
- biodiversity, catchment, environmental and open space strategies; and
- structure plans and master plans.

1.4 WATER MANAGEMENT MEASURES

Management measures that are to be applied so as to meet relevant objectives and performance standards.

1.5 COMMUNITY PARTNERSHIPS

Community and educational initiatives that will support the objectives and performance standards.

1.6 INFRASTRUCTURE PROGRAM

An infrastructure program that integrates all aspects of water cycle management, including water supply, sewerage, drainage, wastewater treatment and reuse, water quality control, flood risk management, open space provision and ecological protection.

1.7 ONGOING OPERATION

Strategies to ensure effective ongoing maintenance of on-site water management measures, maintenance requirements and proposed enforcement mechanisms.

1.8 MONITORING PROGRAM

Arrangements for monitoring the achievement of objectives and performance standards.

1.9 CONSULTATION

You should consult with relevant agencies such as Council, Sydney Water and the NSW Office of Environment and Heritage.

SECTION 2 – FLOOD RISK MANAGEMENT REPORT

The *Flood Risk Management Report* must be prepared by a qualified practicing Civil Engineer with demonstrated relevant experience in flooding and floodplain management and address at least the following details:

1. Description of the existing stormwater drainage system, including catchment definition.
2. Extent of the 1% AEP flood event in the vicinity of the development.
3. The Flood Hazard Category affecting the subject site and surrounds. Where to site is subject to High Hazard flooding category, the Probable Maximum Flood (PMF) extent must be shown.
4. Long and cross sections showing the Flood Planning Level(s) in relationship to the floor levels of all existing and proposed components of the development.
5. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development to address the flood impacts on the site during a 1% AEP and Probable Maximum Flood (PMF) event. These precautions must include but not be limited to the following:
    a. Types of materials to be used to ensure the structural integrity of the development for immersion and impact of velocity and debris for the 1% AEP flood event and PMF (for high hazard);
    b. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
    c. A flood evacuation strategy (Flood Emergency Response Plan); and
    d. On site response plan to minimise flood damage, and provide adequate storage areas for hazardous materials and valuable goods above the flood level.
6. Details of any flood mitigation works that are proposed to protect the development.
7. Supporting calculations.
8. The architectural/engineering plans on which the assessment is based.
9. The date of inspection.
10. The professional qualifications and experience of the author(s).

Note 1: Where the proposal has the potential to increase flood levels, depths, velocities and/or the risk to life or property, through loss of flood storage and/or blockage/ redirection of overland flowpaths, the Report must include detailed flood analysis. Such analysis should address compliance with all relevant development controls and include survey cross-sections to provide representative topographic information. The proponent should approach Council to determine available Council flood studies for the area, with the analysis based on or calibrated against relevant studies. In some cases, flood model data can be obtained from Council, subject to application and payment of fees.

Note 2: The Report may be limited to a short report (**Flood Risk Management Statement**) for single residential dwellings, alterations and additions or change of use developments where the property is confirmed by the Flood Certificate as being subject only to low hazard flooding. The Flood Risk Management Statement must reference the relevant Flood Certificate; specify the relevant flood information applicable to the site, then describe the proposed development and how it meets the relevant development controls.

Note 3: If Council is concerned with the apparent loss of flood storage and/or flood or overland flow paths, and/or increase in flow velocities, and/or risk of life, on any type of development, the Applicant may be requested to undertake further analysis in support of the proposal and detail it in a new/revised Flood Risk Management Report.

SECTION 3 – FORESHORE RISK MANAGEMENT REPORT

The *Foreshore Risk Management Report* must be prepared by a qualified practicing Civil Engineer with demonstrated relevant experience in coastal engineering and address at least the following details:

1. Description of the site and surrounding geotechnical and coastal/estuarine features;
2. Description of the existing and proposed development;
3. Identification of the geotechnical constraints on the land including assessment of the sub surface conditions, geo mechanics, slope stability and ground water conditions;
4. Identification of the constraints due to coastal/estuarine processes on the land including an assessment of storm wave impact, coastal processes, erosion and tidal inundation likely to occur during a 100 year ARI storm event;
5. Establishment of the 100 year ARI flood level associated with storm wave action and tidal inundation, including provision of adequate freeboard;
6. Assessment of the stability of the existing seawall adjacent to the boundary of the site with the harbour. The report must include recommendations to ensure continued stability of the wall during the construction process and in the long term;
7. Recommendations for the design of the stormwater drainage system for the site, including subsurface conditions, collection of runoff and its disposal to the harbour;
8. Certification that there is a low risk of instability of the site over the economic life of the development, including the proposed development and existing structures that are to be retained;
9. Where any floor levels of the proposed development and/or existing structures are proposed to be retained below the 100 year ARI flood level, the report must address whether and how the proposal is to be either flood proofed to protect the overall development or justify that periodic water inundation will not cause any adverse risk to the development, its occupants or uses. Note- that inundation of habitable components of the development is not permissible and must be provided with adequate freeboard;
10. Where any part of the proposed and/or existing development is below the flood level, the Report must make recommendations on all precautions to minimise risk to occupants and the risk of property damage. These precautions shall include but not be limited to safe evacuation, ensuring all structures, electrical equipment, wiring, fuel lines or any other service pipes and connections shall be waterproofed below the flood level, and be capable of withstanding the effects of wave action and tidal inundation;
11. Certification that the proposed development will not cause adverse impacts on surrounding lands, coastal environment and public amenities;
12. The architectural/engineering plans on which the assessment is based;
13. The date of inspection; and
14. The professional qualifications and experience of the authors.

SECTION 4 – FLOOD CONTROL LOT MAPS

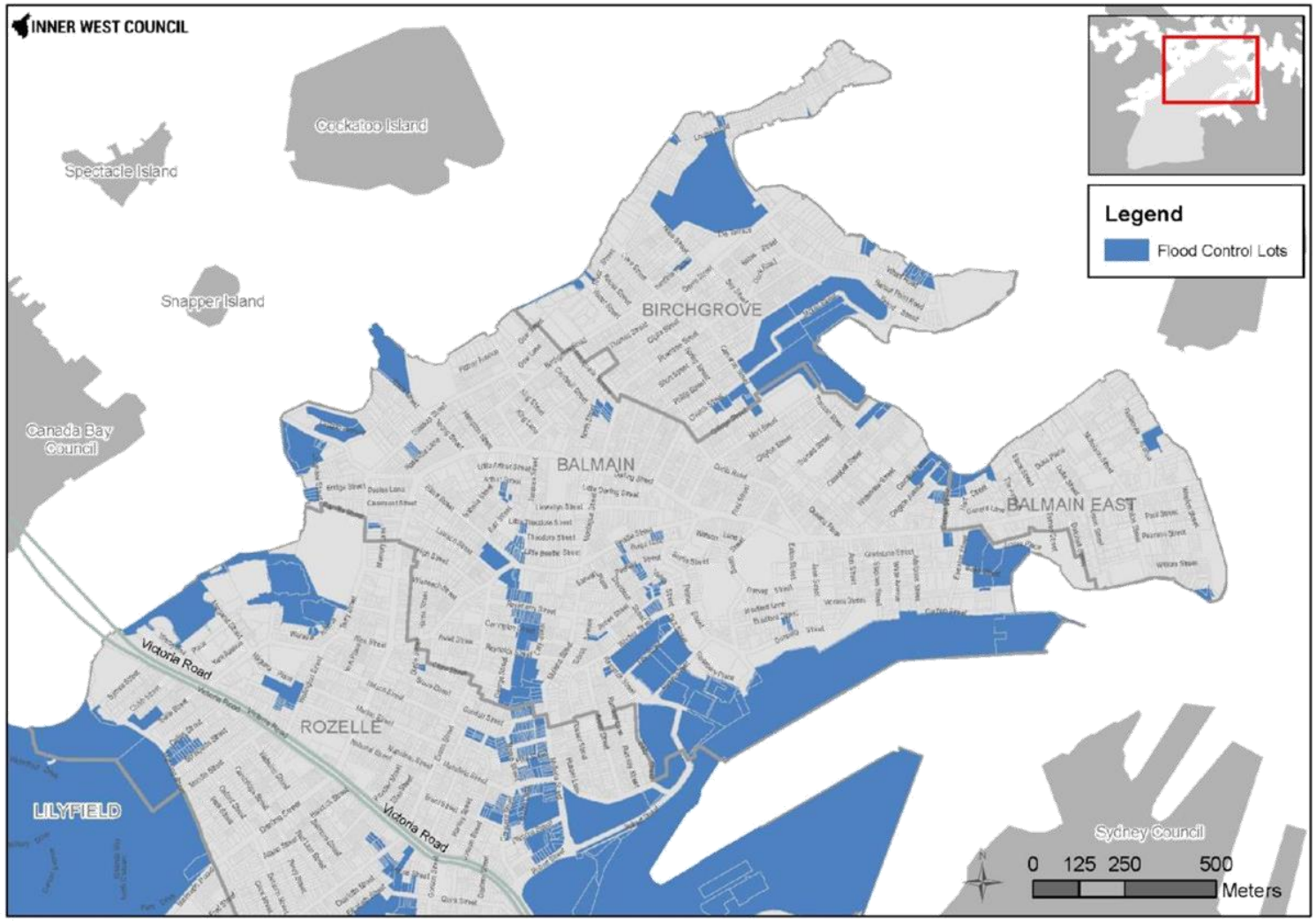


Figure 1: Flood Control Lot Map 1

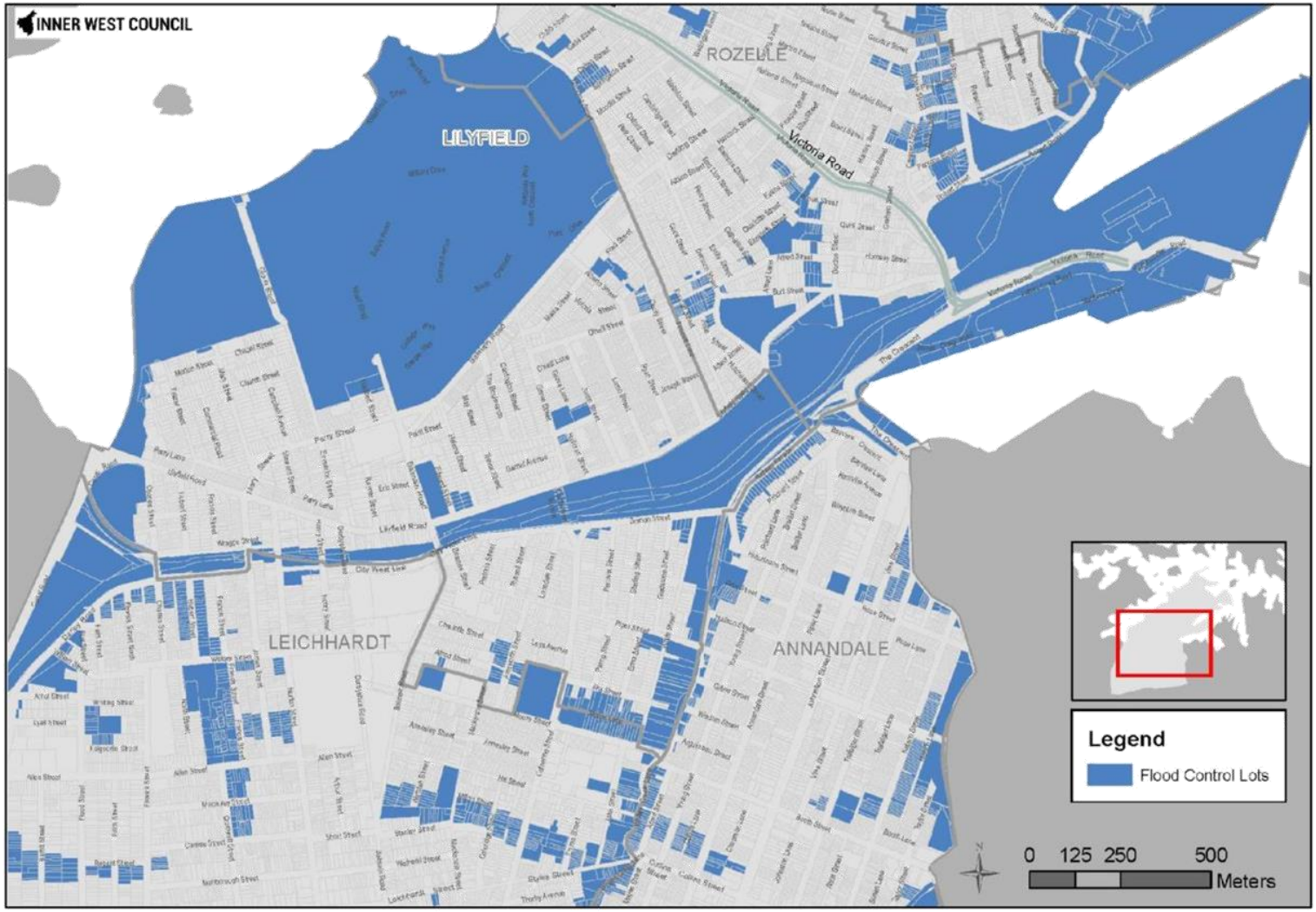


Figure 2: Flood Control Lot Map 2



Figure 3: Flood Control Lot Map 3

Item 4
Attachment 1

SECTION 5 – FORESHORE FLOOD CONTROL LOT MAPS

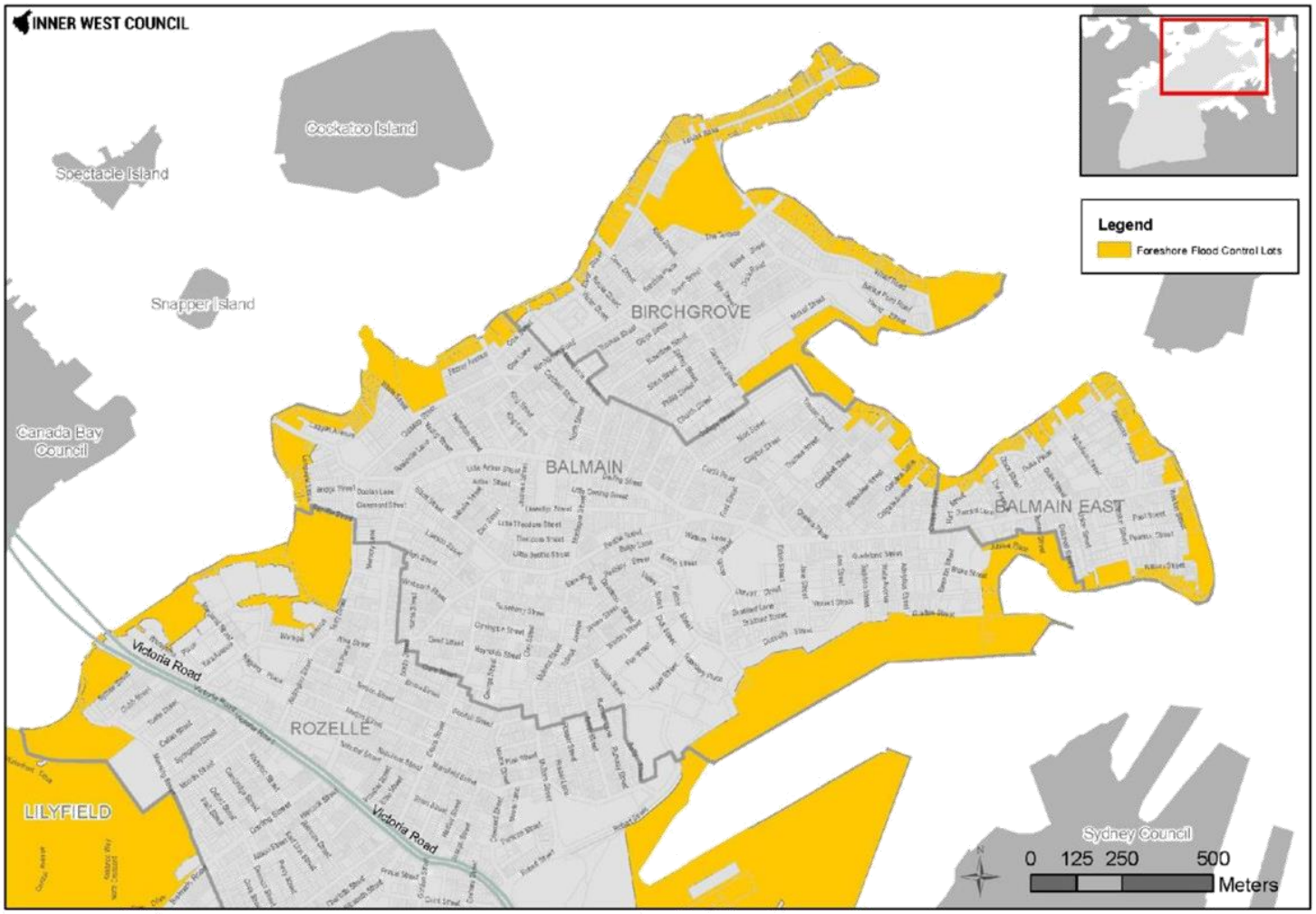


Figure 4: Foreshore Flood Control Lot Map 1

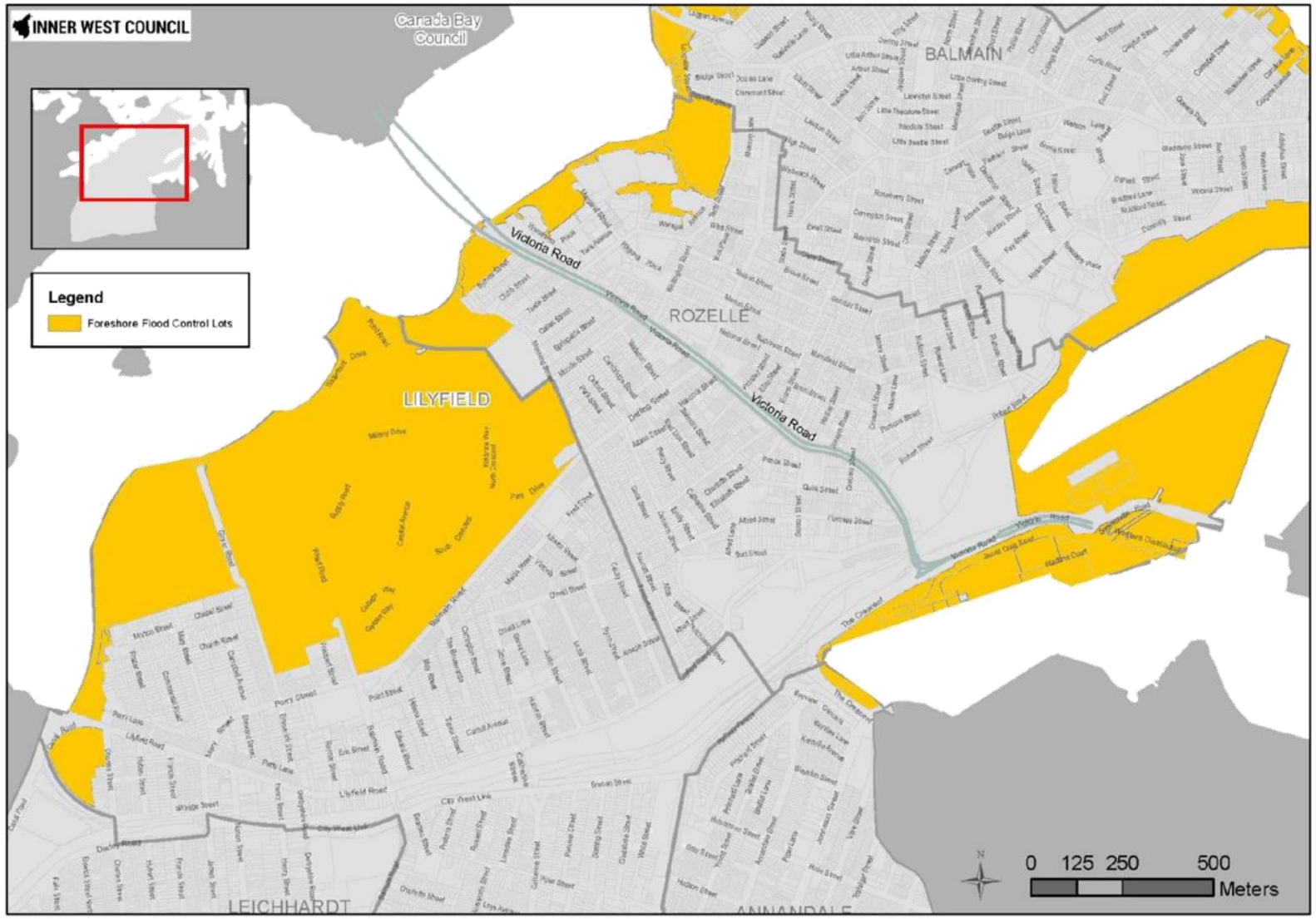


Figure 5: Foreshore Flood Control Lot Map 2

Guidelines

DEVELOPMENT APPLICATION GUIDELINES



Marrickville Development Control Plan 2011

MARRICKVILLE council

Contents

Development Application Guidelines 1

A.1 Information to be submitted with a Development Application 1

A.2 Development Application Lodgement Process 1

A.2.1 Exempt and Complying Development 1

A.2.2 Over-the-counter verbal advice 1

A.2.3 'Pre-DA' advisory panel meetings 2

A.2.4 Lodgement of a development application 2

A.2.4.1 Designated development 3

A.2.4.2 Integrated development 3

A.2.4.3 Section 4.55(1) application – Modifications involving minor error, misdescription or miscalculation 3

A.2.4.4 Section 4.55(1A) application – Modifications involving minimal environmental impact 3

A.2.4.5 Section 4.55(2) application – Other modifications 3

A.2.4.6 Section 8.2 Review Requests (review of a determination of a development application) 3

A.2.4.7 Section 8.2Review Requests (review of a determination of a Section 4.55 application) 4

A.3 Development Application Assessment Process 4

Development Application Guidelines

A.1 Information to be submitted with a Development Application

Council has outlined a step-by-step development assessment process on the Council website. Reference should also be made to *"Development application Checklist"* and *"Development Application Documentation Requests"* forms.

This is amended from time to time to take into account legislative amendments and best practice.

A.2 Development Application Lodgement Process

NB *Fees must be paid at the time of lodging a development application with the Council in accordance with Council's adopted Pricing Policy and Fees and Charges.*

A.2.1 Exempt and Complying Development

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) identifies the majority of development types that can be carried out as exempt and complying development in NSW, therefore not requiring development consent.

An applicant must determine whether their proposal can be considered under the Codes SEPP or whether it requires development consent from Council. Enquiries can be made by reviewing www.planning.nsw.gov.au/housingcode, or http://www.planning.nsw.gov.au/exemptandcomplying, or by using the Electronic Housing Code www.electronichousingcode.com.au or at Council's Customer Service Centre.

Development that is not categorised as exempt or complying development under the Codes SEPP requires the submission of a development application to Council.

A.2.2 Over-the-counter verbal advice

As a service to the customers, a duty officer is available at the Council's main administrative office, during normal business hours, to assist with any basic planning enquiry. An applicant may choose to take advantage of this service prior to any formal discussions over a proposed development.

Verbal advice given on any planning, building or related matter is based on the best available information at the time, as a service to assist customers, but is indicative only.

Over-the-counter consultations with a duty officer are limited to 10 minutes. The duty officer can provide general information but cannot discuss concepts that relate to a specific site or plan. Under no circumstances should verbal advice be acted upon

without written confirmation either by means of an appropriate certificate, consent or letter issued by Council.

A.2.3 'Pre-DA' advisory panel meetings

Applicants are encouraged to arrange formal discussions with Council officers prior to lodging a development application to address likely issues and opportunities based on the unique circumstances of their site prior to finalising the design of the scheme.

The discussions also provide the opportunity for Council officers to inform applicants of additional controls that may not have been considered.

Formal pre development application (pre-DA) meetings can be arranged via Council's Customer Service Centre and are recommended for all developments. A fee is charged.

A formal pre-DA meeting involves submitting a preliminary set of plans and information to Council, a meeting with Council officers, and (depending on the nature of the proposal) provision of Council's response in the form of a written report, reflecting to the main issues discussed at the pre-DA meeting.

Applicants must demonstrate that appropriate site and context analysis has been undertaken prior to requesting a formal pre-DA meeting. The appropriate detailed site analysis should occur prior to the preparation of preliminary concept plans. The preliminary concept plans required for the formal pre-DA meeting should include a site plan, floor plans, elevations, sections and a survey plan.

Pre-DA meetings are attended by relevant staff involved in the assessment and the determination of development applications. Relevant consultants and advisors used by the applicant should also attend these meetings.

Council staff will endeavour to provide an appropriate level of advice to applicants at pre-DA meetings. However, the quality of advice provided by Council staff on a project will be based upon the level of information provided to Council by the applicant or applicant's consultant(s) at that meeting.

Further pre-DA meetings may be warranted for major or technically complex projects.

Council reserves its right to seek additional information at the development application stage where such information is necessary to enable assessment of the development application regardless of comments made at a pre-DA meeting.

A.2.4 Lodgement of a development application

The lodgement of a development application is required for any proposed development where Marrickville Local Environmental Plan (MLEP 2011) or any other environmental planning instrument specifies that a proposed development may only be carried out with development consent upon the land to which the instrument applies.

A development application is not required for any proposed development classified as 'exempt development or 'complying development' under MLEP 2011, any State Environmental Planning Policy (SEPP) or State Code.

Certain proposed developments may be classified as either under 'designated development' or an 'integrated development' under the EP&A Act or the EP&A Regulation in which case more EIS and public participation procedures apply.

A.2.4.1 Designated development

Designated development, defined in Schedule 3 of the EP&A Act and the EP&A Regulation lists developments where a more rigorous EIS process is necessary. Applications for designated development require an EIS undertaken in accordance with the requirements of the Director General of the NSW Department of Planning and Environment.

A.2.4.2 Integrated development

Under Section 4.46of the EP&A Act, a range of development applications may be classified as integrated development requiring formal concurrence approval from a public authority.

A.2.4.3 Section 4.55(1) application – Modifications involving minor error, misdescription or miscalculation

A Section 4.55(1) application may be lodged with Council to seek to modify a development consent in order to rectify a minor error, misdescription or miscalculation.

A.2.4.4 Section 4.55(1A) application – Modifications involving minimal environmental impact

A Section 4.55(1A) application may be lodged with Council for any modification involving minimal environmental impact.

Council will assess the application, taking into account:

- Whether the proposed modification is of minimal environmental impact;
- Whether 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
- Any submissions made during the public exhibition of the application.

A.2.4.5 Section 4.55(2) application – Other modifications

A Section 4.55(2) application may be lodged with Council for other modifications to the consent.

Council will assess the application, taking into account:

- Whether the development to which the consent, as modified, relates is substantially the same development as the development for which the consent was originally granted;
- Any written objection forwarded by an approval body in relation to the development consent or in accordance with the general terms of approval previously granted by that approval body; and
- Any submissions made during the public exhibition of the application.

A.2.4.6 Section 8.2 Review Requests (review of a determination of a development application)

An applicant who is dissatisfied with Council's determination of their development application may lodge a Review Request under Section 8.2 of the Environmental Planning and Assessment Act requesting Council to review that determination.

GUIDELINES

Under Section 8.2 of the Act a request must be made and determined by Council within **six (6) months** of the date of the determination of the original application.

Under Section 8.5 of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to review a Determination, must:

(a) notify the request for review in accordance with:
  (i) the regulations, if the regulations so require, or
  (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and
(b) consider any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and
(c) in the event that the applicant has made amendments to the development described in the original application, be satisfied that the development, as amended, is substantially the same development as the development described in the original application.

NB *Section 8.2 Review Requests are subject to the same lodgement requirements as other applications discussed previously in Section A.2.*

A.2.4.7 Section 8.2Review Requests (review of a determination of a Section 4.55 application)

An applicant who is dissatisfied with Council's determination of their application under Section 4.55 of the Environmental Planning and Assessment Act may lodge a Review Request under Section 8.2 of the Act requesting Council to review that determination.

Under Section 8.2 of the Act a review request of that determination must be made to Council within **twenty eight (28) days** of the date of the determination of the original application.

NB *Section 8.2 Review Requests are subject to the same lodgement requirements as other applications discussed previously in Section A.2.*

A.3 Development Application Assessment Process

Each development application will be considered on its own merits in terms of the achievement of the objectives of this DCP. Any variation to a planning control or requirement must be supported by appropriate written justification and other supporting documentation which demonstrates how the DCP objectives are met.

NB *Where a variation to a development standard is sought, it must be supported by a written request that seeks to justify the contravention of the development standard in accordance with Clause 4.6 of MLEP 2011.*

In assessing an application, Council will consider a range of the matters, including (but not necessarily limited to):

- EP&A Act, in particular the 'matters for consideration' as listed under section 4.15;
- The EP&A Regulations;
- Any SEPP which applies to the land or development type;

- Any State Code which applies to the land or specific development type;
- MLEP 2011;
- This DCP;
- Any draft environmental planning instrument which has been exhibited;
- The LG Act and Regulations;
- The BCA;
- Any other relevant legislation;
- Previous NSW Land and Environment Court judgments and planning principles which may be relevant in the assessment of an application for a particular land use;
- Any public submissions received during the public exhibition of the application;
- Any comments made by a relevant public authority; and
- Internal and external statutory and non-statutory referrals.

Part 1

STATUTORY INFORMATION



Marrickville Development Control Plan 2011

MARRICKVILLE council

Contents

Part 1 **Statutory Information** 1
1.1 **About this Development Control Plan** 1
1.1.1 **What is a Development Control Plan (DCP)** 1
1.1.2 **Name of this DCP** 1
1.1.3 **Land to which this DCP applies** 1
1.1.4 **Relationship to other plans** 1
1.1.5 **Savings and transitional provisions** 1
1.1.6 **Legislative background** 1
1.1.7 **What does this DCP attempt to do?** 1
1.1.8 **Non legal parts of this DCP** 2
1.1.8.1 Development application guidelines 2
1.1.8.2 Notes 2
1.1.8.3 Appendices 2
1.1.9 **General aims and objectives** 2
1.1.10 **Structure of this DCP** 3
1.1.11 **Compliance with the controls and objectives** 4
1.1.12 **Order of priority for applying controls** 5
1.1.13 **Variation to development controls in the DCP** 5
1.2 **The Consultation and Notification Process** 6
1.2.1 **Objectives** 6
1.2.2 **Consultation with neighbours and Council** 6
1.2.3 **Proposals not requiring notification** 6
1.2.4 **Proposals requiring notification** 8
1.2.5 **Notification standards** 8
1.2.6 **Notification by letter** 8
1.2.7 **Notification letter inclusions** 9
1.2.8 **Site notice** 10
1.2.9 **Newspaper notice** 10
1.2.10 **What to include in a submission** 10
1.2.11 **How Council deals with a submission** 10
1.2.12 **Following the progress of an application** 11

Part 1 Statutory Information

1.1 About this Development Control Plan

1.1.1 What is a Development Control Plan (DCP)

A Development Control Plan (DCP) is a commonly used town planning document which provides detailed guidance for the use of land and design and assessment of new development.

1.1.2 Name of this DCP

The name of this DCP is Marrickville Development Control Plan 2011. This DCP was adopted by Council on 12 July 2011 and came into effect on 15 December 2011.

1.1.3 Land to which this DCP applies

This DCP applies to the whole of the Marrickville Local Government Area (LGA).

1.1.4 Relationship to other plans

This DCP is to be read in conjunction with Marrickville Local Environmental Plan 2011 (MLEP 2011). In the event of an inconsistency between the provisions of the two documents, the provisions of MLEP 2011 shall prevail to the extent of the inconsistency.

1.1.5 Savings and transitional provisions

This DCP does not apply to an application under *Environmental Planning and Assessment Act 1979* (EP&A Act) which was lodged with Council but not finally determined before the commencement of this DCP. Any application lodged before the commencement of this DCP will be assessed in accordance with any relevant previous DCPs or other Council's policy which applied at the time of application lodgement.

1.1.6 Legislative background

This DCP has been prepared in accordance with Division 3.6 of the EP&A Act and with Part 3 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation).

On commencement of this DCP, all DCPs which previously applied within the former Marrickville LGA will cease to have effect. This DCP is the only DCP that applies to all land to which the MLEP 2011 applies.

1.1.7 What does this DCP attempt to do?

The purpose of this DCP is to supplement the provisions of MLEP 2011 and provide more detailed provisions to guide development.

Under Section 4.15 of the EP&A Act, Council is required to consider the relevant provisions of this DCP when assessing a development application. However, compliance with the provisions of this DCP does not guarantee development consent will be granted.

PART 1: STATUTORY INFORMATION

Section 4.15 of the EP&A Act contains other matters that must be considered in assessing a development application.

1.1.8 Non legal parts of this DCP

This DCP contains information based on standards maintained by various agencies or best practice notes. Such information or standards may change without prior notice to Council. This DCP therefore separates this information so it is easily identifiable. The applicant must check the accuracy of this information before lodging a development application. While all attempts will be made to keep this information up to date, Council takes no responsibility for the accuracy of any information provided in that part. Non-legally binding information is provided in:

1.1.8.1 Development application guidelines

All information provided in 'Development Application Guidelines' section of this DCP is for guidance only and does not form part of the adopted DCP. That section is based on best practice notes available at the time of compiling this DCP and is provided in good faith to assist applicants in preparing a development application.

1.1.8.2 Notes

Notes throughout this plan, provided inside a light orange text box as illustrated below, are provided for guidance only and do not form part of the adopted DCP.

> *This information is provided for guidance only and does not form part of the legal document.*

1.1.8.3 Appendices

Appendices provided at the end of several sections of this DCP are provided for guidance and information only and do not form part of the adopted DCP, except where they identify areas on maps.

1.1.9 General aims and objectives

This DCP aims to:

1. Review and amend the contents of Council's existing DCPs so that they reflect contemporary planning practices;
2. Incorporate the amended/updated provisions of the existing DCPs and codes together with new planning provisions on contemporary and other planning issues into a single DCP; and
3. Build upon MLEP 2011 by providing detailed objectives and controls for development.

The objectives of this DCP are:

- **O1** To provide detailed design objectives and controls which encourage innovative design that positively responds to the character and context of the locality and which encourage high quality urban design outcomes.
- **O2** To ensure future developments consider the needs of all people who live, work and visit the Marrickville LGA, including people with a disability.
- **O3** To maintain and enhance the environmental and cultural heritage of the Marrickville LGA.

O4	To enhance the quality of life and the wellbeing of the local community.
O5	To support the integration of transport and land use, including increased residential and employment densities in appropriate locations near public transport, while protecting residential amenity;
O6	To promote sustainable transport, i.e. reduced car use and increased use of public transport, walking and cycling;
O7	To ensure that development considers the principles of ecologically sustainable development, in particular energy, water and stormwater efficiency, solar access, waste reduction and local biodiversity.
O8	To ensure that development positively responds to the qualities of the subject site and is appropriate for the site and its context.
O9	To minimise negative impacts of development on the amenity of surrounding neighbourhood.
O10	To provide guidelines for specific development types and development sites to ensure appropriate high quality development within the Marrickville LGA.

1.1.10 Structure of this DCP

Table 1 provides an overview of the structure and application of this DCP:

Table 1: Structure of the DCP

Part of the DCP	Main contents	Application
Development Application Guidelines	This is a non legal part of the DCP that introduces the requirements for lodging a development application, types of applications, information to be submitted with a development application and the development application assessment process.	This part provides information on all types of development applications.
Part 1 – Statutory Information	This part contains the general aims and objectives of the DCP, legal information concerning various aspects of the DCP and compliance with the controls and objectives; and the consultation and notification process for applications made under the Environmental Planning and Assessment Act.	This part applies to all types of development in the Marrickville LGA that require Council's consent to carry out that development.
Part 2 – Generic Provisions	This part contains objectives and controls for generic issues such as advertising, equity of access and mobility, solar access, parking, waste management or fencing which may be applicable to more than one type of development. This part is divided into four sub-categories namely environmental/general design principles, environmental amenity, environmental management and environmental site analysis.	This part provides objectives and controls for various aspects of a development activity. For example, a proponent for a dwelling house development must refer to this part to find relevant controls for landscaping, private open space, fencing, privacy, solar access or parking, in addition to specific controls applying to dwelling house development provided in Part 4.
Part 3 – Subdivision, Amalgamation and Movement Networks	This part contains objectives and controls applying to land subdivision.	This part must be referred to if a development activity involves any form of subdivision.

PART 1: STATUTORY INFORMATION

Part of the DCP	Main contents	Application
Part 4 – Residential Development	This part contains specific objectives and controls applying to residential development. It is divided into three parts: Low Density Residential Development; Multi-Dwelling Housing and Residential Flat Buildings; and Boarding Houses. Other forms of residential development like backpackers' accommodation will be added to this Part at a later date.	This part must be referred to for any residential development.
Part 5 – Commercial and Mixed Use Development	This part contains specific provisions applying to mixed use development, office premises, business premises, retail premises and includes provisions relating to commercial/light industrial/residential interface; and design guidelines.	This part applies to commercial developments including developments that contain a commercial component.
Part 6 – Industrial Development	This part includes specific objectives and controls relating to industrial development and includes provisions relating to industrial/residential interface; multi unit industrial development; controls for specific land uses; creative industries; residential uses in specified employment areas; and period industrial buildings.	This part applies to industrial developments, creative industries or live/work buildings in industrial zones.
Part 7 – Miscellaneous Development	This part contains objectives and controls for certain miscellaneous development types not covered elsewhere in the DCP. It is currently divided into two parts: Child Care Centres; and Sex Industry and Adult Business Premises. Other forms of miscellaneous developments such as Telecommunication Facilities will be added to this Part at a later date.	This part applies to those various development types listed.
Part 8 – Heritage	This part provides controls and objectives relating to heritage items and heritage conservation areas.	This part applies to development to a heritage item or in the vicinity of a heritage item or in a heritage conservation area or in the vicinity of a heritage conservation area.
Part 9 – Strategic Context	This part provides objectives and controls, in addition to preceding parts of this DCP, which are specific to a particular area and guide the implementation of the desired future character for that area.	This part must be referred to for any development activity to understand the desired future character of the area or the site and whether there are any specific objectives or controls affecting a proposed development.
Definitions	This part provides definitions of certain terms used in this DCP.	

1.1.11 Compliance with the controls and objectives

Before granting consent for development Council must consider:

- All applicable requirements of MLEP 2011;
- The objectives of this DCP;
- Compliance with the generic provisions (objectives and controls) contained in Part 2 of this DCP;
- Compliance with the relevant objectives and controls in Parts 3 to 8 of this DCP; and

- Compliance with any precinct or site specific controls in Part 9 of this DCP.

Compliance with a development control does not guarantee that the objectives and performance criteria of the DCP are satisfied. In some instances, the design solutions may not be appropriate for the particular site or situation. Therefore, having regard to the physical characteristics of the site and the nature and proximity of adjoining and nearby development, Council may require alternative design solutions.

The controls in this DCP may not normally be varied. However, if an applicant is able to clearly demonstrate that a particular control is unreasonable or unnecessary in the circumstances and that the objective of the control is satisfied, Council may consider waiving or varying the control.

Conversely, having regard to the physical characteristics of the site and the nature and proximity of adjoining and nearby development, Council may require a more restrictive control so as to minimise or eliminate any likely negative impacts.

1.1.12 Order of priority for applying controls

If there is any inconsistency between controls within the DCP, to the extent of the inconsistency, the controls are generally to be applied in the following order of priority:

1 – site-specific controls within Part 9
2 – precinct-specific controls within Part 9
3 – heritage controls within Part 8 (in some instances these will take priority)
4 – controls for specific development types within Parts 3 to 7
5 – generic controls within Part 2

However, assessment of a proposal will involve consideration of all relevant DCP objectives and controls applied collectively to the specific circumstance to achieve an appropriate development outcome.

1.1.13 Variation to development controls in the DCP

This DCP relies upon the satisfaction of objectives and compliance with development controls and best practice guidelines to shape development outcomes. It aims to allow flexibility in the application of such development controls where strict compliance with the controls is unreasonable or unnecessary. In special circumstances, flexibility can produce improved and innovative solutions for particular sites.

Variation to development controls will only be considered where written justification for each variation request demonstrates why the development control is unreasonable or unnecessary in the circumstances and that the objectives of the development control have been achieved. Any written variation request must:

1. Identify the development control subject of the variation request;
2. Identify the general and/or specific objectives of that control;
3. Justify why the specific provisions of the policy do not make appropriate provisions with regard to the subject application; and
4. Demonstrate why compliance with the provisions of this DCP is unreasonable or unnecessary in the particular circumstances of the case.

PART 1: STATUTORY INFORMATION

The fact that existing development may not comply with one or more of the development controls does not necessarily mean that the development control is unreasonable or unnecessary when applied to future development.

Council may use its discretion to consider a variation to the development controls contained in this DCP, particularly for proposed alterations and additions to an existing building or structure, where Council believes the proposed development is consistent with the objectives of the zone as contained in MLEP 2011 and the relevant objectives of this DCP.

1.2 The Consultation and Notification Process

This section discusses the consultation and notification process that applies to development applications, applications to modify a development consent (Section 96 of the *Environmental Planning and Assessment Act* (the EP&A Act) and requests to review the determination of a development application or modification application (Sections 82A and 96AB of the EP&A Act).

1.2.1 Objectives

O11 To provide the opportunity for public participation in the planning process that is appropriate to the type and form of development proposed.

O12 To ensure a consistent, transparent and effective development assessment process.

1.2.2 Consultation with neighbours and Council

Council recommends that anyone intending to lodge an application discuss their proposal informally with neighbours prior to lodgement. It is also advisable to discuss proposals with Council staff before lodgement to ensure the correct planning policies are used in the design process and to obtain information about the lodgement and assessment process. Processes for consulting with Council staff are provided under Section A.3.2 and Section A.3.3.

1.2.3 Proposals not requiring notification

Council will not notify or advertise applications for proposals which in its opinion are unlikely to have any impact on the locality. See Table 1.

Table 1: Development activities not requiring notification

DESCRIPTION	CRITERIA	EXAMPLES
Exempt development	• Nil	• Nil
Complying development applications	• Nil	• Nil
Minor works applications	• Nil	• Nil
Development applications for internal building work associated with a residential use	• Nil	• Demolition or construction of internal walls • Change in the configuration of rooms
Development applications for internal building work associated with a non-residential use	• Will not significantly increase the intensity or impact of the use on the locality	• Fire safety upgrade work • Renewal of internal fixtures such as bathrooms

DESCRIPTION	CRITERIA	EXAMPLES
Development applications for minor alterations affecting the exterior of a building	• Will not reduce the privacy or the amount of sunlight enjoyed by any adjacent residential properties; or • Will not adversely affect the streetscape	• Replacement of existing windows; or • Restoration work
Subdivision applications for existing or approved buildings	• Nil	• Strata subdivision of an existing residential flat building
Development applications to fit out or renovate an existing retail, commercial or industrial premises	• Existing use is not materially altered or intensified	• Refurbishment of an existing takeaway food and drink premises
Development applications to change the use of premises from a: • shop to a shop or similar use; or • an office premises to an office premises or similar use; or • industry to an industry or similar use; or • light industry to a light industry or similar (except sex services premises, restricted premises and other sex industry related uses)	• Proposed hours of operation do not exceed 7.00am to 7.00pm; and • Property is not in a residential zone; and • Proposed use is not likely to have a significantly greater impact on the locality than the last approved use	• Change from newsagent to clothing shop; or • Change from office for an export agent to office for an accountant; or • Change from food processing to furniture manufacture
Development applications for demolition, except in Heritage Conservation Areas or for heritage items	• Building(s) are not located on a boundary; and • Building to be demolished is not an entire dwelling house or is not greater than 100m^2 in area	• Demolition of a shed
Development applications for works to trees within Heritage Conservation Areas, except where the tree is a heritage item or located within the curtilage of a heritage item	• Nil	• Tree removal and/or pruning
Applications to modify a consent under Section 96 of the EP&A Act	• Will not significantly alter the intensity or likely impact of the proposal	• Changes to internal configuration; or • Modification of a condition regarding payment of fees
Requests to review a decision on a development application under Section 82A of the EP&A Act	• No significant amendments made to plans or no new information submitted; or • Will not significantly alter the intensity or likely impacts of the original proposal	• Request to be reconsidered in its original form after having been refused by staff
Requests to review a decision on a Section 96 application under Section 96AB of the EP&A Act.	• No significant amendments made to plans or no new information submitted; or • Will not significantly alter the intensity or likely impacts of the original proposal	• Request to be reconsidered in its modified form after having been refused by staff
Applications that are rejected due to inadequate information	• Nil	• Essential information not submitted with an application
Minor amendments to applications that have not been determined	• Changes result in a reduced or similar impact on neighbours	• Proposed balcony deleted; or • Internal configuration of rooms altered

NB *Council has the discretion to notify any applications for the above types of development where considered appropriate.*

PART 1: STATUTORY INFORMATION

1.2.4 Proposals requiring notification

Council will notify applications which do not fall into the categories in Table 1. These include development applications, applications to modify development consent (Section 96 of the EP&A Act) requests to review the determination of an application (Section 82A of the EP&A Act) and requests to review the determination of a modification application (Section 96AB of the EP&A Act).

1.2.5 Notification standards

The minimum standard for notification of development applications is:

- Sending a written notice to adjoining property owners and occupiers and property owners and occupiers directly across a street or road. Council will rely on its property system at the time of compiling the notice to identify the owners of the land;
- Placing a notice on the site;
- Adhering to a 14 day notification period (the 14 day period is extended to 21 days during Easter and Christmas); and
- Listing the application in a local newspaper.

The above process may be varied at the discretion of Council to permit:

- Notifying properties beyond adjoining properties;
- Extending the notification period;
- Listing the application in a local newspaper;
- Exhibiting plans at other public venues;
- Holding a public meeting;
- Consulting with relevant community groups; and/or
- Altering the advice contained in the written notice.

NB *All forms of notification will provide Council contact details and information about where and when the application documents can be viewed.*

1.2.6 Notification by letter

The extent of properties notified by letter will vary at the discretion of Council depending on the nature and scale of the development. Adjoining properties (properties that share a boundary with the subject site) and properties that may be directly affected by way of loss of privacy, overshadowing, increased building bulk, noise and the like will be notified as a minimum.

Notification letters will be sent to the owners of identified properties and the occupant if the owner is not resident at the property. For strata titled buildings that are notified, letters will be sent to all owners and occupants.

Where a development is proposed near the boundary of an adjoining local government area (LGA) and there may be an impact on residents in that area, the adjoining council will be advised of the proposal in writing and offered the opportunity to comment. In the case of a major development, Council may ask the adjoining council to notify its residents individually.

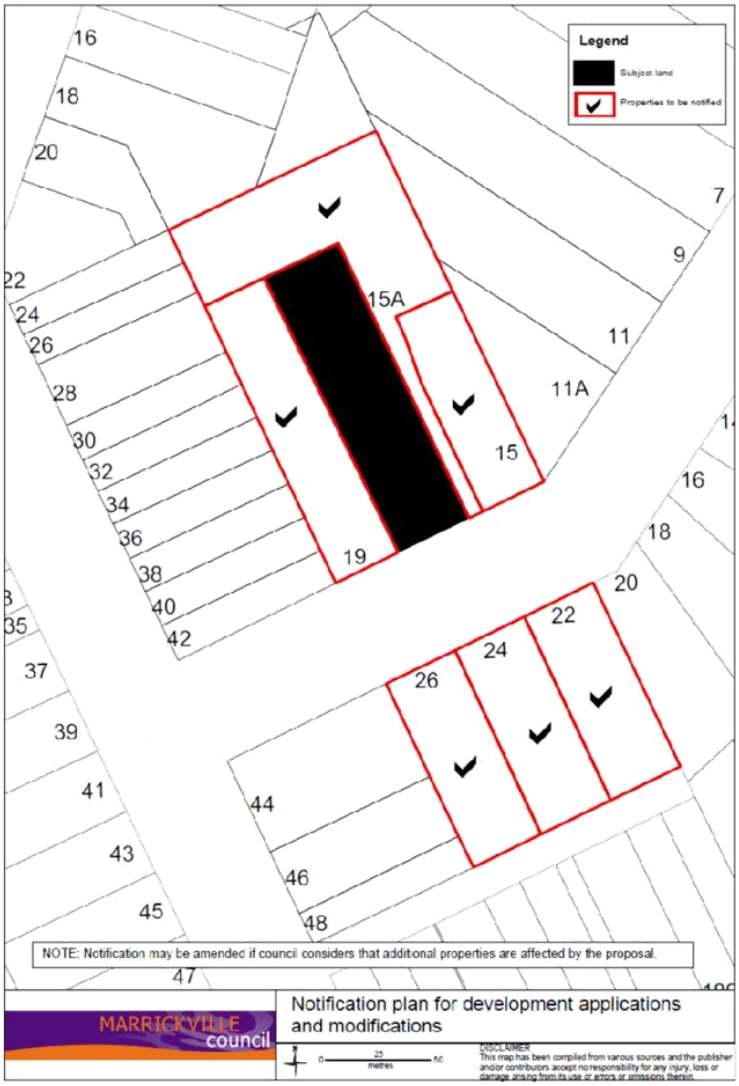


Figure 1: Example of properties to be notified about a development application

1.2.7 Notification letter inclusions

Notification letters will invite owners and residents to view the application and make written submission within 14 days. The letters also cover how submissions are handled, Council's decision making processes and a Council contact name and phone number.

The letters will include a written description of the proposal. Relevant information lodged with the application (and that is not subject to restrictions under other legislation) will be available for viewing at Council's administration centre and on Council's website during the notification period.

PART 1: STATUTORY INFORMATION

1.2.8 Site notice

The site notice will be installed on or before the start of the 14 day notification period unless there are exceptional circumstances such as extreme bad weather. Council will replace a site notice if the contact officer for the application is advised by that it has been removed or damaged during the first week of the notification period. Unauthorised removal of the sign does not require the 14 day period to start again or make the notification process void.

1.2.9 Newspaper notice

The notice placed in a local paper (currently *Inner West Courier*) will provide the address and a brief description of the application. Due to the sometimes protracted period of time required to schedule advertisements in newspapers and to avoid delays the notice will not offer a 14 day period for submissions. The notice will advise citizens to visit Council's website or administration centre to view the application.

Where legislation requires particular proposals to be advertised in a newspaper in a specific manner, the requirements of the relevant legislation will be followed instead of this guideline. Developments defined under the EP&A Act as designated, advertised or State significant fall into this category and are currently required to be advertised for 30 days.

1.2.10 What to include in a submission

A submission must contain the name and address of the person making the submission and the address of the property that is the subject of the development application or to the development application number. A submission can be made by anyone, though must clearly state any grounds of objection and the reasons for them, and must be in writing.

Under the laws that govern development assessment, Council can only take into account general environmental impacts including overshadowing, privacy, traffic, streetscape or noise when determining an application. Matters such as the personal circumstances of individuals cannot be taken into account.

1.2.11 How Council deals with a submission

Council will accept and consider written submissions made within the period indicated in notification letters and the site notice. Submissions received after this time will be considered if the assessment of the application has not been substantially completed at the time of receipt.

In the majority of cases, any submissions to a development application are accessible to other parties, pursuant to the Government Information (Public Access) Act 2009 and cannot be kept confidential. A person making a submission may include their name and address but request under Section 739 of the LG Act, the General Manager of Council prepare any public material so as to omit the person's place of living. This provision is only available if the person considers that disclosure places the personal safety of the person or members of the person's family at risk and must be verified by a statutory declaration.

All individual submissions will be acknowledged in writing and the head petitioner will be sent an acknowledgement letter in the case of petitions.

1.2.12 Following the progress of an application

Council deals with over 1,000 applications each year. It is difficult to keep all interested parties informed. Anyone wishing to be kept informed of the progress of an application should initiate contact with the Council officer dealing with the application.

All persons who made submissions (and head petitioners) will be advised in writing of Council's decision after the application is determined.

2.6

GENERIC PROVISIONS
ACOUSTIC AND VISUAL PRIVACY



Marrickville Development Control Plan 2011

MARRICKVILLE council



Contents

Part 2 Generic Provisions.....1
2.6 Acoustic and Visual Privacy.....1
2.6.1 Objectives.....1
2.6.2 Aircraft Noise.....1
2.6.3 Controls.....1
2.6.4 The National Airports Safeguarding Framework.....5



Part 2 Generic Provisions

2.6 Acoustic and Visual Privacy

Privacy refers to both visual and acoustic privacy. Well-designed development can readily avoid most sources of conflict between neighbours over noise and privacy problems.

Complete protection of privacy in a densely built up environment such as the Marrickville Local Government Area is not always possible. Standards of privacy need to be balanced against the need for urban consolidation and the need to maintain a reasonable level of privacy to adjoining premises.

This section addresses the components involved in building design as they relate to the maintenance of visual and acoustic privacy. Emphasis is placed on the design, location and screening of windows, balconies and decks.

This section also addresses acoustic amenity issues between different types of land uses. Council needs to consider the impacts of new developments on the amenity of other land users, particularly on residential and other sensitive land uses.

2.6.1 Objectives

O1 To ensure new development and alterations and additions to existing buildings provide adequate visual and acoustic privacy for the residents and users of surrounding buildings.

O2 To design and orientate new residential development and alterations and additions to existing residential buildings in such a way to ensure adequate acoustic and visual privacy for occupants.

O3 To ensure new development does not unreasonably impact on the amenity of residential and other sensitive land uses by way of noise or vibration.

2.6.2 Aircraft Noise

The ANEF is the prediction for noise from *Sydney Airport's Master Plan 2039*. It is a noise index which takes into account the loudness, noise frequencies, whether it is day or night and how many aircraft fly over each area.

The 2039 ANEF contours over the Marrickville LGA are shown in Figure 1.

Australian Standard AS 2021 Acoustics – aircraft noise intrusion – building, siting and construction provides standards for noise attenuation of buildings located within an ANEF affected area.

2.6.3 Controls

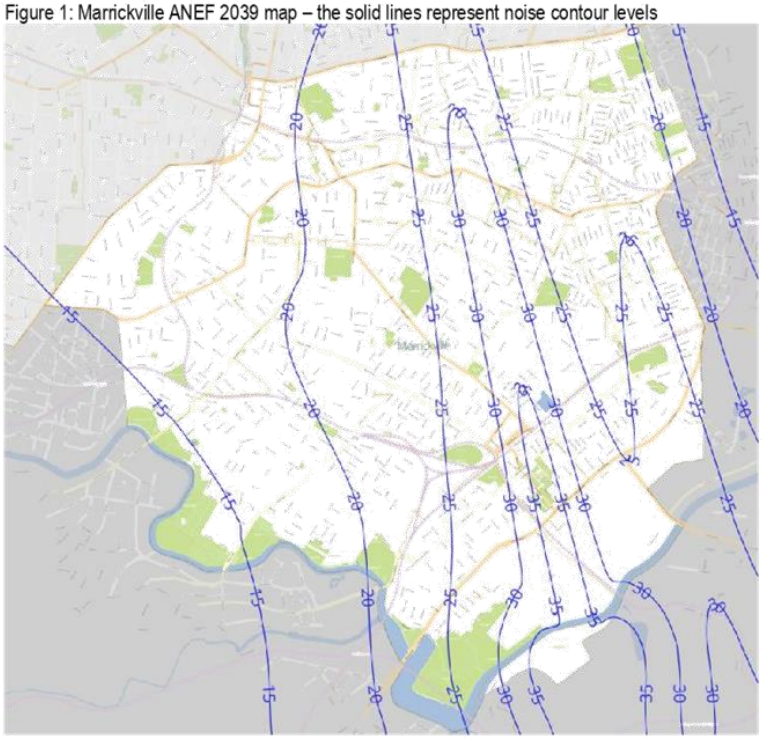
C1 Aircraft noise

i. New development on land within an ANEF affected area must be designed and constructed in accordance with the relevant Australian Standard and other guidelines issued by relevant agencies and authorities; and

PART 2: GENERIC PROVISIONS

ii. The introduction of acoustic measures to reduce aircraft noise must not unacceptably detract from the streetscape value of individual buildings.

Figure 1: Marrickville ANEF 2039 map – the solid lines represent noise contour levels



C2 General acoustic privacy

i. New dwellings close to high noise sources such as busy roads, rail lines and industry must be designed to locate habitable rooms and private open spaces away from noise sources or protect those areas with appropriate noise shielding devices. Development for the purpose of child care centres, educational establishments, hospitals, places of public worship and residential accommodation close to busy roads and rail lines must also comply with the relevant Australian Standards and State Environmental Planning Policies (SEPPs);

Refer to Australian Standard AS 3671 Roads traffic noise intrusion, Australian Standard AS 2107- Acoustics – recommended design sound levels and reverberation times for building interiors and requirements under State Environmental Planning Policy (Infrastructure) 2007 SEPP (Infrastructure SEPP).

AS 3671 sets out guidelines to determine the acceptability of indoor and outdoor spaces for specific activities in the presence of road traffic noise, and the extent of noise reduction or type of construction that might be needed to make such spaces acceptable. It also sets out guidelines to determine the acoustical adequacy of existing buildings near routes carrying more than 2,000 vehicles per day.

AS 2107 recommends design sound levels and reverberation times for different areas of occupancy in various categories of buildings. It also specifies methods of measuring the ambient sound level reverberation time. This Standard is intended for use in assessing the acoustic performance of buildings and building services. It does not apply to the evaluation of occupancy noise.

ii. Decks, balconies and verandas alongside boundaries and noisy walking surfaces or elevated side passages must be avoided where they face a residential building; and

iii. Recreational facilities such as swimming pools and barbecue areas must be located away from the bedroom areas of adjoining dwellings.

C3 Visual privacy

i. Private open spaces of new residential development must be located and designed to offer a reasonable level of privacy for their users;

ii. Elevated external decks for dwelling houses must generally be less than 10m^2 in area and have a depth not greater than 1.5 metres so as to minimise privacy and noise impacts to surrounding dwellings;

iii. First floor windows and balconies of a building that adjoins a residential property must be located so as to face the front or rear of the building;

iv. Where it is impractical to locate windows other than facing an adjoining residential building, the windows must be offset to avoid a direct view of windows in adjacent buildings;

v. Where the visual privacy of adjacent residential properties is likely to be significantly affected from windows or balconies (by way of overlooking into the windows of habitable areas and private open spaces), one or more of the following measures must be applied:

a. Fixed screens of a reasonable density (minimum 75% block out) to a minimum height of 1.6 metres from finished floor level must be fitted to balconies in a position suitable to alleviate loss of privacy;

b. Windows must have minimum sill height of 1.6 metres above finished floor level or fixed opaque glazing to any part of a window less than 1.6 metres above finished floor level; and

c. Screen planting or planter boxes in appropriate positions may supplement the above two provisions in maintaining privacy of adjoining premises.

NB *Screen planting or planter boxes can be used as supplementary to a privacy screen but not as standalone privacy measure.*

NB *The applicant can propose other innovative solutions to ensure privacy, provided they satisfy the objectives of this section and where such measures do not distract from the streetscape or architectural integrity of the building.*

C4 Air-conditioning

i. Air-conditioning units must be appropriately soundproofed from any habitable room of an adjoining property;

ii. Where an air-conditioning unit cannot be located within a building, it must be concealed in a structure that has been designed or

PART 2: GENERIC PROVISIONS

located to minimise any visual impacts and reduce noise to a level acceptable when heard from any habitable room of an adjoining/adjacent dwelling; and

iii. Where an air-conditioning unit cannot be located in a building or concealed in a structure, it must be located in the rear wall of the building and be a minimum of 3 metres from any boundary of the property.

Air-conditioning units must be installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000.

The air-conditioner, associated plant and ancillary fittings must not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operations Act 1997.

NB *Air-conditioning systems must not be located on balconies or areas of high visibility unless applicants can demonstrate they will not have an adverse impact on the streetscape or adjoining properties.*

C5 Impacts of rail noise or vibration

i. Development in or adjacent to a rail corridor must consider the impacts of associated rail noise or vibration on the structure and users of the development; and

ii. Where development is for the purpose of a residential accommodation, a place of public worship, a hospital, an educational establishment or a child care centre a statement of consistency with the relevant SEPP must be submitted with the development application.

Division 15, Subdivision 2 of Infrastructure SEPP provides relevant standards and controls for development in and around rail corridors.

C6 Impacts of road noise or vibration

i. Development in or adjacent to the road corridor of a freeway, a toll way, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles must consider the associated road noise or vibration on the structure and users of the development.

ii. Where development is for the purpose of a residential accommodation, a place of public worship, a hospital, an educational establishment or a child care centre it must comply with the development guidelines of the relevant SEPP.

Division 17, Subdivision 2 of Infrastructure SEPP provides relevant standards and controls for development in and around road corridors.

C7 Noise impacts of commercial and industrial development on residential amenity

i. All development must comply with the relevant noise control guidelines.

ii. Where sites adjoin a residential area or are located within a mixed use building, Council will consider the potential noise generation of any proposed activities including the use of equipment or

machinery, the use of amplified music/noise on the site and proposed hours of operation.

iii. Where industrial sites adjoin a residential area, the number of hours and times at which mechanical plant and equipment is used should be limited in conjunction with sound proofing measures.

iv. New industrial development must be designed so that noise producing activity is remote from the interface boundary.

v. Industrial sites with a road frontage to residential areas should locate any new offices to the residential areas with restricted access points onto the residential fronted road. Similarly, the warehouse/factory functions of the new development must be located away from residential areas.

vi. Other sources of noise such as garbage collection, deliveries, ventilation systems, parking areas and air-conditioning plants are to be sited away from adjoining properties, where practicable, and be screened by walls or other acoustic treatment if necessary.

vii. Where significant amounts of traffic are likely to be generated which could affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided and may be regulated in any conditions of consent.

viii. All applications for noise generating uses adjacent to or located in a building containing a residential use must be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.

The NSW Government has set standards in relation to acceptable noise levels for all operations and land uses through the Environment Protection Authority's Environmental Noise Control Manual. Those standards apply in all cases.

NB *Refer to Part 6.2 (Industrial/Residential Interface) of this DCP for additional relevant controls relating to industrial development in proximity to residential and other sensitive land uses.*

NB *Refer to Part 5.2 (Commercial/Light Industrial/Residential Interface) of this DCP for additional relevant controls relating to commercial and light industrial uses in closes proximity to residential and the sensitive land uses.*

2.6.4 The National Airports Safeguarding Framework

The Australian Government has developed the National Airports Safeguarding Framework which provides a number of guidelines for development near airports including measures for managing impacts of aircraft noise. Other guidelines include building generated wind shear and turbulence, wildlife strikes, risks associated with wind turbine farms, lighting in the vicinity of airports and intrusions into the protected space of airports.

For information on the National Airports Safeguarding Framework visit www.infrastructure.gov.au/aviation/environmental/nasf/index.aspx

2.10

GENERIC PROVISIONS
PARKING





Marrickville Development Control Plan 2011

MARRICKVILLE council



P

Contents

Part 2 Generic Provisions 1
2.10 Parking 1
2.10.1 Objectives 1
2.10.2 Policy approach 2
2.10.3 Policy context 2
2.10.4 Provision rates approach 4
2.10.5 Car parking provision 5
2.10.6 Traffic and transport plans 9
2.10.7 Child care centres 9
2.10.8 Parking for targeted users 9
2.10.9 Carshare parking 10
2.10.10 Car stackers 10
2.10.11 Parking information for new residents of residential flat buildings 10
2.10.12 Car parking design controls 11
2.10.13 Bicycle parking provisions 13
2.10.14 Bicycle parking design controls 15
2.10.15 Motorcycle parking controls 16
2.10.16 Vehicle service and delivery areas 16
Appendix 1 – DCP 2011 Parking Areas Map 19



Part 2 Generic Provisions

2.10 Parking

This section of the DCP guides the provision of car and bicycle parking and their design for private developments. It recognises the strong link between the provision of private and public domain parking, with the latter guided by a range of policies and actions outside the scope of this DCP. It also recognises that parking *provision* and *design* can be complemented by parking *management* measures, many of which are also outside the scope of this DCP.

This section of the DCP applies to the whole of the Marrickville Local Government Area (LGA). It prescribes different car parking provision rates for three sub-sections of the LGA - highly accessible areas (Parking Area 1), moderately accessible areas (Parking Area 2) and least accessible areas (Parking Area 3). Car parking rates are most constrained in Parking Area 1 and least constrained in Parking Area 3. The three Parking Areas are described in Section 2.10.4 and are shown on the map provided in Appendix 1. For bicycles, provision rates are prescribed uniformly across the LGA.

2.10.1 Objectives

O1 To balance the need to meet car parking demand on-site to avoid excessive spillover on to streets, with the need to constrain parking to maintain the Marrickville LGA's compact urban form and promote sustainable transport.

O2 To balance the need to provide service/delivery areas on-site to avoid excessive use of streets for this purpose, with the need to constrain those areas to maintain the Marrickville LGA's compact urban form and promote sustainable transport.

O3 To improve the integration of land use and transport by applying strict constraints to car parking within accessible areas and more modest constraints in less accessible areas.

O4 To ensure parking provision and design is compatible with the particular development proposed.

O5 To allow for appropriate variation of provision rates and design parameters for developments with particular characteristics, such as affordable housing or re-use of older buildings.

O6 To provide for current and future demand for bicycle parking and to ensure bicycle parking is well designed and located.

O7 To ensure all parking facilities are safe, functional and accessible to all through compliance with design standards.

O8 To ensure all parking facilities achieve positive visual, environmental, sustainable transport and pedestrian safety outcomes through adoption of best practice principles.

O9 To give priority, in larger developments and where appropriate, to certain users in allocating parking, including emergency vehicle parking, service/delivery, mobility parking, bus/bicycle priority and parking for carshare and environmental vehicles.

PART 2: GENERIC PROVISIONS

These objectives directly promote Objective (d) of Marrickville Local Environmental Plan 2011 (MLEP 2011) *"to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling"*.

2.10.2 Policy approach

Parking policy is an important component of promoting sustainable transport and planning for liveable and economically viable communities.

Traditional car parking policies aimed to meet demand, whereas contemporary policies balance this against the need to constrain car ownership/use and promote sustainable transport. The constrained approach can improve building design, improve affordability of housing, retain heritage values, improve the viability of developments and businesses, improve visual amenity and reduce environmental impacts. Contemporary policies also meet current demand and allow for future demand for bicycle parking and parking for carshare and environmental vehicles.

This approach also aims to improve the management of existing parking resources to optimise turnover and make best use of valuable land devoted to car parking. Many tools can improve management of parking, such as pricing and enforcement. Although many of these tools apply to the public domain, and as such are outside the ambit of this section of the DCP, they can and should be utilised where appropriate in the private domain.

In larger developments, and in some smaller developments where appropriate, a key action for improved management of parking is prioritising targeted users of parking space - for efficiency, equity and environmental reasons. In general terms, highest priority should be given to emergency vehicle parking, service/delivery areas, mobility parking, bus/bicycle priority and parking for carshare and environmental vehicles. Lowest priority should be given to conventional private cars.

2.10.3 Policy context

The approach to car parking adopted by this DCP is supported by:

- *Metropolitan Strategy (2005)*, which provides the policy context for a proposed metropolitan-wide parking policy that will support sustainable transport in locations with good public transport access;
- *RMS Guide to Traffic Generating Developments (2002)*, which provides guidance on parking provision rates, whilst recognising the need to reduce those rates in accessible areas in the interests of applying travel demand management principles; and
- *Integrating Land Use and Transport Planning Policy (2002)*, which includes Accessible Development Principles, one those being *to manage parking supply in accessible areas*.

The Integrating Land Use and Transport Policy includes a set of Accessible Development Principles. Principle 8 is to manage parking supply. The objective of that principle is:

"To use the location, supply and availability of parking to discourage car use. Prominent, plentiful, cheap and unrestricted parking encourages people to drive; public transport becomes a less attractive alternative. Large parking areas are often unsightly and reduce amenity. They can be difficult or dangerous to cross on foot, and may impede access from public transport stops to destinations."

The principle states that control of parking is an effective tool in managing the demand for travel. Consideration needs to be given to reducing parking requirements for development in areas with good public transport, as well as the location and design of parking areas.

Good practice is achieved when:

- *Parking policies are consistent with broader land use and transport policies;*
- *Parking provision and price is related to access to public transport and services;*
- *Provision and management of parking is related to land use, with maximum provision rates identified;*
- *Parking provision is constrained in commercial centres with good access to public transport;*
- *Shared use of parking spaces is encouraged for land uses with staggered peak demand periods;*
- *Parking is placed at the rear of buildings or beneath buildings where possible, particularly in commercial centres;*
- *Mobility parking is provided at key facilities, with adequate enforcement;*
- *Vehicular access to car parks does not reduce accessibility or amenity to pedestrians, cyclists and buses; and*
- *Parking incentives and priority spaces are allocated to targeted users, such as carshare/environmental vehicles and high occupancy vehicles.*

The approach to car parking provision adopted by this DCP is also supported by:

- *Marrickville Strategic Plan 2006/11*, which includes objectives to plan for sustainable transport and a built environment that is accessible to all residents and maximises use of public transport and other alternatives to the car;
- *Marrickville Council Annual Management Plan and Budget 2009/13*, which includes a number of Council actions designed to meet the above Strategic Plan objectives;
- *MLEP 2011*, which includes an objective to support sustainable transport;
- *Marrickville Urban Strategy 2007*, which includes an objective to integrate land use and transport; and
- *Marrickville Integrated Transport Strategy 2007*, which includes a recommendation to manage the supply of private domain car parking in accessible areas.

PART 2: GENERIC PROVISIONS

Recommendation 4.4 of the Marrickville Integrated Transport Strategy states (in part): "Improve the management of private domain car parking in accessible areas by managing supply, improving bicycle parking and encouraging car sharing in private developments."

With regard to car parking design, refer to relevant Australian Standards.

Key Australian standards for car parking design are:

- *Australian Standard AS2890.1-2004* Off-street car parking;
- *Australian Standard AS2890.6-2009* Off-street parking for people with disabilities;
- *Australian Standard AS2890.2-2002* Commercial vehicles; *and*
- *Australian Standard AS1668.2-1991* Mechanical ventilation in buildings.

2.10.4 Provision rates approach

The main elements of the approach to parking provision rates in this DCP are:

1. Car parking provision is slightly constrained across the entire LGA as a demand management measure; and
2. Car parking provision rates are further constrained in accessible areas.

The approach adopted by the DCP is supported by other private and public domain parking management policies and actions that collectively aim to improve the management of parking and promote sustainable transport across the LGA.

Justification for providing car parking at a rate lower than that specified in this section of the DCP could include:

1. Peak parking and traffic activity occurs during periods where surrounding parking demand is lowest;
2. Existing site and building constraints make provision of car parking impractical;
3. Located adjacent to high-frequency public transport services and/or urban services;
4. Includes management regimes to minimise car use, such as workplace travel plans or on-site carshare schemes;
5. Provides a business or social service that benefits the local community and contributes to the vitality of the area;
6. Development targeted to demographic sector with low car use/ownership;
7. Safety of motorists, pedestrians and cyclists is unduly compromised by provision of parking;
8. Development contributes to heritage conservation of the building and setting; and
9. Parking for the development is consistent with the aims and objectives of this section of MDCP 2011.

Consistent with the principle of applying the greatest constraint to car parking within accessible areas, parking provision rates differ across three Parking Areas as follows.

Parking Area 1, where car parking is most constrained, is defined as:

- The suburb of Newtown, but excluding land to the west of Edgeware Road;
- The suburb of Camperdown, but excluding land to the north of Salisbury Road, to the west of St Marys Street, to the north of Trade Street and to the west of Kingston Road;
- The suburb of Enmore, but excluding land to the west of Liberty Street, to the south of Stanmore Road and to the west of Enmore Road;

- 200 metres around railway stations; and
- All business zones within the major centres of Marrickville, Dulwich Hill and Petersham.

Parking Area 2, where car parking is moderately constrained, is defined as:

- 200 metres around Parking Area 1;
- 200 metres around light rail stops and Strategic Bus Corridor routes; and
- All business zones not within Parking Area 1.

Parking Area 3, where car parking is least constrained, is defined as all land not within Parking Area 1 or Parking Area 2.

In contrast to car parking, bicycle parking provision rates are uniformly applied across the LGA and are generally applied to meet current unconstrained demand and a modest level of growth in bicycle ownership/use into the future.

2.10.5 Car parking provision

Table 1 shows car parking provision rates for the main land uses within the Marrickville LGA.

C1 Development must comply with car parking rates detailed in Table 1.

Table 1: Onsite car parking requirements

Land use	Car spaces: Parking Area 1	Car spaces: Parking Area 2	Car spaces: Parking Area 3
RESIDENTIAL			
Boarding houses	1 parking space per resident employee and 0.5 parking spaces per boarding room	1 parking space per resident employee and 0.5 parking spaces per boarding room	1 parking space per resident employee and 0.5 parking spaces per boarding room
Backpackers' accommodation; tourist and visitor accommodation	1 per 300m² GFA	1 per 200m² GFA	1 per 100m² GFA
Dwelling houses (incl. attached, semi-detached and secondary dwellings)	1 per dwelling house or 1 per principal dwelling and secondary dwelling combined	1 per dwelling house or 1 per principal dwelling and secondary dwelling combined	1 per dwelling house or 1 per principal dwelling and secondary dwelling combined
Hostels (incl. aged)	1 per 5 staff for staff + 1 per 20 beds for residents & visitors + 1 for ambulance	1 per 4 staff for staff + 1 per 15 beds for residents & visitors + 1 for ambulance	1 per 3 staff for staff + 1 per 10 beds for residents & visitors + 1 for ambulance
Hotel or motel accommodation; serviced apartments	1 per 5 staff for staff + 1 per 5 units for residents	1 per 4 staff for staff + 1 per 3 units for residents	1 per 3 staff for staff + 1 per 2 units for residents
All residential flat buildings and shoptop housing with 7 or more units – **non-adaptable** units	0.2 per studio + 0.4 per 1br unit + 0.8 per 2br unit + 1.1 per 3+br unit for residents	0.4 per studio + 0.5 per 1br unit + 1.0 per 2br unit + 1.2 per 3+br unit for residents + 0.1 per unit for visitors	0.6 per studio + 0.8 per 1br unit + 1.2 per 2br unit + 1.2 per 3+br unit for residents + 0.1 per unit for visitors
All residential flat buildings and shoptop housing with 7 or more units - **adaptable** units	1 mobility space per studio, 1br, 2br or 3+br unit for residents	1 mobility space per studio, 1br, 2br or 3+br unit for residents + 0.25 visitor mobility spaces per unit	1 mobility space per studio, 1br, 2br or 3+br unit for residents + 0.25 visitor mobility spaces per unit
Shoptop housing – developments with 6 or less units	0.2 per studio or 1br unit + 0.5 per 2 or 3+br unit for residents	0.25 per studio or 1br unit + 0.5 per 2 or 3+br unit for residents	0.25 per studio or 1br unit + 0.5 per 2 or 3+br unit for residents

PART 2: GENERIC PROVISIONS

Land use	Car spaces: Parking Area 1	Car spaces: Parking Area 2	Car spaces: Parking Area 3
Seniors housing	0.2 per unit for residents + 1 per 5 units for visitors & carers	0.33 per unit for residents + 0.33 per unit for visitors & carers	0.5 per unit for residents + 0.33 per unit for visitors & carers
BUSINESS & RETAIL			
Business premises; retail premises; shops			
Up to 500m^2	1 per 100m^2 GFA for customers & staff	1 per 80m^2 GFA for customers & staff	1 per 50m^2 GFA for customers & staff
500-750m^2	5 + 1 per 65m^2 GFA over 500m^2 GFA for customers & staff	7 + 1 per 45m^2 GFA over 500m^2 GFA for customers & staff	10 + 1 per 30m^2 GFA over 500m^2 GFA for customers & staff
750-1,000m^2	9 + 1 per 45m^2 GFA over 750m^2 GFA for customers & staff	12 + 1 per 35m^2 GFA over 750m^2 GFA for customers & staff	19 + 1 per 25m^2 GFA over 750m^2 GFA for customers & staff
Over 1,000m^2	15 + 1 per 35m^2 GFA over 1000m^2 GFA for customers & staff	20 + 1 per 30m^2 GFA over 1,000m^2 GFA for customers & staff	29 + 1 per 20m^2 GFA over 1000m^2 GFA for customers & staff
Entertainment facilities	1 per 60m^2 GFA for those purposes	1 per 50m^2 GFA for those purposes	1 per 40m^2 GFA for those purposes
Function centres/Community centres	1 per 80m^2 GFA	1 per 60m^2 GFA	1 per 40m^2 GFA
Funeral homes	1 per 12 seats for patrons & staff	1 per 10 seats for patrons & staff	1 per 5 seats for patrons & staff
Health consulting rooms; medical centres	1 per 100m^2 GFA	1 per 80m^2 GFA	1 per 60m^2 GFA
Office premises	1 per 100m^2 GFA for staff & visitors	1 per 80m^2 GFA for staff & visitors	1 per 60m^2 GFA for staff & visitors
Registered clubs; nightclubs; bar component of hotel or motel accommodation	1 per 6 staff for patrons & staff	1 per 5 staff for staff + 1 per 30 patrons (as per patron limit on license) for patrons	1 per 3 staff for staff + 1 per 10 patrons (as per patron limit on license) for patrons
Restaurant and takeaway food or drink premises	1 per 100m^2 GFA for customers & staff	1 per 80m^2 GFA for customers & staff	1 per 50m^2 GFA for customers & staff
Service stations and ancillary uses	1 per 100m^2 GFA shop area for customers + 1 per 5 vehicle repair bays for staff	1 per 80m^2 GFA shop area for customers + 1 per 4 vehicle repair bays for staff	1 per 50m^2 GFA shop area for customers + 1 per 3 vehicle repair bays for staff
Drive-in/take-away food premises	1 per 30m^2 GFA (or part thereof) plus queuing facility for minimum of 6 cars	1 per 25m^2 GFA (or part thereof) plus queuing facility for minimum of 6 cars	1 per 20m^2 GFA (or part thereof) plus queuing facility for minimum of 6 cars
Vehicle sales or hire premises	1 per 300m^2 of site area for customers & staff	1 per 250m^2 of site area for customers & staff	1 per 200m^2 of site area for customers & staff
Brothels and other sex service premises	1 per 100m^2 GFA for customers & staff	1 per 80m^2 GFA for customers & staff	1 per 50m^2 GFA for customers & staff
INDUSTRY & WAREHOUSE			
Bulky goods premises	1 per 150m^2 GFA for customers & staff	1 per 125m^2 GFA for customers & staff	1 per 100m^2 GFA for customers & staff
Industries; light industries; Warehouse and distribution centres	1 per 300m^2 GFA for customers & staff	1 per 250m^2 GFA for customers & staff	1 per 200m^2 GFA for customers & staff
Vehicle body repair workshops	1 per 50m^2 GFA	1 per 40m^2 GFA	1 per 30m^2 GFA
Vehicle repair stations	1 per 50m^2 GFA	1 per 40m^2 GFA	1 per 30m^2 GFA

Land use	Car spaces: Parking Area 1	Car spaces: Parking Area 2	Car spaces: Parking Area 3
RECREATION			
Indoor recreation facilities	1 per 100m² GFA for those purposes	1 per 75m² GFA for those purposes	1 per 50m² GFA for those purposes
Outdoor recreation facilities	Tennis court: 1 per 2 courts; Bowling green: 5 for the first green plus 2 per additional green - for customers & staff	Tennis court: 1 per court; Bowling green: 10 for the first green plus 5 per additional green - for customers & staff	Tennis court: 1 per court; Bowling green: 15 for the first green plus 10 per additional green - for customers & staff
INFRASTRUCTURE			
Child care centres	1 per 50m² GFA	1 per 40m² GFA	1 per 30m² GFA
Tertiary educational establishments	1 per 5 staff for staff + 1 per 30 full-time students for students	1 per 4 staff for staff + 1 per 25 full-time students for students	1 per 3 staff for staff + 1 per 15 full-time students for students
Hospitals	1 per 10 beds for patients & visitors + 1 per 4 staff for staff + ambulance facility	1 per 8 beds for patients & visitors + 1 per 3 staff for staff + ambulance facility	1 per 5 beds for patients & visitors + 1 per 2 staff for staff + ambulance facility
Places of public worship	1 per 50m² GFA for patrons & staff	1 per 40m² GFA for patrons & staff	1 per 30m² GFA for patrons & staff
Schools	1 per 5 staff for staff and dropoff & pickup facility for parents & carers	1 per 4 staff for staff plus + dropoff & pickup facility for parents & carers	1 per 2 staff for staff + dropoff & pickup facility for parents & carers

C2 The following points must be considered in the calculation of car parking provision rates:

i. Table 1 above reproduces adaptable dwelling parking requirements within Section 2.5.10 of this DCP – in the event of any inconsistency in the number of spaces required, the requirements in Table 1 above shall prevail;

ii. Service and delivery (truck) parking rates specified in Table 6 are to be applied in addition to (car) parking rates specified in Table 1;

iii. Required parking is to be excluded from GFA calculations, with any parking in excess of those requirements included in GFA calculations;

iv. Calculated parking provision numbers must be checked against a merit assessment to ensure appropriateness for the intended land use;

v. When calculating the total required number of car parking spaces (including car parking spaces required for people with disabilities and bicycle and motor cycle parking spaces) –if the result is not a whole number, it must be rounded **UP or DOWN** to the nearest whole number. For example –

2.5 spaces = 3 spaces required

4.4 spaces = 4 spaces required

vi. For mixed use developments, calculations for each of the different uses should be carried out separately and rounded to whole figures (as described above);

vii. For residential uses, parking calculations for adaptable dwellings, non-adaptable dwellings and visitors should be carried out separately and rounded to whole figures (as described above);

PART 2: GENERIC PROVISIONS

viii. For residential uses, parking calculations for non-adaptable units (studio, 1br, 2br & 3+br) should be carried out together, then rounded;

ix. Parking for different land uses in a mixed use development and for different parking users, such as residents and visitors, should be provided separately and be marked or signposted to indicate the intended user; In assessing the provision of parking, consideration should be given to shared use of adjacent public or private domain parking between time-separated land uses, such as office use by day and club use by night;

x. Visitor car parking is not required for residential flat building developments and shop top housing developments in commercial centres (Parking Area 1), nor is visitor car parking required for shoptop housing developments with six units or less in any Parking Area. This is due to space constraints involved with small-lot developments;

xi. Calculation of parking provision for uses not specified in Table 1 above is to be undertaken on merit, guided by the RMS *Guide to Traffic Generating Developments* rates reduced by 30%, 25% and 20% for Parking Areas 1, 2 & 3 respectively;

xii. Parking rates for vehicle repair and vehicle body repair stations are intended for staff and do not take into consideration areas that are to be used for vehicles being worked on, waiting to be worked on or waiting to be picked up. The area to be used for those purposes must also be provided on-site and in a manner that does not adversely impact on surrounding amenity or availability of on street parking.

CAR PARKING CALCULATION EXAMPLE

Residential Flat Building parking calculation example - 20 units in Parking Area 2:

Adaptable Dwellings

4 adaptable units (any type) @ 1 space per dwelling	= 4 mobility spaces
Visitor parking @ 0.25 spaces per adaptable dwelling	= 1 mobility space

Other Dwellings (non adaptable)

3 x studio units	@ 0.4 spaces per dwelling	= 1.2 spaces
5 x 1br units	@ 0.5 spaces per dwelling	= 2.5 spaces
5 x 2br units	@ 1 space per dwelling	= 5 spaces
3 x 3br units	@ 1.2 spaces per dwelling	= 3.6 spaces
Total		= 12.3 spaces
Rounded down		= 12 spaces
Visitor spaces	@ 0.1 spaces per dwelling	= 1.6 spaces
Rounded up		= 2 spaces

Total Parking Required

Resident parking	16 spaces (including 4 mobility spaces)
Visitor parking	3 spaces (including 1 mobility space)
TOTAL	= 19 spaces

C3 Council may waive its requirements for onsite parking provision for low density housing, where such provisions (in the form of a garage, carport or hardstand area) +:

i. Has adverse impacts on the existing streetscape;
ii. Disrupts the existing pattern where the majority of the adjoining dwellings have no provisions for onsite parking; and
iii. Is inconsistent with the desired future character of the area.

For further design information on parking for low density housing, refer to MDCP 2011 Section 4.1 Low Density Residential Development, Part 4.1.7 Car Parking.

2.10.6 Traffic and transport plans

For larger developments, Council may require a traffic and transport management plan to accompany the development application. A useful format for such a plan is a transport management and accessibility plan (TMAP).

A TMAP assesses the existing traffic and transport situation, predicts impacts associated with the development, sets mode shift targets away from car use toward walking, cycling and public transport and defines a set of actions that will create the desired mode shift. Parking provision rates and management of parking are significant components of the TMAP. The TMAP may include a workplace travel plan, transport access guide and parking management plan, or may require that these be prepared and implemented post-approval.

For further information on the preparation of TMAPs refer to the Transport for NSW publication Draft Interim Guidelines for the Preparation of Transport Management and Accessibility Plans.

2.10.7 Child care centres

In assessing development applications for child care centres, a thorough merit assessment will be required in addition to consideration of the provision rates for this land use, as specified in Table 1. Child care centres are a special case due to the high number of car trips generated for a short duration at drop off and pick up times, and the particular safety issues involved with young children around cars. It may be appropriate that the pickup/dropoff area be provided on the street with appropriate kerbside parking regulations.

For further information on parking for childcare centres, refer to:

- *RMS Guide to Traffic Generating Developments.*
- *SSROC 2005 Discussion Paper on Planning Requirements for Child Care Centres.*

2.10.8 Parking for targeted users

As stated above, a number of priority parking spaces can be allocated to targeted users to promote equity of access and encourage use of environmental vehicles over conventional vehicles. For larger developments, the objectives and details of such allocation could be within a parking management plan. In most instances, highest priority will be assigned to emergency vehicles, mobility parking and service/delivery areas. Priority could also be given to parking for parents with prams, carshare vehicles and environmental vehicles.

Environmental vehicles include very small cars, hybrid cars and fully electric cars. Spaces allocated to environmental vehicles should be marked and managed according to the specific vehicle type targeted. In the case of fully-electric cars, it may be appropriate to provide recharging facilities adjacent to the parking space. Environmental vehicles could technically include bicycles and motorcycles.

2.10.9 Carshare parking

For larger developments, there may be an opportunity to provide dedicated on-site parking spaces for carshare vehicles. Carshare schemes are most effective in areas with ready access to public transport and services – generally within Parking Areas 1 and 2. They are also most effective where carshare vehicles can be accessed at any time by residents and business operators on the site, as well as those in the surrounding precinct.

Carshare schemes provide an alternative means by which residents and business operators can have access to a car, and as such, may enable on-site parking for private cars to be reduced. Accordingly, Council will look more favourably on proposed reductions from the rates specified in car parking provision in Table 1 if a carshare scheme is provided on the site.

The number of carshare spaces provided will depend on an assessment of demand, which must consider access to public transport and services, parking provision proposed and existing carshare schemes near the site. Additional carshare spaces may be earmarked for future use to accommodate any increase in carshare demand. Beyond the provision of the carshare spaces, developers must oversee the establishment and operation of a carshare scheme soon after completion or occupation of the development. In most instances, this will be in partnership with a car share provider.

For further information on car sharing in Australia and overseas, refer to Australian Greenhouse Office 2004: Car Sharing – An Overview.

2.10.10 Car stackers

Council discourages the use of mechanical car stackers, largely because of previous experience with stackers malfunctioning and therefore failing to provide the required parking provision.

2.10.11 Parking information for new residents of residential flat buildings

Developers of new residential flat buildings and commercial buildings must inform new residents and occupants of the following Council policy:

"Developments within the local government area involving land use changes, new commercial and/or multi-unit housing developments are excluded from participation in any Resident/business Parking Scheme."

2.10.12 Car parking design controls

C4 Parking areas must be designed in accordance with relevant standards, in particular Australian Standards, Austroads and RMS guidelines.

Australian Standard AS 2890.1-2004 Parking facilities and *AS 2890.6-2009 Off-street parking for people with disabilities provides details for the design of parking facilities. In order to meet Council's requirements, developments must comply with those Australian Standards.*

NB *Off-street parking is generally provided as 90 degree parking spaces. Angled parking, while generally discouraged, may be considered where site constraints result in the provision of 90 degree spaces being impractical or inappropriate.*

C5 The minimum dimensions for an off-street parking space is 5.4 metres by 2.5 metres and clearly marked to be easily identified by users.

C6 If parking spaces are affected by columns then they must be designed in accordance with relevant standards. Small car parking spaces will only be considered if they are residual spaces in large car onsite car parks.

C7 The standard height clearance is 2.3 metres (2.5 metres for designated parking areas for persons with disabilities). Clearance must be measured to the lowest appurtenance on the ceiling, such as beams, which could include fire sprinklers, signs, lighting fixtures or ventilation ducts.

NB *Headroom is the vertical distance measured from the surface level of the parking area and the lowest point of any structure above that parking area.*

C8 Compliance with minimum aisle widths is necessary to ensure direct vehicle movements in and out of parking spaces and enable the effective function of parking areas.

For permissible aisle and parking bay width variations according to parking bay angles, refer to AS 2890.1-2004.

C9 To allow vehicle drivers adequate visibility of pedestrians, the maximum ramp grade at the property boundary must be 1 in 20 or 5% within 6 metres of the property boundary.

Public safety is the main consideration when planning the location of car access to a development. The location of access depends on the type of road frontage, sight distance, intersections and potential vehicle/pedestrian conflicts. Potential conflicts associated with driveways are often proportional to the traffic generating potential of the development which they serve.

C10 Where possible, avoid positioning driveways:

i. In places with high traffic volumes, such as on main roads;
ii. Close to intersections;
iii. Opposite other developments generating a large amount of traffic (unless separated by a median);
iv. Where there is a heavy and constant pedestrian movement along the footpath;

PART 2: GENERIC PROVISIONS

v. Where right turning traffic entering the facility may obstruct through traffic; and

vi. Where traffic using the driveways interferes with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings.

C11 The following general design principles must be considered when planning access driveways for developments:

i. Separate ingress and egress vehicular driveways must be arranged to enable vehicular flow in a clockwise direction;

ii. Reversing movements into or out of public streets (except in the case of individual dwelling houses) must be avoided;

iii. Arrangements must avoid on-street queuing;

iv. Each driveway must be positioned to be clear of all obstructions, such as fences, walls, poles or trees, which may prevent drivers from viewing pedestrians;

v. Each driveway must be relatively level within 6 metres of the site boundary or any pedestrian way (the recommended maximum grade is 5%); and

vi. Each driveway must be signposted with appropriate entry, keep left and signs on exit.

The RMS has adopted seven types of access driveways – Type 1 to 5 for cars (or light vehicles) and Types 6 and 7 for heavy vehicles (see Tables 3 and 4).

Table 3: Driveway type

Road frontage	Number of car parking spaces served by the driveway					
	Less than 25	25-100	101-300	301-600	More than 600	Heavy Vehicles
Major	1-2	2-3	3-4	4	5	7
Minor	1	1-2	2-3	3-4	4	6

Table 4: Driveway dimensions

Type	Entry width	Exit width	Minimum separation of driveways	Splay at kerbline	Kerb return turnout radius
1	3-6 metres	combined	NA	0.5 metres	-
2	6-9 metres	combined	NA	1 metre	-
3	6 metres	4-6 metres	1-3 metres	1 metre	2-9 metres
4	6-8 metres	6-8 metres	1-3 metres	1 metre	2-9 metres
5	Direct feed from a controlled intersection via a dedicated public roadway				
6	8-10 metres	8-10 metres	3 metres	1 metre	2-9 metres
7	10-12 metres	10-12 metres	3 metres	1 metre	2-9 metres

C12 Clear sight lines must be provided at the property line to ensure adequate visibility between vehicles on the driveway and pedestrians on the frontage and the footpath.

C13 Details of any proposed security measures must be provided on the plans and documentation provided with any development application submitted to Council, if requested by Council. For details refer Section 2.9 (Community Safety) of this DCP.

C14 The location of boom gates must allow sufficient queuing areas for vehicles entering the site. Where visitor spaces are provided, unobstructed access must be provided to those areas.

C15 A safe, clearly defined pedestrian pathway through a car park to building entrances and other main pedestrian attractors must be provided in larger car parks and in car parks for child care centres. Such a pathway may also be warranted in smaller car parks where there is likely to be a well-used pedestrian route through the car park.

The location of access driveways must comply with the relevant standard in relation to distances from intersections.

For more information on access driveways, refer to AS 2890.1-2004.

2.10.13 Bicycle parking provisions

Table 5 shows only the main land uses likely to be the subject of a development application within the Marrickville LGA. To determine provision rates for land uses not listed in this table, a merit assessment should be undertaken.

The merit assessment should reference the NSW Planning Guidelines for Walking and Cycling, Austroads Part 14 Bicycles and the RMS Guide to Traffic Generating Developments.

Table 5 shows bicycle parking provision rates for the main land uses within the Marrickville LGA. There may be instances where a variation in these rates is justified on merit. In contrast to car parking, bicycle parking provision rates are uniformly applied across the LGA and are generally applied to meet current demand and a certain level of growth in bicycle use into the future, although gross overprovision is not desirable.

Rates are given for bicycle parking spaces, generally in the form of racks, as well as showers and clothes lockers for staff. These rates are primarily based on the *NSW Planning Guidelines for Walking and Cycling*, which is based on the current average bicycle journey-to-work mode share for the Sydney region (around 3%), and an estimated increase to 5% in the future.

A 5% staff mode share translates to one bicycle parking space per 20 staff. Staff numbers can vary significantly on any one site as businesses come and go – particularly on industrial sites. On these sites, a merit assessment will ensure bicycle parking is not significantly over or under provided.

C16 Development must comply with following bicycle parking facility rates outlined in Table 5.

Table 5: Bicycle spaces

Land use	Bicycle parking spaces	Clothes lockers (staff & students)	Showers (staff & students)
RESIDENTIAL			
Boarding houses	1 per 2 boarding rooms for residents + 1 per 10 boarding rooms for visitors	-	-
Backpackers' accommodation; tourist and visitor accommodation	1 per 2 units or rooms for residents + 1 per 10 units & rooms for visitors + 1 per 20 staff for staff	1 per 3 staff spaces	1 + extra on merit

PART 2: GENERIC PROVISIONS

Land use	Bicycle parking spaces	Clothes lockers (staff & students)	Showers (staff & students)
Dwelling houses (including attached & semi-detached)	-	-	-
Secondary dwellings	-	-	-
Hostels (including aged)	1 per 20 units or rooms for residents	-	-
Hotel or motel accommodation; serviced apartments	1 per 20 units or rooms for staff & patrons	1 per 3 staff spaces	1 + extra on merit
Residential flat buildings	1 per 2 units for residents + 1 per 10 units for visitors	-	-
Seniors housing	1 per 10 units for residents	-	-
BUSINESS & RETAIL			
Bulky goods premises; industry; light industry; warehouse and distribution centres	1 per 150 m^2 GFA for staff; 1 per 1000m^2 GFA for bulky goods premises customers	1 per 3 staff spaces	1 + extra on merit
Business premises; retail premises; shops	1 per 300 m^2 GFA for staff + 1 per 500m^2 GFA for customers if premises over 1000m^2 GFA	1 per 3 staff spaces	1 + extra on merit
Function centres	1 per 100m^2 GFA for staff + 1 per 100m^2 GFA for patrons	1 per 3 staff spaces	1 + extra on merit
Funeral homes	1 per 100m^2 GFA for staff + 1 per 100m^2 GFA for patrons	1 per 3 staff spaces	1 + extra on merit
Health consulting rooms; medical centres	1 per 8 practitioners for staff + 1 per 4 practitioners for patrons	1 per 3 staff spaces	1 + extra on merit
Office premises	1 per 200m^2 GFA for staff + 1 per 750m^2 GFA for visitors for premises over 1000m^2 GFA	1 per 3 staff spaces	1 + extra on merit
Registered clubs; nightclubs	1 per 25m^2 GFA bar area for staff + 1 per 100m^2 GFA other areas for patrons	1 per 3 staff spaces	1 + extra on merit
Restaurants	1 per 100m^2 GFA for staff + 2 for customers	1 per 3 staff spaces	1 + extra on merit
Service stations and ancillary uses	1 per 20 staff for staff + 2 for customers	1 per 3 staff spaces	1 + extra on merit
Takeaway food or drink premises	1 per 100m^2 GFA for staff + 1 per 50m^2 GFA for customers	1 per 3 staff spaces	1 + extra on merit
Vehicle sales or hire premises	1 per 20 staff for staff + 2 for customers	1 per 3 staff spaces	1 + extra on merit
INDUSTRY AND WAREHOUSE			
Vehicle body repair workshops	1 per 20 staff for staff + 2 for customers	1 per 3 staff spaces	1 + extra on merit
Vehicle repair stations	1 per 20 staff for staff + 2 for customers	1 per 3 staff spaces	1 + extra on merit
RECREATION			
Indoor recreation facilities	Bowling alley: 1 per alley for staff & customers; Squash courts: 1 per court for staff & customers; Gym & health & fitness: 1 per 10 staff + 1 per 50m^2 GFA for customers	1 per 3 staff spaces for staff + showers as part of facility for customers on merit	1 + extra on merit for staff + showers as part of facility for customers on merit
Outdoor recreation facilities	Tennis court: 1 per court; Bowling green: 2 per green	1 per 3 staff spaces for staff + showers as part of facility for customers on merit	1 + extra on merit for staff + showers as part of facility for customers on merit
INFRASTRUCTURE			

Land use	Bicycle parking spaces	Clothes lockers (staff & students)	Showers (staff & students)
Child care centres	1 per 20 staff for staff + 2 for customers	1 per 3 staff spaces	1 + extra on merit
Educational establishments	1 per 20 staff for staff + 1 per 10 students for students	1 per 3 staff spaces + 1 per 3 student spaces	1 + extra on merit for staff & students
Hospitals	1 per 20 staff for staff + 1 per 30 beds for visitors	1 per 3 staff spaces	1 + extra on merit
Places of public worship	1 per 20 staff for staff + 1 per 20 seats for patrons	1 per 3 staff spaces	1 + extra on merit
Schools	1 per 20 staff for staff + 1 for 10 students for students	1 per 3 staff spaces + lockers for students on merit	1 + extra on merit for staff + showers for students on merit

2.10.14 Bicycle parking design controls

This DCP focuses on private domain bicycle parking, whilst recognising the importance of public domain bicycle parking, and the interrelationship between the two types. The location and design of bicycle parking can be more important than level of provision, as poorly located and designed facilities, even if adequate in terms of capacity, may ultimately attract little use.

C17 Bicycle parking should be located to have priority over car parking with regard to access to building entrances and lifts, and be clearly marked and easily accessible, have good surveillance, provide a means of securely locking bicycle frames and wheels and should not create a hazard for pedestrians, motorists or cyclists.

Key bicycle parking guidelines are:

- *Australian Standard AS 2890.3 Bicycle parking facilities;*
- *Austroads 1999 Guide to Traffic Engineering Practice Part 14 Bicycles - Chapter 10: End-of–trip facilities;*
- *Department of Planning 2004 Planning Guidelines for Walking & Cycling - Section 7.6: Bicycle parking & end-of-trip facilities;*
- *RMS 2003 NSW Bicycle Guidelines – Chapter 11: Bicycle parking & access to public transport interchanges; and*
- *RMS 1993 Guide to Traffic Generating Developments.*

Whilst bicycle parking types are wide and varied, for the purposes of this DCP, bicycle parking can be divided into four broad categories, with this section of the DCP largely concerned with the first two:

1. All day parking for staff and students at workplaces and educational establishments – usually in the form of lockers, compounds or racks in secure locations such as basement car parks;
2. Permanent parking or storage of bicycles for residents of apartments – usually in the form of lockers or racks in basement car parks;
3. Short term parking for visitors to commercial centres, individual commercial and industrial buildings and other public and private buildings – usually in the form of racks near building entrances or on the street; and
4. All day parking at public transport stops – usually in the form of lockers or racks in secure locations, such as at rail station entrances.

PART 2: GENERIC PROVISIONS

C18 In practice, most bicycle parking will be in the form of racks. To ensure they are functional and secure:

i. Both wheels and frame must be able to be easily locked to the rack with a U-lock, cable or chain without damaging the bicycle;

ii. Parked bicycles must not obstruct pedestrians or vehicles;

iii. The parking area must be weather protected;

iv. The racks should be in a convenient location, usually near building entrances, and open to view to enhance security; and

v. The parking area must be easily accessible from a bicycle route, footway or roadway.

Australian Standards AS 2890.3 provides the standards for bicycle parking facilities.

2.10.15 Motorcycle parking controls

Provision of dedicated motorcycle (and motor scooter) parking bays can increase the efficiency of parking areas.

C19 Motorcycle parking shall be provided at a rate of 5% of the car parking required under Table 1 rounded up or down to the nearest whole figure (for example, 1.4 spaces would become one space, while 1.5 or 1.6 spaces would become two spaces).

C20 The minimum dimensions for a motorcycle parking space are 2.5 metres by 1.2 metres and must be clearly marked. Transverse motorcycle parking bays are acceptable.

C21 Motorcycles are vulnerable to damage from being struck by other vehicles. Motorcycle parking bays must be located away from where cars will be reversing or manoeuvring. Where motorcycle parking bays are located adjacent to car parking areas, bollards, landscaped areas or other barriers can protect parked motorcycles.

C22 Many motorcycles rely on side-stands to park. Motorcycle parking areas must be located on flat and even surfaces. The gradient of a motorcycle bay must not exceed 1 in 20 (5%) either parallel to or at 90 degrees to the angle of parking.

C23 Motorcycle side stands are generally located on the left side. Where angled (transverse) motorcycle parking is located on an uphill gradient the bays must also be angled uphill. This will avoid riders manually reversing uphill.

2.10.16 Vehicle service and delivery areas

For service and delivery area design details, refer to *RMS Guide to Traffic Generating Developments* (2002). The minimum requirements for new larger developments are in Table 6. For new uses in existing larger premises, Council will assess service and delivery requirements on merit. The merit assessment should consider the need to provide adequate space for this purpose, whilst also considering existing site constraints and the need to minimise space devoted to service and delivery functions in the interest of minimising development costs and maintaining Marrickville's compact urban form. In all cases, the applicant must demonstrate that in providing these areas, the objectives of this section of the DCP will not be unduly compromised.

C24 For larger developments, at least one on-site service area must be provided, with the minimum area for vehicle parking being 7.5 metres by 3 metres.

The design of service and circulation areas must consider the type of vehicles delivering to the premises and the type of goods being handled. Developments to be serviced by semi-trailers require particular attention, as those vehicles create significant off-site impacts and consume large areas for movement. It may be appropriate to limit trucks servicing a site to smaller rigid trucks only.

C25 Proposals must meet minimum requirements for the parking of service and delivery vehicles, as detailed in Table 6.

Table 6: Service and delivery vehicle areas

Type of development	Minimum requirements
Commercial premises	One truck space per 4,000m^2 GFA up to 20,000m^2 GFA plus one truck space per 8,000m^2 thereafter (50% of spaces adequate for trucks)
Department stores	One truck space per 1,500m^2 GFA up to 6,000m^2 GFA plus one truck space per 3,000m^2 thereafter (all spaces adequate for trucks)
Supermarkets, shops and restaurants	One truck space per 400m^2 GFA up to 2,000m^2 GFA plus one truck space per 1,000m^2 thereafter (all spaces adequate for trucks)
Wholesale, industrial	One truck space per 800m^2 GFA up to 8,000m^2 GFA plus one truck space per 1,000m^2 thereafter (all spaces adequate for trucks)
Hotels and motels	One service vehicle space per 50 bedrooms or bedroom suites up to 200 plus one space per 100 thereafter plus one space per 1,000m^2 of public area set aside for bar, tavern, lounge and restaurant (50% of spaces adequate for trucks)
Residential flat buildings and residential components of mixed use developments	One service vehicle space per 50 apartments (above first 50) up to 200 apartments plus one space per 100 apartments thereafter
Other uses	One service vehicle space per 2,000m^2 (50% of spaces adequate for trucks)

The following design principles should be considered in the design of service vehicle areas, as detailed in RMS Guide to Traffic Generating Developments (2002):

- *The layout of the service area must be designed to facilitate operations relevant to the development;*
- *Service areas must be a physically defined area which is not used for other purposes, such as storage of goods and equipment or parking areas;*
- *Separation of service vehicle and car movements must be a design objective;*
- *All vehicles must enter and leave the property in a forward direction; and*
- *Internal circulation roadways must be adequate for the largest vehicle anticipated to use the site.*

C26 Minimum vehicle dimensions, as detailed in Table 7, must be used in the design of service bay areas.

Table 7: Service vehicle dimensions

Vehicle type	Length	Width	Height	Turning circle (kerb-to-kerb)
Station wagon	4.7 metres	1.9 metres	1.4 metres	11 metres

PART 2: GENERIC PROVISIONS

Utilities	4.7 metres	1.9 metres	1.4 metres	11 metres
Van	5.4 metres	2.1 metres	2.5 metres	13.5 metres
Small rigid truck	6.6 metres	2.1 metres	4.3 metres	14.4 metres
Max. rigid truck	11 metres	2.5 metres	4.3 metres	21.7 metres
Max. articulated truck	17.5 metres	2.5 metres	4.3 metres	16.2 metres

C27 Manoeuvring areas must be designed to ensure direct movement to parking bays and loading areas.

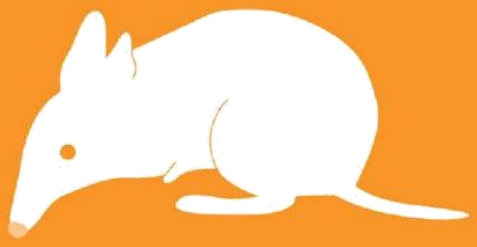
Templates of vehicle turning circles and loading bay manoeuvring areas are provided in RMS 2002 Guide to Traffic Generating Developments; AS 2890.1-2004 and AS 2890.2-2002.

Appendix 1 – DCP 2011 Parking Areas Map

See the attached map

2.13

GENERIC PROVISIONS
BIODIVERSITY



Marrickville Development Control Plan 2011

MARRICKVILLE council

Contents

Part 2 **Generic Provisions** 1
2.13 **Biodiversity** 1
2.13.1 **Local government and biodiversity** 1
2.13.2 **Local government provisions for biodiversity** 1
2.13.3 **Protection of endangered/threatened species** 2
2.13.4 **Wildlife corridors** 4
2.13.5 **Development near parks, bushland reserves and other public open spaces** 4
2.13.5.1 Advisory notes 5
2.13.6 **Waterways and riparian lands** 5
Appendix 1 – Long-nosed Bandicoot factsheet 7
Appendix 2 – Grey-headed Flying Fox factsheet 9
Appendix 3 – DCP 2011 Biodiversity Map 11

Part 2 Generic Provisions

2.13 Biodiversity

Biodiversity refers to the variety of life: the different plants, animals and mirco-organisms, the genes they contain and the ecosystems of which they form. Biodiversity is vital in supporting human life. It provides many benefits, including all our food, clean air and water and fertile soils.

2.13.1 Local government and biodiversity

Councils have a range of policy and management functions including:

- Land use planning and development controls that impact biodiversity;
- Maintenance and development of physical infrastructure;
- Waste management;
- Provision of local community education facilities and community awareness programs;
- Management of open space for recreation and conservation; and
- Pollution control.

These and other functions are highly relevant to the local and regional management of biodiversity, a relatively new responsibility for local government.

Over recent years, considerable policy development has occurred through revised planning schemes, local conservation strategies and the Local Agenda 21 initiative that flowed from the 1992 United Nations (UN) Conference on Environment and Development. More recently, a national policy for local government biodiversity management has been developed (ALGA 2000).

2.13.2 Local government provisions for biodiversity

The National Local Government Biodiversity Strategy (NLGBS) established a common policy direction for all local government across Australia, recognising the importance of biodiversity and the need for integrated local government approaches and actions. The NLGBS outlines the following objectives to address five key issues:

1. To develop a national awareness, training and education program.
2. To ensure adequate resourcing for all interested councils or regional organisations in order to have a greater role in biodiversity conservation, including the specific requirements of indigenous communities.
3. To encourage regional partnerships and planning, preferably along existing regional boundaries.
4. To encourage state governments to review, and possibly amend, legislation relating to the role of local government in managing biodiversity.
5. To establish a nationally coordinated information and monitoring system which is integrated with existing databases and to provide councils with basic information on biodiversity in their area.

Those objectives provide a basis for monitoring and evaluating local government needs and achievements in biodiversity conservation.

PART 2: GENERIC PROVISIONS

2.13.3 Protection of endangered/threatened species

An objective of the *Environmental Planning and Assessment Act 1979* (EP&A Act), is to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.

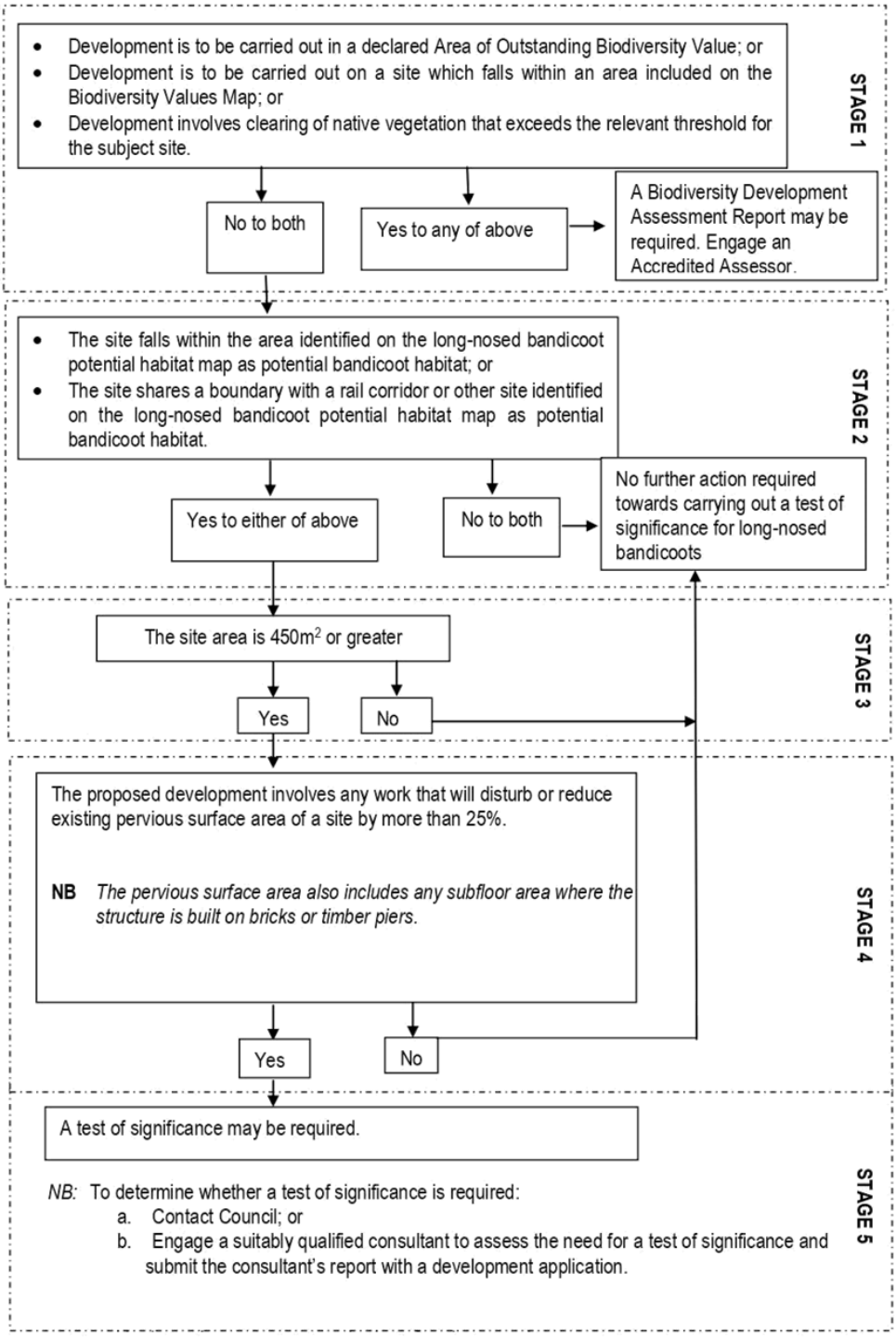
Objectives

O1 To protect and promote the recovery of threatened species, populations and endangered ecological communities.

Controls

C1 Development on land identified on the Biodiversity Map as Bandicoot Protection Area, provided in Appendix 3, may be required to undertake an assessment of significance. Figure 1 outlines the decision making framework used to determine whether there may be a significant impact on the long-nosed bandicoot population and the need to undertake an assessment of significance.

Figure 1 - Criteria to determine the need for an assessment of significance for long-nosed bandicoots



PART 2: GENERIC PROVISIONS

2.13.4 Wildlife corridors

Wildlife corridors are vegetation features (preferably remnant bushland, but may include remnant trees, native plantings, weed thickets and gardens) that connect larger areas of remnant bushland and facilitate fauna movement. Fauna movement allows dispersal, interbreeding and re-colonisation to occur, improving long-term viability of the species. Fauna movement also facilitates pollen and seed dispersal, enhancing the viability of plant populations. Continuous corridors are preferable, but discontinuous corridors still contribute to fauna movement and can potentially be improved through habitat enhancement.

Objectives

O2 To provide natural habitat for local wildlife and benefits to the community.

O3 To retain and enhance native vegetation and the ecological functions of wildlife corridors.

O4 To reconstruct habitat in non-vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original community.

Controls

C2 Development on land identified on the Biodiversity Map as Wildlife Corridor, provided in Appendix 3, must incorporate native vegetation as part of any landscaping works.

NB *A detailed list of native vegetation is provided in Section 2.18 (Landscaping and Open Spaces) of this DCP.*

2.13.5 Development near parks, bushland reserves and other public open spaces

The impacts of development on natural areas and public spaces can be partly redressed through sympathetically designed development, the retention of remnant vegetation areas and by providing suitable habitat in parks and private gardens.

Objectives

O5 To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.

O6 To ensure development responds to its adjacent surroundings and helps preserve and enhance the natural qualities of the environment.

O7 To encourage development that complements the landscape character and public use and enjoyment of the land adjacent to open spaces.

Controls

C3 Buildings must be located to provide an outlook to public open space without appearing to privatise that space.

C4 Development must provide a visual transition between open space, bushland reserves or other public spaces and buildings, including avoiding abutting public open space with back fences.

C5 Development must protect views to and from public open spaces.

NB *The above controls can be best addressed through a detailed site and context analysis. See Section 2.3 (Site and Context Analysis) of this DCP.*

2.13.5.1 Advisory notes

Where suitable, development should ensure access to public open space is provided via roads or easements for access.

Development may retain outlook and views by:

1. Choosing materials that minimise building mass;
2. Articulating the building elevation, fence and wall materials, height, design and the selection of landscape; or
3. Selection of suitable vegetation to form an attractive transition to the open space.

The transition between development and open space may be enhanced by:

1. Incorporating a vegetation link to open space with the landscaping design;
2. Providing a similar landscaping design and plant species as the adjacent bushland;
3. Selecting fence materials that integrate with the open space characteristics;
4. Locating the building away from the open space areas;
5. Relating building heights to open space vegetation height;
6. Preserving significant fauna and flora habitats;
7. Providing a protective buffer between the development and bushland;
8. Not introducing non-native flora and fauna;
9. Minimising clearing; or
10. Providing on-site soil and water management that treats stormwater before it enters bushland.

Views to and from open space may be protected by:

1. Avoiding development that may interrupt the skyline;
2. Minimising clearings to avoid fragmentation of the landscaping especially adjacent to bushland reserves;
3. Limiting the height of development to below the tree canopy; or
4. Setting development back from the open space area.

2.13.6 Waterways and riparian lands

River health is influenced by the function and health of the stream banks or land adjoining the waterway, which is referred to as the 'riparian' zone, land or corridor.

Objectives

O8	To protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.
O9	To encourage development to be located outside waterways and riparian land.
O10	To avoid impacts that will result in an adverse change in watercourse or riparian land condition.
O11	To minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.
O12	To maintain and improve access, amenity and scenic quality of waterways and riparian lands.

PART 2: GENERIC PROVISIONS

Controls

C6 Infrastructure such as roads, drainage, stormwater structures or services must be located outside land identified as a waterway and riparian land.

NB *Development within 40 metres of a waterway may require a "controlled activity approval" pursuant to the* Water Management Act 2000. *Development that requires a controlled activity approval under that Act constitutes integrated development pursuant to Sections 4.46 and 4.47 of the EP&A Act. Before granting development consent to an application for consent to carry out the development, the consent authority must obtain the general terms of any approval from the relevant approval body. Applicants need to refer to this legislation separately.*

Appendix 1 – Long-nosed Bandicoot factsheet

Long-nosed Bandicoot

Scientific Name:
Perameles nasuta

Conservation Status in NSW:
Endangered population

Photo: Paul Meek ©DECCW



A colony of Long-nosed Bandicoots *(Perameles nasuta)* has recently been rediscovered within the suburbs of Dulwich Hill, Lewisham and Petersham in Sydney's inner west. This population of Australian native, nocturnal marsupials has been declared as an Endangered Population under the *Biodiversity Conservation Act 2016*.

Description

Long-nosed Bandicoots have a longer nose than feral rats. They have a creamy white contrast to their brown coat over their forelimbs, hind limbs and underbelly. Adult Long-nosed Bandicoots are much larger than rats, attaining sizes similar to adult rabbits. Their ears are more elongate and pointy than rats' ears, too.

Size: Ranging from 310mm - 425mm in length, tail length varies from 120mm - 155mm and body weight may vary from 850grams - 1100grams.

Colour: Typically dark; greyish-brown above and creamy white below. The forefeet and upper surfaces of the hind feet are also creamy white. The muzzle is long and pointed and the ears are large and distinctly pointed.

Diggings: When foraging for food, bandicoots dig small conical holes with their forefeet which are just large enough for their long pointy snout. Those diggings can be indicators of the presence of bandicoots in an area, but they can be confused with diggings by rats, rabbits and pied currawongs, as well as other animals. Their depth is anywhere between a few centimetres and 15cm and approximately the circumference of a twenty cent coin.



Conical bandicoot diggings

Habitat and ecology

Diet: Consists primarily of beetles, larvae, cockroaches, ants and plant material including leaves, stems and tubers and fungi.

Threats: The Long-nosed Bandicoot population is threatened by habitat loss and fragmentation as a result of urban development, predation by domestic cats, dogs and

PART 2: GENERIC PROVISIONS

introduced foxes as well as deaths resulting from road accidents, depression and disease (toxoplasmosis).

Finding a bandicoot

If a bandicoot is found while undertaking construction, contact any of the following organisations immediately:

WIRES	1300 094 737
Sydney Metropolitan Wildlife Services ('Sydney Wildlife')	9413 4300
Livingstone Road Animal Health Centre, Petersham	9568 3077
Coordinator Urban Ecology Volunteers and Projects Inner West Council	9392 5000

Protecting the bandicoot population

- Establish an area in the garden as a native fauna sanctuary, to provide shelter and food;
- Remove exotic noxious weeds and replace with local native plants in clusters, with a variety of local native grasses, shrubs and trees to provide protective habitat;
- Keep cats and dogs indoors from dawn to dusk (bandicoots are highly vulnerable to predation); and
- Avoid insecticides by promoting a natural ecosystem; natural predation will keep the local environment in balance.

More information:

https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=20107

Appendix 2 – Grey-headed Flying Fox factsheet

Grey-headed Flying Fox

Scientific Name:
Pteropus poliocephalus

Conservation Status in NSW:
Vulnerable

Conservation Status in Australia:
Vulnerable

Photo: Vivien Jones



Description

The Grey-headed Flying Fox is a fairly large arboreal mammal with a wingspan of up to one metre and a head and body length of 230mm-288mm. They have a reddish-yellow mantle encircling the neck and a grey or whitish grey head. Fluffy, dark brown fur extends to the ankle - unlike other flying foxes whose fur only reaches the knee.

Habitat and ecology

The Grey-headed Flying Fox's social structure is organised around roost sites, known as camps, consisting of hundreds of individuals. They will utilise most habitat types which provide food, particularly eucalyptus woodlands and forests, typically near water. They feed on a variety of flowering and fruiting plants and are responsible for seed dispersal of many rainforest trees, such as native figs and palms. They also feed extensively on the blossoms of eucalypts, angophoras, tea-trees and banksias and are an important pollinator of those species.

Threats

Loss of habitat is the primary reason for the decline of Grey-headed Flying Foxes. The continuing loss of natural food resources means that they must search elsewhere for food, including fruit crops, which then become a problem for cultivated fruit growers. They are greatly depleted in numbers and the prediction is that they will continue to decrease by at least 20 per cent in the next three generations given the continuation of the current rate of habitat loss. Other factors that impact on the species are shooting and electrocution from farmers, and disturbance and destruction of roosting sites from habitat modification.

PART 2: GENERIC PROVISIONS

Finding a Grey-headed Flying Fox

If a Grey-headed Flying Fox is found while undertaking construction, you should contact any of the following organisations immediately:

WIRES	1300 094 737
Sydney Metropolitan Wildlife Services ('Sydney Wildlife')	9413 4300
Livingstone Road Animal Health Centre, Petersham	9568 3077
Coordinator Urban Ecology Volunteers and Projects Inner West Council	9392 5000

Protecting Grey-headed Flying Foxes

- Establish an area in the garden as a native fauna sanctuary, to provide shelter and food;
- Protect roost sites, particularly avoiding disturbance September through November; and
- Avoid insecticides by promoting a natural ecosystem; natural predation will keep the local environment in balance.

More information:

https://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10697

Appendix 3 – DCP 2011 Biodiversity Map

See the attached map.

2.21

GENERIC PROVISIONS
SITE FACILITIES AND WASTE MANAGEMENT



Marrickville Development Control Plan 2011

MARRICKVILLE council

Contents

Part 2 **Generic Provisions** 2
2.21 Site Facilities and Waste Management 2
2.21.1 Introduction 2
2.21.1.1 Objectives 2
2.21.2 Waste facilities and management 3
2.21.2.1 Recycling and waste management plan 3
2.21.2.2 Waste related information to be submitted with a development application 3
2.21.2.3 Demolition and/or construction waste 5
2.21.2.4 Placement of construction waste containers 6
2.21.2.5 Recycling and waste management/facilities for residential development 6
2.21.2.6 Recycling and waste management/facilities for commercial, industrial and other non-residential development 9
2.21.2.7 Mixed use development 12
2.21.3 Other site facilities 12
2.21.3.1 Clothes drying facilities 12
2.21.3.2 Public utilities 12
2.21.3.3 Mail boxes 13
2.21.3.4 Building identification and numbering 13
2.21.3.5 Telecommunication facilities 13
2.21.4 Appendix 1 – Model Recycling & Waste Management Plan (RWMP) 14
2.21.5 Appendix 2 – Residential bin dimensions 22
2.21.6 Appendix 3 – Garbage truck dimensions for residential recycling/waste collection 23
2.21.7 Appendix 4 – Recycling/waste storage rooms and recycling/waste collection areas 24
2.21.8 Appendix 5 – Waste chutes and service rooms 29
2.21.9 Appendix 6 – Interim recycling/waste storage rooms 31
2.21.10 Appendix 7 – Service lifts 32
2.21.11 Appendix 8 – Private property access arrangements 33

Part 2 Generic Provisions

2.21 Site Facilities and Waste Management

2.21.1 Introduction

Proposals must ensure adequate and appropriate provision of site facilities. Those facilities must be accessible, not create amenity problems such as smell and unsightliness and be considered in terms of the overall appearance of the development and the local streetscape.

Site facilities include:

- Recycling and waste facilities including bin storage and collection areas;
- Clothes drying facilities;
- Public utilities;
- Mail boxes;
- Building identification and numbering; and
- Telecommunication facilities such as TV antennas and satellite dishes.

The majority of this section focuses on minimising waste generation and maximising resource recovery during the demolition, construction and ongoing management of a property, and facilitating safe and efficient waste and recycling management and collection from all premises. This includes seeking improvements to the current waste management, such as creating an on-site bin storage area where bins are currently stored on the footpath or laneway, or improving an existing sub-standard recycling/waste storage area.

The objectives in this section support Marrickville Council's Rethink Waste Strategic Plan and the aims of Marrickville Local Environmental Plan 2011, as well as the NSW Waste Avoidance and Resource Recovery Strategy, and the NSW Waste Avoidance and Resource Recovery Act 2001.

The design and location of recycling and waste management facilities should be investigated early. This is especially recommended if on-site recycling/waste collection or alternative arrangements are proposed, or if there will be any other variations from the development controls. This should be undertaken in consultation with Council through the formal Pre Development Application Advice process.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 *identifies types of development that may be carried out without the need for development consent. TV antennas and satellite dishes are included in that policy.*

2.21.1.1 Objectives

O1 To ensure adequate provision is made for site facilities.

O2 To ensure site facilities are accessible to all residents and easy to maintain.

O3 To ensure site facilities are thoughtfully and sensitively integrated into the development so as not to be obtrusive or unsightly.

O4 To ensure the design of waste and recycling storage/collection systems in buildings and land use activities are of an adequate size and are hygienic, accessible, safe to operate, quiet to operate, and visually compatible with their surroundings.

O5 To achieve waste reduction, waste separation and resource recovery in the demolition, design, construction and operation of buildings and land use activities.

O6 To promote the principles of ecologically sustainable development (ESD) through waste avoidance, resource recovery, recycling and alternate waste treatment methods.

O7 To minimise the volume of waste that is directed to landfill sites.

O8 To reduce stormwater and windblown pollution that may result from the poor design of waste and recycling storage areas or from the poor management of such areas.

2.21.2 Waste facilities and management

2.21.2.1 Recycling and waste management plan

A recycling and waste management plan (RWMP) aims to reduce waste generation, maximise recycling of waste and ensure recycling and waste management is efficient, safe and low impact. A 'model' RWMP is included in **Appendix 1**. There are two parts to the RWMP:

- **Part 1** describes the type, volume and recycling and disposal methods of materials to be generated during demolition and construction.
- **Part 2** describes the waste management practices associated with the ongoing use of the premises.

2.21.2.2 Waste related information to be submitted with a development application

C1 A RWMP must be submitted with the development application, in accordance with the Model Plan provided in **Appendix 1**, as follows:

i. Part 1 of the RWMP must be submitted with development applications involving:
   a. Demolition;
   b. New development; or
   c. Alterations/additions affecting more than 20m^2 of floor area.

ii. Part 2 of the RWMP must be submitted with development applications involving:
   a. New development;
   b. Change of use of existing premises;
   c. Alterations/additions to existing premises which would affect waste management facilities or waste management practices; or
   d. Alterations/additions to premises where existing waste management facilities do not meet the requirements of the Development Control Plan.

iii. Part 2 of the RWMP must be accompanied by a detailed plan showing for the following uses:

PART 2: GENERIC PROVISIONS

Attached dwellings, dwelling houses, semi-detached dwellings, group homes and secondary dwellings

a. The location of the recycling/waste storage room/area, showing adequate storage space.
b. The location of an on-site individual compost container, where possible.
c. The path of travel for moving bins/containers from the recycling/waste storage room/area to the identified collection point.

Multi dwelling housing, residential flat buildings, seniors housing, residential components of shop top housing developments, residential components of mixed use developments, boarding houses, hostels, residential care facilities and tourist and visitor accommodation

a. The location of an individual recycling/waste storage room/area for each dwelling/tenancy or the location of communal recycling/waste storage room(s) or area(s) for the entire development, showing adequate storage space.
b. The location of an indoor recycling/waste cupboard for each kitchen area in the development.
c. The location of an on-site individual compost container for each dwelling/tenancy or communal compost facilities for the entire development.
d. The location of any waste chute(s) and service rooms (for accessing a waste chute and recycling bins) on each floor of the building.
e. The location of any interim recycling/waste storage rooms (for accessing recycling and waste bins) on each floor of the building.
f. The location of any service lifts used for transporting recyclable/waste materials.
g. Where applicable, details of grey water collection from washing bins in recycling/waste storage room(s) or area(s), treatment and on-site utilisation.
h. The location of any trade wastewater discharge points.
i. Where applicable, an identified on-site collection point for the collection and emptying of bins/containers.
j. The path of travel for moving bins/containers from the recycling/waste storage room(s) or area(s) to the identified collection point(s) (if collection is to occur away from the recycling/waste storage room(s) or area(s)).
k. The on-site path of travel for recycling/waste collection vehicles (if collection vehicles are to enter the site).

NB *Where alterations/additions will change the waste management practices associated with the ongoing use of the premises, these must be shown on the plans.*

iv. A scaled drawing of any bin/container storage room(s) and area(s), temporary holding area(s), waste chute service room(s) and interim recycling/waste storage room(s) must be submitted with all

development applications where Part 1 or Part 2 of the RWMP is required.

C2 The applicant must discuss how the development complies with the objectives and controls of the recycling and waste management section in the statement of environmental effects (SEE). This must include any improvements to the waste management for existing uses/buildings/sites and justification where compliance with controls are not achieved due to feasibility limitations or alternative arrangements being proposed (for example, site constraints or alternate bin/collection methods).

NB *Development applications (DAs) for alterations and additions to existing premises may provide the opportunity to improve the existing waste management. In other situations alterations and additions to existing premises may not be able to fully comply with all of the waste management controls relating to particular development types. This situation may arise because the existing building may be configured in such a way that full compliance with the applicable controls would be unreasonable, impractical or undesirable (for example, in relation to buildings which have heritage significance). With such DAs, the applicant will need to demonstrate how acceptable waste management will be achieved, such as ensuring amenity, accessibility and appropriate bin storage, and discuss options explored to achieve the best possible waste management.*

2.21.2.3 Demolition and/or construction waste

Applicability

This section of the DCP applies to all development applications that require Part 1 of the RWMP.

Waste reduction

Significant reductions in waste to landfill and cost-savings can be made at the demolition stage of a development by improved project management that focuses on minimising waste generation and maximising recovery, re-use and recycling of materials. Site operations should provide for source separation, re-use and recycling, and ensure appropriate storage and collection of waste.

The following hierarchy should be adopted when managing waste products:

1. Avoid waste generation;
2. Reduce waste generation;
3. Reuse materials by sourcing pre-used materials whenever possible; and
4. Recycle materials by separating construction and demolition materials for recycling before dispensing from construction site.

The NSW EPA provides useful information on the recycling, including the processing, recycling and collection of organic waste. Visit: http://www.epa.nsw.gov.au/warr/index.htm

Asbestos

It is illegal to re-use or recycle asbestos materials. It is also illegal to dispose of asbestos waste via residential waste collection. Asbestos must be removed in the correct way and disposed of at a licensed landfill that can accept asbestos waste from the public. Asbestos handling is dangerous and must be undertaken safely to avoid health and environmental impacts.

PART 2: GENERIC PROVISIONS

2.21.2.4 *Placement of construction waste containers*

Applicability

This section applies to situations where an applicant wishes to place a waste storage container or 'skip bin' on Council's road, footpath or other public land.

Pre-requirements

C3 Council's permission must be obtained before a construction waste container is placed on public land.

i. A waste container must only be placed on a Council footpath or other public land in instances where:
   a. On-site storage of waste products is not possible due to a severe lack of space; and
   b. It is not possible to place a waste container on the roadway as a result of it not being legal to park a motor vehicle on the street outside the premises.

ii. A waste container can only be placed on a footpath or other public place where it is possible, at all times, to maintain a completely unobstructed pedestrian access way of at least 1.5 metres in width, between the property boundary and the waste container;

iii. Waste containers must be hired from the list of approved waste contractors on Council's website;

iv. The bins and storage areas at a development site must be clearly marked, outlining their purpose and content and permit period;

v. A waste container must only be placed on a roadway where parking restrictions (or other Australian Road Rules) do not restrict the stopping or parking of a vehicle (including 'no stopping', 'no standing' and 'no parking' areas);

vi. Separate permission must be obtained from the RMS for the placement of a waste container on the roadway along a State Road; and

vii. Evidence such as weighbridge dockets and invoices for waste disposal or recycling services must be retained.

2.21.2.5 *Recycling and waste management/facilities for residential development*

C4 Applications for residential development must provide recycling/waste bins in accordance with Table 1.

Table 1: Type and number of bins required for different types of residential developments

Type of development	Recycling bins	General waste bins	Green waste bins (optional)
Attached dwellings, dwelling houses, semi-detached dwellings, group home and secondary dwellings	1 x 240L per dwelling (except secondary dwelling which may share with the principal dwelling on the lot)	1 x 140L per dwelling	1 x 240L (optional) per dwelling (except secondary dwelling which may share with the principal dwelling on the lot)
Multi dwelling housing, residential flat buildings, seniors housing, residential components of shop top housing developments and residential components of mixed use developments	60L per dwelling in 240L bins (rounded up to the nearest whole number of bins)	120L per dwelling in 240L bins (rounded up to the nearest whole number of bins)	Allocation of 240L bins to be determined on merit
Boarding houses, hostels, residential care facilities and tourist and visitor accommodation	1 x 240L per 6 residential occupant rooms or part thereof	1 x 240L per 6 residential occupant rooms or part thereof	1 x 240L per 6 residential occupant rooms or part thereof

NB *The dimensions of the bins are provided in* ***Appendix 2****.*

C5 For attached dwellings, dwelling houses, semi-detached dwellings, group homes and secondary dwellings, an appropriate recycling/waste storage room/area must be provided within the property boundary of adequate size to store bins and in an appropriate location to enable bins to be easily and safely moved from the storage room/area to the street collection point (i.e. avoiding paths of travel via multiple steps).

C6 Residential developments that contain twenty or more dwellings or twenty or more residential occupant rooms for other residential types, must provide for on-site collection of recycling/waste bins and the design allow the option to accommodate the use of 660L bins. If alternate bins (other than 240L) or collection arrangement are to be used, Council must be consulted to discuss potential alternate options.

C7 Bins collected on-site are to be collected either directly from recycling/waste storage room(s) or area(s) or from on-site temporary bin/container holding area(s), in accordance with requirements in **Appendix 4**.

C8 In instances where site characteristics, number of bins (less than 20 dwellings or residential occupant rooms in other residential types) and length of street frontage allow, bins may be collected from a kerb-side location.

C9 Developments for multi dwelling housing, residential flat buildings, seniors housing, residential components of shop top housing developments, residential components of mixed use developments, boarding houses, hostels, residential care facilities and tourist and visitor accommodation must be designed to allow transferring and collection of bins/containers in accordance with requirements in **Appendix 4**.

PART 2: GENERIC PROVISIONS

Bins should be presented adjacent to the kerb for collection with the handle adjacent to the roadway, ensuring that adequate space is maintained for pedestrian thoroughfare.

Bins must not block pedestrian or vehicle passage at any time.

Building occupants must move bins to the identified collection point no earlier than the evening before collection day and to then return the bins to their storage area no later than the evening of collection day. Bins are to remain in their on-site storage area at all other times.

C10 For residential flat buildings, seniors housing, residential components of shop top housing developments, residential components of mixed use developments, boarding houses, hostels, residential care facilities and tourist and visitor accommodation developments recycling/waste bins must be stored in communal recycling/waste storage room(s), designed in accordance with the requirements in **Appendix 4**.

C11 Multi dwelling housing must include either individual recycling/waste storage areas for each dwelling or communal recycling/waste storage room(s), designed in accordance with the requirements in **Appendix 4**.

C12 The on-site recycling/waste storage room(s) or area(s) must be located and/or designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.

C13 Any outdoor location for recycling/waste bins must be suitably screened.

C14 The recycling/waste storage room(s) or area(s) must be of a size and design which can conveniently accommodate separate recycling, garbage and green waste containers at the required rates in Table 1. For developments with greater than 20 dwellings/rooms, the recycling/waste storage room(s) or area(s) must be designed to accommodate the option of 660L bins.

C15 Buildings that are 4 or more storeys high must provide waste chute(s) and waste service rooms or provide interim recycling/waste storage rooms.

C16 Where recycling/waste is collected using waste chute(s) and service rooms these must be designed in accordance with the requirements in **Appendix 5**.

C17 Where recycling/waste is collected using interim recycling/waste storage rooms, these must be designed in accordance with the requirements in **Appendix 6**.

C18 Where a service lift is provided it must be designed in accordance with the requirements in **Appendix 7**.

C19 Each dwelling must be provided with a waste cupboard to store separate recycling and waste material, with the capacity to store at least two days worth of materials.

C20 Where on-site recycling/waste collection is required, the development must be designed to accommodate waste/recycling collection vehicles as specified in **Appendix 3**.

C21 For on-site recycling/waste collection, generally the development must be designed to allow collection vehicles to enter and exit the site in a forward direction, with clear driver sight lines of footpaths and roadways. Generally, no on-site reversing is permitted. Should the situation arise that variations to this are required, Council must be consulted to

establish acceptable options and undertake a site specific Risk Assessment of the proposal.

C22 Access driveways that are to be used by recycling/waste collection vehicles must be of sufficient strength to support such vehicles, in accordance with **Appendix 3**.

C23 Any on-site recycling/waste collection must be compatible with the operation of any other loading/unloading facilities on the site.

C24 If recycling/waste collectors and/or recycling/waste collection vehicles are required to enter a site for the purpose of emptying bins, specific arrangements must be in place as described in **Appendix 8**.

C25 Space must be provided for an individual compost container for each dwelling/tenancy or communal compost facilities for multi dwelling housing, residential flat buildings, shop top housing or other residential development as part of a mixed use development. In identifying a location for a communal compost container, the impact of that location upon the amenity of surrounding buildings must be considered.

C26 There must be an unobstructed and continuous accessible path of travel from the recycling/waste storage room(s) or area(s) to the entrance of all adaptable dwellings, to the principal entrance of multi dwelling housing, residential flat buildings and the residential component of mixed use buildings and to the point where bins are collected, as per Section 2.5 (Equity of Access and Mobility) of this DCP.

C27 For residential flat buildings, seniors housing, residential components of shop top housing developments, residential components of mixed use developments, boarding houses, hostels, residential care facilities and tourist and visitor accommodation developments containing up to ten dwellings or residential rooms in other residential types, a dedicated room or caged area of at least $4m^3$ must be provided for the temporary storage of discarded bulky items which are awaiting removal. For each additional ten dwellings or residential rooms in other residential types, an additional $4m^3$ to a maximum of $12m^3$ must be provided. (For example, for a development of 24 dwellings, $8m^3$ would be required and for a development with 45 dwellings $12m^3$ would be required.) The storage area must be readily accessible to all residents and be located close to the main recycling/ waste storage room(s) or area(s).

2.21.2.6 Recycling and waste management/facilities for commercial, industrial and other non-residential development

NB *Commercial waste storage areas needs to be separate to residential waste storage areas in mixed use developments (See Mixed use development section below). Note that Council does NOT service commercial or industrial waste.*

C28 Applications for commercial, industrial and other non-residential development must provide recycling/waste containers that can accommodate the quantity of recycling/waste material required for the type of use specified, using Table 2 as a guide, justified in the Statement of Environmental Effects.

NB *The following rates are indicative only and do not relate to all uses. For other uses not listed, waste generation rates should be based on examples of the same or comparable use. The applicant may submit evidence to Council's satisfaction for waste generation rate for the actual activity being carried out.*

PART 2: GENERIC PROVISIONS

Table 2: Waste, recyclable material and organic waste generation rate guide

Premises type	Waste generation	Recyclable material generation	Organic waste generation
Retail (food premises):			The processing / recycling of organic waste, either on-site or through organic waste collection is encouraged and Council can provide guidance.
butcher	185L/100m² floor area/day	100L/100m² floor area/day	
delicatessen	80L/100m² floor area/day	50L/100m² floor area/day	
fish shop	250L/100m² floor area/day	85L/100m² floor area/day	
greengrocer	310L/100m² floor area/day	120L/100m² floor area/day	
restaurants	400L/100m² floor area/day	280L/100m² floor area/day	
supermarket	240L/100m² floor area/day	300L/100m² floor area/day	
café	215L/100m² floor area/day	300L/100m² floor area/day	
takeaway food shop	175L/100m² floor area/day	60L/100m² floor area/day	
Retail (non-food premises):			
shops (non-food) hairdresser, beauty salon	50L/100m² floor area/day 40L/100m² floor area/day	50L/100m² floor area/day 40L/100m² floor area/day	
Pubs and registered clubs	90L/100m² floor area/day	80L/100m² floor area/day	
Office premises	20L/100m² floor area/day	30L/100m² floor area/day	
Educational establishments (teaching space)	5L/100m² floor area/day	5L/100m² floor area/day	
Child care centres	250L/100m² floor area/day	120L/100m² floor area/day	

NB *Council does not provide a waste collection service for non-residential land uses.*

C29 The type and volume of containers used to hold recycling/waste materials must be compatible with the collection practices of the nominated waste contractor.

C30 Developments must be designed to allow transferring and collection of bins/containers in accordance with requirements in **Appendix 4**.

C31 Recycling/waste containers must be stored in recycling/waste storage room(s) or area(s), designed in accordance with the specific requirements in **Appendix 4**.

C32 Depending upon the size and type of the development, it may be necessary to include a separate recycling/waste storage room or area for each tenancy.

C33 Buildings that are 4 or more storeys high must provide waste chute(s) and waste service rooms or provide interim recycling/waste storage rooms.

C34 Where recycling/waste is collected using waste chute(s) and service rooms these must be designed in accordance with the requirements in **Appendix 5**.

C35 Where recycling/waste is collected using interim recycling/waste storage rooms, these must be designed in accordance with **Appendix 6**.

C36 Where a service lift is provided it must be designed in accordance with the requirements in **Appendix 7**.

C37 There must be convenient access from each tenancy to the recycling/waste storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the recycling/waste storage room(s) or area(s).

C38 Arrangements must be in place in all parts of the development to separate recyclable materials from general waste and for the movement of recyclable materials and general waste to the main recycling/waste storage room(s) or area(s).

C39 Where possible, recycling/waste containers should be collected from a rear lane access point. Consideration must be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.

C40 Where on-site recycling/waste collection is required, the development must be designed to allow for on-site access by the type of recycling/waste collection vehicles required to serve the site use. In these instances, generally the development must be designed to allow collection vehicles to enter and exit the site in a forward direction, with clear driver sight lines of footpaths and roadways. Generally, no on-site reversing is permitted except where specific waste collection systems require this – in these cases on-site reversing is to be minimised. Should the situation arise that variations to this is required, Council must be consulted to establish acceptable options.

C41 Bins/containers collected on-site are to be collected either directly from recycling/waste storage room(s) or area(s) or from on-site temporary bin/container holding area(s), in accordance with requirements in **Appendix 4**.

C42 Any on-site recycling/waste collection must be compatible with the operation of any other loading/unloading facilities on the site.

C43 Premises which discharge trade wastewater must do so only in accordance with a written agreement from Sydney Water.

Trade wastewater is any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (for example from hand-basins, showers and toilets). Sydney Water provides information on trade wastewater. Visit:
http://www.sydneywater.com.au/SW/your-business/index.htm

C44 All waste contaminated with bodily fluids and sharps waste must be stored in appropriate containers suitable for collection and disposal by a trade waste contractor and in compliance with any WorkCover requirements. Waste containers must be stored and collected from within the premises.

C45 Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected daily or must store that waste in a dedicated and refrigerated waste storage area until collection.

PART 2: GENERIC PROVISIONS

2.21.2.7 *Mixed use development*

C46 Mixed use developments must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate separate recycling/waste storage rooms/areas for the residential and non-residential components.

C47 The residential waste management system must be designed in accordance with the controls in Section 2.21.2.5 and the non-residential waste management system must be designed in accordance with the controls in Section 2.21.2.6, so they can efficiently operate without conflict.

C48 The waste management system for the non-residential component must be designed to reduce the potential for adverse amenity impacts upon the residential component.

C49 Commercial tenants must be actively discouraged (via signage and other means) from using the residential recycling/waste bins.

Information regarding integrated development
Particular activities are classified as integrated development under Section 91 of the Environmental Planning and Assessment Act 1979. *In addition to requiring development consent from Council, activity classified as integrated development requires a license from a particular government agency.*

When lodging a development application for an activity classified as integrated development, the onus is on the applicant to indicate that the proposed development is classified as integrated development. Council will then refer the development application to the relevant government agency or agencies as part of the development assessment process.

Activities described as integrated development by the Protection of the Environment Operations Act 1997 *include particular types of 'waste activities'- including certain commercial activities which produce defined quantities of hazardous or industrial waste.*

2.21.3 Other site facilities

2.21.3.1 *Clothes drying facilities*

C50 Adequate and accessible open air clothes drying facilities must be provided for all residential developments and must be visually screened from the street and adjoining premises.

C51 External clothes drying areas must be provided at the rate of 3.75m^2 per dwelling and contain a minimum of 6 metres of clothes line for each dwelling.

2.21.3.2 *Public utilities*

C52 The design and provision of public utilities, including sewerage, water, electricity, street lighting, telephone and gas services must conform to the cost-effective performance measures of the relevant servicing authority.

C53 The relevant authorities/service providers must be contacted at the early design stages to determine convenient locations for public utilities such as electricity substations, fire hydrants or gas and water meters.

C54 Compatible public utility services must be coordinated in common trenching to minimise construction costs for underground services.

2.21.3.3 Mail boxes

C55 All mail boxes associated with multi dwelling housing and residential flat buildings must be designed to enhance the visual presentation of the building(s) they serve.

C56 Individual mail boxes must be located close to each ground floor dwelling entry, or a mail box structure located close to the major pedestrian entry to the site and complying with the requirements of Australia Post.

C57 Mail box structures must not dominate the street elevation.

Applicants should refer to Australia Post's requirements detailed in **Appendix 2 - *Street Mail Service* - *Conditions of Delivery*** *further guidance. Visit:* http://auspost.com.au/general-terms-conditions.html

2.21.3.4 Building identification and numbering

C58 An adequate and appropriate numbering system and signage are to be provided.

2.21.3.5 Telecommunication facilities

C59 Satellite dishes and TV telecommunication antennae and ancillary facilities must be:

i. Located away from the street frontage or any public or private property adjacent to the setback from the perimeter wall or roof edge of building;

ii. Suitably proportioned in size to the building to which they are attached or adjoin;

iii. Installed so that they do not encroach upon any easements right of ways, vehicular access or parking spaces required for the property; and

iv. Where satellite dishes are situated in rear yards, less than 1.8 metres above ground or not visible above any fence surrounding the site, limited to only one telecommunications/ TV antenna for each dwelling or residential flat building.

PART 2: GENERIC PROVISIONS

2.21.4 Appendix 1 – Model Recycling & Waste Management Plan (RWMP)

Use the following template as a model for the preparation of RWMP. If the templates do not contain enough space, simply attach additional pages.

Recycling and Waste Management Plan

Part 1 – demolition /construction

Submitted with development application lodgement

INFORMATION
The Recycling and Waste Management Plan Part 1 (demolition/construction) applies to development applications involving: • Demolition; • New development; and • Alterations/additions affecting more than $20m^2$ of existing premises. The Recycling and Waste Management Plan Part 1 (demolition/construction) must be filled out in accordance with the aims and controls of Section 2.21.2.3 (Demolition and/or construction waste) of this DCP, to demonstrate how the volume of materials directed to landfill sites is to be minimised. Documentation (including receipts) regarding the destination and disposal methods of materials/waste leaving the site must be retained by the applicant. Council may wish to audit such documentation so as to monitor compliance with the Recycling and Waste Management Plan. If necessary, attach additional pages to this form.
PLANS
The Recycling and Waste Management Plan Part 1 (demolition/construction) must be accompanied by plans which show: • The location of areas that will be used for the sorting of demolition and construction recyclables/waste; • The location of areas that will be used for the storage of demolition and construction recyclables/waste, including the location of any associated waste containers/skip bins; and • The point at which vehicles removing demolition and construction recyclables/waste will access the site.
GENERAL DETAILS
Site address:

Proposed development:				
Applicant's name and address:				
Applicant's telephone number:				
The information provided on this Recycling and Waste Management Plan Part 1 (demolition/construction) and the accompanying plans provides an accurate indication of the manner in which recyclable/ waste materials are to be managed. **Applicant(s) signature:**..... **Date:**				
REUSE/RECYCLING/DISPOSAL				
MATERIALS ON SITE		**DESTINATION**		
		Re-use and recycling		**Disposal**
Type of material	Estimated volume (m^3 or tonnes)	On-site reuse and recycling (specify proposed on-site reuse and recycling methods)	Off-site reuse and recycling (specify contractor and/or recycling outlet)	Off-site disposal (specify contractor and landfill site)
Excavation material				
Green waste (organic)				

PART 2: GENERIC PROVISIONS

Bricks				
Concrete				
Timber – specify type				
Plasterboard				
Metals – specify type				
Tiles – specify type				

Other (such as light fittings, kitchen or bathroom fittings)				

PART 2: GENERIC PROVISIONS

Part 2: Ongoing use of premises

Submitted with development application lodgement

INFORMATION

The Recycling and Waste Management Plan Part 2 (ongoing use of premises) applies to development applications involving:

- New development;
- Change of use of existing premises; and
- Alterations/additions to existing premises which would affect recycling and waste management facilities or practices.

GENERAL DETAILS

Site address: .....

Proposed development: .....

.....

Applicant's name and address:.....

.....

Applicant's telephone number: .....

The information provided on this Recycling and Waste Management Plan Part 2 (ongoing use of premises) provides an accurate indication of the manner in which recycling/general waste/ green waste materials are to be managed.

Applicant's signature: .....

Date: .....

No. of proposed dwellings: ..... **No. of proposed commercial/industrial tenancies:** .....

Total industrial/commercial floor area .....m^2

MULTI DWELLING HOUSING, RESIDENTIAL FLAT BUILDINGS, SENIOR HOUSING, RESIDENTIAL COMPONENTS OF MIXED USE BUILDINGS AND SHOPTOP HOUSING DEVELOPMENTS, BOARDING HOUSES, HOSTELS, RESIDENTIAL CARE FACILITIES AND TOURIST AND VISITOR ACCOMMODATION

General waste:
Number of Council 240 litre general waste bins to be accommodated on site: .....

Recyclable materials:
Number of Council 240 litre recycling bins to be accommodated on site: .....

Green waste materials:
Number of Council 240 or 140 litre green waste bins to be accommodated on site: .....

Where alternative type of bins greater than 240L are desired: Size and number of bins.....
Bin allocation: Recycling X ..... General waste X ..... Green waste X .....
Note: For bins greater than 240L, the applicant must contact Council to discuss potential alternate bin options and whether Council or a private contractor will undertake the bin collection.

NON-RESIDENTIAL DEVELOPMENT ONLY

General waste:

Type of general waste (specify types)	Volume (m^3 or litres) per week	On-site storage/treatment arrangements	Method of disposal

Recyclable materials:

Type of recyclable materials (specify types)	Volume (m^3) per week	On-site storage/treatment arrangements	Method of disposal

WASTE MANAGEMENT PRACTICES IN ALL DEVELOPMENT TYPES

Describe the planned location of your recycling/waste storage area, including new location where required due to alterations and additions. For changes of use and alterations and additions of existing buildings, include options explored to improve how recycling/waste is stored (i.e. creating a bin storage area where bins are currently stored on the footpath or laneway, or improving an existing sub-standard recycling/waste storage area).

PART 2: GENERIC PROVISIONS

Describe arrangements and responsibilities for moving bins from their storage area to the place at which they are emptied.
Describe arrangements and responsibilities for cleaning bins, waste storage rooms/areas, and other waste management facilities.
Describe arrangements and responsibilities for maintaining waste storage rooms/areas (including signage) and other waste management facilities.
Describe arrangements for educating staff (in non-residential development) and contractors of on-site waste management practices.

Describe other waste management practices relating to the ongoing use of the premises.

Item 4

Attachment 2

PART 2: GENERIC PROVISIONS

2.21.5 Appendix 2 – Residential bin dimensions

Bin type	Height	Depth	Width
140 litre bin	915mm	615mm	535mm
240 litre bin	1060mm	730mm	585mm
660 litre bin	1220mm	780mm	1260mm

2.21.6 Appendix 3 – Garbage truck dimensions for residential recycling/waste collection

Developments which require on-site recycling/waste collection by Council's recycling/waste collection vehicles must be designed to accommodate on-site access and collection operation in accordance with the specifications below:

Specifications of Council resource recovery collection vehicle	
Length	9.5 metres
Width	2.6 metres
Operational height	4.5 metres
Travel height	4.5 metres
Weight (vehicle and load)	23 tonnes
Turning circle	26 metres

NB *Requirements regarding vehicle turning circles and driveway width/gradient are contained in Section 2.10 (Parking) of this DCP.*

NB *Applicants should contact Council for guidance about the design of development proposals which involve Council's recycling/waste vehicles entering the site for on-site collection, through the Pre DA process.*

NB *Where waste or recycling is to be collected on-site by a private contractor, the development must be designed so as to accommodate on-site truck movement in accordance with the resource collection vehicle specifications of the selected private contractor. Evidence of private contractor specifications must be submitted with the development application lodgement.*

PART 2: GENERIC PROVISIONS

2.21.7 Appendix 4 – Recycling/waste storage rooms and recycling/waste collection areas

NB *Appendix 4 applies to applications for multi dwelling housing, residential flat buildings, shop top housing, other residential development as part of a mixed use development, commercial development, industrial development and other non-residential development which include recycling/waste storage room(s) or area(s).*

Location and appearance

1. Recycling/waste storage room(s) or area(s) must be integrated into the design of the development. Recycling/waste storage room(s) must be located behind the front building line and wherever possible, in a basement location within the main building envelope (rather than being a separate standalone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.
2. Recycling/waste storage room(s) must be located and designed to reduce adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:
   i. The proximity of the room to any dwellings;
   ii. The visibility of the room;
   iii. Noise generated by any equipment located within the room;
   iv. Noise generated by the movement of bins into and out of the room;
   v. Noise generated by collection vehicles accessing the site; and
   vi. Odours emanating from the room.

Size and Layout

3. In the case of multi dwelling housing, residential flat buildings, shop top housing developments and other residential development as part of a mixed use development, the recycling/waste storage room(s) or area(s) must be able to accommodate bins at the required rates in Table 1. For developments with greater than 20 dwellings/rooms, the recycling/waste storage room(s) or area(s) must be designed to accommodate the option of 660L bins. This includes space to store bins and space for easy manoeuvring when swapping bins around, to enable safe and efficient waste management and collection.
4. In the case of non-residential development, the recycling/waste storage room(s) or area(s) must be able to accommodate separate recycling/waste containers which are of sufficient volume to contain the quantity of waste generated at the rates described at Section 2.21.2.6, between collections.
5. Within recycling/waste storage room(s) or area(s), containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers to minimise the potential for contamination of recyclable materials.

Internal materials and finishes

6. Recycling/waste storage room(s) must have a smooth, durable ceiling, a smooth concrete floor at least 75mm thick and smooth concrete or cement rendered walls. Floor/wall intersections must be coved. All internal surfaces must be lightly coloured.
7. Recycling/waste storage area(s) must have a smooth, durable floor and must be enclosed with durable walls/fences which extend to the height of any containers which are kept within.

8. Recycling/waste storage room(s) must be designed to prevent vermin entering the recycling/waste storage room(s) or area(s) and lids of bins must be kept closed at all times.

Doors

9. Doors to recycling/waste storage room(s) must be self-closing. For recycling/waste storage area(s) or where a roller door is to be used in waste/recycling storage room(s), there must be a sign adjacent to the door on the outside of the room which indicates that the roller door/gate is to remain closed when not in use. All doors are to be durable and able to be opened from both inside and outside the room(s) or area(s).
10. Doors must be wide enough to allow for the easy passage of required recycling/waste bins/containers. For developments with greater than 20 dwellings, the doors must be designed to accommodate 660L bins.

Ventilation

11. Recycling/waste storage room(s) should preferably be naturally ventilated by ventilation openings which are of an area that is not less than 5% of the floor area of the room(s). Alternatively, the room(s) must be mechanically ventilated by a system which is isolated from mechanical ventilation systems servicing any other part of the building.

Services

12. Recycling/waste storage room(s) or area(s) must be serviced by water from a tap or taps. In the case of residential development, that tap must provide cold water. In the case of non-residential development, that tap must provide hot and cold water through a centralised mixing valve. The tap(s) must be protected from the recycling/waste bins/containers and must be located in a position which is easily accessible when the room(s) or area(s) is filled with recycling/waste bins/containers.
13. The floor of recycling/waste storage room(s) or area(s) must be graded so that any water is directed to a Sydney Water approved drainage connection located within the room/area.
14. Recycling/waste storage room(s) must be serviced by artificial lighting which can be operated from within the room(s).

Signage

15. Recycling/waste storage room(s) or area(s) must include signage to clearly describe the types of materials which can be deposited into recycling bins, general waste bins and green waste bins.

Management

16. Arrangements must be in place for the regular maintenance and cleaning of recycling/waste storage room(s) or area(s). Recycling/waste bins/containers must only be washed in an area which drains to a Sydney Water approved drainage connection.

Safe manoeuvring, transferring and emptying of bins/containers

17. Access, manoeuvring, transferring and emptying of recycling/waste bins/containers must be able to occur in accordance with WorkCover work, health and safety requirements.

PART 2: GENERIC PROVISIONS

18. Where transferring of bins/containers is required from recycling/waste storage room(s) or area(s) to the point of collection (either on-site temporary bin holding area, or kerb side collection point), the recycling/waste storage room(s) or area(s) and the transfer path for bins/containers must be designed in accordance with the following:
    i. Bins 240L or less in capacity:
        a. Smooth surface, with maximum 1:14 gradient;
        b. No traversing over gutters or uneven ground;
        c. Maximum 50 metre transfer wheeling distance.
    ii. Bins/containers greater than 240L in capacity:
        a. Flat smooth surface, with maximum 1:50 gradient;
        b. No traversing over gutters or uneven ground;
        c. Bins located as close as possible to the waste truck loading area;
        d. Maximum 5 metre transfer wheeling distance.
19. For on-site collection of bins/containers, from the point of collection (either recycling/waste storage room(s) or area(s) or on-site temporary bin holding area) to the waste truck loading area, must be designed in accordance with the following:
    i. Bins 240L or less in capacity:
        a. Bins being located as close as possible to the truck loading area, within direct line of sight;
        b. The movement of bins from the point of collection to the waste truck loading area being via a smooth surface path, with maximum 1:14 gradient, without traversing over gutters or uneven ground;
        c. Bins being presented in lines with handles of bins and wheels facing waste truck loading area;
        d. When collected from recycling/waste storage room(s) or area(s), bins being collectable directly through wide external doors (i.e. not requiring collection via corridors);
        e. The collection point, the waste truck loading area and the path from the point of collection to the waste truck loading area being well lit;
        f. Maximum 10 metre wheeling distance.
    ii. Bins/containers greater than 240L in capacity:
        a. Bins/containers being located as close as possible to the truck loading area, within direct line of sight;
        b. The movement of bins/containers from the point of collection to the waste truck loading area being via a flat smooth surface, with maximum 1:50 gradient, without traversing over gutters or uneven ground;
        c. Bins/containers being presented in lines with handles of bins/containers and wheels facing waste truck loading area;
        d. When collected from recycling/waste storage room(s) or area(s), bins/containers being collectable directly through wide external doors (i.e. not requiring collection via corridors);
        e. The collection point, the waste truck loading area and the path from the point of collection to the waste truck loading area being well lit;
        f. Maximum 5 metre wheeling distance.

Pedestrian access

20. In residential flat buildings, multi unit housing, shop top housing or other residential development as part of a mixed use development, there must be an unobstructed and continuous accessible path of travel from the recycling/waste storage room(s) or area(s) to:
    i. The entry to any adaptable dwelling;
    ii. The principal entrances of buildings;
    iii. The point at which bins are collected.

In instances where a proposal does not comply with those requirements, Council will consider alternative proposals which seek to achieve a reasonable level of access to recycling/waste storage room(s) or area(s).

> *Australian Standard AS1428 Design for access and mobility provides relevant standards for a continuous accessible path of travel.*
>
> *Australian Standard AS4299 Adaptable housing provides standards for entry to any adaptable housing.*

21. In commercial, industrial and other non-residential development, there must be convenient access from each tenancy to the recycling/waste storage room(s) or area(s). There must be step-free access between the point at which bins/containers are collected/emptied and the recycling/waste storage room(s) or area(s).
22. Arrangements must be in place so that the recycling/waste storage room(s) or area(s) is not accessible to the general public.

PART 2: GENERIC PROVISIONS

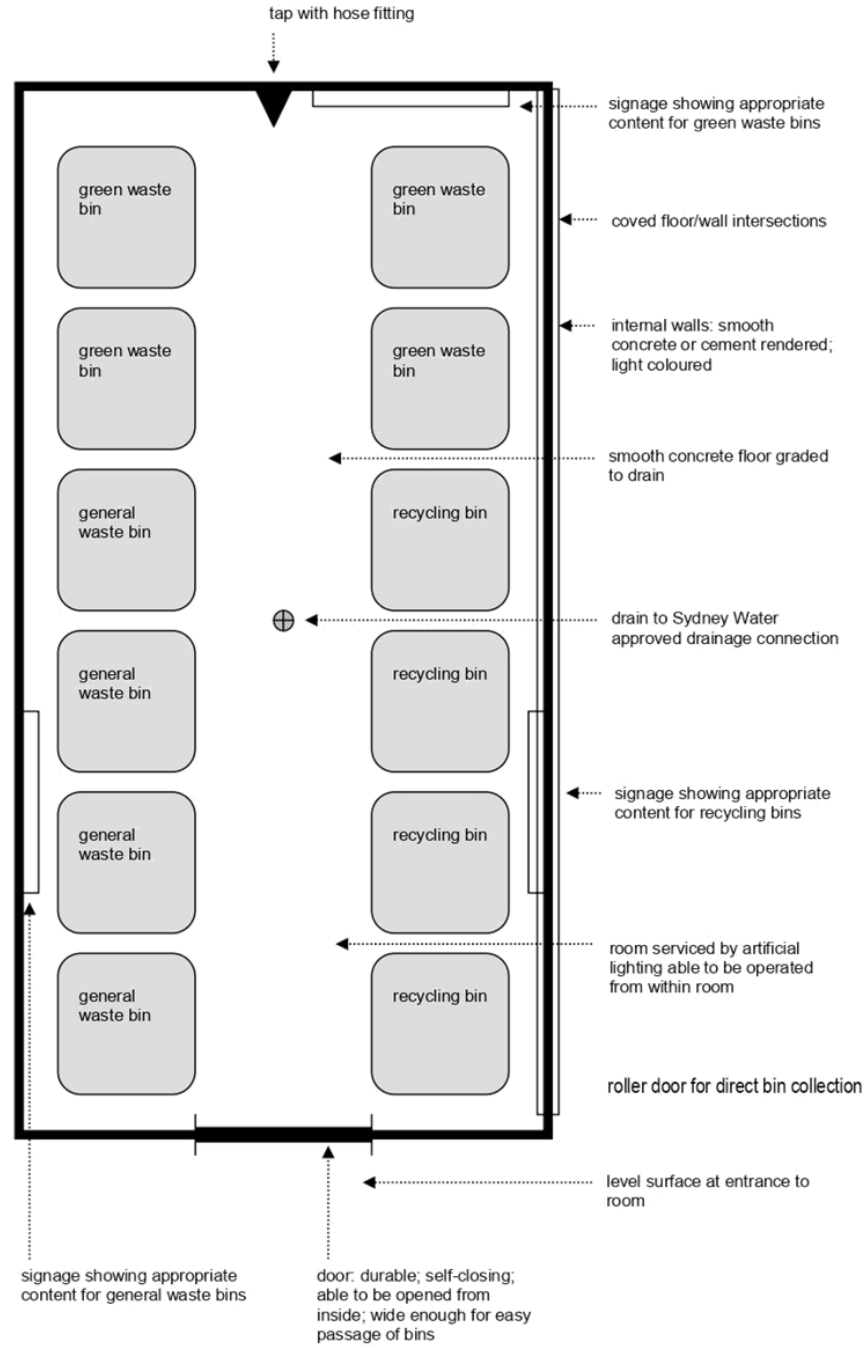


Figure 1: Example of a waste and recycling storage room for a residential flat building

2.21.8 Appendix 5 – Waste chutes and service rooms

Service room design

1. In buildings containing a waste chute system, at least one dedicated service room must be provided on each floor of the building, containing a chute service opening (for depositing waste into the main chute) and bins for the storage of recyclable materials.
2. Service rooms must be designed with sufficient capacity for the storage of two days quantity of recyclables for all dwellings on that level, based on rates in Section 2.21.2.5, within 140L or 240L bins only.
3. The service rooms must be located for convenient access by users and be near the lift to enable transfer of bins without moving along corridors that access building occupancies.
4. Service rooms must be well ventilated and well lit.
5. The floors, walls and ceilings of service rooms must be finished with smooth, durable, light coloured materials (with coved intersection between wall/floor), which are capable of being easily cleaned.
6. Service rooms must include signage, displayed near the chute service opening and recycling bins, which clearly describes the types of materials which can be deposited into the waste chute and the types of materials which can be deposited into recycling bins.

Waste Chute design

7. The charging device for each waste chute service opening must be self closing and must not project into the main waste chute.
8. Branches connecting service openings to the main waste chute must be no more than 1 metre long.
9. Waste chutes must be located and insulated to reduce noise impact upon dwellings.
10. Waste chutes, service openings and charging devices must be constructed of material (such as metal) which is smooth, durable, impervious, non-corrosive and fire resistant.
11. Waste chutes, service openings and charging devices must be capable of being easily cleaned.
12. Waste chutes must be cylindrical and should have a diameter of at least 500mm.
13. There must not be any bends (or sections of reduced diameter) in the main shaft of the waste chute.
14. Internal overlaps in the waste chute must follow the direction of waste flow.
15. Waste chutes must deposit rubbish directly into a bin located within a recycling/waste storage room.
16. A cut-off device must be located at or near the base of the waste chute so that the bottom of the waste chute can be closed when the bin at the bottom of the waste chute is withdrawn or being replaced.
17. The main waste chute must be adequately ventilated.
18. Chutes are for the disposal of general waste only, recycling chutes are not permitted.
19. Use of mechanical diverters to separate various types of waste within a single chute are not permitted.

PART 2: GENERIC PROVISIONS

Management

20. Recycling bins must be transferred daily by a building caretaker to the main recycling/waste storage room.
21. Arrangements must be in place for the regular maintenance and cleaning of service rooms, waste chutes, chute service openings and charging devices.

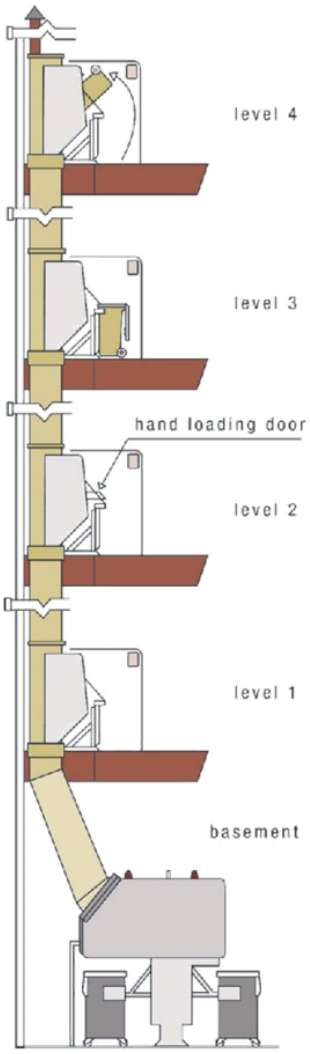


Figure 2: Example of a garbage chute system.
Source of diagram: Better Practice Guide for Waste Management in Multi-Unit Dwellings, Resource NSW, February 2002.

2.21.9 Appendix 6 – Interim recycling/waste storage rooms

1. An interim recycling/waste storage room must be provided on each floor of a building to allow occupants to deposit recyclables and waste into recycling and waste bins.
2. Each interim recycling/waste storage room must be designed with sufficient capacity for the storage of two days quantity of recyclables and waste for all occupants on that level, based on rates in Section 2.21.2.5 and/or 2.21.2.6.
3. Interim recycling/waste storage rooms must be located for convenient access by users and be near the lift to enable transfer of bins without moving along corridors that access building occupancies.
4. Interim recycling/waste storage room must be well ventilated and well lit.
5. The floors, walls and ceilings of interim recycling/waste storage rooms must be finished with smooth, durable, light coloured materials (with coved intersection between wall/floor), which are capable of being easily cleaned.
6. Interim recycling/waste storage rooms must include signage, displayed near the waste and recycling bins, which clearly describes the types of materials which can be deposited into waste bins and the types of materials which can be deposited into recycling bins.
7. Recycling and waste bins must be transferred daily by a building caretaker to the main recycling/waste storage room.
8. Arrangements must be in place for the regular maintenance and cleaning of interim recycling/waste storage rooms.

PART 2: GENERIC PROVISIONS

2.21.10 Appendix 7 – Service lifts

Where service rooms or interim recycling/waste storage rooms are required, it is recommended that a service lift also be provided, to enable easy transfer of materials to the main recycling/waste storage room without impacting on the amenity of general passenger lifts. The provision of a service lift also enables easier transfer of goods, equipment and/or household removals.

Where a service lift is provided:

1. The service lift must be located in close proximity to each service room or interim recycling/waste storage room to enable the transfer of bins without bins being moved along corridors that access building occupancies.
2. Service lifts must be dimensioned to enable efficient bin transfer, the movement of goods and equipment associated with the operation of the building and where applicable, household removals.

2.21.11 Appendix 8 – Private property access arrangements

If a development is designed so that Council's waste collectors and/or vehicles are required to enter the site, Council will impose particular consent conditions.

Those conditions usually require the registration of an instrument (under Sections 88B and E of the *Conveyancing Act 1919*) upon the title of the affected property which sets out the terms and conditions of the easement, positive covenant and restriction on the use of the land.

The terms of the right of carriageway are generally as follows:

1. Full and free right for the Authority Benefited, its employees, contractors and every person authorised by it, to, at all times:
   i. Go, pass, repass and stand upon the Lot Burdened for the purpose of the removal of recyclable products, general waste and green waste products with or without vehicles; and
   ii. Enter upon the Lot Burdened and remain there for a reasonable time for the purpose of the removal of recyclable products, general waste and green waste products.
2. The owner of the Lot Burdened cannot make any claim against the Authority Benefited, its employees, contractors and every persons authorised by it, for any repair, damage, loss or nuisance caused to the Lot Burdened as a result of the Authority Benefited, its employees, contractors or every persons authorised by it, exercising their right as set out in Clause 1.
3. The owner of the Lot Burdened indemnifies the Authority Benefited, its employees, contractors and persons authorised by it, against any future claim for repair, damage, loss or nuisance as a result of the Authority Benefited removing recyclable products, general waste and green waste products from the Lot burdened, except to the extent that such damage or loss is a result of the negligence of the Authority Benefited, its employees, contractors or persons authorised by it.
4. Where a building has secured access, the Authority Benefited, it's employees, contractors and persons authorised by it, must be supplied an unlocking device to enable access to bins containing recyclable products, general waste and green waste products, to be emptied at the time of collection.

2.22

GENERIC PROVISIONS
FLOOD MANAGEMENT



Marrickville Development Control Plan 2011

MARRICKVILLE council



Contents

Part 2 **Generic Provisions** 1
2.22 Flood Management 1
2.22.1 Objectives 1
2.22.2 Land affected 1
2.22.2.1 Flood planning area (Cooks River) 1
2.22.2.2 Flood planning area (Overland Flow) 2
2.22.2.1 Flood planning level 2
2.22.2.2 Flood liable land 2
2.22.3 Development affected 2
2.22.4 Cooks River flood classification areas 2
2.22.5 Controls 3
2.22.6 SCHEDULE 1 – Flood compatible materials 8
Appendix 1 - DCP 2011 Flood Planning Area Map 10
Appendix 2 - DCP 2011 Flood Liable Land Map 11



Part 2 Generic Provisions

2.22 Flood Management

A flood is an overflow or accumulation of an expanse of water that submerges land. In the sense of flowing water, the word may also be applied to the inflow of the tide. Floods are a natural and inevitable event that communities must learn to live with while minimising risks to public health and safety, property and infrastructure.

This section recognises that there are some flooding risks that require development controls and guidelines in order to reduce or eliminate their impacts.

2.22.1 Objectives

- **O1** To maintain the existing flood regime and flow conveyance capacity.
- **O2** To enable the safe occupation of, and evacuation from, land to which flood management controls apply.
- **O3** To avoid significant adverse impacts upon flood behaviour.
- **O4** To avoid significant adverse effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank/watercourse.
- **O5** To limit uses to those compatible with flow conveyance function and flood hazard.
- **O6** To minimise risk to human life and damage to property.

2.22.2 Land affected

This section complements Clause 6.3 (Flood planning) of Marrickville Local Environmental Plan 2011 (MLEP 2011). It applies to land identified on the DCP 2011 Flood Planning Area Map in Appendix 1 and land identified as being flood liable land on the DCP 2011 Flood Liable Land Map in Appendix 2.

For the purposes of this Section of the DCP:

> Flood planning levels(FPLs) are the combinations of flood levels (derived from significant historical flood events or floods of specific annual exceedance probability (AEP) and freeboards selected for floodplain risk management purposes.
>
> The Standard Flood adopted by Council is the 1% AEP or the 1 in 100 year flood. The Standard Flood has been used to derive the Flood Planning Levels.

The land identified on the DCP 2011 Flood Liable Land Map and on the DCP 2011 Flood Planning Area Map is based on information available to Council when the Plans were prepared. As new information becomes available, the DCP 2011 Flood Planning Area Map and the DCP 2011 Flood Liable Land Map may change.

2.22.2.1 Flood planning area (Cooks River)

The Flood Planning Area (Cooks River) identifies land likely to be affected by the 1% AEP flood, factoring in a rise in sea level of 400mm to the year 2050, (plus 500mm freeboard) of the Cooks River.

PART 2: GENERIC PROVISIONS

2.22.2.2 Flood planning area (Overland Flow)

The Flood Planning Area (Overland Flow) identifies land (in accordance with Council's Flood Tagging Policy) likely to be affected by the 1% AEP flood associated with various locations affected by local overland flooding.

2.22.2.1 Flood planning level

The Flood Planning Level is the 1% AEP flood level plus freeboard. The applicable freeboard is 500mm unless an exception is described within a specific development control.

2.22.2.2 Flood liable land

Land identified on the DCP 2011 Flood Liable Map as flood liable land identifies land within a flood planning area, and land likely to be affected by the probable maximum flood (PMF) of the Cooks River. This means that the map identifies some land as being within the Cooks River PMF area, but not within the Cooks River 100-year flood (plus 500mm freeboard) area.

NB *The 1% AEP flood is a flood that has a one per cent probability of occurring or being exceeded in any year. The probable maximum flood (PMF) is calculated to be the maximum flood likely to occur. Freeboard refers to a factor of safety and is expressed as a height above the flood level. Freeboard tends to compensate for factors such as wave action and localised hydraulic effects.*

2.22.3 Development affected

Flood management controls apply as follows:

- For land in a flood planning area, the controls apply to all development that requires development consent.
- For land that is flood liable land, but that is not in a flood planning area (land within the Cooks River PMF), the controls also apply to caravan parks, child care centres, correctional centres, emergency services facilities, hospitals, residential accommodation (except for attached dwellings, dwelling houses, secondary dwellings and semi-detached dwellings), and tourist and visitor accommodation.

2.22.4 Cooks River flood classification areas

Flood classifications have been applied to parts of the Flood Planning Area (Cooks River). The flood classifications are:

- Low hazard: Should it be necessary, people and their possessions could be evacuated by truck. Able bodied adults would have little difficulty wading out of the area.
- High hazard: Possible danger to life, evacuation by truck difficult, potential for structural damage, and social disruption and financial losses could be high.

The identified areas, and their flood classifications, are:

1. Riverside Crescent/Tennyson Street area (Marrickville and Dulwich Hill): Low hazard to high hazard.
2. Illawarra Road/Wharf Street area (Marrickville): Low hazard to high hazard.
3. Carrington Road area (Marrickville): Low hazard.
4. Bay Street area (Tempe): Low hazard to high hazard.

2.22.5 Controls

General

C1 A *Flood Risk Management Report* must be submitted for applications that are on land identified on the Flood Planning Area Map in Appendix 1 and land identified as flood liable on the Flood Liable Land Map in Appendix 2.

The report must be informed by flood information relevant to the subject property and surrounds, including the 1% AEP flood level, Flood Planning Level, Probable Maximum Flood (PMF) level and the Flood Hazard Category, as obtained from Council.

The report is not required where the assessed value of the works is under $50,000 except where, in the opinion of Council, those works are likely to substantially increase the risk of flood to the subject or adjoining or nearby sites.

The report may be limited to a short report (Flood Risk Management Statement) for single residential dwellings, alterations and additions or change of use developments where the property is confirmed by Council as being subject only to low hazard flooding. The Flood Risk Management Statement must reference the source of flood information; specify the relevant flood information applicable to the site, then describe the proposed development and how it meets the relevant development controls.

If Council is concerned with the apparent loss of flood storage and/or flood or overland flow paths, and/or increase in flow velocities, and/or risk of life, on any type of development, the applicant may be requested to undertake further analysis in support of the proposal and detail it in a new/revised Flood Risk Management Report.

C2 The Flood Risk Management Report must address:

a. Description of the existing stormwater drainage system, including catchment definition.

b. Extent of the 1% AEP flood event in the vicinity of the development.

c. The Flood Hazard Category affecting the subject site and surrounds. Where the site is subject to the high hazard flooding category, the Probable Maximum Flood (PMF) extent must be shown.

d. Long and cross sections showing the Flood Planning Level(s) in relationship to the floor levels of all existing and proposed components of the development.

e. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development to address the flood impacts on the site during a 1% AEP flood and PMF event. These precautions must include but not be limited to the following:

   i. Types of materials to be used to ensure the structural integrity of the development for immersion and impact of velocity and debris for the 1% AEP flood event and PMF (for high hazard);

   ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;

   iii. A flood evacuation strategy (Flood Emergency Response Plan); and

PART 2: GENERIC PROVISIONS

iv. On site response plan to minimise flood damage, and provide adequate storage areas for hazardous materials and valuable goods above the flood level;

f. Details of any flood mitigation works that are proposed to protect the development.

g. Supporting calculations.

h. The architectural/engineering plans on which the assessment is based.

i. The date of inspection.

j. The professional qualifications and experience of the author(s).

C3 All applications for development must be accompanied by a survey plan including relevant levels to AHD (Australian Height Datum). Consideration must be given to whether structures or filling are likely to affect flood behaviour and whether consultation with other authorities is necessary.

C4 Compliance with flood management controls must be balanced by the need to comply with other controls in this DCP.

Controls for new residential development

C5 Floor levels (Flood Planning Levels) of habitable rooms must be a minimum of 500mm above the 1% AEP flood level at that location. For areas of minor overland flow (a depth of 300mm or less or overland flow of 2cum/sec or less) a lower freeboard of 300mm may be considered on its merits.

C6 Any portion of buildings below the Flood Planning Level) must be constructed from flood compatible materials (See Schedule 1).

C7 Flood free access must be provided where practicable.

Controls for residential development – minor additions

C8 Once-only additions with a habitable floor area of up to $30m^2$ may be approved with floor levels below the 1% AEP flood level at that location if the applicant can demonstrate that no practical alternatives exist for constructing the extension above the 1% AEP flood level.

C9 Additions greater than $30m^2$ will be considered against the requirements for new residential development (refer C5, C6, and C7).

C10 Any portion of buildings below the Flood Planning Level must be constructed from flood compatible materials.

Controls for non-habitable additions or alterations

C11 All flood sensitive equipment must be located above the Flood Planning Level at that location.

C12 Any portion of buildings below the Flood Planning Level must be built from flood compatible materials.

Controls for new non-residential development

C13 Floor levels (except for access-ways) must be at least 500mm above the 1% AEP flood level, or the buildings must be flood-proofed to at least 500mm above the 1% AEP flood level. For areas of minor overland flow (a depth of 300mm or less or overland flow of 2cum/sec or less) a lower freeboard of 300mm may be considered on its merits.

C14 Flood-free access must be provided where practicable.

Controls for non-residential development – additions

C15 Where the proposed development is for an addition to an existing building within the Flood Planning Area, the development may be approved with floor levels below the 1% AEP flood Level if the applicant can demonstrate that all practical measures will be taken to prevent or minimise the impact of flooding. In determining the required floor level, matters which will be considered include:

i. The nature of the proposed landuse;
ii. The frequency and depth of possible flooding;
iii. The potential for life and property loss;
iv. The suitability of the building for its proposed use; and
v. Whether the filling of the site or raising of the floor levels would render the development of the site impractical or uneconomical.

C16 Any portion of the proposed addition below the 1% AEP must be built from flood compatible materials.

Controls for change of use of existing buildings

C17 Development consent for change of use of an existing building with floor levels below the 1% AEP flood level will only be given where there is no foreseeable risk of pollution associated with the proposed use of the building in the event that 1% AEP flood event occurs.

C18 In determining whether to grant development consent for change of use of an existing building with floor levels below the1% AEP flood level, consideration will be given to whether the proposed development would result in increased flood risk for the property on which the building is located, or other land. In this regard, the following matters will be considered:

i. The nature of the proposed use and the manner in which it is proposed to be carried out within the building or on the land; and
ii. The foreseeable risk of pollution associated with the proposed use of the building/land in the event that the 1% AEP flood event occurs.

Controls for subdivision

C19 Development consent for the subdivision of flood liable land may depend on whether the land to which the proposed development relates is unsuitable for any development made likely by the subdivision, by reason of the land likely to be subject to flooding.

C20 Development consent for the subdivision of flood liable land may depend on whether the carrying out of the subdivision and any associated site works would:

i. Adversely impede the flow of flood water on the land or land in its vicinity;
ii. Imperil the safety of persons on that land or land in its vicinity in the event of the land being inundated with flood water; and
iii. Aggravate the consequences of flood water flowing on that land or land in its immediate vicinity with regard to erosion or siltation.

PART 2: GENERIC PROVISIONS

Controls for filling of land within the Flood Planning Area

C21 Development consent will not be granted to filling of flood ways or high flood hazard areas. Consideration will only be given to granting development consent to the filling of other flood liable land where:

i. Flood levels are not increased by more than 10mm by the proposed filling.

ii. Downstream velocities are not increased by more than 10% by the proposed filling.

iii. Proposed filling does not redistribute flows by more than 15%.

iv. The potential for cumulative effects of possible filling proposals in that area is minimal.

v. The development potential of surrounding properties is not adversely affected by the filling proposal.

vi. The flood liability of buildings on surrounding properties is not increased.

vii. The filling creates no local drainage flow/runoff problems.

NB *Where the proposal has the potential to increase flood levels, depths, velocities and/or the risk to life or property, through loss of flood storage and/or blockage/ redirection of overland flowpaths, the Flood Risk Management Report supporting the development application must include detailed flood analysis. Such analysis should address compliance with all relevant development controls and include survey cross-sections to provide representative topographic information. The proponent should approach Council to determine available Council flood studies for the area, with the analysis based on or calibrated against relevant studies. In some cases, flood model data can be obtained from Council, subject to application and payment of fees.*

Controls for land uses on flood liable land identified on the DCP 2011 Flood Liable Land Map

C22 A site emergency response flood plan must be prepared in case of a PMF flood.

C23 Adequate flood warning systems, signage and exits must be available to allow safe and orderly evacuation without increased reliance upon the State Emergency Service (SES) or other authorised emergency services personnel.

C24 Reliable access for pedestrians or vehicles must be provided from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF.

Controls for garages, carports, open car parks and basement garages

C25 The floor level of new enclosed garages must be at or above the 1% AEP flood level plus 200mm. In extenuating circumstances, consideration may be given to a floor level at a lower level, being the highest practical level but no lower than 180mm below the 1% AEP flood level, where it can be demonstrated that providing the floor level at the Flood Planning Level is not practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking facilities as amended.

C26 The floor levels of open car park areas and carports must meet the same criteria as above for garages. In extreme circumstances, for single dwelling residential development, a floor level below the 1% AEP flood

level minus 180mm may be accepted for a single car space, subject to bollards being provided along the 'free' perimeter (excluding the vehicle entry on one side only) at 1.2m intervals and the floor level being raised as high as practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking facilities as amended.

C27 On properties with a low flood hazard classification, basement (below natural ground level) car parking must have all access and potential water entry points above the Flood Planning Level, and a clearly signposted flood free pedestrian evacuation route provided from the basement area separate to the vehicular access ramps. For basement car parking in properties affected by High Hazard flooding further considerations will apply.

C28 Basement garages must include:

a. Suitable pumps must be provided within the garage to allow for the drainage of stormwater should the basement garage become inundated during flooding.

b. Adequate flood warning systems, signage and exits must be available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel.

C29 For parking areas servicing more than two parking spaces, reliable access for pedestrians must be provided from all parking areas, to a safe haven which is above the PMF.

PART 2: GENERIC PROVISIONS

2.22.6 SCHEDULE 1 – Flood compatible materials

Building component	Flood compatible material
Flooring and sub-floor	• concrete slab-on-ground monolith
	• suspended reinforced concrete slab
Floor covering	• clay tiles
	• concrete, precast or in situ
	• concrete tiles
	• epoxy, formed-in-place
	• mastic flooring, formed-in-place
	• rubber sheets or tiles with chemicals-set-adhesive
	• silicone floors formed-in-place
	• vinyl sheets or tiles with chemical-set adhesive
	• ceramic tiles, fixed with mortar or chemical-set adhesive
	• asphalt tiles, fixed with water resistant adhesive
Wall structure	• solid brickwork, blockwork, reinforced, concrete or mass concrete
Roofing structure (for situations where the relevant flood level is above the ceiling)	• reinforced concrete construction • galvanised metal construction
Doors	• solid panel with water proof adhesives
	• flush door with marine ply filled with closed cell foam
	• painted metal construction
	• aluminium or galvanised steel frame
Wall and ceiling linings	• fibro-cement board
	• brick, face or glazed
	• clay tile glazed in waterproof mortar
	• concrete
	• concrete block
	• steel with waterproof applications
	• stone, natural solid or veneer, waterproof grout
	• glass blocks
	• glass
	• plastic sheeting or wall with waterproof adhesive
Insulation windows	• foam (closed cell types)
	• aluminium frame with stainless steel rollers or similar corrosion and water resistant material
Nails, bolts, hinges and fittings	• brass, nylon or stainless steel • removable pin hinges • hot dipped galvanised steel wire nails or similar

SCHEDULE 1: Flood compatible materials (cont.)	
Electrical and mechanical equipment For development constructed on land to which this section of the DCP applies, the electrical and mechanical materials, equipment and installation must conform to the following requirements: **Main power supply** Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, must be located above the relevant flood level. Means must be available to easily disconnect the dwelling from the main power supply. **Wiring** All wiring, power outlets, switches, must be to the maximum extent possible, located above the maximum flood level. All electrical wiring installed below this level must be suitable for continuous underwater immersion and must contain no fibrous components. Each leakage circuit-breaker (core balance relays) must be installed. Only submersible type splices must be used below maximum flood level. All conduits located below the relevant designated flood level must be so installed that they will be self-draining if subjected to flooding. **Equipment** All equipment installed below or partially below the relevant flood level must be capable of disconnection by a single plug and socket assembly. **Reconnection** Should any electrical device and/or part of the wiring be flooded it must be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.	**Heating and air conditioning systems** Where viable, heating and air conditioning systems should be installed in areas and spaces of the development above maximum flood level. When this is not feasible, every precaution must be taken to minimise the damage caused by submersion according to the following guidelines: **Fuel** Heating systems using gas or oil as fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off. **Installation** Heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks must be vented to an elevation of 600mm above the relevant flood level. **Ducting** All ductwork located below the relevant flood level must be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assemble operated from above relevant flood level must protect the ductwork.

PART 2: GENERIC PROVISIONS

Appendix 1 - DCP 2011 Flood Planning Area Map

See the attached map.

Item 4

Attachment 2

Appendix 2 - DCP 2011 Flood Liable Land Map

See the attached map.

2.25

GENERIC PROVISIONS
STORMWATER MANAGEMENT



Marrickville Development Control Plan 2011

MARRICKVILLE council



Contents

Part 2 **Generic Provisions** 1
2.25 Stormwater Management 1
2.25.1 Objectives 1
2.25.2 Application of Controls 1
2.25.3 Controls 2
2.25.3.1 Stormwater Drainage Concept Plans (SDCP) 2
2.25.3.2 Adverse impact and controlling site runoff 2
2.25.3.3 On-site detention (OSD) and on-site retention (OSR) of stormwater 3
2.25.3.4 Surface flow paths 4
2.25.3.5 Gravity drainage 4
2.25.3.6 Relationship to other properties 5
2.25.3.7 Easements 5
2.25.3.8 Flood study/drainage system analysis 5
2.25.3.9 Standards 5
2.25.3.10 Safety and considerations of failure 6
2.25.3.11 Visual impact 6
2.25.3.12 Restrictions as to user – positive covenants 6
2.25.3.13 Structures over or near drainage lines and easements 6
2.25.3.14 Freeboard 7



Part 2 Generic Provisions

2.25 Stormwater Management

This section relates to stormwater drainage for all development types.

The flow of stormwater from developments needs to be managed so as to negate or reduce to an acceptable frequency the possibility of flooding buildings and/or the danger to life at any location, through the storage of stormwater where appropriate in developments and the control of major development drainage systems.

This section of the DCP should be read in conjunction with the Marrickville Council Stormwater and On-site Detention Guidelines (The Guidelines) and Sections 2.17 (Water Sensitive Urban Design) and 2.22 (Flood Management) of this DCP. Applicants are also advised to refer to AS/NZS 3500.3.2:1998 Stormwater drainage – acceptable solutions.

2.25.1 Objectives

O1 To protect the urban environment from the effects of otherwise uncontrolled surface stormwater flows resulting from infrequent (and lesser) storm events.

O2 To minimise or negate disruption and/or danger to both pedestrian and vehicular traffic that may be caused by otherwise uncontrolled surface stormwater flows resulting from frequent storm events.

O3 To protect the quality of receiving waters, adjacent and downstream land-use and the rights of adjacent and downstream landowners.

2.25.2 Application of Controls

CODE REQUIREMENT	LANDUSE				
	Attached Dwellings, Dwelling Houses, Secondary Dwellings and Semi-Detached Dwellings	Multi-Dwelling Housing, Residential Flat Buildings and Shop Top Housing	Commercial, Industrial, Institutional (Community facilities, educational establishments, hospitals etc)	Drainage Works Only	Paving
On Site Detention	Yes (3, 6)	Yes	Yes	No	(1)
On Site Retention	Yes (3, 8)	Yes (3, 8)	Yes (3, 8)	No	No
Gravity Pipe System Required	Yes (4)	Yes	Yes	Yes	Yes
Pump System Permitted	No (4)	No	No	No	No
Drainage Easement over downstream property (2)	If site doesn't drain to street (4)	If site doesn't drain to street	If site doesn't drain to street	(1)	(1)

PART 2: GENERIC PROVISIONS

CODE REQUIREMENT	LANDUSE				
Qualified Engineer required to prepare drainage design	Yes (3, 6)	Yes	Yes	Yes	(1)
Sediment Control Plan Required	Yes (1)	Yes(7)	Yes(7)	Yes	Yes
Positive Covenant Required (i.e. Section 88E (3) Instrument)	No (5)	Yes	Yes	No	No

1. Depends on the details of the development.
2. Alternatively, the applicant may construct a pipeline within the road reserve until a connection point with Council's system is reached that allows gravity drainage.
3. Except for cases where increased roof and paved areas are less than $40m^2$.
4. Except where genuine attempts to acquire an easement at reasonable costs have failed. Documentary evidence of those attempts will be required.
5. Unless in a landscaped area.
6. Where OSD is required and the increased roof and paved areas is less than $80m^2$ Council's standard OSD design from Supplement 6 of The Guidelines can be adopted.
7. Sediment Control Plans are to be prepared by an Engineer.
8. On Site Retention can offset or replace On Site Detention in circumstances described in C5 below.

2.25.3 Controls

2.25.3.1 Stormwater Drainage Concept Plans (SDCP)

C1 A Stormwater Drainage Concept Plan (SDCP) must be submitted with any Development Application, demonstrating the feasibility of the proposed drainage systems within the site and connection to Council's system. The SDCP must include existing and proposed ground and floor levels, show surface flow path treatment, any easements required, on-site detention storages as well as details and sizes of internal piped systems. All levels shown on the SDCP must be to Australian Height Datum (AHD). Detailed design plans and calculations will be required to be submitted before the issue of a Construction Certificate.

C2 Where easements are necessary over any adjoining or downstream property to achieve gravity drainage, a written agreement from the adjoining owners is to be submitted with the SDCP.

2.25.3.2 Adverse impact and controlling site runoff

C3 Development activities must not cause an adverse impact on adjoining or any other properties. This includes preserving surface flow paths and not increasing water levels.

C4 Site discharges will need to be restricted to pre-development discharges using On-site Stormwater Detention (OSD) and On Site Retention (OSR).

2.25.3.3 On-site detention (OSD) and on-site retention (OSR) of stormwater

OSD or OSR of stormwater is required to limit discharges from developments to pre-development conditions. Council's OSD and OSR requirements have been formulated to ensure there is a reduction in discharges adjacent to the site or elsewhere in the catchment for virtually all rainfall events through to 100 years ARI. For developments greater than 1000m^2 in site area, allowable discharges will be limited to the equivalent fully pervious discharges for the site area.

C5 OSD will be required for all developments except for:

i. Extensions (alterations and additions) where the proposed extended roof or paved area are less than 40m^2.

ii. Sites that discharge directly to the Cooks River or into a major Sydney Water Corporation controlled trunk drainage system

iii. For single dwelling developments, where a maximum of two residential dwellings are being created (including secondary dwellings, alterations and additions, dual occupancies, attached and semi-detached), on-site retention (OSR) may be used in lieu of OSD. The following requirements are applicable:

a. The OSR system must adhere to the following:

Lot size (sqm)	OSR tank size per lot (Strata or Torrens Title) (Litres)
Greater than 200	Minimum 5,000
Less than 200 but greater than 100	Minimum 4,000
Less than 100	Minimum 3,000

b. The OSR must provide water to all new and/or upgraded toilet cisterns, laundry washing machine connections, external taps and irrigation systems. Standard labelling shall be displayed at such outlets.

c. OSR is not required as per the same exclusions applying to OSD under C5 i and ii above.

iv. For other developments excluded by the above, OSR may be used to offset the calculated OSD storage volume at a rate of 1m^3, for every 2.5m^3 of OSR storage provided (up to a maximum OSD offset of 10m^3).

C6 All OSD systems will require full hydraulic design in accordance with the details in Supplement 2 of The Guidelines, except for single residential dwellings where:

i. The building works are an extension of an existing house/garage, and

ii. The total proposed extended roof and paved area is less than 80m^2.

In those exceptions the OSD required can be constructed in accordance with Council's default design (refer to The Guidelines) without requiring a full design.

PART 2: GENERIC PROVISIONS

C7 The Stormwater Drainage Concept Plan (SDCP) is to outline the OSD and/or OSR proposed. A detailed design will be required before the issue of a Construction Certificate.

C8 Storage outflows are to be controlled to ensure the full range of ARI protection occurs. This will require the OSD to incorporate a range of storage-discharge values for various ARI's.

C9 Storages should not be located in overland flow paths which convey catchment flows through the site. Storages are to be in common areas (rather than privately controlled areas such as courtyards) for developments with multiple dwellings or units.

2.25.3.4 Surface flow paths

C10 Surface flow paths are an integral part of the drainage system. They are to be preserved, or alternatives provided, wherever they pass through or affect the development site. Site discharges are not to be concentrated to a degree greater than that which naturally occurs.

C11 Redirection of flows including to other sub catchments is not permitted unless appropriate counter measures are undertaken.

C12 Flows to the receiving system or sub-catchment are not to be increased.

C13 Flow paths are to be retained within easements.

2.25.3.5 Gravity drainage

C14 All stormwater drainage connecting to Council's drainage systems is to be by gravity means. Mechanical means (i.e. pumps) for disposal of stormwater runoff will generally not be permitted (refer to checklist in 2.25.2). Subsoil and basement seepage systems where separate from the stormwater drainage may be exempted from this requirement.

C15 The acquisition of an easement over any intervening downstream properties (at the developer's cost) will normally be required for sites that do not drain to:

i. the street,

ii. Council land containing a drainage line, or

iii. an existing council pipeline within the development site.

C16 Written consent for the piping and acquisition of an easement is to be obtained from adjoining owners and provided to Council with the development application. In such cases a transfer granting easement or a linen plan and Section 88B (of the Conveyancing Act 1919) instrument must be registered with NSW Government Land and Property Information prior to the operation of any consent. Exception to acquiring an easement may be given at the discretion of Council's Director, Planning and Environmental Services for sites that do not drain to the street, *only* where extensions to an existing residential building or replacement of an existing dwelling is proposed, and genuine attempts at acquiring a downstream easement have failed. Written documentation of those attempts, including reasonable financial consideration, must be included in any application for exception. If an exception is granted a pump/sump system may be provided.

C17 For minor extensions (i.e. less than $25m^2$) to existing single residential dwellings, connections may be made direct to the existing site drainage system where one exists.

2.25.3.6 Relationship to other properties

C18 Where surface runoff from adjoining properties flows onto the development site, such flows are to be catered for within the development. Obstructions that cause damming and backwater effects on upstream properties will not be permitted. Similarly, surface runoff from the site that is conveyed through the site is not to be concentrated onto downstream properties, or diverted from existing discharge points unless into Council's drainage system. Diverting flows from one catchment to another will not normally be permitted.

2.25.3.7 Easements

C19 For sites that have existing Council pipelines through them that are not covered by an easement, or where an existing pipeline is not within the easement, Council will require the creation of an easement in favour of itself over the pipeline. The easement width is to be the pipe, box, or channel section width plus 1.5 metres, with an overall minimum width of 2.5 metres.

C20 Site drainage systems will require inter-allotment easements over downstream properties where the drainage traverses any other private property to connect to Council's drainage system. Those easements are to be a minimum of 0.9 metres wide.

2.25.3.8 Flood study/drainage system analysis

C21 In situations where flooding problems have occurred, or there is a risk of such occurrence and flood information is not available from Council, a flood study or drainage system analysis of the catchment containing the development site will be required. Where such a study is to be carried out, the calculation methods required to demonstrate satisfactory treatment of the development will generally need to be in accordance with current practice as outlined in Australian Rainfall & Runoff (1998), and subject to the satisfaction of Council's Director, Planning and Environmental Services.

2.25.3.9 Standards

C22 Pipe systems draining the development site are to be designed to a minimum ARI standard shown in the table below, with suitable treatment of all surface flows to a 100 year ARI standard. All pipe and surface flows to the 100 year ARI standard are to be routed through any OSD /OSR required.

C23 Developments with higher potential damage risks from surface flows will require higher design standards. Where surface flow paths are not available, the pipe standard will rise to 100 year ARI.

C24 Where the site or buildings are at or below the level of a downstream road or embankment, Probable Maximum Flood events are to be considered. OSD will require all ARI's to be examined to ensure no adverse effects for any size storm.

PART 2: GENERIC PROVISIONS

PIPED SYSTEMS - ARI STANDARDS	
Development Case	**ARI**
Residential Low & Medium Density Residential High Density	10 years 20 years
Commercial/Industrial Heavy Industry	20 years 50 years
Hospital & Emergency Services	100 years
OSD Range	2 to 100 years

2.25.3.10 Safety and considerations of failure

C25 Open drainage system components are to be designed to meet relevant safety criteria. Storage basins are to have battered slopes for egress, maximum ponding depths, and appropriate signage and fencing. Specific reference is made to Figures G1 and G2, Appendix G of the Floodplain Development Manual 2001 for velocity and depth limits, and to Supplement 2 of The Guidelines for the design of OSD storages.

C26 The possibility of failure of components of the system must be considered, and provision made for the safe conveyance of flows should failure occur. For OSD basins emergency spillways must be provided. The potential for obstructions to overland flow paths is to be minimised.

2.25.3.11 Visual impact

C27 All drainage structures and measures are to be designed to be visually unobtrusive and sympathetic with the development. This requirement is necessary to ensure future occupants do not adjust or remove facilities for aesthetic reasons without understanding the functional impact of such actions.

2.25.3.12 Restrictions as to user – positive covenants

C28 The potential for modification or adjustment to OSD and OSR storages and/or surface flow paths through the property is significant enough to warrant extra protection. Future owners of properties also need to be aware of their presence and purpose. Consequently, a Restriction As To User - Positive Covenant may be required on the property title as part of the development.

C29 The restriction is created as a Positive Covenant using Form 55A for an Instrument Pursuant to Section 88E (3) of the Conveyancing Act, 1919. The Instrument is to ensure the continued functioning and maintenance of the items detailed in the consent condition.

C30 Positive Covenants for OSD and OSR will be required for all development types except for single residential dwellings.

2.25.3.13 Structures over or near drainage lines and easements

C31 New buildings and structures will not be permitted over drainage lines or within easements. Paving over any drainage line or easement is acceptable, but will require appropriate jointing at the easement boundary, and to be in a material approved by Council's Director, Planning and Environmental Services.

C32 Clearances to easement boundaries are required to prevent structural loads on drainage structures or encroachment within the angle of repose of the soil. Piering is an acceptable technique to achieve this.

C33 If there is an existing structure over the drainage line or easement within the site that is part of the application, then an access pit is required to be provided upstream and downstream of the structure.

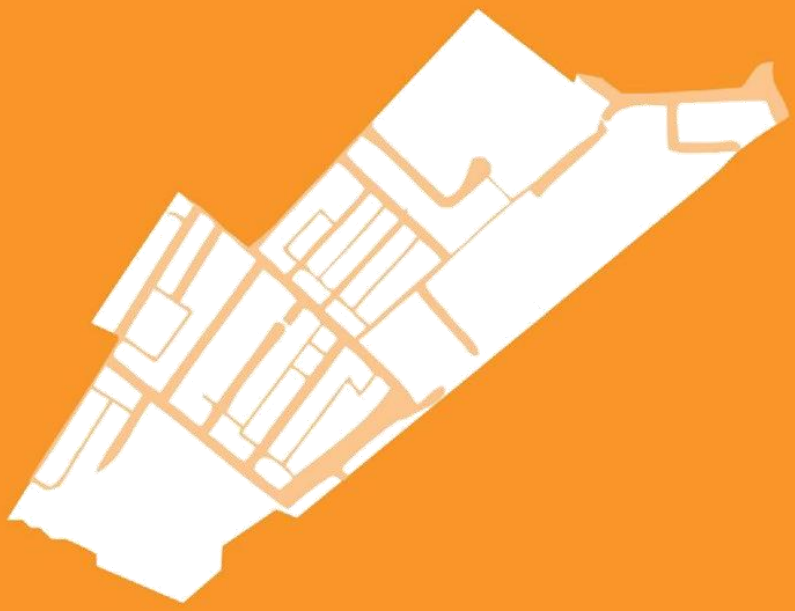
2.25.3.14 Freeboard

C34 Freeboard for floor levels above top water level (TWL) of OSD storages is required for buildings near OSD storages, of at least 0.2 metres above the maximum spillway operating level for habitable areas.

C35 A building floor level freeboard of 0.3 metres to 0.5 metres will be required against channel or mainstream flows, or in areas where significant overland flow occurs. In all other circumstances a minimum freeboard of 0.3 metres is required above surrounding finished ground levels.

9.43

STRATEGIC CONTEXT
SYDNEY STEEL



Marrickville Development Control Plan 2011

MARRICKVILLE council



Contents

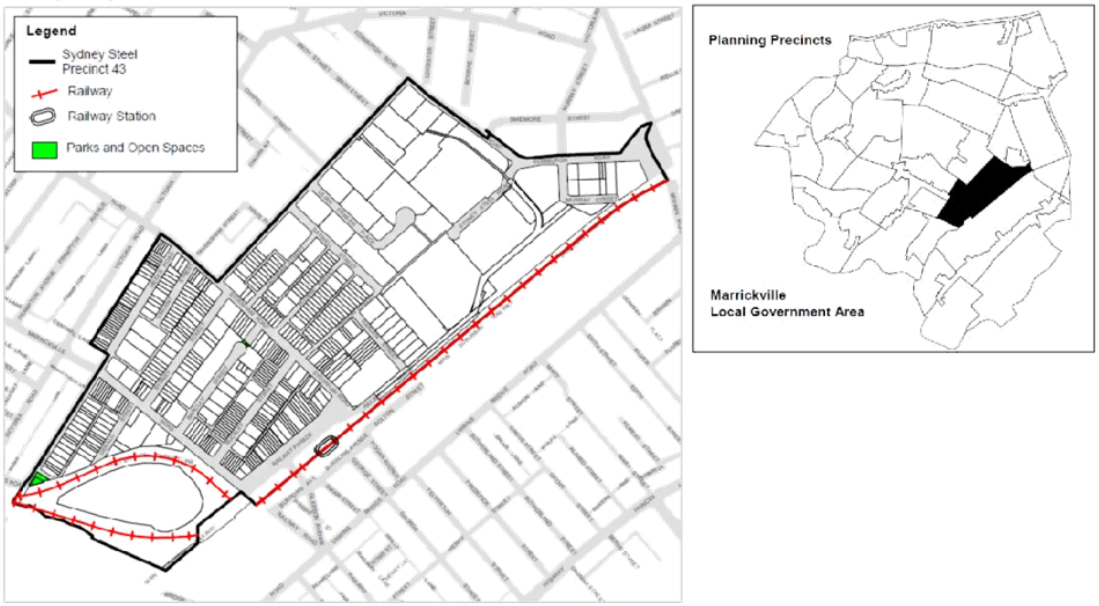
Part 9 Strategic Context....1
9.43 Sydney Steel (Precinct 43)....1
9.43.1 Existing character....1
9.43.2 Desired future character....3
9.43.3 Heritage Conservation Areas (HCAs)....3
9.43.4 Precinct-specific planning controls....3
9.43.5 Site-specific planning controls....3



Part 9 Strategic Context

9.43 Sydney Steel (Precinct 43)

Map of precinct



9.43.1 Existing character

This precinct is located in the eastern section of the Marrickville local government area within the suburb of Marrickville. The precinct is generally bounded by Edinburgh Road to the north, railway land where railway tracks converge to the south west, the main suburban railway line to the east, and Meeks Road and Fitzroy Street to the west.

The name of the precinct is derived from its history. Sydney Steel was one of the major companies operating on the former site of the Gumbramorra Swamp. Sydney Steel provided steel to numerous construction projects, including the Sydney Harbour Bridge and the Sydney naval dock. Ceasing operation in the 1960s, at one time they employed 7,500 workers.

Classified roads within or on the edge of the precinct consist of Sydenham Road, Railway Road and Buckley Street. Marrickville Road and Sydenham Road dissect through the middle of the precinct. Those roads are busy thoroughfares within the precinct. Sydenham railway station is located within the precinct, and is a major connecting station on the Sydney rail network. The Bankstown Line and goods line converge at the south western edge of the precinct, while the main suburban railway line runs along the eastern boundary of the precinct.

The land-use pattern of the area generally consists of a mixture of general industrial uses, some commercial (business) uses, and some light industrial uses in the south western section of the precinct. Older residential buildings are interspersed with

PART 9: STRATEGIC CONTEXT

industrial buildings throughout the entire precinct. Properties south of Marrickville Road, with frontages onto Meeks Road are zoned for office and light industrial uses, creating a buffer between residential and industrial uses. This also applies to properties on the western side of Meeks Road, to the north of Marrickville Road.

The subdivision pattern of the area is characterised by large-sized industrial lots to the north and east, predominantly used for heavy industrial uses, and small to medium-sized light industrial lots to the south-west. Large-sized lots are interspersed within the fragmented lots, found particularly around Barclay Street, Meeks Road, Gerald Street and Garden Street.

The north-eastern section of the precinct is categorically traditional industrial allotments, with large-scale warehouses dominating the area. The central and south-western sections of the precinct are characterised by small, fragmented lots, originally developed to accommodate workers accommodation. Due to their restrictive size, industries operating within older, existing buildings are less intensive than those found in purpose built industrial buildings located in the northern section of the precinct.

The building stock in the precinct is predominantly brick and paint/render with the occasional colorbond sheeting façade. The style of the buildings are categorised as inter war industrial period with some modern industrial buildings. The average height in the precinct is one to three storeys. Roof style is generally flat and pitched roofs and the predominant roof material is metal. The building stock has predominantly a zero building line to the street, with the occasional large setback, and is generally consistent. There is no private landscaping visible from the street.

The streets in the fragmented section of the precinct are narrow in width, and are characterized by one or two small to medium sized native street trees. Pedestrian accessibility and amenity is generally poor in the streets leading from Sydenham Road to Saywell Street with narrow and uneven footpaths. On street parking is available on one side of the street, however many potential parking spaces are lost through the majority of individual sites containing laybacks to access parking areas and for loading and unloading purposes. Numerous buildings have allocated space for off-street parking within their respective site.

The southern section of the precinct provides the only open space and passive recreation in the precinct. Fraser Park, Sydney Portugal Community Club and Kickoff Soccer Centre make up the available space. Braddock Playground, located on Meeks Road, is characterized by a small patch of grass with low timber fencing/barriers.

There are no Heritage Conservation Areas contained within the precinct. However, the precinct does contain a number of listed heritage items, one of State Significance., being the Sydenham Pit and Drainage Pumping Station. The pumping station is a representative example of Inter-War Mediterranean Revival style public utility building.

The entire precinct is affected by flooding. Originally the precinct was a large tract of swamp land that was seen as an impediment to development in the area. There was little consideration for its major role in maintaining the local ecology. This area was developed for industrial purposes following the draining of the Gumbramorra Swamp from the low lying areas of Marrickville in the early 20th century. Sydenham Pit and Drainage Pumping Station was built as an extension to the existing drainage scheme developed in the 1890s for the Gumbramorra Swamp.

The precinct is directly under the Kingsford Smith flight path and is heavily affected by aircraft noise, with the entire precinct with an ANEF 25+, and some areas with an

ANEF of 35-40. Due to its constraints, industrial and employment generating uses are deemed suitable land uses.

9.43.2 Desired future character

The desired future character of the area is:

1. To protect the identified Heritage Items within the precinct.
2. To protect the integrity and on-going retention of the existing industrial zoned land, particularly those identified as being of State significance.
3. To retain the existing employment generating land uses.
4. To ensure new development is compatible with the operations of Sydney Airport.
5. To protect significant streetscapes and/or public domain elements within the precinct including landscaping, fencing, open space, sandstone kerbing and guttering, views and vistas and prevailing subdivision patterns.
6. To enhance existing streets and encourage pedestrian activity, where appropriate, through improvements to road infrastructure and landscaping.
7. To support pedestrian and cyclist access, activity and amenity including maintaining and enhancing the public domain quality.
8. To facilitate efficient parking, loading and access for vehicles that minimises impact to streetscape appearance, commercial viability and vitality and pedestrian safety and amenity.

9.43.3 Heritage Conservation Areas (HCAs)

There are no Heritage Conservation Areas contained within the precinct.

9.43.4 Precinct-specific planning controls

Nil

9.43.5 Site-specific planning controls

Nil

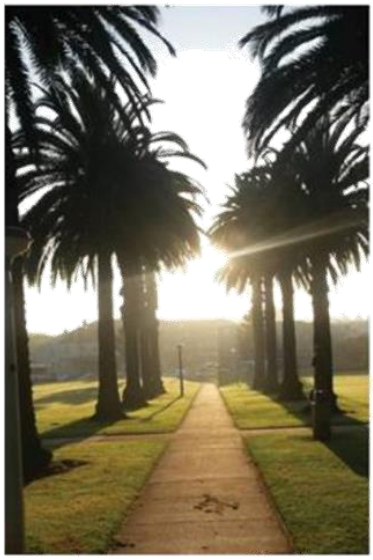


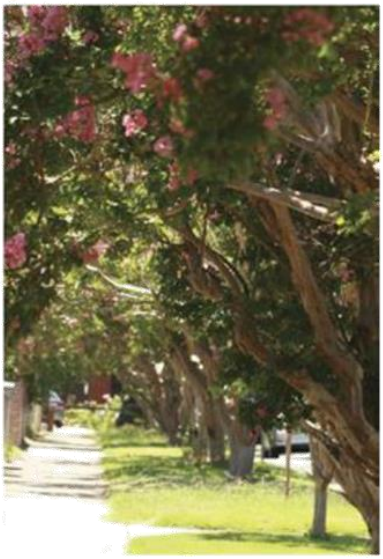



Comprehensive Inner West DCP 2016

for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

INNER WEST COUNCIL



General Contents

Ref.	Section 1: Preliminary
A	**Preliminary**
B	**Notification and Advertising**
Ref.	**Section 2: General Guidelines**
A	**Miscellaneous**
1	Site and Context Analysis
2	Good Design
3	Flood Hazard
4	Solar Access and Overshadowing
5	Landscaping
6	Safety by Design
7	Access and Mobility
8	Parking
9	Subdivision
10	Signs and Advertising Structures
11	Fencing
12	Telecommunications Facilities
13	Development Near Rail Corridors
14	Contaminated Land
15	Stormwater Management
B	**Public Domain**
C	**Sustainability**
1	Building Sustainability
2	Water Sensitive Urban Design
3	Waste and Recycling Design & Management Standards
4	Tree Preservation and Management
5	GreenWay
6	Tree Replacement and New Tree Planting
D	**Precinct Guidelines**
1	Ashfield Town Centre
2	Ashfield East Precinct Guideline
3	Ashfield West
4	Croydon Town Centre
5	Neighbourhood Centre (B1) Zone

6	Enterprise Zone (B6) – Parramatta Road
7	Enterprise Zone (B6) – Hurlstone Park
8	Summer Hill Town Centre
9	Summer Hill Flour Mill Site
10	Edwards Street – B4 Zone
11	Industrial Zone
12	55-63 Smith Street Summer Hill
E1	**Heritage Items and Conservation Areas (excluding Haberfield)**
1	General Controls
2	Heritage Items
3	Heritage Conservation Areas (HCAs)
4	Building Types and Building Elements within Heritage Conservation Areas (HCAs)
5	Retail and Commercial Buildings
6	Apartments and Residential Flat Buildings
7	Subdivision and lot consolidation affecting heritage items or in heritage conservation areas
8	Demolition
9	Heritage Conservation Areas, Character Statements and Rankings
E2	**Haberfield Heritage Conservation Area**
1	Preliminary
2	Detailed Planning Measures for Residential Properties
3	Planning Measures for Commercial Properties
4	Miscellaneous
F	**Development Category Guidelines**
1	Dwelling Houses and Dwell Occupancy
2	Secondary Dwellings
3	Neighbourhood Shops and Shop Top Housing with R2 Zones
4	Multi Dwelling Housing
5	Residential Flat Buildings
6	Boarding House and Student Acccomodation
7	Residential Care Facilities
8	Child Care Centres
9	Drive-in Take Away Food Premises
10	Sex Industry Premises

11	Car Showrooms
G	**Defintions**
H	**Amendments**



Section 1
Preliminary

Table of Contents

Ref.	Section	Page
A	**Preliminary**	
	Purpose of this Development Control Plan	1
	Name and commencement	1
	Legal information	1
	Aims of the DCP	1
	Land to which this policy applies	1
	Purpose	1
	Relationship of the DCP to other plans and policies	2
	Savings provision	2
	Interpretation	2
	DCP Contents – "Plain English" Overview	2
	Order of Priority for Applying Guidelines	3
	Varying the Requirements of the DCP	3
	Development Contributions	3
	Monitoring and Review	4
	Appendix 1 – Development Application Requirements	
B	**Notification and Advertising**	
	Application	10
	Purpose	10
	Exempt and Complying Development	10
	Pre-lodgement consultation with Council and your neighbours	10
	Who will be notified?	10
	Contents of individual notification letters	12
	Other Land Management Proposals	12
	Notification in the print media	12
	On-site notices	13
	Time period for exhibition and receipt of submissions for development applications	13
	Time period for exhibition and receipt of submissions for other land management proposals - planning proposals, development control plans, strategies, studies, reviews and policies.	13
	Development applications where notification is not required	13
	Mediation	14

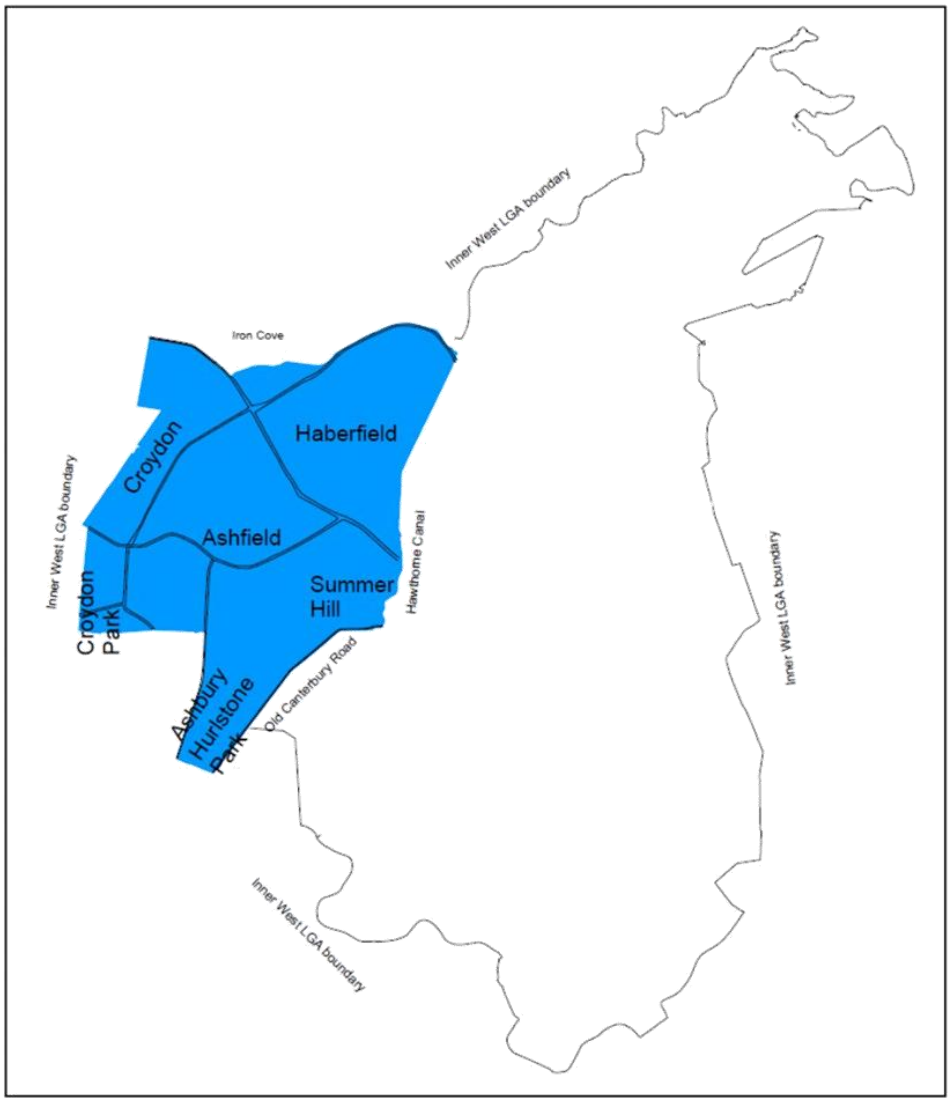
	Public meeting – major development applications	14
	Amended development applications	14
	Making a submission	14
	Procedures for speaking at council meetings	15
	Rescission motions and notices of motion	15
	Submissions become public documents	15
	Recognition for community groups and organisations	15
	Major Development Application	15
	Major Development Application	16



Chapter A
Preliminary

Land to which this policy applies

This DCP applies to the Inner West Local Government Area for the extent of land shown on **Map 1**, and as determined by the extent of land identified on the Land Application Map - Sheet LAP-001 of the Ashfield LEP 2013. This includes the following suburbs: Ashbury Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone



Park and Summer Hill.

Map 1 – Extent of Land

Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to supplement the Ashfield Local Environmental Plan (LEP) 2013 and to provide more detailed provisions to guide development that requires Council approval.

This DCP has been made in accordance with Section 3.43 of the Environmental Planning & Assessment Act 1979 (the Act) and must also be read in conjunction with the provisions of the LEP. Compliance with the provisions of this DCP does not mean that a Development Application (DA) will be routinely approved. Each DA will be assessed having regard to the LEP, this DCP, other matters listed in Section 4.15of the Act, and any other relevant policies adopted by Council.

Name and commencement

The DCP is called Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill. It was adopted by Council on 6 December 2016 and came into effect on

10 January 2017.

Legal information

Ashfield LEP 2013

Ashfield LEP 2013 has objectives for land use zones and key (statutory) development standards that need to be complied with in addition to the guidelines in this DCP. The LEP (Part 3) and Exempt and Complying Codes SEPP both list types of development which are "Exempt or Complying". This DCP does not apply to these categories of development.

The Environmental Planning and Assessment Act ("the Act") And Regulations

This DCP has been prepared in accordance with Division 3.6 of the Act and Part 3 of the Environmental Planning and Assessment Regulation 2000.

Following commencement of this DCP, Interim Development Assessment Policy 2013 and Ashfield DCP 2007 which previously applied within the Inner West Local Government Area (LGA) cease to have any effect.

Under section 4.15 of the Act, Council is required to consider a number heads of consideration as well as the provisions of this DCP when assessing a development application.

Building Sustainability Index (BASIX)

A BASIX Certificate is required to form part of a development application or a construction certificate for a residential development in NSW. A BASIX Certificate demonstrates compliance with the NSW Government's reduction targets for potable water consumption and greenhouse gas emissions in new residential buildings.

SEPP 65 - Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 (SEPP 65) - Design Quality of Residential Apartment Development and the related Apartment Design Guide (ADG) are applicable to certain types of residential flat development.

Government agency requirements

The DCP contains data provided by various government agencies. This information can change from time to time without prior notice being given to Council. Applicants need to check the accuracy of information with agencies if relevant to a proposal. Appendices and Notes in this plan are provided for information only.

Aims of the DCP

The DCP supports the Ashfield LEP 2013 by providing guidelines that will encourage good urban design which will complement zone objectives and key development standards contained in the Ashfield LEP. DCP guidelines assists applicants, informs the community and speeds up the development assessment process by establishing greater "upfront" certainty about desired development outcomes. However, merely complying with the numerical standards of this DCP does not mean that the urban design objectives and performance criteria of the DCP will always be met. Every site is unique and different design options may need to be considered.

Purpose

- To encourage high quality, sustainable urban design outcomes that achieve a desired future character for particular precincts and have a sympathetic built form relationship with the existing built environment and public domain.
- To promote urban design outcomes that will maintain and enhance the unique, distinctive spatial character of Ashfield's neighbourhoods.

- To protect amenity of residential area, including access to sunlight and maintenance of privacy.
- To protect the heritage significance of heritage items and heritage conservation areas.
- To ensure development considers the needs of people with a disability and older people.
- To facilitate business and/or mixed use development in appropriately zoned locations with good public transport links to support integration of transport and land use.
- To ensure development considers the principles of ecologically sustainable development including low energy embodied construction materials, renewable energy, waste minimisation, water sensitive design, bicycle use and stormwater efficiency.
- To improve the appearance and functionality of the public domain, including public safety and pedestrian comfort (eg trees for shading).

Relationship of the DCP to other plans and policies

- This plan must be read together with Ashfield Local Environmental Plan 2013 (ALEP 2013). The LEP prevails if there is any inconsistency.
- This DCP should also be read in conjunction with the following:
- *Environmental Planning and Assessment Act, 1979;*
- *Environmental Planning and Assessment Regulation 2000;*
- *Relevant State Environmental Planning Policies (SEPP's)***
- *Local Government Act 1993;*
- *Building Code of Australia (BCA);*
- *Relevant Australian Standards as identified in this DCP;*
- *Land and Environment Court Planning Principles; and*
- *Any other policy or document identified for consideration in this DCP.*

***Note:** Please click here for a list of current SEPP's*

Savings provision

This DCP does not apply to an application under Environmental Planning and Assessment Act 1979 (EP&A Act) lodged with Council but not finally determined before the commencement of this DCP. Any application formally lodged before the commencement of this DCP will be assessed in accordance with any relevant previous Interim Development Assessment Policies or other applicable Council policies applicable at the time the application was lodged.

Interpretation

Where this DCP uses terms that are defined in Ashfield Local Environmental Plan 2013, the definitions in the LEP are to be used. Other terms used throughout this DCP are defined in the *Dictionary*. A reference in this DCP to any Australian Standard or legislation includes a reference to any amendment or replacement as made.

DCP contents – "Plain English" overview

The DCP is setout as follows:

Section 1

Preliminary. Contains standard technical sections required in a Development Control Plan, and identified the land to which the DCP applies.

Section 2

Chapter A – Miscellaneous.

This Chapter has "generic controls" for consideration which might be common to all or various development types, depending on the nature of a development application such as the type of building being considered for development approval. It applies where controls/guidelines are not found in other parts of the Ashfield Area DCP. This includes consideratios for access for people with disabilities, public domain, parking and signage.

Chapter B – Public Domain.

This Chapter has controls for development where it has an impact on the public domain and for places that are under the control of Council.

Chapter C – Sustainability.

This Chapter has considerations for specific matters which relate to Sustainability issues, ranging from building design to a Tree Preservation Policy.

Chapter D - Precinct Guidelines

This Chapter has precinct specific controls that will achieve a desired future spatial character and environment for nominated precincts within the LGA. Development is to be consistent with the relevant precinct controls. Precinct provisions will override provisions in other sections of the DCP that are the same. Where a development standard is not specified

in the "Precincts" section, development must be consistent with all other relevant provisions of the DCP.

Chapter E1 and E2 Heritage Conservation Guidelines

This Chapter has controls for development affecting heritage listed areas and heritage items. Part E2 applies specifically to the Haberfield Conservation area.

Chapter F - Development Category Guidelines

This Chapter includes provisions for certain categories of developments including apartments, boarding houses; business development; child care centres , dwelling houses, dual occupancies, industrial development, sex services premises, signage, telecommunication facilities and other related development types. Development proposals must respond to the provisions that best describe the type of development proposed.

Chapter G - Definitions

Contains Definitions

Chapter H - Amendments

Accomodates inventory for future DCP amendments records.

Order of Priority for Applying Guidelines

If there is any inconsistency between controls within the DCP, to the extent of the

inconsistency, controls will normally be applied in the following order of priority where applicable:

i. General controls
ii. Precinct Specific controls
iii. Heritage Conservation controls
iv. Development Category Controls

Assessment of a proposal will also involve consideration of all relevant DCP objectives and controls applied collectively to the specific circumstance to achieve an appropriate development outcome.

Varying the Requirements of the DCP

Substantive variations to development controls will only be considered where written justification for each variation request is well argued and demonstrates why the development control is unreasonable or unnecessary in the circumstances and explaining how the objectives of the development control plan are still met. Any request for a variation must:

- state why the specific provisions of the plan should be varied;
- identify the development control to be varied and any related general or specific objectives;
- demonstrate why compliance with the provisions of the DCP is unreasonable or unnecessary in the particular circumstances of the case;
- demonstrate that the proposed development is consistent with the objectives of the DCP, SEPP65 /Apartment Design Guide (if applicable) and the objectives and requirements of Ashfield LEP 2013;
- must result in a better development outcome and meet all objectives of this DCP; and
- clearly demonstrate the variation sought will not adversely impact on local amenity.

A pre-lodgement discussion with Council development assessment staff to discuss a proposed variation is highly recommended

Development Contributions

Section 7.11 or 7.12 (formerly Section 94 and Section 94ª) Development Contributions Plans

For the Inner West LGA and suburbs of Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill Section 94 Development Contributions Plan came into force on 16 November 2010 and Amendment no. 1 became effective in June 2015. Our Section 94A Plan (Amendment No.2) Plan became effective 13 May 2014.These Contributions Plans apply to development approved after those dates. Section 94 Development contributions are payable for development that increases worker and residential population and additional floor space.

Section 94A Development contributions are primarily related to development which is "complying" under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 .

Monitoring and Review

Council will keep this DCP and **Ashfield LEP 2013** under periodic review. DCP and LEP reviews will consider:

- the continued relevance and responsiveness of the Plan's provisions; and the achievement of the objectives of the Plan;

- need for changes to the provisions to better achieve the objectives of the Plan and changes in circumstances; and,
- in the case of Ashfield LEP 2013 - availability of adequate development capacity under the Plan's provisions.

Item 4

Attachment 3

Appendix 1 –Development Application Requirements

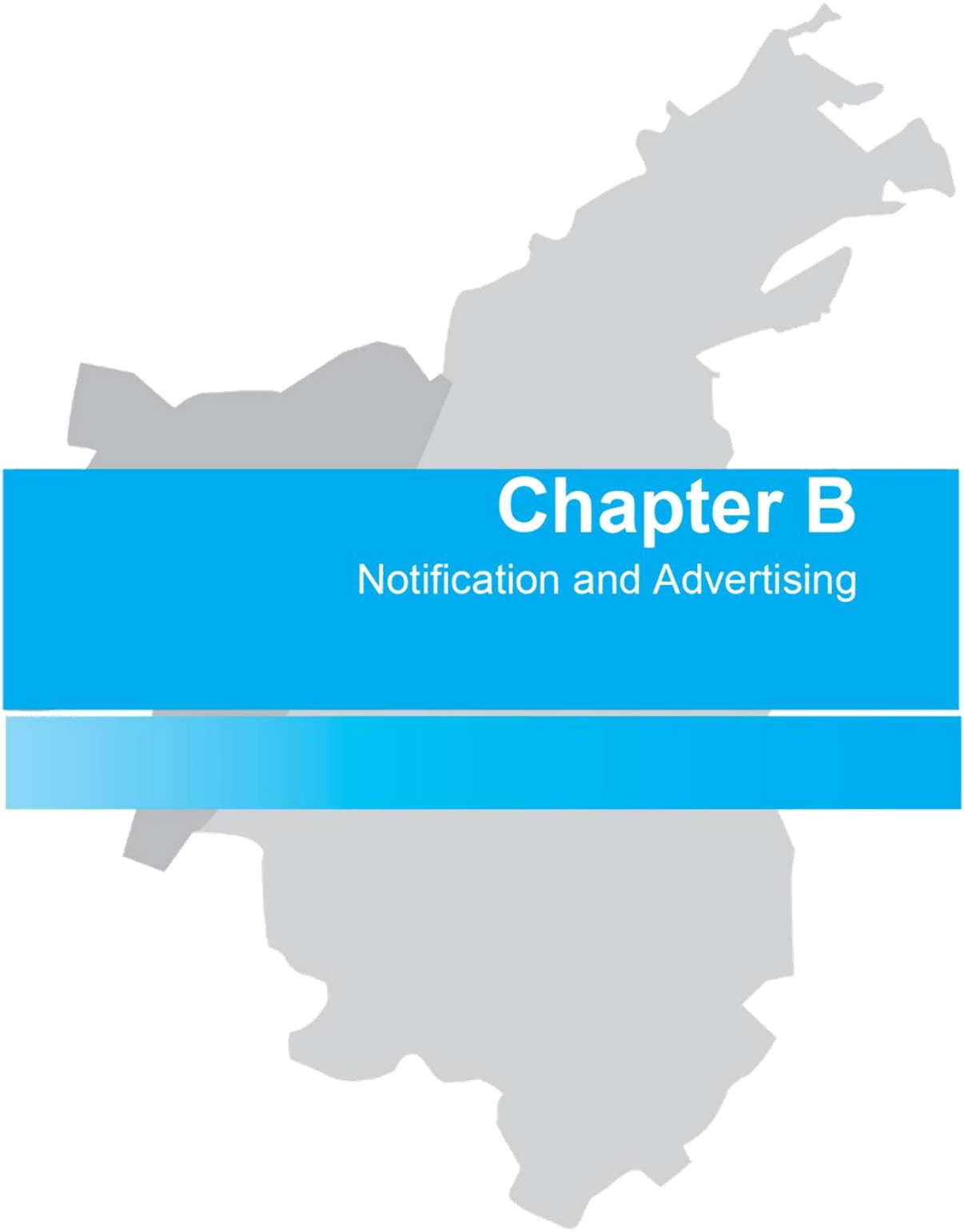
DEVELOPMENT APPLICATION GUIDELINES

Council has outlined a step-by-step development assessment process on the Council website. Reference should also be made to "*Development application lodgement Checklist*" and "*Development Application Documentation Requirements*" forms.

This is amended from time to time to take account of legislative amendments and best practice.

Item 4

Attachment 3



Chapter B

Notification and Advertising

Application

Chapter B of DCP 2016 applies to all land in identified in Chapter A Preliminary and shown on **Map 1 – Map Extent**.

This Part supports the LEP by establishing procedures and consultation mechanisms for the notification of development applications and other land management proposals. It applies to all new development, existing buildings undergoing significant alteration/extension and certain changes of use.

Purpose

- To establish procedures for the notification of adjoining and nearby owners/occupiers of development applications and other land management proposals.
- To ensure there is the opportunity for public comment on applications, strategies and proposals so as to ensure full participation in the DA and land management decision making process.
- To specify circumstances where notification of development applications may not be required.
- To establish procedures for the notification of LEP Amendments, DCP and Strategy proposals relating to land management

Exempt and Complying Development

Important note: Certain residential development as specified in **SEPP (Exempt and Complying Development Codes) 2008** and **Ashfield LEP 2013** may be carried out subject to meeting specific requirements without the need for development consent under **Part 4** of the **EP&A Act 1979** or for assessment under **Part 5** of that Act. There is no requirement to notify neighbours about exempt development. For complying development there is also no requirement to notify neighbours prior to a complying development certificate being issued by Council or an accredited private certifier. Neighbours (within 20m) of the lot will be provided with a written notice by Council or accredited private certifier if a complying development certificate has been issued within two days of its issue. For more information, please visit the NSW Department of Planning & Environment at: http://housingcode.planning.nsw.gov.au/AbouttheNSWHousingCode.aspx

Pre-lodgement consultation with Council and your neighbours

Applicants are encouraged to discuss their proposals with Council and their neighbours prior to lodging their applications. In that way, the neighbours' concerns can be taken into account "up front" in the design process, and delays after lodgement can be minimised. Through such discussions and by visiting neighbouring properties, applicants can ascertain potential privacy problems, loss of views, or overshadowing issues, and the like, and "design-out" any adverse effect in the design process.

Council has a heritage advisory service available for a small fee to assist applicants of heritage-listed properties, or for residents and proposals in Conservation Areas.

Council also has a Development Advisory Service, which meets weekly to review development proposals. If your development proposal is complex, (e.g. a residential flat building), or if it involves demolition, it is recommended that, early in the design process, you make an appointment with the Development Advisory Service to discuss the matter.

Who will be notified?

Development Applications

Notice of an application will be sent to the person or persons who appear on Council's records to own or occupy property described as follows:

- Minor and Conservation Area/Heritage Item Development Applications
  - A minimum of two adjacent properties either side of the subject land on the same side of the principal street frontage of the subject land.
  - A minimum of five adjacent properties directly to the rear of the subject land.
  - A minimum of five adjacent properties directly opposite the principal street frontage of the subject land.
  - The occupier(s) of the premises that is the subject of the application.
- Major Development Applications*
  - A minimum of six adjacent properties either side of the subject land on the same side of the principal street frontage of the subject land.

- A minimum of eight adjacent properties directly to the rear of the subject land.
- A minimum of thirteen adjacent properties directly opposite the principal street frontage of the subject land.
- The occupier(s) of the premises that is the subject of the application.

Refer to Definition of Major and Minor Development Applications below.

* Where an application is deemed to have a streetscape impact (upper floor additions to buildings visible from the street, building works or structures located forward of existing front building line, major alterations to building facades, etc), a wider notification involving properties in the same street may be necessary depending on the extent of external impacts.

Where the General Manager is of the view that a major development application is of such significance that the notification area needs to be determined by the Council, the application will be referred to the Council at the earliest opportunity for such determination. The Council will be requested to resolve the extent and type of notification required for a development application of this type.

Land Management Proposals

Notice of an application will be sent to the person or persons who appear on Council's records to own or occupy property described as follows:

- Planning Proposal (site-specific amendment to Council's Local Environmental Plan)
  - A minimum of eight adjacent properties either side of the subject land on the same side of the principal street frontage of the subject land.
  - A minimum of seventeen adjacent properties directly to the rear of the subject land.
  - A minimum of seventeen adjacent properties directly opposite the principal street frontage of the subject land.
  - The occupier(s) of the premises that is the subject of the application.
- DCP and LEP Amendments (non-site specific), Strategies, Studies, Reviews and Policies
  - To be determined by the Council based on the specific nature of the land management proposal.

Owners and Occupiers

Individual notifications will be forwarded to:

- occupant and non-occupant owners of property;
- where known to Council:
- occupants of property where it appears they are tenants not owners;
- the owners corporation of a strata-titled residential building (in addition to owners and occupiers of individual units).
- recognised community groups which have requested such notification.

Adjoining Councils

For notification relating to sites on the border of a local government area, Council will notify the adjoining council and residents in the vicinity of the development site, where, in the opinion of Council, properties in that local government area may be affected by a development application or planning proposal.

Criteria for determining if wider notification is required in order to decide whether wider notification is required for a development application or planning proposal, reference will be made to a range of criteria relating to amenity and the environment, including, but not limited to, the following issues:

- height, bulk and scale
- traffic generation and parking
- visual quality
- overshadowing
- privacy
- amenity and noise
- impact on streetscape
- effect on trees
- outlook and views
- heritage significance of a place
- social factors

Contents of individual notification letters

A notification letter will contain the following information:

- address of the development site and its local name (if applicable), including the names of the nearest cross streets;
- a map of the notification area (major development applications and planning proposals only);
- clear and comprehensive description in plain English (including the number of proposed units and number of storeys above ground level for all multi-unit developments) with the description translated into either Chinese or Italian for all major developments;
- an A4 copy of plans and streetscape elevations, to scale, which show the proposed development and adjacent buildings on either side of the property, where the proposed development impacts on the streetscape;
- a statement that the development application or planning proposal may be inspected at Council's office during office hours or at the Ashfield Library at weekends;
- a statement that any person may make written submissions to Council about the development application or planning proposal, including the grounds for any objection during a specified period;
- a statement that there may be a mediation meeting prior to the matter being determined, and any person making a submission will be advised of the date and place of such mediation meeting;
- a statement that any submissions received by Council will be publicly available;
- a statement that, if the matter is to be determined by Council, any person making a submission will be notified of the date of that Council meeting and invited to address the meeting;
- in the case of a development application, a statement that if no submissions are received the application may be determined under delegated authority;
- a statement that a head petitioner or first signatory to a petition will carry the responsibility of notifying other signatories of the progress and outcome of the processing of the application;
- a statement that a written submission may contain comments which express either concern or support for all or any particular aspects of a proposal under consideration by the Council.

All notification letters will be contained within a readily identifiable envelope which alerts the recipient to the nature and importance of the contents therein and which includes a translation of the statement in Chinese and Italian on the back of the envelope.

Other Land Management Proposals

Development Control Plans, Local Environmental Plan Amendments (non-site specific), Strategies, Studies, Reviews and Policies - The requirement for and specific contents of individual notification letters for such proposals will be determined by the Council based on the nature of the land management proposal.

Notification in the print media

A list of development applications and planning proposals received, where notification is required under this policy, will be published, generally on a weekly basis, in Council's regular column in a local newspaper. The publication will be timed to meet the next available newspaper deadline following receipt of the complete development application or, in relation to planning proposals, Council's decision to place the proposal on public exhibition. Development applications will be listed under suburb headings.

Descriptions used in these advertisements will be in simple terms, if applicable identifying the site by its usual name, and with sufficient detail for readers to understand the nature, scope, scale and value of the application or proposal.

For major development applications the decision to include sketches in the advertisement will be at the discretion of Council.

The Council may also use this column to advertise other Land Management Proposals.

A current copy of this advertisement will be displayed on all Council and community noticeboards.

On-site notices

For all major development applications, conservation area and/or heritage item development applications and planning proposals, a notice or notices will be

exhibited on the land to which the development application relates.

The subject notice(s):

- will be displayed in the most prominent available location such that it/they can be easily read from a public place;
- will be headed in capital letters and bold type "**DEVELOPMENT PROPOSAL**" and/or "**PLANNING PROPOSAL**"; and
- will contain the following matters:
  - a description of the type of development proposed;
  - notice that the development application or planning proposal may be inspected at Council's office during office hours or at the Ashfield Library counter on weekends.

The initial placement of a notice(s) will be recorded on a photograph. Where Council is made aware that a notice(s) has been removed prior to the end of the exhibition period, it will endeavour to replace the notice as soon as possible.

Time period for exhibition and receipt of submissions for development applications

Minor and Conservation Area/Heritage Item Development Applications

Applications will be exhibited for 14 calendar days.

Major Development Applications

Applications and proposals will be exhibited for 21 calendar days.

Receipt of submissions

Submissions must be received by the last day of the exhibition period or other date specified in the notification letter.

Late submissions

Late submissions may not be able to be considered or assessed in the Council report.

Christmas, New Year & Easter

The days between Christmas Eve and New Years Day public holiday period (inclusive) and over the Easter public holiday period are not included in the calculation of the exhibition period.

Time period for exhibition and receipt of submissions for other land management proposals - planning proposals, development control plans, strategies, studies, reviews and policies.

- The exhibition of such documents will be for a minimum period of 28 days.
- Submissions must be received by the last day of the exhibition period or other date specified in the notification letter.
- Late submissions may not be able to be considered or assessed in the Council report on the matter.

Development applications where notification is not required

The following development applications will not be notified, unless particular extraordinary circumstances warrant public notification:

- Signs which would have minimal impact on the amenity of a locality and/or traffic safety.
- Development applications where the proposed works will not be visible externally and there will be little or no impact on the amenity of a locality and/or traffic safety.
- Requests for amendment of consents in relation to technical conditions of consent.
- Land subdivision involving minor boundary adjustments and strata subdivision (except where **SEPP 10** is applicable) of existing development where there is no physical change to a building or land, e.g. semi-detached cottages.
- Minor changes to a design which are required by Council where such changes are deemed to have no measurable effect upon adjoining properties.
- Changes of use where the proposed use will have no significant external impacts upon the amenity of the locality.
- Minor external works which are consistent with Council policies and planning provisions.

Mediation

- Council has adopted a separate policy which sets out the procedures and requirements for mediation relating to development application matters. Copies are available from Council on request.
- Council strongly encourages all parties who have expressed an interest in a development application matter to participate in this process.

Public meeting – major development applications

Where a major development application is of such significance, in terms of its impact upon the community, Council may, at its discretion, call a public meeting to discuss the application. The decision to hold such a meeting will be made by a meeting of full Council or a Committee of Council which has delegated authority to act on behalf of Council. Where such a meeting is called the Council shall determine the type of notification to be given and provide at least 14 days' notice of the meeting to the public.

Amended development applications

- This applies to:
  - applications prior to Council determination;
  - modifications after Council determination (under Section 96 of the Act)
- Where amendments are substantially different from a previously notified application, notification will again take place in accordance with this Plan. The notification will be to the same properties as those notified originally and to those persons who lodged a submission with respect to the original notification.
- Re-notification will not be required if the proposed amendments do not increase the height, scale and bulk of the proposal, nor alter the character of the development or affect heritage significance, nor detrimentally prejudice the persons that responded to the original application.
- Where the proposed amendments are considered to have the same or a lesser effect as that approved, then the responses to the original application will be taken into consideration and the application will not be re-notified.
- Where amendments are received in response to submissions made to a previously notified application and are specifically aimed at addressing the concerns of those persons who have made a submission, re-notification will not be necessary where the proposed amendments have adequately addressed the concerns raised in the submissions.

Making a submission

- Submissions are to be in writing and addressed to the General Manager.

Note: *The consideration of a submission(s) is only one component in Council's overall determination of a matter.*

- Submissions must contain a name and address, and, preferably, contact telephone numbers. If possible, e-mail addresses and/or fax numbers of those who make the submission should also be included.
- If no significant nor relevant submissions are made to an exhibited development application, then such application may be determined by the Director - Planning & Environment and/or the General Manager, under delegated authority (meaning that the elected Council may not make the final decision to either grant consent to or refuse the application).
- All letters, including individually signed form letters, will be considered a separate response.
- All those who responded to the exhibition of a development application or planning proposal will be advised in writing as to Council's decision on the matter. In relation to a petition, the Head Petitioner will be advised to notify all other signatories to the petition. A Head Petitioner will, unless notified otherwise, be the first person that signs the petition.
- A summary of the number of submissions lodged with each development application is to be included as part of the Development and Building Status Report.

Procedures for speaking at council meetings

- All residents and head petitioners (or first signatory on a petition where there is no head petitioner) who respond to a notification will be advised of the details of the Council or

Committee meeting to which the application is referred. Every attempt will be made to do this before the weekend prior to the scheduled meeting. Notification may be either by letter, by facsimile, e-mail or by personal communication/contact.

- Head petitioners or first signatories will be advised that they are responsible for notifying all other signatories or persons involved in the petition of the meeting time and date.
- Where a person speaks as a representative of a recognised Community Group or Organisation, that person will retain the right to address Council as a resident raising further issues.

Rescission motions and notices of motion

- Rescission motions and notices of motion by Council will be advised to those persons who made written submissions or addressed the Council on the matter.
- Notification of further Council meetings may be either by letter, facsimile, e-mail or by personal communication/contact advising of the time, date and place of the meeting.
- Procedures for addressing Council by those who made submissions will be in accordance with Council's Code of Meeting Practice.

Submissions become public documents

- Unless extraordinary circumstances are advised to Council, persons making submissions are advised that the contents of submissions are available for public perusal.

Recognition for community groups and organisations

- Any Community Group or non-profit Organisation may request that it be advised of development applications and land management proposals, either in regard to a particular area or purpose, or in general for all matters affecting its area of operation, and such request is not to be unreasonably declined.

Major Development Application

(Clauses added 5 Dec 17)

A major development application is defined as any of the following:

a) the erection of new multi-unit residential development (i.e. townhouses, residential flat buildings, dual-occupancies).

b) a home industry, hospital, place of public worship, public building, boarding house, child-care centre, professional consulting room, open space or educational establishment within a Residential R2 or R3 zone.

c) total demolition of a heritage listed item, or a building, work, relic, tree or place within a heritage conservation area.

d) partial demolition of a heritage listed item, or a building, work, relic or place within a heritage conservation area where such work involves the removal of more than 50% of the original fabric of the item, building, work relic or place or the removal of any portion of the original fabric (except where re-tuckpointing or pointing of the original masonry is involved) of the front façade of the item, building, work or relic.

e) total demolition of a non-heritage listed building other than outbuildings or where approval for a new replacement building has already been given.

f) the use of a building or land referred to in the LEP 2013 (ie where an application is made to carry out prohibited use on the basis that an incentive is needed for heritage conservation).

g) *other development which, in the opinion of Council, may have a major impact on the surrounding amenity, heritage conservation or character, particularly major new commercial or public buildings.*

h) *subdivision not involving minor boundary adjustments*

Minor Development Application

(Clause added 5 Dec 17)

Minor Development Application: *a development application which does not meet the criteria applicable to a 'major' application*

Inner West Council
Ashfield Customer Service Centre
260 Liverpool Road ASHFIELD NSW 2131
PO Box 1145 ASHFIELD NSW 1800
T (02) 9716 1800 F (02) 9716 1911
Email: info@ashfield.nsw.gov.au
Website: www.ashfield.nsw.gov.au

Item 4

Attachment 3



Part 3
Flood Hazard

Application

This Guideline applies to land identified as being flood prone land on the Flood Control Lot Map for both the Dobroyd & Hawthorne Canal Catchment areas (see **Schedule 2**).

Flood prone land consists of land which:

- is in the flood planning area (mainstream flooding for both the Dobroyd & Hawthorne Canal Catchments areas); and/or
- is in the flood planning level (for local overland flooding).

The areas identified on the Flood Control Lot Map were based on information available to Council when the map was prepared. As new information becomes available, additional land may be identified as potential flood prone land.

A flood is an overflow or accumulation of an expanse of water that submerges land. In the sense of flowing water, the word may also be applied to the inflow of the tide. Floods are a natural and inevitable event that communities must learn to live with while minimising risks to public health and safety, property and infrastructure.

This policy recognises that there are some flooding risks that require development controls and guidelines in order to reduce or eliminate their impacts.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To minimise risk to human life and damage to property.
- to maintain the existing flood regime and flow conveyance capacity.
- To enable the safe occupation of, and evacuation from, land to which flood management controls apply.
- To avoid significant adverse impacts upon flood behaviour.
- To avoid significant adverse effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank/watercourse.
- To limit uses to those compatible with flow conveyance function and flood hazard.

Development Standards for Flood Affected Land

Performance Criteria	Design Solution
General	
	DS1.1 A Flood Risk Management Report must be submitted for applications that are on land identified on the Flood Control Lot Map **(See Schedule 2)** The report must be informed by flood information relevant to the subject property and surrounds, including the 1% AEP flood level, Flood Planning Level, Probable Maximum Flood (PMF) level and the Flood Hazard Category, as obtained from Council. The report is not required where the assessed value of the works is under $50,000 except where, in the opinion of Council, those works are likely to substantially increase the risk of flood to the subject or adjoining or nearby sites. The report may be limited to a short report (Flood Risk Management Statement) for single residential dwellings, alterations and additions or change of use developments where the property is confirmed by Council as being subject only to low hazard flooding. The Flood Risk Management Statement must reference the source of flood information; specify the relevant flood information applicable to the site, then describe the proposed development and how it meets the relevant development controls. If Council is concerned with the apparent loss of flood storage and/or flood or overland flow paths, and/or increase in flow velocities, and/or risk of life, on any type of development, the applicant may be requested to undertake further analysis in support of the proposal and detail it in a new/revised Flood Risk Management Report.
	DS1.2 The Flood Risk Management Report must address: • Description of the existing stormwater drainage system, including catchment definition. • Extent of the 1% AEP flood event in the vicinity of the development. • The Flood Hazard Category affecting the subject site and surrounds. Where the site is subject to the high hazard flooding category, the Probable Maximum Flood (PMF) extent must be shown. • Long and cross sections showing the Flood Planning Level(s) in relationship to the floor levels of all existing and proposed components of the development. • Recommendations on all precautions to minimise risk to personal safety of occupants

Performance Criteria	Design Solution	
		and the risk of property damage for the total development to address the flood impacts on the site during a 1% AEP flood and PMF event. These precautions must include but not be limited to the following: ○ Types of materials to be used to ensure the structural integrity of the development for immersion and impact of velocity and debris for the % AEP flood event and PMF (for high hazard); ○ Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections; ○ A flood evacuation strategy (Flood Emergency Response Plan); and ○ On site response plan to minimise flood damage, and provide adequate storage areas for hazardous materials and valuable goods above the flood level; • Details of any flood mitigation works that are proposed to protect the development. • Supporting calculations. • The architectural/engineering plans on which the assessment is based. • The date of inspection. • The professional qualifications and experience of the author(s).
	DS1.3	All applications for development must be accompanied by a survey plan including relevant levels to AHD (Australian Height Datum) ***Note:*** *These surveys must use a survey datum with a minimum vertical class "D" and a vertical order of five (5) as identified on the Survey Control Information Management System on the Land and Property Information website. Consideration must be given to whether structures or filling are likely to affect flood behaviour and whether consultation with other authorities is necessary.*
	DS1.4	Compliance with flood management controls must be balanced by the need to comply with other controls in this Policy.
Controls for new residential development		
	DS2.1	Floor levels of habitable rooms must be a minimum of 0.5m above the 1% AEP flood level at that location. For areas of minor overland flow (a flood depth of 300mm or less or overland flow of 2cum/sec or less) a lower freeboard of 300mm may be considered on its merits.

Performance Criteria	Design Solution	
	DS2.2	Any portion of a building classified as being flood prone must be constructed from flood compatible materials (See **Schedule 1**).
	DS2.3	Flood free access must be provided where practicable.
Controls to residential development - minor alterations		
	DS3.1	Additions with a habitable floor area of up to 30m2 may be approved with floor levels below the 1% AEP flood level at that location if the applicant can demonstrate that no practical alternatives exist for constructing the extension above the 1% AEP flood level.
	DS3.2	Additions greater than 30m2 will be considered against the requirements for new residential development (refer **DS2.1**, **DS2.2**, and **DS2.3**). ***Note:*** *Additions greater than 30m2 do not necessarily mean an increase to the existing building footprint by 30m2. It relates to the area which shall the demolished and rebuilt shall not exceed 30m2.*
	DS3.3	Any portion of a building subject to inundation must be constructed from flood compatible materials. All flood sensitive equipment must be located above the 1% AEP flood level at that location.
Controls for non-habitable additions or alterations		
	DS4.1	All flood sensitive equipment must be located above the 1% AEP flood level at that location.
	DS4.2	Any portion of buildings subject to inundation must be built from flood compatible materials.
Controls for new non-residential development		
	DS5.1	Floor levels (except for access-ways) must be at least 0.5m above the 1% AEP flood level, or the buildings must be flood-proofed to at least 0.5m above the 1% AEP flood level. For areas of minor overland flow (a flood depth of 300mm or less or overland flow of 2cum/sec or less) a lower freeboard of 300mm may be considered on its merits.
	DS5.1	Flood-free access must be provided where practicable.
Controls for non-residential development - additions		
	DS6.1	Where the proposed development is for an addition to an existing building on flood prone land, the development may be approved with floor levels below the 1% AEP flood level if the applicant can demonstrate that all practical measures will be taken to prevent or minimise the impact of flooding. In determining the required floor level, matters which will be considered include: • The nature of the proposed land use; • the frequency and depth of possible flooding; • the potential for life and property loss;

Performance Criteria	Design Solution	
		• the suitability of the building for its proposed use; And • whether the filling of the site or raising of the floor levels would render the development of the site impractical or uneconomical.
	DS6.2	Any portion of the proposed addition below the flood 1% AEP flood level must be built from flood compatible materials.
Controls for change of use of existing buildings		
	DS7.1	Development consent for change of use of an existing building with floor levels below the 1% AEP flood level will only be given where there is no foreseeable risk of pollution associated with the proposed use of the building in the event that the 1% AEP flood event occurs.
	DS7.2	In determining whether to grant development consent for change of use of an existing building with floor levels below the 1% AEP flood level, consideration will be given to whether the proposed development would result in increased flood risk for the property on which the building is located, or other land. In this regard, the following matters will be considered: • The nature of the proposed use and the manner in which it is proposed to be carried out within the building or on the land; And • The foreseeable risk of pollution associated with the proposed use of the building/land in the event that the 1% AEP flood event occurs.
Controls for subdivision		
	DS8.1	Development consent for the subdivision of flood prone land may depend on whether the land to which the proposed development relates is unsuitable for any development made likely by the subdivision, by reason of the land likely to be subject to flooding.
	DS8.2	Development consent for the subdivision of flood prone land may depend on whether the carrying out of the subdivision and any associated site works would: • adversely impede the flow of flood water on the land or land in its vicinity; • imperil the safety of persons on that land or land in its vicinity in the event of the land being inundated with flood water; And • aggravate the consequences of flood water flowing on that land or land in its immediate vicinity with regard to erosion or siltation.

Performance Criteria	Design Solution
Controls for filling of flood prone lands	
	DS9.1 Development consent will not be granted to filling of flood ways or high flood hazard areas. Consideration will only be given to granting development consent to the filling of other flood prone land where: • flood levels are not increased by more than 0.01m by the proposed filling; • downstream velocities are not increased by more than 10% by the proposed filling; • proposed filling does not redistribute flows by more than 15%; • the potential for cumulative effects of possible filling proposals in that area is minimal; • the development potential of surrounding properties is not adversely affected by the filling proposal; • the flood liability of buildings on surrounding properties is not increased; And • the filling creates no local drainage flow/runoff problems. ***Note:*** Where the proposal has the potential to increase flood levels, depths, velocities and/or the risk to life or property, through loss of flood storage and/or blockage/ redirection of overland flowpaths, the Flood Risk Management Report supporting the development application must include detailed flood analysis. Such analysis should address compliance with all relevant development controls and include survey cross-sections to provide representative topographic information. The proponent should approach Council to determine available Council flood studies for the area, with the analysis based on or calibrated against relevant studies. In some cases, flood model data can be obtained from Council, subject to application and payment of fees.
Controls for land uses on flood prone land identified on the Flood Control Lot Maps	
	DS10.1 A site emergency response flood plan must be prepared in case of a PMF flood.
	DS10.2 Adequate flood warning systems, signage and exits must be available to allow safe and orderly evacuation without increased reliance upon the State Emergency Service (SES) or other authorised emergency services personnel.
	DS10.3 Reliable access for pedestrians or vehicles must be provided from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF.

Performance Criteria	Design Solution	
Controls for basement garages, car ports		
	DS11.1	The floor level of new enclosed garages must be at or above the 1% AEP flood level plus 200mm. In extenuating circumstances, consideration may be given to a floor level at a lower level, being the highest practical level but no lower than 180mm below the 1% AEP flood level, where it can be demonstrated that providing the floor level at the Flood Planning Level is not practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking facilities as amended.
	DS11.2	The floor levels of open car park areas and carports must meet the same criteria as above for garages. In extreme circumstances, for single dwelling residential development, a floor level below the 1% AEP flood level minus 180mm may be accepted for a single car space, subject to bollards being provided along the 'free' perimeter (excluding the vehicle entry on one side only) at 1.2m intervals and the floor level being raised as high as practical within the constraints of compliance with Australian Standard AS/NZS 2890.1 Parking facilities as amended.
	DS11.3	On properties with a low flood hazard classification, basement (below natural ground level) car parking must have all access and potential water entry points above the Flood Planning Level, and a clearly signposted flood free pedestrian evacuation route provided from the basement area separate to the vehicular access ramps. For basement car parking in properties affected by High Hazard flooding further considerations will apply.
	DS11.4	Basement garages must include: • Suitable pumps must be provided within the garage to allow for the drainage of stormwater should the underground garage become inundated during flooding. • Adequate flood warning systems, signage and exits must be available to allow safe and orderly evacuation without increased reliance upon the SES or other authorised emergency services personnel.
	DS11.5	For parking areas servicing more than two parking spaces, reliable access for pedestrians must be provided from all parking areas, to a safe haven which is above the PMF.

Schedule 1 - Flood Compatible Material

Building component	
Flooring and sub-floor	• Concrete slab-on-ground monolith
	• suspended reinforced concrete slab
Floor covering	• clay tiles
	• concrete, precast or in situ
	• concrete tiles
	• epoxy, formed-in-place
	• mastic flooring, formed-in-place
	• rubber sheets or tiles with chemicals-set-adhesive
	• silicone floors formed-in-place
	• vinyl sheets or tiles with chemical-set adhesive
	• ceramic tiles, fixed with mortar or chemical-set adhesive
	• asphalt tiles, fixed with water resistant adhesive
Wall structure	• Solid brickwork, block work, reinforced, concrete or mass concrete
Roofing structure (for situations where the relevant flood level is above the ceiling)	• reinforced concrete construction • galvanised metal construction
Doors	• solid panel with water proof adhesives
	• flush door with marine ply filed with cell foam
	• painted metal construction
	• aluminium or galvanised steel frame
Wall and ceiling linings	• fibro-cement board
	• brick face or glazed
	• clay tile glazed in waterproof mortar
	• concrete
	• concrete block
	• steel with waterproof applications
	• stone, natural solid or veneer, waterproof grout
	• glass blocks
	• glass
	• plastic sheeting or wall with waterproof adhesive

Insulation windows	• foam (closed cell types) • aluminium frame with stainless steel rollers or similar corrosion and water resistant material
Nails, bolts, hinges and fittings	brass, nylon or stainless steel removable pin hinges hot dipped galvanised steel wire nails or similar

SCHEDULE 1 - FLOOD COMPATIBLE MATERIALS (cont.)

Electrical and mechanical equipment

For dwellings constructed on land to which this DCP applies, the electrical and mechanical materials, equipment and installation must conform to the following requirements:

Main power supply

Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, must be located above the relevant flood level. Means must be available to easily disconnect the dwelling from the main power supply.

Wiring

All wiring, power outlets, switches, must be to the maximum extent possible, located above the maximum flood level. All electrical wiring installed below this level must be suitable for continuous underwater immersion and must contain no fibrous components. Earth leakage circuit-breaker (core balance relays) or a Residual Current Device must be installed. Only submersible type splices must be used below maximum flood level. All conduits located below the relevant designated flood level must be so installed that they will be self-draining if subjected to flooding.

Equipment

All equipment installed below or partially below the relevant flood level must be capable of disconnection by a single plug and socket assembly.

Reconnection

Should any electrical device and/or part of the wiring be flooded it must be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

Heating and air conditioning systems

Where viable, heating and air conditioning systems should be installed in areas and spaces of the house above maximum flood level. When this is not feasible, every precaution must be taken to minimise the damage caused by submersion according to the following guidelines:

Fuel

Heating systems using gas or oil as fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off.

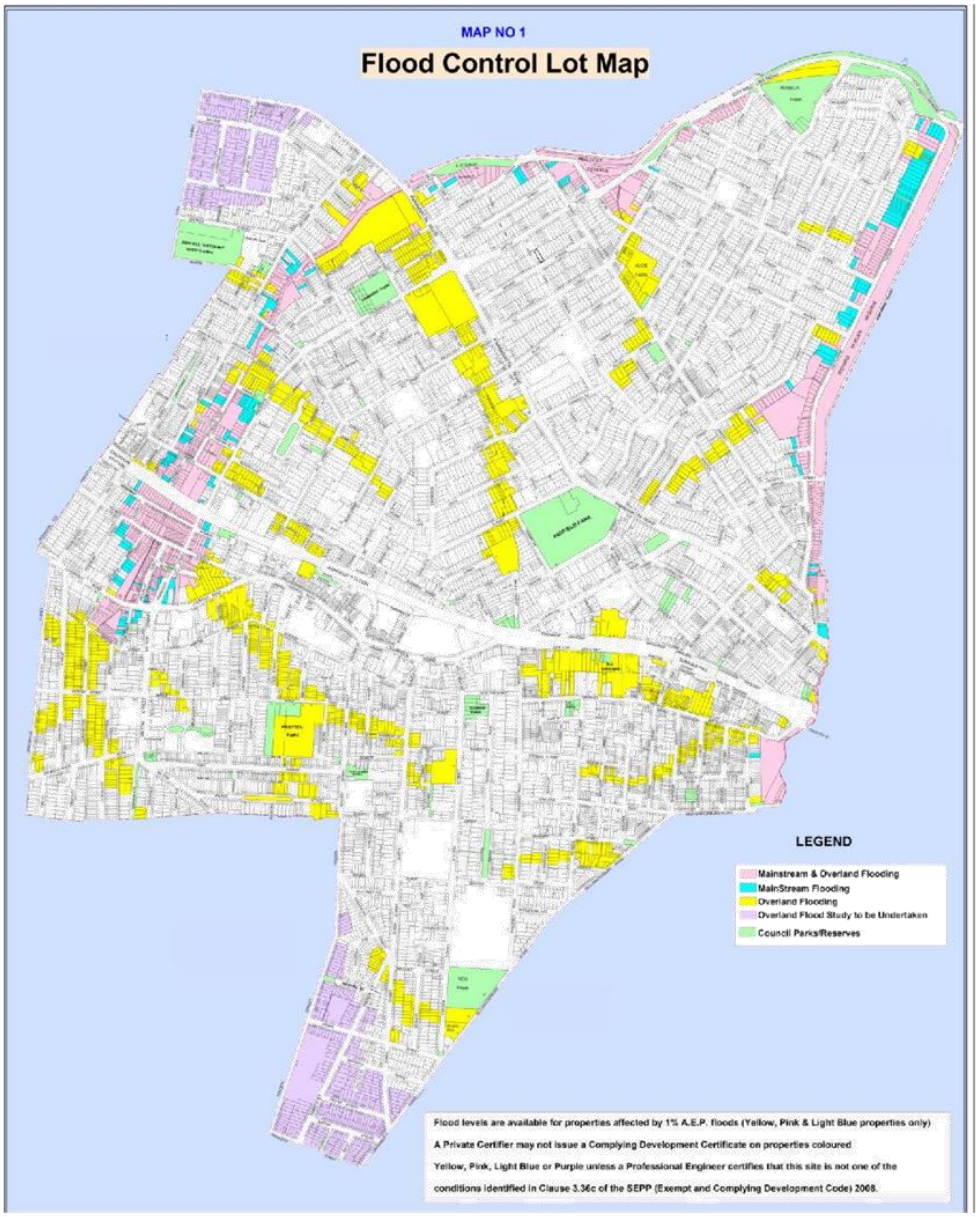
Installation

Heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks must be vented to an elevation of 600 millimetres above the relevant flood level.

Ducting

All ductwork located below the relevant flood level must be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assemble operated from above relevant flood level must protect the ductwork.

Schedule 2 - Flood Control Lot Map



Go to Council website to view pdf and to enlarge map.



Part 8
Parking

Application

This Guideline applies to the following development categories:

- All development within the extent of land identified on the Land Application Map - Sheet LAP-001 of the Ashfield LEP 2013.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To ensure the provision of off-street parking satisfies the needs of occupants, residents and visitors, including people with disabilities, and provides an appropriate balance between public and private transport having regard to the capacity of the local road network.
- To minimise loss of on street parking.
- To manage traffic safely and efficiently, and in particular, avoid conflicts between pedestrians and vehicles.
- To reduce the environmental impact of on-site surface carparking, including through appropriate stormwater treatment and landscaping.
- To minimise the impact of carparking on the public domain, including ensuring that is does not create inactive interfaces between the public and private domains and is consistent with streetscape quality outcomes.
- To ensure provision is made for loading and unloading facilities separated from resident and visitor parking in order to eliminate any conflicts.
- To provide guidelines for the design of parking facilities to ensure that they are safe and efficient and consistent with desirable characteristics and environmental standards.
- To encourage sustainable transport such as bicycles, motor cycles and walking.
- To consider the capacity of local roads and intersections.
- To be flexible in approach provided the purpose of this Part is met.

Section 1 - General Principles

What are the general issues you need to consider when assessing your parking requirements?

Depending on the type of development:

- the objectives and standards set out in this Part including design solutions;
- provisions of any other Parts of Inner West DCP 2016 that apply to your proposal;
- likely demand for on-site parking and space for loading/servicing generated by the development;
- availability of public transport in the near vicinity to service any parking demands generated by the development;
- traffic volumes on the surrounding road network;
- type of transport most people will use to travel to the building including bikes and motorcycles;
- peak use times of the development including shift changeovers;
- if there are multiple uses involved in a particular proposal, their hours of operation;
- how parking and servicing facilities will visually impact on the streetscape;
- how needs of people with a disability and cyclists/motorcyclists will be catered for;
- whether there is a problem with on street car parking in the vicinity - is on street parking at a premium at certain times and does this cause "overspill" parking into residential areas adjoining commercial zones that may impact on resident amenity?
- safety and design issues - for example, driveways should be located where they will cause least disruption to traffic, pedestrians, retail frontages or footpath awnings.

How are the requirements calculated for mixed developments that contain different types of uses?

For mixed developments incorporating different categories of uses, a separate calculation will be made for each component. If the use of the building is likely to change in the future, this will usually mean more parking is needed. Proposals should allow for the maximum amount of car parking possible or Council might not be able to approve a future application because of a lack of parking.

What are the parking requirements where the use of existing premises is to be changed or an existing building is being altered/extended?

Council will apply parking credits in relation to changes of use and/or alterations and extensions to existing buildings that are legitimate uses based on the parking requirements detailed in **Section 2** of this Part. This is to ensure that applicants are not unfairly penalised in situations where an existing property is operating legally but has insufficient parking relative to the requirements of this Part. In this situation the additional parking to be provided for the development (if any) is the difference between what is required for the proposed use and that required for the current use.

Example

Current Use: Shop 120m2 gross floor area.

Parking requirement for existing shop - 1 space per 40m2 gross floor area = 3 spaces

Credit: (3 spaces required - no spaces available) = 3 spaces.

Proposed use: Convert shop to restaurant use and add 80m2 gross floor area

Parking requirement for restaurant 200m2 - 1 space per 40m2 gross floor area = 5 spaces

Final Requirement with Credit: Parking requirement (5 spaces) less allocated credit (3 spaces)

Final requirement =2 spaces*

*The amount of additional parking needed is reduced by the figure specified under this Part for the current shop use.

Notes:

- *Except in unusual circumstances, credits will not apply where a site is being fully or significantly redeveloped. As a guide, if more than 50% of the building fabric is being demolished, parking credits will not apply. In these circumstances, the proposal will need to provide parking in accordance with the*

relevant requirements of Section 4 of this Part.

- *Parking required by earlier approvals must be maintained and may need to be redesigned to comply with the layout criteria specified in this Part.*
- *All proposals should allow for the maximum amount of car parking possible or Council might not be able to approve a future proposal because of a lack of parking.*
- *Loading and unloading facilities will need to be provided*

*To encourage full utilisation of existing buildings and to maintain a healthy business environment, no additional parking is required within Ashfield Town Centre or within Croydon Urban Village for development that involves existing gross floor area or comprises a change of use of existing gross floor area. This applies irrespective of the type of use proposed. Refer to **Part D1 - Map 1**, and **Part D4 - Map 1** in this DCP that illustrate the specific areas where this concession applies.*

Is more parking needed when renovating buildings?

No additional parking is required where an existing building is simply being renovated for an existing approved use.

Do I need loading and unloading facilities?

Loading and unloading facilities on the property needs to be provided for all business, commercial, industrial, office, retail and storage uses and any other use where regular deliveries of goods are made to or from the site.

Are variations to Council's parking requirements acceptable?

If the standards specified in this Part and other relevant Parts of this DCP is met, then the proposal will meet Council's requirements.

Where Council considers an application satisfies the purposes of this Part in another way, Council may grant consent to the application even if one or more of the performance criteria/standards are not complied with. Except for minor variations, information to justify any departures should take the form of a Traffic and Parking Assessment Report. This is also required routinely for certain applications - see **Table 3**. This needs to include information on:

- the proposed development, gross floor area and how it will operate including proposed hours of operation and number/expected mode of travel for employees/clients.
- Demographics/targeted market for the development and likely modes of travel.
- existing traffic and parking conditions in the locality and opportunities for improvement.
- public transport availability/accessibility - peak and off-peak.
- proposed traffic, parking and access arrangements including pedestrian links, bicycle access/storage and parking including parking for people with disabilities.
- the likely impact of the development on the surrounding street system including traffic generation/distribution and on-street car parking availability.
- A statement explaining precisely why a variation to the requirements of this Part is justified.

When considering whether to vary a requirement of this Part Council will consider the following:

- whether the use is close to public transport facilities.
- site characteristics - is it practical to provide off street parking?
- the size and type of the development, economic viability of the proposal, staff numbers and peak hours of operation.
- whether there is other available parking including public parking in the vicinity.
- location of other land uses such as schools, local services, employment centres retail and recreation facilities that have parking and whether their proximity would reduce the need for vehicle trips.
- existing and likely future traffic volumes on the surrounding road network.
- the type of services provided by the development, their origin and destination and whether they contribute to the vitality and viability of the business centre.
- environmental impacts at different times of the day.
- whether the development involves the use of a historic building or is in a heritage conservation area and parking might adversely impact on the curtilage of the site or the appearance of the conservation area

or where the planning benefits of a particular proposal might justify parking concessions.

- consequences of not providing the required parking.
- whether the development is otherwise consistent with the aims and objectives of this Part.

Alternatives to on-site parking - are financial contributions acceptable?

The objective is to provide parking on the site. However, there are situations where this cannot be achieved or where providing all car parking on the site might have an adverse impact. Decisions to accept contributions are influenced by:

- existence of a contributions plan
- ability of Council to provide the spaces in the locality in existing or
- proposed public parking areas
- physical site constraints
- amount of deficiency

Some important things you need to know about contributions:

- Parking for occupiers of residences must be provided on the property.
- Contributions will not entitle specific parking spaces within public parking areas to be available to particular developments.
- Ashfield Town Centre - Car parking spaces for non-residential development and for residential visitor spaces in the designated "core" area of the Town Centre may be provided by way of cash contribution to Council for public car parks - refer to Map of "Core" area in **Part C3 - Ashfield Town Centre** for details.
- Contributions must be paid in full prior to the release of the construction certificate or as required by the Contributions Plan, unless, upon special request, Council approves time payment plus interest. Contributions will be credited to parking trust accounts, and will be used for defraying the cost of public parking facilities already provided, establishment of new public parking areas, or the maintenance and embellishment of existing areas.

Car parking contribution amount (Section 7.11 and 7.12, formerly Section 94 Contributions)

Council's **Section 94 Contribution Plans** provides for the following charges per car parking space in the nominated shopping centres where the car space is not provided on site; Council reassesses the amount payable for car parking periodically.

Table1- Parking Contribution Rates (July 2007-July 2008)	
Ashfield Town Centre	Refer to Council's Section 94 Plan
Other Centres	N/A

Do I need to provide car parking for people with disabilities?

Parking spaces, headroom and access to designated parking spaces must be provided for people with a disability in accordance with the provisions of **Section 4** of this Part, design requirements at **Section 5** and **Part A7 - Access and Mobility.**

Workplace Travel Plan

A Workplace Travel Plan (WTP) is a package of initiatives aimed at reducing car-based travel. A WTP encourages employees and visitors to make greater use of public transport, cycling, walking and car sharing. The preparation of a WTP is required for all new major developments (i.e. employing greater than 20 people). Compliance will be required by condition of approval. Strategies that may be employed in a WTP include:

- encourage the use of cycling to work by providing staff with bike parking facilities/change rooms;
- encourage walking to work by providing showers/change rooms;
- encourage the use of a carpool system
- identify the public transport options available for employees;
- identify the public transport options available for visitors to the premises.

Section 2 - Parking Standards

Performance Criteria		Design Solution	
Car parking standards for people with disabilities			
PC1.	The following requirements are for use in determining the minimum number of parking spaces required for people with disabilities at different types of facilities. Where information on the likely demand for parking spaces for people with disabilities is available, it should be used. Calculations are to be rounded up or down to the nearest whole number as applicable - **Refer to Table 3.** Access to spaces for people with a disability must also comply with the provisions of **Part A7 - Access and Mobility**	DS1.1	Car parking for people with disabilities shall be provided at a minimum rate of 5 designated spaces per 100 spaces as calculated from the car-parking requirement in **Table 3.**
		DS1.2	In the case of club, entertainment, and medical facilities or for community facilities that cater for people who may have mobility problems, parking for people with disabilities is to be provided at the rate of 3 designated spaces per 50 spaces.
		DS1.3	Irrespective of **DS 1.1** and **DS1.2** above, provision is to be made for a minimum of 1 designated space for people with disabilities in any car park with a capacity of more than 10 spaces as calculated from the car-parking requirement in **Table 3.**
		DS1.4	Spaces for people with disabilities are to be signposted at a height of 1.5m, line marked with the international symbol and located as close as possible to the nearest ramp, lift or entrance.
Bicycle and motor cycle parking			
PC2.	The Inner West Council strongly encourages the use of bicycles and motorcycles as a contribution to more environmentally sustainable transport. Local trips by cycle are often a realistic form of transport. In all areas new development must make adequate provision for cycles to ensure this sustainable mode of transport can be easily used by occupiers of new residential and commercial property.	DS2.1	Bicycle and motorcycle parking is to be as detailed below. If your use is not specifically mentioned the nearest comparable use will apply.

Table 2 - Bicycle Parking (lockable) required for various land uses:

Land use	Employees/Occupants	Visitors/Customers
Automotive Related Uses (Car Repair Stations, Motor Showrooms, Panel Beaters and Service Stations)	1 per 5 employees	n/a
Amusement centre	1 per 20 employees	2 + 1 per 50m^2 gross floor area
Backpackers Hostel	1 per 20 occupants	n/a
Boarding House	1 per 4 bedrooms	1 per 16 bedrooms

Performance Criteria	Design Solution		
	Bank	1 per 20 employees	1 per 200 m^2 gross floor area
	Bus station	1 per 20 employees	1 per bus bay
	Child Care Centres	1 per 4 employees	n/a
	Cinema	1 per 20 employees	1 per 50 seats
	Clubs	4 per 100m^2 lounge bar and beer garden	
	Educational Institutions	1 per 20 employees	Schools: 1 per 5 full time students over year 4. Colleges: 1 per 20 full time students
	Flats	1 per 10 flats in an accessible communal area if no lockable garage provided	1 per 10 flats in an accessible communal area
	Gymnasiums	1 per 400m^2 gross floor area	1 per 200m^2 gross floor area
	Hospital	1 per 20 employees	1 per 30 beds
	Hotels	4 per 100m^2 lounge bar and beer garden	
	Industrial	Factory 1 per 150m^2 gross floor area. Warehouse 1 per 1000m^2 gross floor area	n/a
	Motels	n/a	1 per 40 units
	Nursing Homes	1 per 20 employees	1 per 30 beds
	Offices	1 per 20 employees	1 per 250 m^2 gross floor

Performance Criteria	Design Solution			
				area
		Places of Assembly/Worship	n/a	1 per 20 seats
		Post Office	1 per 20 employees	1 per 200 m^2 gross floor area
		Restaurant	1 per 20 employees	1 per 50 seats
		Recreation Facilities	1 per 20 employees	2 + 1 per 100m^2 gross floor area
		Retail	1 per 20 employees	1 per 250m^2 gross floor area
		Sportsground	1 per 20 employees	1 per 250 spectator places
		Car parks catering for commuters	5% of total parking supply	
	Note: Calculations are to be rounded up or down to nearest whole number			
	DS2.2	Motorcycle parking spaces 2.5m x 1.3m are required in addition to those for bicycles and are to be provided for sites containing 25 or more car parking spaces at the rate of 1 space per 25 car parking spaces in a communal area accessible to residents/staff/visitors or other users of the parking facility. Calculations are to be rounded up or down to the nearest whole number - see **Table 3**.		
Parking rates for specific land uses				
	DS3.1	Car parking rates for specific land uses must be in accordance with **Table 3 - Car Parking Rates**		
	DS3.2	**Definition of gross floor area** Except where otherwise described in **Table 3**, a car-parking rate per square metre of gross floor area is to be calculated. Gross floor area is defined as follows: "the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building form any other building measured at a height of 1.4 metres above the floor and includes": • The area of a mezzanine; • Habitable rooms in a basement or an		

Performance Criteria	Design Solution
	attic; • Any shop auditorium, cinema, and the like, in a base or attic but excludes; • Any area for common vertical circulation, such as lifts and stairs, and • Any basement – storage; **And** – vehicular access, loading areas, garbage and services; • plant rooms, lift towers and other areas used exclusively for mechanical services or ducting; • car parking to meet any requirements of the consent authority (including access to that car parking); • any space used for loading or unloading of goods (including access to it); • terraces and balconies with outer walls less than 1.4 metres high; **And** • voids above a floor at the level of a storey above
	DS3.3 **Ashfield Town Centre & Croydon Urban Village Parking Concession - Use of Existing Gross Floor Areas and Changes of Use** No additional parking is required in the Ashfield Town Centre or within the Croydon Urban Village for development that involves existing gross floor area or comprises a change of use of existing gross floor area only. This applies irrespective of the type of use proposed. The objective is to encourage business investment by adopting a flexible approach to off-street parking need that recognises the particular built form characteristics of these areas, their proximity to public transport, current time limited on-street parking controls and the availability of off-street car parking within reasonable walking distance.
	DS3.4 **Calculation Advice** When calculating the total required number of car parking spaces (including car parking spaces required for people with disabilities and bicycle and motor cycle parking spaces) - if the result is not a whole number, it must be rounded **UP or DOWN** the nearest whole number . For Example - 2.5 spaces = 3 spaces required 4.4 spaces = 4 spaces required.

TABLE 3 - CAR PARKING RATES - (Refer to DS2.1 for rates applying to bicycles/ motor cycles).		
LAND USE	*Note: Individual land Uses under each main heading appear in alphabetical order. In cases where a specific land use is not listed below refer to the nearest comparable land use.*	
Boarding Houses	1 parking space per resident employee and 0.5 parking spaces per boarding room	
Dual Occupancy	1 space for each dwelling	Refer also to **Part F1 Dwelling House and Dual Occupancy** of the Inner West DCP 2016
Dwelling House	1 space per dwelling (preferably 2)	Refer also to **Part F1 Dwelling House and Dual Occupancy** of the **Inner West DCP 2016**
Housing for Aged Persons or for People with a Disability	Resident funded developments- 2 spaces per 3 self-contained units plus 1 visitor space for every 5 units. Subsidised developments 1space per 10 self-contained units plus 1 visitor space per 10 units Each car parking space (except for staff) must not be less than 5.4 metres × 3.2 metres or the design of the development must be such as to enable the size of the car parking space to be increased to an area of not less than 5.4 metres × 3.2 metres.	For self-contained units, additional visitor parking is not required if at least half the spaces for residents are unassigned and accessible to visitors. Minimum floor to ceiling clearance height of 2.5m above all resident car spaces is required.
Hotel or Motel Accommodation	1 space per accommodation unit, plus 1 space for every 2 employees on duty at any one time plus 1 space if resident manager	Reductions in parking needed for restaurants and function rooms may be considered if evidence is provided that the additional use is not fully additive. Adequate provision is to be made for taxis and coaches in larger hotels and tourist facilities.
Multi-unit housing in R3- Medium Density Residential Zones **Multi-Dwelling Housing (eg. Townhouses)**	1 car space per unit plus 1 additional space for every five 2 -bedroom units, plus 1 additional space for every two 3 - bedroom units; 1 visitor space required per 5 units plus 1 car wash bay. 1 accessible car parking space to be provided for each accessible/adaptable residential unit. Refer to **Part A7- Access and Mobility**.	Refer also to **Part F5 Residential Flat Buildings** of this DCP. Minimum floor to ceiling clearance height of 2.5m above car spaces provided for adaptable and accessible units is required. For requirements relating to Mixed Commercial/Retail and Residential Development in Business zones see car parking requirements table for Business uses. Allocation of car spaces to be clearly indicated on strata plan.
Residential Flat Buildings in B1 - Neighbourhood Centre Zone, B2 - Local Centre Zone and B4 - Mixed Use Zone	Minimum of 1 space for all dwellings Parking for visitors at the rate of 1 space for every 4 dwellings including serviced apartments plus 1 car wash bay.	Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.
Youth Hostel/Backpacker Hostel	1 space for each 5 occupants/lodgers,	Applies to uses where the accommodation is

	plus 1 space for any resident manager, plus 1 space for each 2 employees.	directed to travellers, a majority of who do not use private motor vehicles.

Recreation Facilities	Car Parking Requirement	Advisory Notes
Bowling Alley/ Squash Courts/Tennis Courts	3 spaces per court or lane, plus 1 space per 2 staff.	
Bowling Greens	30 spaces for first green and 15 spaces for each additional green.	
Gymnasiums	4 spaces per 100m^2 gross floor area	Council will consider location of premises, proximity to transport services and any public parking. Allow for class changeovers. Traffic and Parking Assessment Report required.
Swimming Pools	Requirement assessed on merit	A Traffic and Parking Assessment Report is required.

Business	Car Parking Requirement	Advisory Notes
Amusement Centre	1 space per 40 m^2 if less than 120 m^2 gross floor area. 1 space per 30 m^2 if between 120 m^2 - 1000 m^2 gross floor area. 1 space per 22 m^2 if greater than 1000 m^2 gross floor area.	
Auction Rooms	See advisory notes	Will be considered individually based on the type of auction and the operating times. A Traffic and Parking Assessment Report is required.
Bulky Goods Salesroom or Showroom	1 space per 28m^2 gross floor area	Parking provision might be considered at lower rate if supported by a Traffic and Parking Assessment Report
Car Repair Stations Panel Beaters, Spray painters	6 spaces per work bay	
Car Tyre Retail Outlets	3 spaces per 100m^2 gross floor area or 3 spaces per work-bay, whichever is the greater.	
Catering and Reception	1 space per 3 guest seats, plus 1 space per 2 employees	
Clubs - Licensed and Non-Licensed	1space /6m^2 bar, lounge, and dining room floor area plus 1 space per 6 seats in an auditorium plus 1 space per 3 employees.	A Traffic and Parking Assessment Report must be submitted. Refer also to **Part A7- Access and Mobility.** Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.
Commercial Premises including office premises, business premises, retail premises (includes shops and kiosks, but does not include 'bulky goods'	1 space per 40 m^2 gross floor area plus 1 space if resident manager or caretaker. Commercial developments with a gross floor area in excess of 200m^2 are to provide	Refer also to **Part A7- Access and Mobility.** Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.

premises	one suitably located and signposted courier parking space.	
Drive-In Liquor Outlet	1 space per 8m^2 gross floor area, plus 1 space per 5 seats.	Refer to **Section 3 - Design Requirements** of this Part for driveway design criteria. Refers to a free-standing establishment - not in a shopping centre or mixed development.
Entertainment Facility	Car parking will be calculated on the characteristics of the facility and hours of operation.	A submission based on analysis of other similar facilities may be required. As a guide 1 space per 6 seats is recommended. Refer also to **Part A7- Access and Mobility.** Minimum floor to ceiling clearance height of 2.5m above car spaces for people with a disability is required.
Funeral parlours	1 space per 3 seats	Facilities to be provided for official cars to be driven to and from an entrance within the property.
Pub	Minimum: 1 space per 6 staff and 1 space per 30 patrons Maximum: 1 space per 3 staff and 1 space per 10 patrons	A Traffic and Parking Assessment Report is required.
Market	2 spaces per stall	
Motor showroom	0.75 spaces per 100m^2 site area used for this purpose, plus 6 spaces per service /work bay	Where vehicle servicing is provided, additional off-street parking is to be provided. As a guide, 6 spaces/work bay is required. Provision is to be made on site for adequate facilities for off street loading/unloading of vehicles.
Plant Nursery	1 space per 30m^2 gross floor area of any building used for the retailing of plants and associated products, plus 1 space per 45m^2 gross floor area for outdoor areas used for display purposes associated with retail sales, plus 1 space per 200m^2 gross floor area for areas used exclusively for propagation or storage, whether indoor or outdoor.	Loading and servicing areas required.
Food and Drink Premises including; restaurant café take away food and drink premises kiosks	1 space per 40 m^2 gross floor area.	Council will consider a variation in requirements for premises based on: - Proximity of premises to public transport and proximity of premises to public car parks with excess capacity. - Operating hours - Location/availability of public

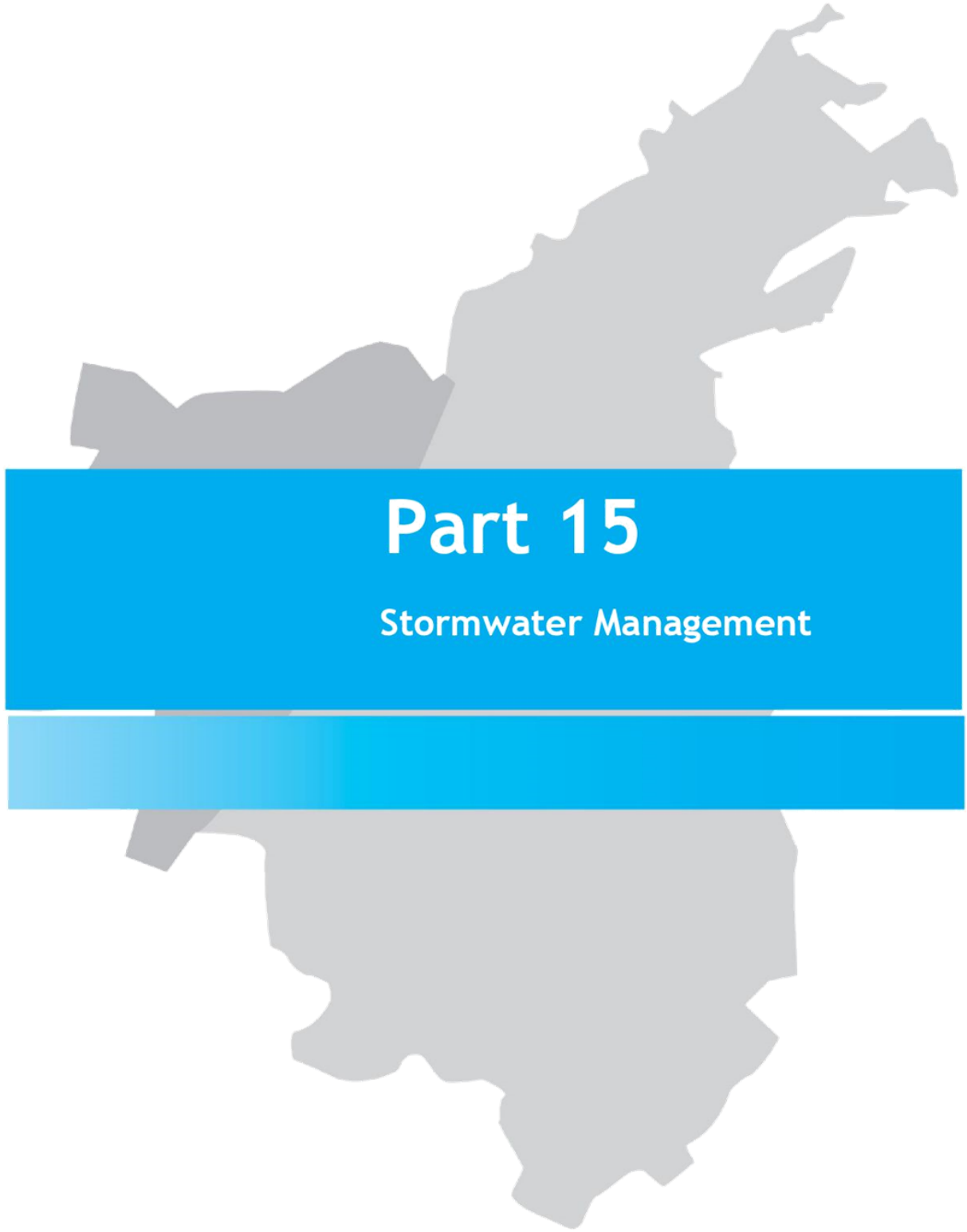
does not include a pub.		parking or on-street parking. - Number of seats. - Likely turnover of customers - How residents are affected in terms of the amenity of area (noise etc.), whether a change of use only is proposed that means only limited on-site parking can be provided. - Loading and service areas required. - Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.
Retail shops	1 space per 40 m^2 gross floor area plus 1 space if resident manager or caretaker. For local 'corner" shops, parking will be assessed on a case-by-case basis.	Refer also to **Part A7- Access and Mobility**. Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.
Service Stations	Minimum 4 spaces, plus 6 spaces per service/work bay.	Convenience stores and restaurants attached to a service station will require additional parking calculated at the respective rates for shops and restaurants applied to the standards that apply to those uses. Total parking may be reduced where it can be demonstrated that times of peak demand for facilities does not coincide. Spaces beside petrol bowsers do not count as required spaces.
Stadia Theatres, Places of Public Assembly/Public Halls	1 space per 10 seats	A Traffic and Parking Assessment Report is required. Refer also **Part A7- Access and Mobility**. Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.
Serviced apartments (self contained accommodation similar in operation to that of a hotel)	Refer to requirements for Hotels	
Vehicle body repair workshop, Panel beaters, Spray Painters	6 spaces per work bay	
Veterinary Hospital	1 space per 40m^2 if less than 120m^2 gross floor area plus1 space per 30m^2 between 120m^2 1000m^2 gross floor area plus 1 space per 22m^2 if greater than 1000m^2 gross floor area.	
Video shop	1 space per 17 m^2 gross floor area	Parking provision might be supported at a lower rate if supported by traffic impact study. Evening peak traffic needs to be considered near premises.

Health & Community Facilities	Parking Requirement	Advisory Notes
Child care Centre/Kindergarten/Pre-School	1 space per 4 children	A temporary pick-up and drop-off area is to be provided on site so that vehicles can enter or leave the site moving in a forward direction without conflicting with other traffic/parking movements. A Traffic and Parking Assessment Report is to be submitted.
Hospital	1 space per 3 beds, plus 1 space per 2 day shift staff or practitioners, plus 1 ambulance space plus 1space per 1 full time night-shift employee. Designated standing areas for ambulances.	Loading/unloading facilities to be provided including facilities for removal of contaminated waste. Parking for people with a disability is required. Standing area/drop off point to be designed so that ambulances/cars can enter or leave the site moving in a forward direction and without conflicting with other traffic/parking movements. A Traffic and Parking Assessment Report is required.
Medical centres	1 space per 25 m^2 gross floor area.	Parking facilities for patients must be suitably signposted and provided in a convenient location. Parking for people with disabilities is required. Minimum floor to ceiling clearance height of 2.5m required above car spaces provided for people with a disability
Nursing Homes/ Convalescent Homes:	1 parking space per 10 beds for visitors plus 1space per 2 employees plus 1 space suitable for an ambulance plus 1 space suitable for a minibus if over 60 beds.	Homes accommodating more than 60 beds are to consider providing a mini-bus service. Minimum floor to ceiling clearance height of 2.5m above resident car spaces is required.
Place of Worship and Place of Assembly (not mentioned elsewhere)	1 space per 20m^2 gross floor area, or 1 space per 10 seats, whichever is the greater.	A detailed parking submission may be required. Parking for halls will be assessed on merit.
Primary and Secondary Schools	Primary Schools - 1 space per equivalent full time employee. Pick-up/set down space for students required on site at a rate of 1 space per 40 students. Space for bus parking on-site is required. Secondary Schools - 1 space per equivalent full time employee. Plus 1 space per 8 year 12 students Pick-up/set down space for students	Where an auditorium or similar facilities are proposed additional parking may be required. A Traffic and Parking Assessment Report is required

	required on site at a rate of 1 space per 40 students. Space for bus parking on-site is required	
Professional Consulting Rooms	3 spaces per surgery or consulting rooms, plus 1 space for each professional practitioner and other staff present at any one time.	By definition, Professional Consulting Rooms are attached to residential properties, with up to 3 practitioners. For other situations, refer to Medical Centres.
Public Buildings	1 space per 60m^2 gross floor area in business zones 1 space per 40m^2 gross floor area elsewhere	Adequate space for courier deliveries necessary.
Tertiary Education	1 space per equivalent full time employee plus 1 space per 3 students	Student parking rate might be reduced if a parking impact study can prove a lower rate. Provision is to be made for bus parking on site

Industry	Parking Requirement	Advisory Notes
Light Industry	1 space per 100m^2 gross floor area 1 space per 300m^2 gross floor area for warehouse/bulk stores. 1 space per 40m^2 gross floor area for ancillary office space if this is over 20% of gross floor area. 1 space per 30m^2 gross floor area for ancillary retail space.	The need for possible additional car parking for future change of use from a warehouse bulk store should be considered.
Warehouse	1 space per 300 m^2 gross floor area	A Traffic and Parking Assessment Report is required.

Other Uses	Parking Requirements	Advisory Notes
Uses not specified in this Part	Not Specified	The current Roads and Traffic Authority Guidelines for Traffic Generating Developments will be applied to developments of a minor nature including extensions etc. For a major proposal the application is to be supported by a Traffic and Parking Assessment Report with a recommendation as to the appropriate provision of on-site parking.



Part 15

Stormwater Management

Application

This Guideline Part 15 applies to the following development:

- development within the area affected by the Ashfield LEP 2013 for Stormwater Drainage and related development

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

Purpose

- To contain reference in the Development Control Plan to Section 2.25 of the Marrickville DCP 2011 for matters concerning stormwater management.
- To protect the urban environment from the effects of otherwise uncontrolled surface stormwater flows.
- To protect the quality of receiving waters, adjacent and downstream land -use and the rights of adjacent and downstream landowners.

(Part 15 added 5 Dec 17)

Performance Criteria and Design Solutions

Performance Criteria		Design Solution	
General			
PC1.	Development: Where consent is required at Development Application stage for stormwater drainage , or guidance for stormwater design is required, development is to comply with the provisions contained in Section 2.25 of the Marrickville DCP 2011.	DS1.1	Comply with the applicable sections and provisions contained in Section 2.25 of the Marrickville DCP 2011.
Codes SEPP and Complying Development			
PC2.	Provide a reference for Complying Development approval being sought for housing and stormwater drainage under the "Codes State Environmental Policy".	DS2.1	Comply with the applicable sections and provisions contained in Section 2.25 of the Marrickville DCP 2011.



Part 3

Waste and Recycling Design & Management Standards

Application

These waste and recycling standards set out Council's expectations for design quality and management systems of new developments on land identified in Section 1 and shown on Map 1. Basic and essential services provided by Council such as waste management have a part to play in the sustainability of our community by ensuring that residents have a healthy environment, and local resources are conserved for the future by strengthening recycling and waste minimisation.

By considering waste management needs early in the design process these can be delivered more efficiently and cost-effectively. These standards incorporate the waste management design quality requirements of the **SEPP 65 Apartment Design Guide**.

Inner West Council Planning assessment staff will rely on these standards as part of the assessment for any development applications.

Inner West Council advocates **Ecologically Sustainable Development (ESD)** and these standards have been prepared consistent with ESD principles. ESD means:

"Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased" (as defined by Australia's *National Strategy for Ecologically Sustainable Development*)

Who are these standards for?

The Waste and Recycling Design and Management Standards have been prepared to inform and guide Developers, Designers, Certifying Agents, Council Planning Assessment and Waste Services staff and contractors, Construction and Demolition companies, Bodies Corporate, Building Managers, and all DA applicants for new developments and material change of use requiring consent.

These standards apply to Solid Wastes only. For management of liquid waste refer to Sydney Water. "Liquid waste" refers to those non-hazardous liquid wastes generated by commercial premises that are supposed to be disposed to a sewer or collected for treatment and disposal by a liquid waste contractor (including grease trap waste).

Using this Guideline

- New development applicants should check any requirements to submit Waste Management Plans at Section 1.
- Applicants should refer to the general design provisions for all developments (Section 2). This section sets out Inner West Council's broad expectations for access, storage and collection design elements for waste management.
- Applicants should then refer to specific provisions for particular development types (**Sections 3-6**).
- Information guides and illustrations of quality design approaches are provided in relevant sections for each development type. Further information on waste and recycling services, equipment, generation rates are provided in the Technical Guides.
- For developments with significant levels of construction and demolition waste, Council's requirements are set out in Section 7.
- Waste Management Plans (WMP) must be completed as relevant for Demolition, Construction and a Waste and Recycling Servicing Plan for ongoing waste management in a development (Guide 5). These plans must accompany a Development Application.
- Waste and Recycling Servicing Plans must include drawings and plans of the proposed waste management system. Technical Guide sections are provided in these standards to help prepare the Waste and Recycling Servicing Plan.
- The Waste Management Checklist must be completed and accompany a Development Application. This checklist will assist Council to streamline DA assessment.

Purpose

- Minimising the generation of unnecessary waste.
- Reducing resources in waste being lost to landfill.
- Designing for source separation of waste at the point of generation at all stages of development.
- Ensuring all residents and businesses have equivalent access to recycling and reuse systems compared to garbage disposal.
- Minimising heavy vehicle movements by designing for adequate storage of waste and recycling.

- Reducing the impact of waste management on residential amenity, including minimising the use of Council kerbside for collection of waste and recycling.
- Streamlining the development application process by requiring applicants to show site layouts and floorplans that demonstrate that waste collection can be accommodated
- Improving long term development outcomes and reducing design related issues via consistent waste management standards.

Item 4

Attachment 3

Section 1: Waste Management Plans

All significant development applications for new and "change of use" developments must include the following Waste Management Plans where applicable:

- Waste and Recycling Servicing Plan
- Demolition Waste Plan
- Construction Waste Plan
- Waste Management Plan Checklist.

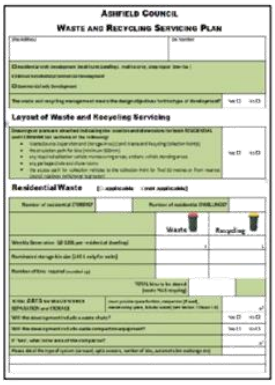
Copies of the forms are at Guide 5: Waste Management Plans.

These Plans are to be approved by Council prior to any works commencing on the site. The Plans have been designed to help streamline applications.

Heritage conservation considerations may alter some requirements of these standards for the refurbishment of an existing building.

Demonstration of compliance with the DCP requirements for Waste and Recycling at Development Application stage is to include production of site layout and floor plans drawn to scale.

1. Waste and Recycling Servicing Plan (WaRS Plan)


ASHFIELD COUNCIL
WASTE AND RECYCLING SERVICING PLAN
Layout of Waste and Recycling Servicing
Residential Waste
Waste
Recycling

A WaRS Plan is to be provided with any new development application (with the exception of dwellings such as *detached houses, granny flats, townhouses, and dual occupancies* which comply with relevant waste management requirements as set out in Section 2 and Section 5).

A WaRS Plan is also to be submitted where any development application would alter the floor space of the building by 50% or more, or alter the types of waste to be managed (such as a change from commercial to residential).

The WaRS Plan will include a drawing with dimensions marked showing the following design elements for managing waste and recycling generated at the development, and how these are to be achieved and integrated:

- Circulation of waste and recycling throughout the development;
- Source separation and storage of waste and recycling; and
- Collection point(s) for waste and recycling.

Details of requirements for specific development types are set out in relevant sections of these Standards.

2. Demolition Waste Plan


ASHFIELD COUNCIL
DEMOLITION WASTE PLAN
Does Demolition Contain Asbestos? Yes No
General Demolition Waste

Where the development requires any demolition to proceed likely to generate more than 10m^3 of waste, a Demolition Waste Plan in the form of a declaration is to be provided including details of the following:

- Whether the demolition will generate asbestos waste and its management;
- Anticipated quantities of demolition waste;
- How waste will be managed to maximise re-use and recycling of materials; and
- Licenced facility destination(s) for remaining wastes.

The NSW Government Waste Avoidance and Resource Recovery Strategy 2013-2021 sets an 80% recycling target for Construction and Demolition Waste. The Demolition Waste Plan must indicate a level of re-use and recycling consistent with that target.

3. Construction Waste Plan


ASHFIELD COUNCIL
CONSTRUCTION WASTE PLAN

To ensure construction waste is optimally handled for a development, a Construction Waste Plan in the form of a declaration is to be provided where more than $10m^3$ of waste is likely to be generated, including details of the following:

- Any excavation material generated;
- Anticipated quantities of construction waste;
- How waste will be managed to maximise re-use and recycling of materials; and
- Nominated "site cleaners" for mixed construction waste or licenced facility destination(s) for remaining wastes.

The NSW Government Waste Avoidance and Resource Recovery Strategy 2013-2021 sets an 80% recycling target for Construction and Demolition Waste. The Construction Waste Plan must indicate a level of re-use and recycling consistent with that target.

4. Waste Management Plan Checklist


Guide 7: Waste Design and Management Checklist

To streamline applications involving design requirements for waste and recycling, the checklist is to be provided to ensure that levels of compliance or variation to the Waste and Recycling Design & Management Standards are set out consistently.

Applications that comply fully with the Standards should require minimal review of waste and recycling design inclusions.

Section 2: Waste Management Design General Provisions

(For all developments submitting a WaRS Plan)

Modern waste management aims to sort and collect waste so as to maintain the highest net resource value of disposed materials. This aim is best provided by provision of sufficient source separation of waste at the point of generation, and dedicated collection of those separated materials.

Good design for source separation and storage of waste in new developments is fully compatible with servicing for the highest net resource value of waste and recycling.

General Objectives

Provision	Description
Space	Ensure areas are provided for efficient storage and collection of waste and recycling, matched to the type and scale of development.
Access	Ensure both users and service providers can access waste and recycling storage safely and conveniently.
Safety	Include safe practices in the design for storage, handling and collection of waste and recycling.
Amenity	Manage the noise, odour and hygiene issues relating to waste and limit the impacts on local areas, and Ensure that waste and recycling storage areas are effectively integrated into a development and visually unobtrusive.
Management	Clarify the roles for provision of waste management in developments and demarcate service provision.
Servicing	Minimise collection vehicle movements by balancing provision of adequate storage capacity and collection frequency, and Minimise reliance on public kerbside and impacts on the public domain from waste and recycling collection.

Performance Criteria	Design Solution	
General		
	DS1.1	All residential developments must be designed to accommodate standard Council waste and recycling services and collection vehicles (see *Guide 1: Inner West Council Standard Services*).
Circulation and access for waste and recycling		
	DS2.1	All residential unit dwellings included in the development must have an internal waste cupboard or temporary storage area of sufficient size to hold up to two days' worth of waste and recycling.
	DS2.2	A continuous accessible path of travel is to be provided between any residential dwelling or commercial

Performance Criteria	Design Solution
	premises and their nominated Waste Source Separation and Storage Area.
	DS2.3 Any entrances to and services installed for Waste Source Separation and Storage Areas must be able to be safely negotiated by people with disabilities.
	DS2.4 The distance from a dwelling to the access point for the Waste Source Separation and Storage Area (or to garbage chute or interim garbage storage) is not to exceed 30 metres (exclusive of vertical travel by elevator).
	DS2.5 *Note: Details of requirements for specific development types are set out in relevant sections of these Standards.*
Waste Source separation and Storage Area (Bin Rooms)	
The waste source separation and storage area (sometimes termed the bin room or bin bay) is the location designed for garbage disposal and recycling activities. Interim storage for bulky waste and for special waste separation from garbage may be included or co-located.	**DS3.1** A Waste Source Separation and Storage Area is to be: • provided wholly within the site to accommodate bins for waste and recycling. Depending on the development type additional areas may be required for other waste and source separation functions; • designed to fully accommodate the number of bins to meet the calculated storage capacity between collection cycles required for the type and scale of development (see *Guide 4: Waste and Recycling Capacity Needs*) and allow for manoeuvring of bins. More than one Waste Source Separation and Storage Area may be required to adequately service a development; • appropriately located and designed for convenient and safe access by all users, with regard to a building's vertical core where appropriate; • designed not to be visible from the street, and is to be located behind the building line. If this location cannot be achieved in the development design, adequate fixed screening for the area is to be provided; • designed to integrate with the main building structure or site landscaping, be visually unobtrusive, and located away from habitable rooms, windows, doors and private useable open space (on both the subject and adjacent properties); • designed to minimise potential impacts upon neighbouring properties in terms of aesthetics, noise and odour; And • adequately ventilated.

Performance Criteria		Design Solution	
		DS3.2	Any service doors and loading docks related to the Waste Source Separation and Storage Area are to be adequately screened from street frontages and designed to minimise overlooking by existing development.
		DS3.3	All waste and recycling bins are to be clearly and correctly labelled to identify which materials are to be placed into each receptacle. Mobile Garbage Bins (MGBs) are to be designed and colour-coded in accordance with *Australian Standard 4123- 2008: Mobile Garbage Containers*
		DS3.4	Signage detailing Council requirements for source separation and correct disposal of waste are to be prominently displayed Waste Source Separation and Storage Area(s). Standard signs are available from Council.
		DS3.5	**Note**: Details of requirements for specific development types are set out in relevant sections of these Standards.
Waste and Recycling Collection Points			
PC4.	A Waste and Recycling Collection Point (Collection Point) is to be designated for any new development and identified on the WaRS Plan. This Collection Point is the location where waste or recyclables bins contents are loaded into a collection vehicle. Depending upon the development type it may be internal if the size of the site is able to accommodate this or external to the site. The Collection Point must be approved by Council	DS4.1	*Bin circulation between storage and collection point:* An accessible path of travel is to be provided between the Waste Source Separation and Storage Area (bin room) and the designated Waste and Recycling Collection Point (truck pickup) to allow circulation of bins to and from collection. This circulation pathway is to be: • a minimum 1200 mm wall-to-wall clearance, but ensuring sufficient clearance is provided for the largest waste or recycling bin type used for the development, • slip-proof, • of a hard surface, • free of obstructions, steps or kerbs **And** • at no point have a gradient exceeding 1:12. Use of lifts is permitted.
		DS4.2	*Bin circulation between storage and collection point:* The distance between the Waste Source Separation and Storage Area and the designated Collection Point should be the least distance possible and is not to exceed: • 30 metres for waste and recycling Mobile Garbage Bins up to 660 Litres capacity • 10 metres for any waste or recycling containers >660 Litres and <1,500 Litre capacity • Bins with 1,500 Litre capacity or greater should be stored at a place where the

Performance Criteria	Design Solution
	collection vehicle can directly access and not require manual manoeuvring.
	DS4.3 *Collection Point location:* The Collection Point is to be located • where a collection vehicle can stand safely and legally; • at a level gradient; • at a place sufficiently free of obstructions (such as trees, bollards, lamp posts and street furniture, allowing 1 metre clearance); • so as to not obstruct or endanger the passage of pedestrians; And • with sufficient height and side clearances to allow safe mechanical pick up and set down of bins (see *Guide 1 Inner West Council Standard Services*)

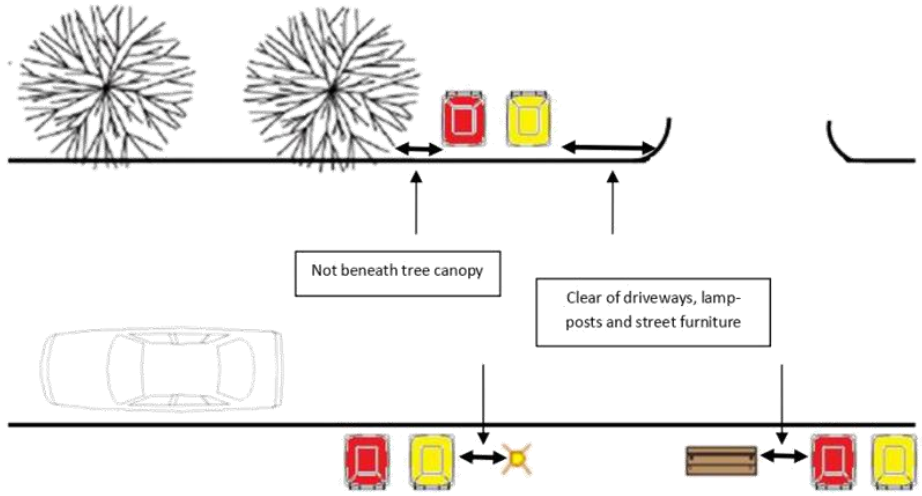


Figure 1: Location of collection point

DS4.4	The Collection Point is to be designated to minimise the potential impacts of waste and recycling collection activity upon the subject and neighbouring properties with regard to noise, odour or obstruction. These impacts are a function of: • the number of individual mechanical bin lifts required, • the level of organic material (odour source) or the level of glass and metals within the

Performance Criteria	Design Solution
	collected material (for which reason recycling collections can have a high noise impact), And • the duration a vehicle must stand at the collection point (known as "dwell time") to complete a cycle of attaching, lifting, emptying and replacing bins. Dwell time for mechanical side-load lifting is typically 8-12 seconds per bin. Dwell time can be minimised by: • locating the collection point away from obstructions, • allowing unimpeded access to bins for mechanical attaching and lifting, • orderly single-row presentation of bins by type with no overcrowding, • ensuring the collection vehicle can stand away from parked vehicles, traffic, restricted parking or standing areas, And • avoiding obstruction of driveways or footpaths.
	DS4.5 Allowance must be made for 1 metre of presentation space for each waste or recycling bin. Parking restrictions may need to be sought or modified by request to Council to allow collection vehicle access to the Collection Point.
	DS4.6 A Collection Point is not to be located where it completely obstructs a shared driveway,
	DS4.7 A Collection Point is not to be designated where any part extends across neighbouring properties' kerbside frontages without written agreement from the respective property owner(s) for a shared collection point.
	DS4.8 Collection vehicles must be able to safely manoeuvre to and from the Collection Point under typical traffic conditions.
	DS4.9 **Note**: Details of requirements for specific development types are set out in relevant sections of these Standards.
Management	
	DS5.1 *Building management will be responsible for:* • Ensuring safety on-site in relation to all aspects of ongoing waste management, and abiding by relevant WH&S legislation; • Circulation of any recycling bins between chute rooms and the Waste Source Separation and Storage Area;

Performance Criteria	Design Solution
	• Ensuring bins are moved to and from the Waste Source Separation and Storage Area and the designated collection point at service times, and orderly presentation of bins for collection; • Washing bins and cleaning of Waste Source Separation and Storage Areas; • Maintenance and wash down of any waste or recycling chutes operated at the site; • Maintenance and management of any waste and recycling equipment provided on site; • Managing communal composting areas (if applicable); • Arranging with Council for repairs to or replacement of any Council-provided collection bins; • Arranging for the prompt removal of any dumped waste on-site or at the designated Waste and Recycling Collection Point; • Displaying and maintaining consistent signage in all communal waste and recycling storage areas detailing Council requirements for source separation and correct disposal of waste and how to use the services. Standard signs are available from Council; • Ensuring all residents are informed of the general waste, recycling, composting, bulky waste and special waste arrangements; • Managing any service agreements or contracts related to waste and recycling collection, waste equipment operation and maintenance; **And** • If a caretaker is needed for waste management on site this will be identified in the Waste and Recycling Servicing Plan and will be included in conditions of consent.

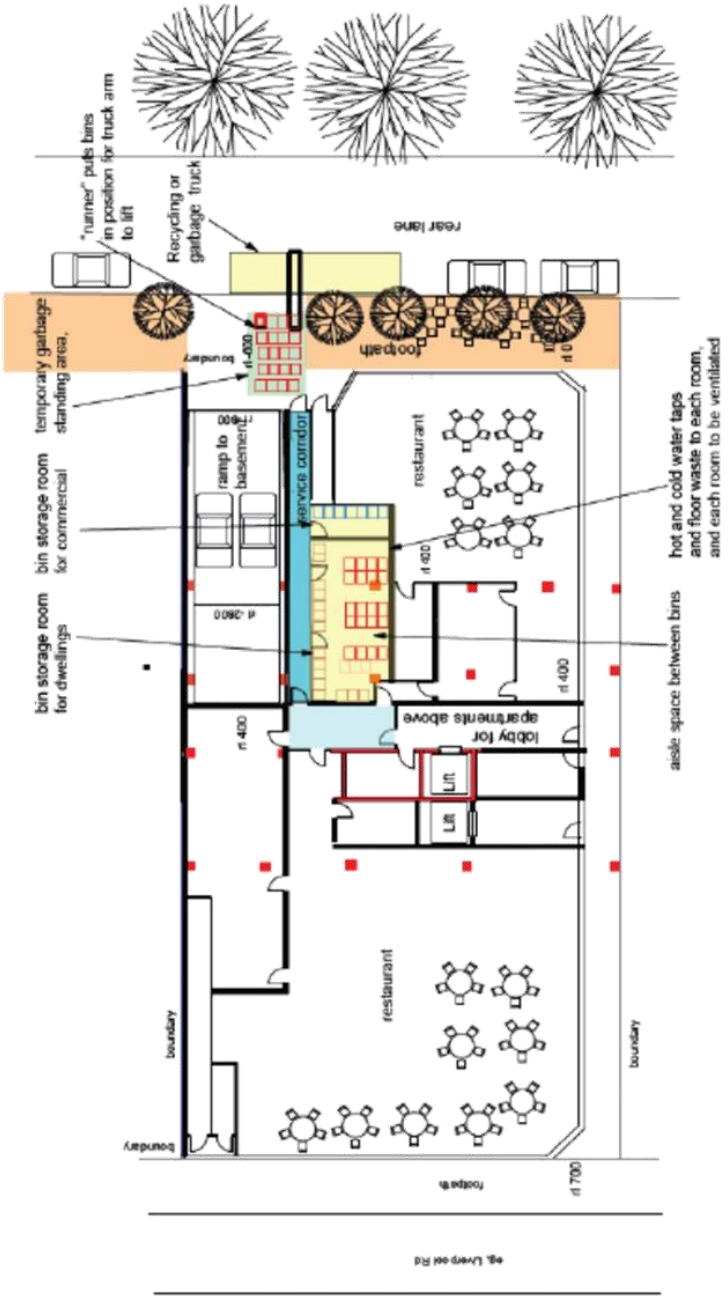


Figure 2: Example Development Waste Servicing Concept Diagram

Section 3: Multi-Storey Residential Developments: Specific Provisions

Waste management design in multi-storey multi-unit buildings must not only account for internal circulation, storage and collection of waste, but also take into account resident's amenity, impacts on neighbouring buildings and any waste collection impact on the public streetscape, local pedestrian and traffic circulation.

The **State Environmental Planning Policy no 65** and the referenced **Apartment Design Guide** requires the following objectives to be achieved for certain type of apartment buildings:

Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents
Design guidance
Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park
Waste and recycling storage areas should be well ventilated
Circulation design allows bins to be easily manoeuvred between storage and collection points
Temporary storage should be provided for large bulk items such as mattresses
A waste management plan should be prepared

Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling
Design guidance
All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling
Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core
For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses
Alternative waste disposal methods such as composting should be provided

Design which ensures the minimisation and effective management of residential waste from apartments contributes to the visual and physical amenity of a building as well as limiting potentially negative impacts on the environment.

These provisions apply for developments of four storeys or more, or where lift services are integral for residential access, such as places in the **Ashfield Town Centre** or **Ashfield West**. For developments of fewer than four storeys, such as in **R3 Medium Density Zones** - see ***Section 5: Low-Rise Residential Developments: Specific Provisions***.

General Objectives

- To minimise the overall impacts of waste and recycling management in buildings by designing for waste and recycling systems that are: hygienic; accessible; easy to use; maximise recycling; safe; quiet to operate; adequately sized; and visually compatible with their surroundings.
- To provide efficient and flexible ongoing waste operations with low maintenance, complexity and labour requirements to avoid imposing unnecessary costs on building management.
- To allow Council to provide waste and recycling collection services to all residential developments.

Performance Criteria	Design Solution
Circulation and Access for Waste and Recycling	
	Waste Chutes for internal waste transport
	DS1.1 For multi-storey residential buildings with a rise of four storey's or more, a waste chute is required servicing each individual residential storey above the waste storage area level. (Waste chute design is to comply with *Guide 3: Waste Chutes, Compactors, Balers and Crushers*).
	DS1.2 Waste chutes are to be provided with inlet hoppers of a design for safe use by any resident (allowing for age or ability), and inlet hoppers are to be enclosed within a chute room.
	DS1.3 The total maximum travel distance from any residential dwelling entry to a waste chute room on any relevant storey is not to exceed 30 metres. Additional waste chutes may be required for buildings in order to achieve this maximum travel distance.
	DS1.4 Where waste chutes are installed, a waste caretaker must be assigned to support the chute and discharge operations.
	DS1.5 Chutes for recycling are not permitted, either as dedicated chutes or by mechanical diverter using a single shared chute for waste and recycling.
	Chute Rooms
	DS1.6 Each residential storey of a building serviced by a waste chute will have a chute room to control any spillage, odour, and noise from waste and recycling activity.
	DS1.7 Chute rooms are • to be provided in convenient, well-lit positions with regard to the vertical core of the building; • to be provided with and enclose inlet hoppers for the waste chute; • to provide space for recycling containers for the intermediate storage of recyclables (allowing for at least one 240-litre MGB for each four (4) units serviced by that chute room); • to be safely negotiated by people with disabilities. Chute rooms must allow for sufficient space to permit easy opening of the inlet hopper, opening of the chute-room door and the storage and manoeuvring of the recycling bin(s); • not be located adjacent to a habitable room; • to have the floor situated centrally below each inlet hopper finished with a smooth

Performance Criteria	Design Solution
	impervious material for ease of cleaning with a minimum area of not less than one square metre (1 m^2); And • display instructions on the use of the waste chute including not to dispose hazardous or bulky material into the chute, and what materials are recycled using the container(s) provided. Standard signs are available from Council.

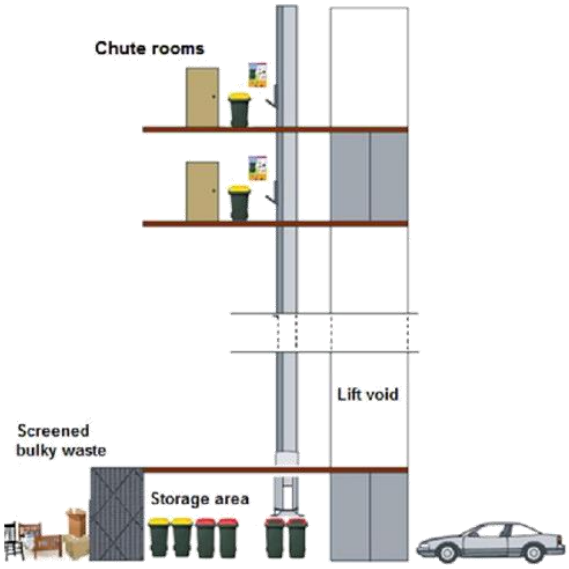


Figure 3: Chute rooms and discharge to waste storage area

Waste Source Separation and Storage Areas(s)		
	DS2.1	Waste Source Separation and Storage Area(s) are to be provided wholly within the site to house both waste and recycling bins, and are to be located no lower than one level below street level.
	DS2.2	Sites with restricted space, limited street frontage or difficult access should consider designs for ground floor level Waste Source Separation and Storage Area(s) or bin holding area(s) which can allow for off-street collection by Council or contractors (see Section 3 DS3.4 to DS3.17).
	DS2.3	Design of any room used as a Waste Source Separation and Storage Area is to conform to Guide 2: Waste Source Separation and Storage Area.

Performance Criteria	Design Solution	
	DS2.4	Use of compaction equipment for waste volume reduction is prohibited.
	DS2.5	Access to the area where any waste chute discharge is located within the Waste Source Separation and Storage Area is to be restricted by keyed lock for safety reasons.
	DS2.6	There should be no public access to a Waste Source Separation and Storage Area which would allow unsecured access to the rest of the building.
	DS2.7	With the exception of interim storage of bulky waste and special waste, all waste and recycling located in a Waste Source Separation and Storage Area is to be contained within a designated bin for that waste type.
	Calculating storage area requirements	
	DS2.8	The standard residential waste and recycling storage capacity is to be met by • providing space for one (1) x 240 Litre waste bin and one (1) x 240 Litre recycling bin for every two residential units, rounding up the bin numbers. • allowing an additional minimum 50% of the bin footprint area (rounded) for space to manoeuvre bins. • discounting any recycling bins normally stored in chute rooms. • If the development has communal landscaped area or courtyards, provision may be required for Garden Organics bins.

EXAMPLE OF RESIDENTIAL WASTE AND RECYCLING STORAGE AREA

A multi-unit development with 29 units across five residential storeys, with waste chute and compaction. For waste bin footprint see *Reference 1: Ashfield Council Standard Service*.

		Minimum Area
Waste bins	(29 x 240L bins/2) = 15	6.5m^2
Recycling bins	(29 x 240L bins/2) = 15 Less 5 in chute rooms = 10	4.3m^2
Manoeuvring space		(6.5+4.3+) = 10.8 x 50% = 5.4m^2
TOTAL Storage Area for bins		16.2m^2

Additional storage capacity for bulky waste would require the Waste Source Separation and Storage Area to be a minimum of 30.3 m^2.

Performance Criteria	Design Solution
	DS2.9 Any request for a variation in storage area requirements compared to the calculated area must provide evidence that unique features of the site warrant consideration, and that other design options have been investigated and exhausted.
	Bulky waste
	DS2.10 An additional dedicated space (such as a room or screened area), is to be provided within or in close proximity to the Waste Source Separation and Storage Area for the interim storage and management of Council-collected bulky waste and mattresses. Up to 20 dwellings, a minimum four square metres (4 m^2) would be acceptable. In developments over 20 dwellings, a minimum acceptable allocated space would be eight square metres (8 m^2) for every 50 residences for residential storage. Mesh screening permitting view into the room should be considered in the design of this area to allow for improved security by users.

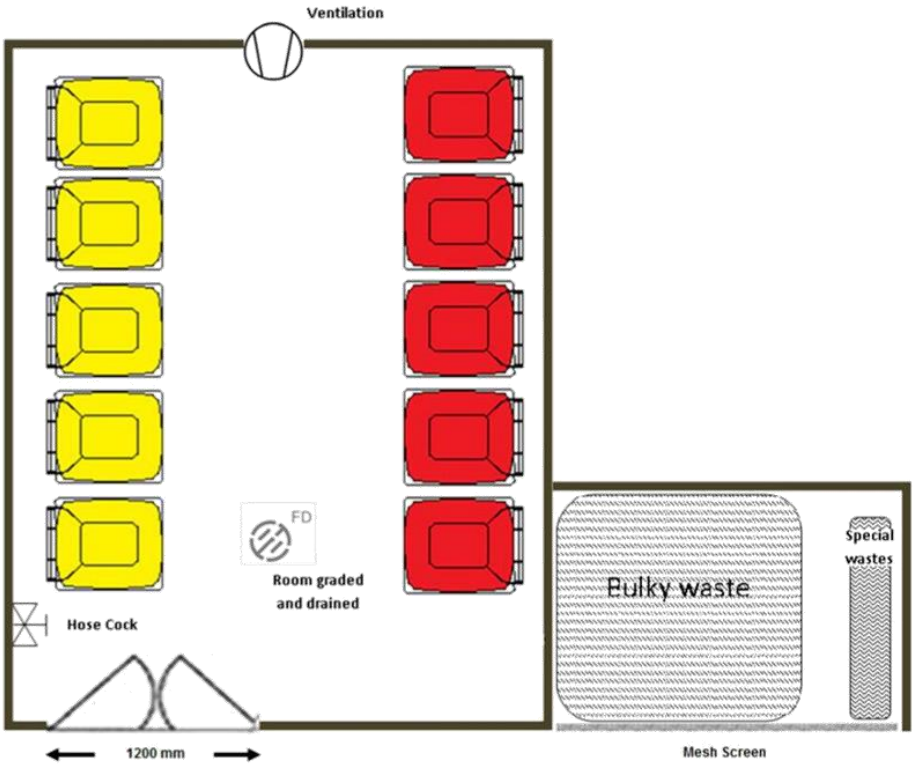


Figure 4: Example of waste source separation and storage area

Performance Criteria	Design Solution

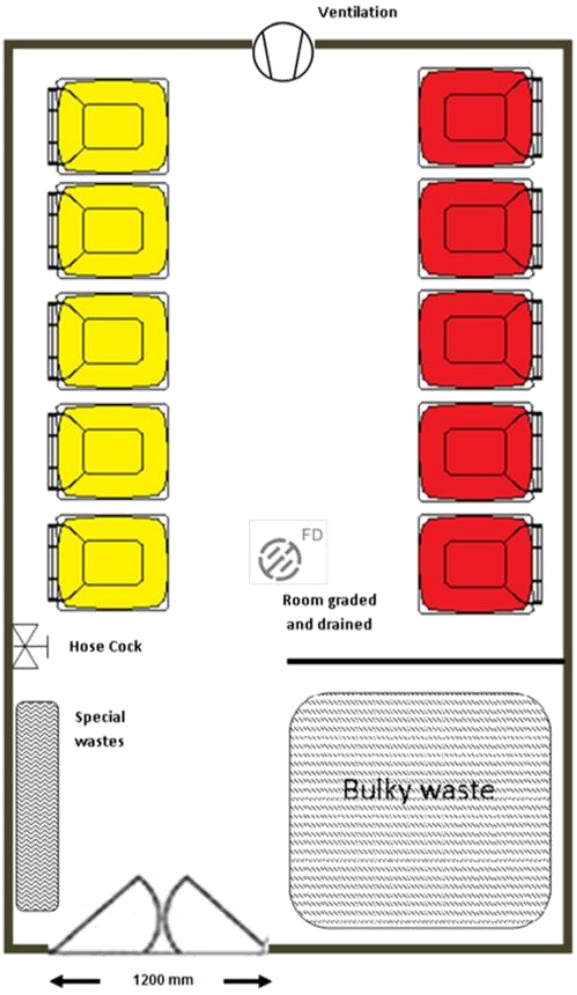


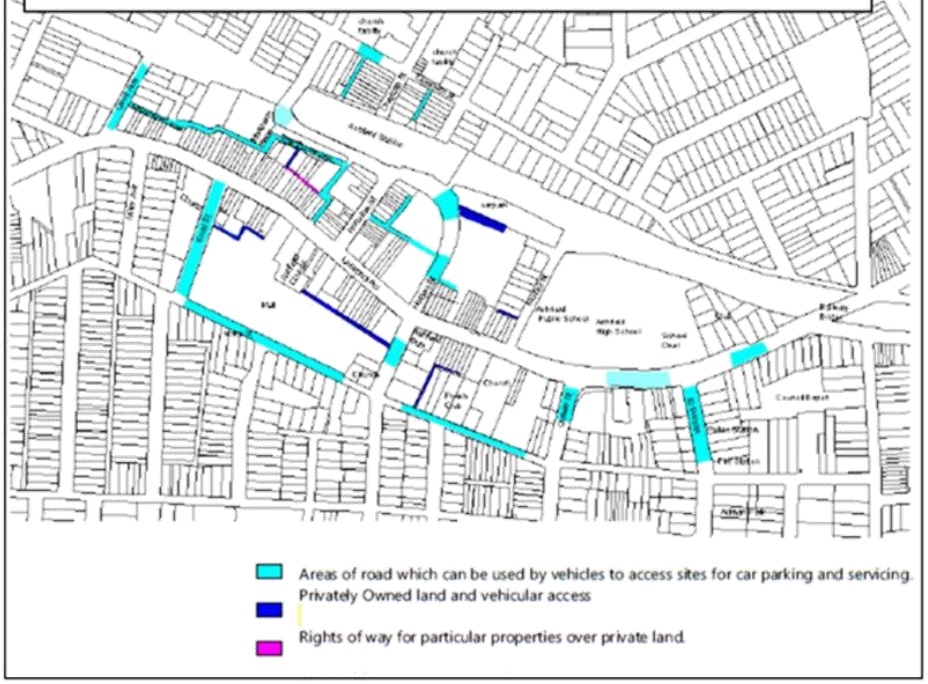
Figure 5: Alternate layout for waste source separation and storage area

Special Wastes	
DS2.11	Allocation in the bulky waste space can also be made for interim storage of special waste such as electronic goods, batteries, computers, televisions, fluorescent tubes and smoke detectors. A caged section should be provided for gas bottle disposal. Disposal of these separated items would be the responsibility of the building management or Body Corporate. Council does not provide collection services for these items, but does have drop-off options for resident waste electronic goods, computers, and televisions. The

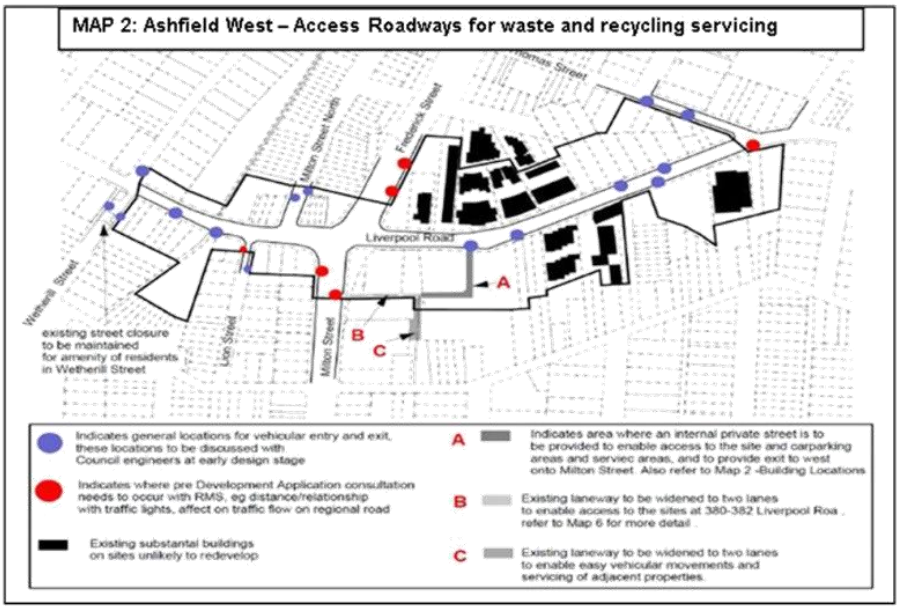
Performance Criteria	Design Solution
	NSW government provides some periodic collection events for batteries, fluorescent tubes, smoke detectors and gas bottles.
	Composting or worm farming space
	DS2.12 Space for composting and/or worm farming, being an unpaved earth surface or within a bunded area drained to a sewer system, must be available for all residents as a communal facility. An acceptable minimum area would be $2m^2$ for every 50 dwellings. Where possible, such composting space is to be integrated with the design of communal open space areas. This provision can be satisfied by making space available in private courtyards where available.
	Wash down area
	DS2.13 An area for bin wash down is to be provided within the site. This area is to be located within a bunded area drained to a sewer system or can be an unpaved earth surface.
Waste and Recycling Collection Points	
Note that Liverpool Road and Parramatta Road are major arterial roads, some parts of these roads might be unable for providing direct service access or presentation of bins for collection. Given this, the following specific access requirements are imposed for key areas of Ashfield Town Centre: Driveways which provide access to a development for waste collection shall be provided from lanes and secondary streets identified on **Map 1**	**DS3.1** **Ashfield West**: Driveways which provide access to a development for waste collection, shall be provided from road locations generally in locations identified on **Map 2**
	DS3.2 **Hurlstone Park Enterprise Zone**: Driveways which provide access to a development for waste collection, shall be provided from road locations generally in locations identified on **Map 3**
	DS3.3 **Parramatta Road Enterprise Corridor**: Refer to **Part D6 of the DCP** for site layout principles for servicing buildings off the main road where there is no side or rear access. Rear lanes or side access are to be utilized where available. The verge to laneways may need to be widened to provide sufficient space for safe collection access adjoining the carriageway Early consultation prior to any design finalisation should occur with Council's staff, and if required the **Roads and Maritime Services**, to determine satisfactory access and collection locations.

Performance Criteria	Design Solution

MAP 1: Ashfield Town Centre - Access roadways for waste and recycling servicing



MAP 2: Ashfield West – Access Roadways for waste and recycling servicing



Performance Criteria	Design Solution

MAP 3: Hurlstone Park Enterprise Zone – Access roadways for waste and recycling servicing



DS3.4	Any other location to where this DCP applies is to service multi-storey residential developments 4 storeys or higher using a rear lane or driveway where available, or utilise side access.
DS3.5	The Waste and Recycling Servicing Plan for multi-storey residential developments must indicate: • The location of any vehicle standing areas for the proposed Waste and Recycling Collection Point(s) such as public streets • Any required truck manoeuvring areas to service the development's waste. Any interior to the building vehicle collection, e.g. on large sites which can accommodate this is to be shown in plan and section; • the circulation path with minimum 1200mm wall-to-wall clearance for bins to and from the Waste Source Separation and Storage Area (bin room) and collection point; And • the access path for collection vehicle to the Collection Point for final 30 metres or from nearest Council roadway (whichever is greater).
DS3.6	Waste and recycling collection vehicles must be able move in an access roadway or laneway in a forward direction, or when inside a site be able to enter and depart in a forward direction.

Performance Criteria	Design Solution

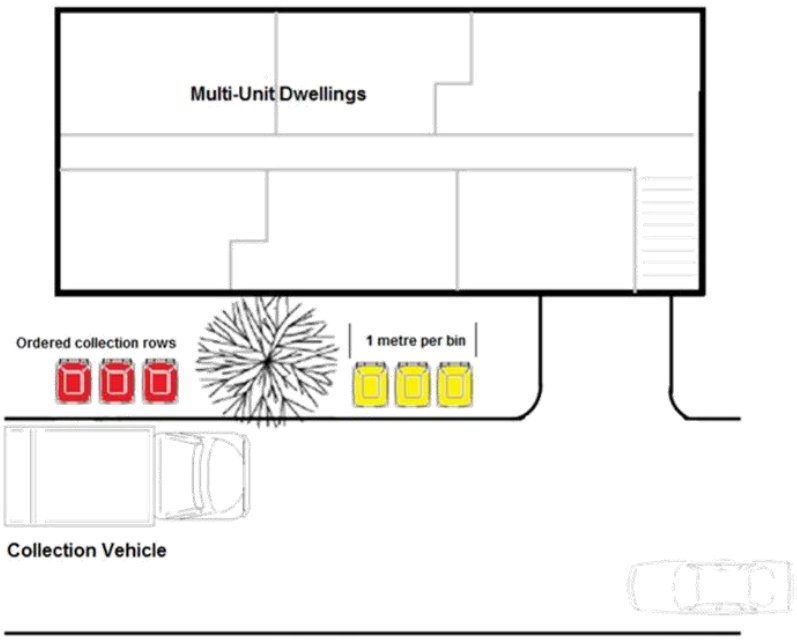


Figure 7: Use of street front collection for multi-unit dwellings

	Preferred collection point-on street and verge area
DS3.7	Residential developments where the space required for presentation of bins at a kerbside collection point does not exceed the width of the available property frontage less any driveway space are permitted to designate a kerbside collection point for residential waste and recycling.
DS3.8	Waste and Recycling Collection Points designated at kerbside must be sensitive to the level of traffic of the service roadway, and the designation of any traffic clearways impacting on vehicles required to stand at kerbside for collection.
DS3.9	For all other multi-storey multi-unit residential developments provision is to be made for off-street collection of waste, recycling and bulky items. This can be achieved by either • Ground-floor level bin storage or holding area(s) accessible from street, or • Interior to building vehicle collection where sites are large enough to accommodate this.

Performance Criteria	Design Solution

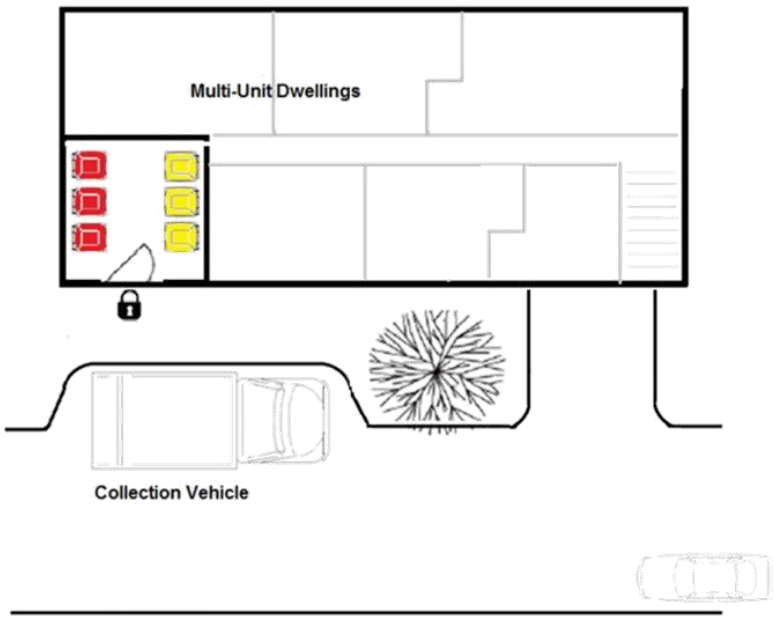


Figure 8: Use of off street ground floor level storage area for collection (with lay-by)

Provisions for Ground floor level Waste Source Separation and Storage Area(s) or bin holding area(s)	
DS3.10	Ground floor bin storage can be either a designated Waste Source Separation and Storage Area(s) or an interim bin holding area. If designated as an interim bin holding area the provisions for bulky waste storage (see **Section 3 DS2.10** and **DS2.11**) may also be allocated to this area. A Waste Source Separation and Storage Area is still required.
DS3.11	A ground floor bin storage area is to be located no further than 15 metres within the property from the access/property boundary, and be within the building so as to not be visible from a public space.
DS3.12	A Waste and Recycling Collection Point must be identified within the 30 metre maximum transport distance from apartments (see Figure 9), for up to 660 Litre MGBs (or 10 metres for larger bins). The pathway between the ground-floor bin storage or holding area and Collection Point must be free of obstructions, steps and with a gradient no greater than 1:12 at any point.

Performance Criteria	Design Solution
	DS3.13 Preferred waste design practice is for a Waste and Recycling Collection Point to be located wholly or partly on private property in the form of a vehicle lay-by for such a collection approach so as to minimize traffic obstruction. A hard-pad area is to be provided for placement of bins.
	DS3.14 The ground-floor bin area should be a secured room. To allow access for Council or its contractors a Council-approved key system must be provided and will be a consent condition. Security boxes using the approved key system can be provided by developments relying on electronic swipe or fob systems for secure entry.
	Provisions for interior-to-building vehicle bin collection for situations where are site is able to accommodate truck movements
	DS3.15 The gradient of the driveway should be in accordance with *AS 2890.1-2004 Parking facilities - Off-street car parking*, Section 2.5.3.
	DS3.16 Clearance at the vehicle entrance/exit and along the path of travel must be sufficient for the swept path of a standard Council waste collection vehicle (for dimensions see *Guide 1: Inner West Council Standard Services*).
	DS3.17 The minimum vertical clearance includes clearances of all service ducts, pipe work and similar fittings
	DS3.18 Pavement strength shall be sufficient to support a laden standard Council collection vehicle (see *Guide 1: Inner West Council Standard Services*).
	DS3.19 Waste or Recycling collection vehicles entering a development must be able to service a development efficiently and effectively, with best practice requiring no need for the vehicle to reverse at any time to complete collection. Note that Council standard collection vehicles use a mechanical lift located on the left-hand side of the vehicle with a minimum vehicle clearance when lifting of 3.9 metres.
	DS3.20 If a vehicle turntable is used to ensure forward travel for entrance and/or exit, it must have a capacity sufficient for a standard Council collection vehicle (see *Guide 1: Inner West Council Standard Services*).
	DS3.21 Where development site constraints cannot be overcome and a collection vehicle must use a reverse manoeuvre in order to exit the site in a forward direction, the following requirements must be met: • Safety considerations to have been fully addressed, and use of a reverse manoeuvre is minimised; • Use of T-shaped or Y-shaped turning heads

Performance Criteria	Design Solution
	may be considered provided the reversing distance is no greater than the length of the collection vehicle. Templates for reverse turning heads should be in accordance with examples in *AS 2890.2:2002 Parking Facilities - Off-street commercial vehicle facilities;* • Reversing areas must be clearly marked so drivers and pedestrians can see them easily; and • Measures to prevent unauthorised entry into the reversing area are stipulated in the Waste and Recycling Servicing Plan.

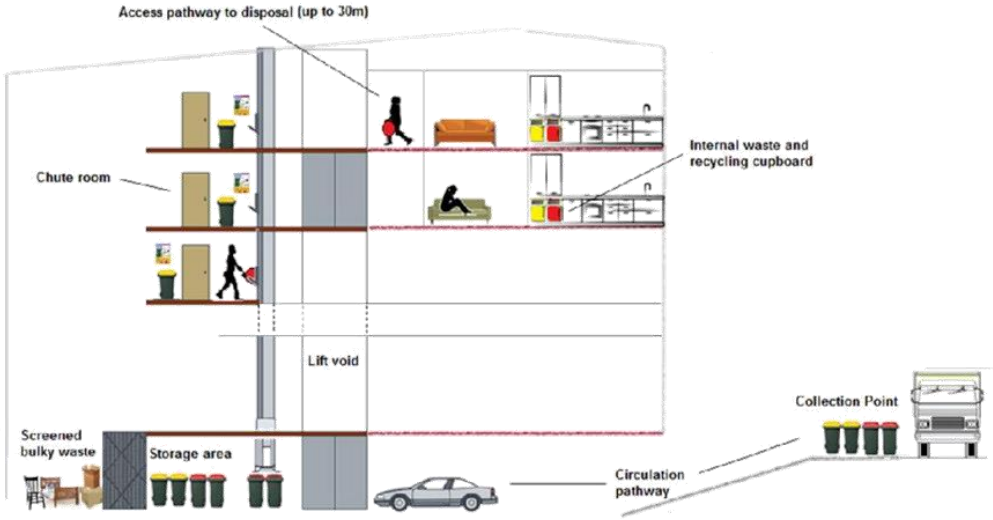


Figure 9: Multi-unit-dwelling design including access & circulation pathway, storage area, and collection point

Performance Criteria	Design Solution

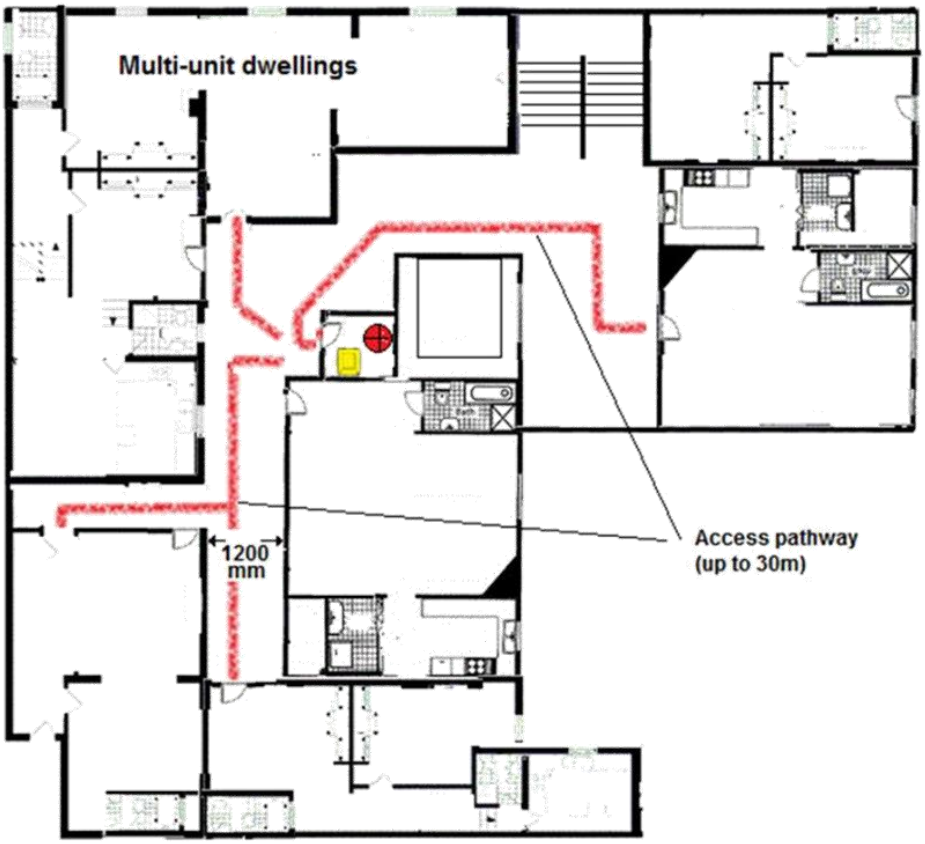


Figure 10: Multi-unit-dwelling access pathway to chute room

Section 4: Mixed-use residential & commercial developments: Specific Provisions

This section details the waste and recycling requirements for developments where residential and commercial premises occupy the same overall site or are jointly located in a building, and provides controls for the commercial parts and where relevant how have an interface with the residential waste component.

General Objectives

- To foster source separation and recycling by commercial premises
- To ensure both private and Council collection may be provided to service residents and business premises without interference.

Controls

Performance Criteria	Design Solution	
Separation of commercial and residential waste and recycling		
	DS1.1	Where a residential development and commercial development occupy the same site, the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be additional, separate and self-contained. Commercial and retail tenants must not be able to access residential Waste Source Separation and Storage Area(s), or any storage containers or chutes used for residential waste and recycling.
	DS1.2	Waste and Recycling Collection Points for both residential and commercial waste and recycling may be shared.
	DS1.3	The Waste and Recycling Servicing Plan is to identify the storage areas, collection points and management systems for both residential and commercial waste streams.
	DS1.4	The waste storage, handling, collection and management systems for the residential or commercial waste components of the mixed development are to comply with the design provisions within the relevant sections of these standards relating to residential and commercial premises, with special regard to circulation and access pathways and distances, and any storage requirements.
	DS1.5	All commercial and residential waste and recycling storage is to be located wholly within the site and in an area that minimises any noise or odour impacts on the amenity of nearby premises.

Performance Criteria	Design Solution

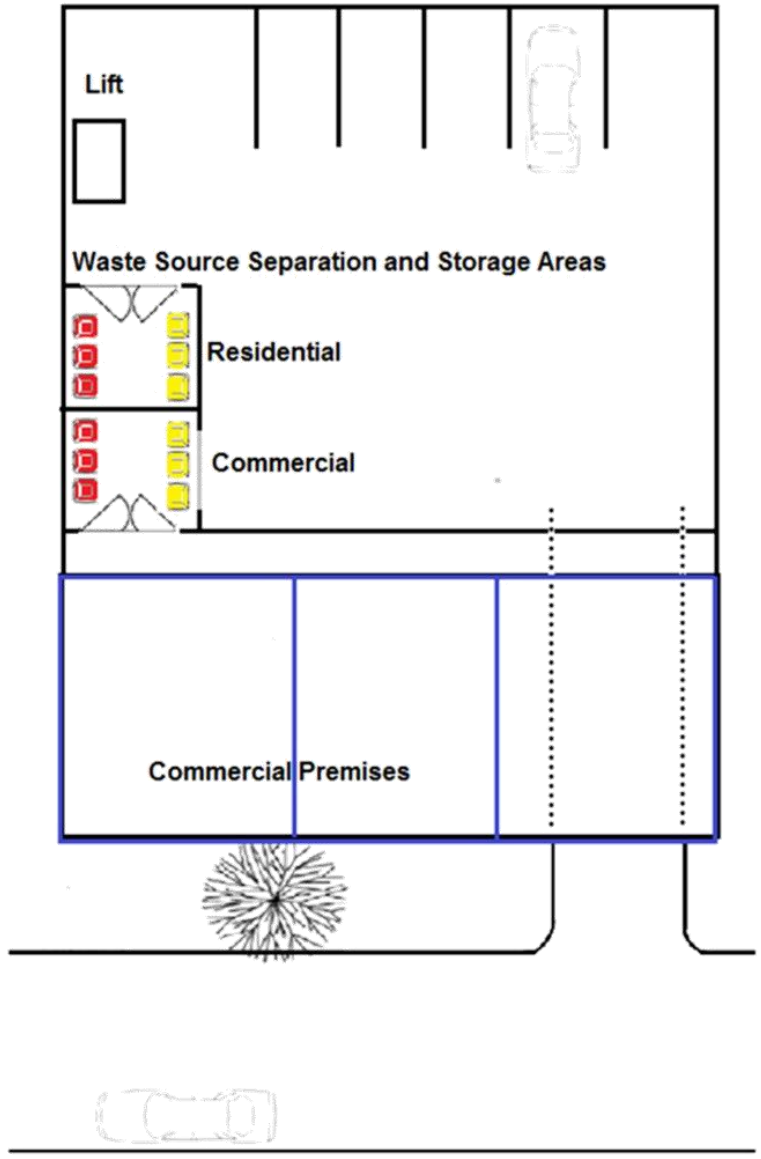


Figure 11: Mixed use premises showing separation of residential and commercial waste and recycling storage

Commercial waste contracts		
	DS2.1	No commercial waste or recycling is to be placed in a public place for collection unless fully contained within a designated bin for that waste type.

Performance Criteria	Design Solution	
	DS2.2	Businesses or building managers must have written evidence of a valid and current contract (held on site) for waste (garbage) and recycling collection for disposal or processing. The contract can be with a private operator or a service provision by Council.
	DS2.3	Design of any room used as a Waste Source Separation and Storage Area is to conform to **Guide 2: Waste Source Separation and Storage Area**.
	DS2.4	Where applicable, all businesses are encouraged to include provisions in their waste contracts that allow for the collection and recycling of high-grade and low-grade office paper, cardboard packaging, paper from secure document destruction, batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes, or other recyclable resources from the waste stream. Provision for separated paper bin storage will apply to commercial office developments (see **Section 6 DS4.1** and **DS4.2**)
	DS2.5	If contaminated sharps (e.g. syringe needles) are generated at the site, non-reusable sharps containers for safe disposal shall be provided in accordance with **Australian Standard 4031-1992: Non-reusable containers for the collection of sharp medical items** in health care areas, and appropriate Clinical waste collection and disposal contracts are to be held by the site building manager or generating commercial premises.
	DS2.6	Council may limit the trading hours and/or the hours for waste collection/deliveries where there is the potential for significant impact on residential amenity. Inner West Council applies restrictions on collection hours for drive through food outlets and licenced premises (see **Section 6**).
	Space allocations	
	DS2.7	In commercial developments with multiple commercial premises totalling over 500 m2, a dedicated space (such as a room or screened area) is to be provided for the interim storage and management of bulky or fit-out waste, electronic goods, batteries, computers, televisions, fluorescent tubes and bulbs to allow source separation and recycling. An acceptable allocated space would be a minimum 4 m2 for every 500 m2 of retail or 2,000 m2 of office space.
	DS2.8	Space must be provided on site in reasonable proximity to retail or commercial premises to store re-usable commercial items such as crates, pallets, kegs, foam boxes and similar items such that storage of these items in a public place is completely avoided.
	DS2.9	Secure space must be allocated for the separate storage of liquid wastes, including commercial

Performance Criteria	Design Solution	
		cleaning products, chemicals, paints, solvents, motor and cooking oil. These areas for liquid waste storage must be provided in accordance with the requirements of State agencies and legislation. For commercial spaces over multiple storeys, interim waste storage receptacles for waste and recycling must be located on each occupied storey sufficient for one day's generation of waste and recycling. These should be provided at any centralised kitchen area if available. Provision must be made (such as in cleaning contracts) for this material to be transferred to a central Waste Source Separation and Storage Area at least once daily.
	DS2.10	An area for bin wash down is to be provided within the site. This area is to be located within a bunded area drained to a sewer system or can be an unpaved earth surface.
	Calculating storage area requirements	
	DS2.11	All commercial developments must have an enclosed Waste Source Separation and Storage Area(s) wholly on-site which provides adequate storage allocation capacity to meet their estimated generation rates (see **Guide 4: Waste and Recycling Capacity Needs**). Storage can be communal or for individual premises. This area is to be dedicated to storage of waste and recycling containers and equipment, and reuse or special wastes as described in **DS3.1**.
	DS2.12	The commercial waste and recycling storage capacity is to be met by first determining the types of commercial premises and their area within the development. The development's commercial waste and recycling capacity requirements can then be calculated using the estimates provided in **Guide 4: Waste and Recycling Capacity Needs** by multiplying generation by floor area. The number of bins is calculated by dividing the capacity needed by bin types provided (then rounding up). Space for sufficient bins to service this capacity is determined by the footprint occupied by this number of bins. Space to manoeuvre the bins is to be provided, allowing an additional minimum 50% of the bin footprint area for this purpose. The space for any door opening into the storage area is to be additional to the minimum bin room area.

Performance Criteria	Design Solution

EXAMPLE of COMMERCIAL WASTE AND RECYCLING STORAGE CAPACITY

A mixed use development with 200m^2 of unspecified non-food retail space and 2,000m^2 of office space (assuming a 6 business day week).

Multiply the waste or recycling value per 100 m^2 for the premises type in *Guide 4* by the floor area for that premises type to determine the daily capacities.

	Daily waste capacity	Daily recycling capacity
Non-food retail space	110L	140L
Offices	400L	600L
TOTAL	*510L*	*740L*

Weekly waste capacity need is 3,060L. Weekly recycling capacity need is 4,440L. (Daily capacity x 6 business days)

This can be met by 6 x 240L waste bins and 10 x 240L recycling bins collected once per week. The recycling bin storage should include provision for separated paper recycling bins (for offices).

	DS2.13	Use of cardboard balers, glass crushers or other reduction systems for recycling may alter the storage space required for recycling, and may improve handling of large amounts of cardboard and glass. Such systems are not compatible with Council Business Waste collection, and may require private contracts for collection. Storage space may require fewer bins, or bins of different size. However, the equipment itself will require some floor space and manoeuvring space to operate. Applicants nominating to use such systems will need to provide evidence to Council of any changes to nominal storage requirements arising from their use, and should discuss with Council staff.
	DS2.14	The Waste Source Separation and Storage Area is to conform to the requirements of **Guide 2: Waste Source Separation and Storage Area.**
Access for collection		
	DS3.1	Where commercial collection takes place interior to a building, appropriate clearances need to be allowed for the collection vehicle to enter the premises, clear the waste container and exit the premises. Note that some commercial systems require the waste container to be lifted above the collection vehicle in order to be emptied (such as front-lifted bulk bins or hook lift bins).
	DS3.2	If clearance at any point is less than 4 metres then vehicle specifications will be required from the waste and recycling service provider that conform to the

Performance Criteria	Design Solution	
		proposed development clearance. A swept path analysis in plan and elevation will be required to demonstrate the vehicles accessibility for internal and ramp access.
Shop top type developments		
	DS4.1	Screened and separate storage is to be provided for commercial and residential waste and recycling bins. Where possible, provision is to be made to prevent access to the residential waste and recycling storage by operators of commercial premises.
	DS4.2	The Waste and Recycling Collection Points are to be designed to accommodate collection vehicles wholly on-site where possible, or by use of a lay-by reduce any obstruction to vehicle traffic on roadways.

INFORMATION GUIDES

OFF-STREET WASTE COLLECTION

The Ashfield local government area is planned to increase by more than 1,000 residential dwellings in the next ten years, within core development areas. It's not feasible to place all their bins on the street front for collection. The Town Centre also has a very high proportion of commercial properties that require the collection of multiple bins.

The high quality of new developments, both residential and commercial, means buildings are designed with sleek lines, uncluttered access and glass frontages, many with commercial retail outlets frontage. Such buildings are not suited for street front presentation of rows of wheelie bins over multiple days of the week.



The Standards set out the options for secure residential and commercial internal waste and recycling storage rooms, and the required clearances for collection vehicle to access buildings if required. These requirements will allow standard waste and recycling collection to proceed off street without obstruction or loss of safety and amenity, improving the quality of Ashfield's public spaces.

FORWARD TRAVEL COLLECTION

Standard collection vehicles are almost 10 metres long and weigh over 20 tonnes when loaded. They collect only from the left-hand side of the vehicle. The width of these vehicles impedes rear vision. Such vehicles are not suited to manoeuvres requiring major reversing or multiple-point turns.



Such driving manoeuvres are a common source of accidents involving large collection vehicles, and can be avoided through improved design for collection point access. Forward travel entrance and exit for collection improves the safety of waste and recycling collection, and also reduces the time and costs for waste and recycling servicing by improving transport flow.

SPACE FOR SOURCE SEPARATION and REUSE

Many businesses and residents need to dispose of items that do not fit within standard collection bins. Allocation of space at the design level for improved source separated recycling adds flexibility and safety in buildings to handle these items.

Bulky waste and fit-out waste are a regular addition to standard waste collected, and space is needed to store these until collection is available. Mattresses, e-waste and gas bottles are also significant wastes that can be recycled if collected separately. Items such as batteries, mobile phones and compact fluoro lights reduce resource recovery from waste if not separated at source.



Many business premises rely on transport packaging for products, such as kegs, pallets, crates and boxes. It is important to provide an opportunity for interim storage of these re-usable items to minimise breakage and loss, and to reduce reliance on single use packaging which generates additional waste.

Section 5: Low rise residential developments: Specific Provisions

This section addresses other details relating mainly to access and servicing for low rise developments not specifically covered in **Sections 2** and **3** such as in areas which have an R3 Low Density Zoning.

General Objectives

- To ensure low rise residential developments have clear guidance on the provision of access and circulation of standard services bins.
- To manage the appropriate use of kerbside for waste and recycling collection from low rise developments, and ensure collection points are optimally located for the amenity of residents.

Controls

Performance Criteria		Design Solution	
Provisions for detached houses, granny flats, boarding houses (1B), and dual occupancies with access to the property street front			
		DS1.1	Space is to be allocated within the property boundary of each subject site for storing at least one each (per dwelling) of the standard Council waste, recycling and garden organics bins (see **Guide 1: Inner West Council Standard Services**).
		DS1.2	A minimum of a 1200 mm wide access pathway is to be provided between the rear area and the kerbside Waste and Recycling Collection Point, clear of steps or obstructions, for transport or removal of waste and recycling bins and bulky waste.
		DS1.3	The access pathway to move bins from storage to collection point is not to pass through the interior of a dwelling or other building.
Provisions for multi-dwelling developments such as townhouses or villas without individual property street frontages such as on large sites			
PC2.	Townhouse or villa type developments can deliver waste management under different configurations depending upon the number of dwellings, street frontage available to the development, and presence of an internal servicing roadway. For low-rise developments, an internal servicing roadway may include an underground car park access or off-street lay-by. Provisions for three common options are made in this section.	**DS2.1**	Approval to place bins for collection at kerbside at a designated Waste and Recycling Collection Point will only be provided if sufficient street verge area frontage is available to the development to present bins for collection. Allowance must be made for 1 metre of kerbside presentation space for each waste or recycling bin.
		DS2.2	The Waste and Recycling Collection Point must conform with the provisions of **Section 2 DS4.1-DS4.8**, with special attention to infringement on the kerbside street frontage of neighbouring developments. If those provisions cannot be met for a development, a Waste and Recycling Collection Point must be designated and designed wholly within the boundaries of the development, and the provisions of Options 2 and 3 will apply below.
		Option 1: Waste and recycling bins stored at each dwelling or a common storage area and able to be serviced at the street	

Performance Criteria	Design Solution	
	kerbside	
	DS2.3	Bins stored at each dwelling are maintained and circulated to the kerbside for collection by the occupants of the dwelling. The provisions for separate dwellings at **Section 4 DS1.1-DS1.5** will apply.
	DS2.4	Bins stored in a common storage area are maintained and circulated for collection by a designated person, caretaker or development manager.
	DS2.5	Distance from any dwelling entrance to a common storage area is not to exceed 30 metres
	DS2.6	The common storage area will be an approved Waste Source Separation and Storage Area designed to comply with either the Internal or External construction provisions of **Guide 2: Waste Source Separation and Storage Area**
	DS2.7	An area for bin wash down is to be provided within the site. Preferably this area will be an unpaved earth surface or else is to be located within a bunded area drained to a sewer system (this may include within the Waste Source Separation and Storage Area if sufficient space provided).

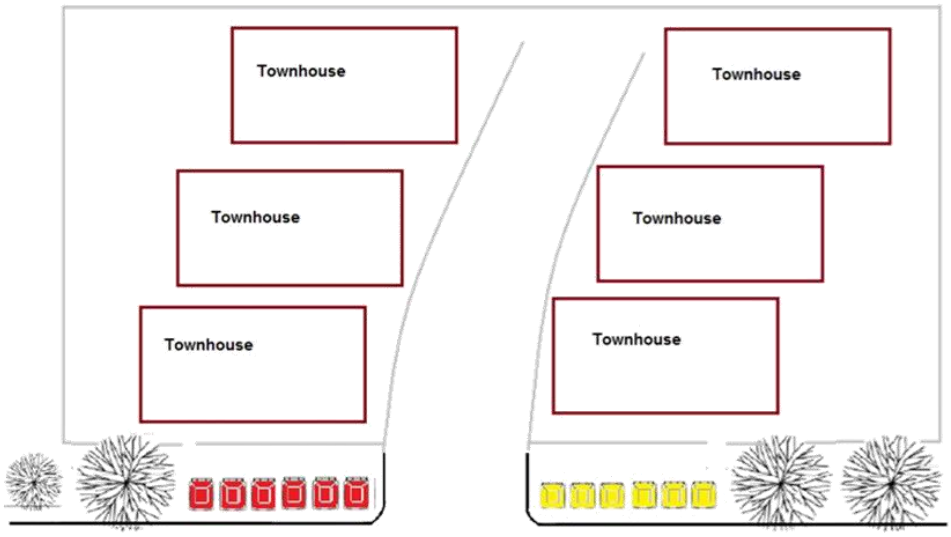


Figure 12: Low rise development with street frontage collection point

Performance Criteria	Design Solution

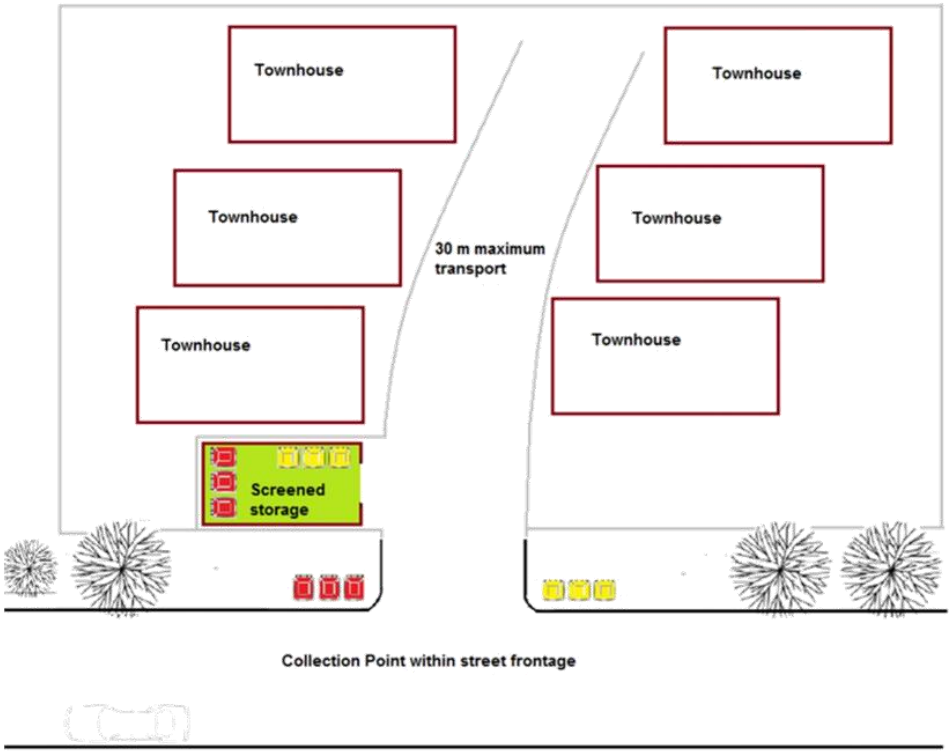


Figure 13: Low rise development with communal waste storage and street frontage collection point

	Option 2: Waste and recycling bins stored at a common storage area and serviced from a servicing point on an internal servicing roadway.
DS2.8	Collection from an internal servicing roadway is by agreement of the Council and its collection contractor, and for consideration will require appropriately designed and constructed roadways. A signed indemnity form in the form of a Deed Poll will be required from the development's Body Corporate (see **Guide 6: Standard Indemnity Deed Poll**).
DS2.9	For low-rise developments, an internal servicing roadway may include an underground car park access or off-street lay-by.
DS2.10	Bins stored in a common storage area are maintained and circulated for collection by a designated person, caretaker or development manager.
DS2.11	Distance from any dwelling entrance to a common storage area is not to exceed 30 metres.
DS2.12	Waste and recycling collection vehicles must be able to enter and depart a site and / or access a Waste and

Performance Criteria	Design Solution
	Recycling Collection Point on an internal servicing roadway in a forward direction. Attention should be paid to nominated one-way internal servicing roadways, as Council collection vehicles mechanical lift is located on the left-hand side of the collection vehicle.
	DS2.13 Pavement strength of the internal servicing roadway(s) shall be sufficient to support a laden standard Council collection vehicle (see **Guide 1: Inner West Council Standard Services**).
	Option 3: Waste and recycling bins stored at each dwelling and serviced in front of each dwelling on an internal servicing roadway on large sites.
	DS2.14 Collection from an internal servicing roadway is by agreement with the Council and its collection contractor, and for consideration will require appropriately designed and constructed roadways. A signed indemnity form in the form of a Deed Poll will be required from the development's Body Corporate (see **Guide 6: Standard Indemnity Deed Poll**).
	DS2.15 Bins stored at each dwelling are maintained and circulated to the kerbside for collection by the occupants of the dwelling. The provisions for separate dwellings at **Section 4 DS1.1 - DS1.5** will apply.
	DS2.16 Waste and recycling collection vehicles must be able to enter and depart a site and / or access a Waste and Recycling Collection Point on an internal servicing roadway in a forward direction. Attention should be paid to nominated one-way internal servicing roadways, as Council collection vehicles mechanical lift is located on the left-hand side of the collection vehicle.
	DS2.17 Pavement strength of the internal servicing roadway(s) shall be sufficient to support a laden standard Council collection vehicle (see **Guide 1: Inner West Council Standard Services**).
Provisions for residential unit buildings less than four storeys (including shop-top residential units)	
	Circulation and access for waste and recycling within site
	DS3.1 Design should allow for clear path of access for all residents (with regard to age and ability) from dwellings to a communal waste source separation and storage area.
	DS3.2 Design should facilitate access by locating the waste source separation and storage area as a correlated area along path of travel for entry and exit to the development, including basement parking areas.
	DS3.3 The total maximum travel distance from any residential dwelling entry to a waste source separation and storage area (bins rooms) is not to exceed 30

Performance Criteria	Design Solution
	metres.
	Waste Source Separation and Storage Areas
	DS3.4 Bins for waste and recycling may be stored in either one or more communal areas, including: • Internal to building waste source separation and storage areas, such as ground level enclosures or bin rooms within a basement. • On large sites, bins rooms located behind the building line and usually placed to the rear of a site within 30m of the front boundary, and not located near any dwellings. *See* **Guide 2: Waste Source Separation and Storage Area for requirements internal or external construction of storage areas.**
	DS3.5 Any waste source separation and storage area is to be located wholly within the site and be screened within a building and not visible from a public space.
	DS3.6 Capacity of the waste source separation area is to be calculated as set out for Multi-storey residential developments at **Section 3 DS2.8**, making allowance for waste and recycling bins, manoeuvring, and any waste handling equipment.
	DS3.7 Ensure adequate garbage capacity is provided to help reduce contamination of recycling bins.
	DS3.8 Given the need for continual access by residents, design of storage areas should allow for easy access for residents and any caretaker to all MGBs without the need to move bins around.
	DS3.9 Low-rise developments may be spread across a large area, encompassing a number of different low-rise blocks within a single development. Where this is the case, consideration should be given to incorporating more than one communal waste source separation and storage area within the development.
	DS3.10 For developments of up to 20 units, less than four storeys where lift access is not included, a bulky waste interim storage area is preferred but not essential. Provision for a designated waste collection point for bulky waste must be also made.
	DS3.11 Space for composting and/or worm farming, being an unpaved earth surface or within a bunded area drained to a sewer system, must be available for all residents as a communal facility. An acceptable minimum area would be $2m^2$ for every 50 dwellings. Where possible, such composting space is to be integrated with the design of any communal open space areas. This provision can be satisfied by making space available in private courtyards where available.
	DS3.12 An area for bin wash down is to be provided within the

Performance Criteria	Design Solution	
		site. This area is to be located within a bunded area drained to a sewer system or can be an unpaved earth surface.
	DS3.13	Ensure that responsibilities for cleaning communal areas and bins, educating residents in the appropriate use of systems and for moving bins in and out of the storage area for collection, are clearly identified.
	DS3.14	Display clear signs indicating appropriate use of recycling systems.
	Waste and Recycling Collection Point	
	DS3.15	Residential developments where the space required for presentation of bins at a kerbside collection point does not exceed the width of the available property frontage less any driveway space, are permitted to designate a kerbside collection point for residential waste and recycling.
	DS3.16	Designate suitable waste and recycling collection point(s) to collect the required number of waste and recycling bins that are free from potential obstacles.
	DS3.17	Designate suitable bulky waste collection point(s) for the development.

Section 6: Commercial development types: Specific provisions

This section details additional specific provisions applying to specific commercial developments including Offices, Food Retailers and Producers, Drive in Take Away Food Outlets, Retail Premises, Medical & Health Services Premises, Clubs and Hotels, and Accommodation Premises such as Serviced Apartments and Boarding Houses.

General Objectives

- To mitigate litter, noise and odour impacts arising from waste on neighbouring residents and business premises.
- To provide better practice design measures to ensure recycling and re-use management options are as easy to access as waste disposal for commercial premises.

Controls

Performance Criteria	Design Solution	
Food Retailers and Producers		
	DS1.1	Food premises are to comply with the requirements of **Australian Standard 4674-2004 Design, construction and fit-out of food premises**, including the garbage and recyclable materials requirements. These Waste and Recycling Design and Management Standards are not intended to alter any obligations under that Australian Standard.
	DS1.2	Where high volumes of food waste are likely to be generated, or where source separation of food waste can be achieved, design of waste storage and collection areas should consider the separate storage and collection of food waste for recycling to significantly reduce weight and volume of garbage. Inner West Council does not collect commercial food waste, but private contractors may be available. Separated food waste should be stored in bins complying with **AS 4123-2008 Mobile Garbage Containers**.
	DS1.3	For premises that generate 50 Litres of seafood, poultry and/or meat waste in total each operating day (separated or mixed with general waste), such waste should be collected daily to manage hygiene and odour from waste, with contracts held by the owner or manager of the premises. There is no requirement to provide refrigerated garbage rooms although this may be necessary for some businesses to prevent putrefaction and odour problems, and may form a condition of consent.
	DS1.4	Premises preparing food for wholesale, distribution or retail should include waste separation systems within or in close proximity to the preparation area to allow for plastic and cardboard waste to be collected and handled separately from food waste. If storage is within the preparation area, all waste must be removed daily.

Performance Criteria	Design Solution	
	DS1.5	Waste oils should be kept separate from food and other wastes.
	DS1.6	Developments with centralised waste and recycling storage areas for multiple tenants that include food retailers or producers must allocate space at design stage for source separated food organics waste to be stored and collected
	DS1.7	Food waste dehydrator equipment will require a separate development application.
Drive in take away food outlets		
	DS2.1	Waste and recycling facilities on the premises shall be unobtrusively located or screened.
	DS2.2	Regular daily litter patrols are required to pick up discarded food & drink containers in the near vicinity of the premises. This litter management is to be included in any Plan of Management for the site.
	DS2.3	Waste bins are to be provided at strategic locations to minimise littering on the site -proposed locations must be indicated on plans.
	DS2.4	All putrescible wastes are to be placed and stored in secure sealed containers and removed daily.
	DS2.5	Waste disposal and storage facilities are to be designed and installed to include measures for odour control.
	DS2.6	Waste collection is prohibited between 7.00pm and 7.00am daily.
Retail Premises		
	DS3.1	For premises with high volumes of cardboard waste, consideration should be made to allocate space for a cardboard baler, shredder or other volume-reduction equipment. Note: Council does not provide recycling collection services for baled, shredded or compacted cardboard.
	DS3.2	Space for storage of re-usable items from retail and especially licenced premises is to be allocated such that storage of these items in a public place is completely avoided. These may include crates, pallets, kegs, foam boxes and similar items.
	DS3.3	Additional space or reduction systems for handling and storing plastic shrink-wrap should be allocated where applicable.
Medical and Health Premises		
	DS4.1	Any Clinical or related waste generated on the premises is to be stored and collected separately to general waste. Contracts for collection and disposal of Clinical or related waste are to be held by the site building manager or by the generating commercial

Performance Criteria	Design Solution	
		premises operator. Council does not provide collection of Clinical and related waste and may refuse to collect general waste bins contaminated with such waste.
	DS4.2	If contaminated sharps (e.g. syringe needles) are generated, non-reusable sharps containers shall be provided in accordance with **Australian Standard 4031-1992: Non-reusable containers for the collection of sharp medical items** for safe disposal, and appropriate collection and disposal contracts are to be held by the site building manager or by the generating commercial premises operator.
Offices		
	DS5.1	Provision must be made on each floor, and in any commercial Waste Source Separation and Storage Area (or any interim holding area), for the separation and storage of all recyclable cardboard, paper and paper products likely to be produced from the premises.
	DS5.2	Storage of paper and cardboard for recycling must be in a dry, vermin-proof area. Paper and cardboard for recycling must not be stored for more than two (2) weeks to prevent breeding of vermin in the stored material.
	DS5.3	Rooms or areas designated for printing or photocopying must provide space for the interim storage of paper waste to be recycled in MGBs up to 240 Litres, and space provided for interim storage of used toner and/or printer cartridges.
Clubs and Hotels		
	DS6.1	Clubs and hotels of any size should consider the use of glass crushers to minimise the noise impacts of recycling practices on neighbouring premises. Both glass crushers and cardboard balers/compactors reduce the dedicated space needed to manage recycling, and eliminate the unnecessary collection of bins filled to less than capacity. Suitable glass recycling collection and processing contracts to accept crushed glass would need to be obtained. Use of glass crushers and the allocation of interim storage areas may be considered for reducing the space required for recycling storage bins.
	DS6.2	If the internal serving area of a club or hotel is larger than 1000 m^2, space for a glass crusher and bins is to be allocated in design.
	DS6.3	Space for storage of re-usable items from licenced premises is to be allocated such that storage of these items in a public place is completely avoided. These may include crates, pallets, kegs, foam boxes and similar items.
	DS6.4	Waste collection is prohibited between 10.00pm and

Performance Criteria	Design Solution	
		8.00am daily.
Accommodation and Boarding Houses		
	DS7.1	Premises used for non-private accommodation are to ensure that additional space is allocated for the interim storage of waste mattresses, and TVs and other electronic waste in addition to space for waste and recycling bins.
	DS7.2	Accommodation with a rise of four storeys or more must provide on each habitable floor an interim waste storage area or other storage and handling system for separating of waste and recycling sufficient for one day's generation. Such storage or handling must comply with the building's fire management system.
	DS7.3	**Class 3 Boarding Houses** shall make provision on-site for a Waste Source Separation and Storage Area, with details shown on the development application drawings. Class 1b Boarding Houses should comply with **Section 5 DS1.1-DS1.3**, allowing for 1 x 240L garbage and 1 x 240L recycling bin per four boarding rooms.
	DS7.4	Boarding Houses must provide any communal living rooms with interim waste storage sufficient for one day's storage of waste and recycling.
	DS7.5	Signage detailing Council requirements for source separation and correct disposal of waste are to be prominently displayed in interim waste storage areas and Waste Source Separation and Storage Area(s). Standard signs are available from Council
	DS7.6	Provision must be made by premises management for any material disposed to an interim waste storage area to be transferred to a central Waste Source Separation and Storage Area at least once daily.
	DS7.7	**Class 1b and Class 3 Boarding Houses** may make private contracting arrangements for waste and recycling or apply to be serviced by Council standard services.
	DS7.8	Any Waste Source Separation and Storage Area (bin bay or room) for Boarding Houses is to be located behind the building line, and enclosed to minimise odour or noise disturbance for adjoining properties. If storage is proposed, and subsequently approved by Council, forward of the building line, it is to be screened from view from the streetscape to minimise any visual impact (see **Guide 2: Waste Source Separation and Storage Area**).

Section 7: Construction, Demolition and Fitout waste

Management of waste originating from construction and demolition activities is to be minimised by avoidance or reduction practices, re-use on site where feasible and recycling of materials.

1. A waste management plan indicating waste avoidance or reduction practices must be completed and included with any new DA where more than $10m^3$ of demolition or construction waste in total is likely to be generated. This includes DAs for material "change of use" of a development.
2. Sorting and recycling after collection of mixed materials from construction and demolition is permitted with the exception that if the ability to recycle a material is adversely affected by being mixed with other waste types, the material is to be stored and collected separately.
3. On site or off site re-use of materials is allowed only for unscheduled waste materials not hazardous to human health or safety. Any use of waste materials off site is subject to the provisions within the **Protection of the Environment Operations Act 1997** and associated regulations.
4. A waste management plan to address construction or demolition waste must include:
    a. Full disclosure of any asbestos-contaminated material known to be at the site, and details of quantities, the licence details of any asbestos removalist, and the designated disposal site licensed to accept asbestos-related waste;
    b. Details regarding the types of waste and likely quantities of waste to be produced;
    c. Details regarding how all other waste is to be minimised within a development; and estimations of quantities and types of materials to be re-used or left over for removal from the site;
    d. A site plan showing storage areas away from public access for re-usable materials and recyclables during demolition and construction;
    e. Details of re-using or recycling methods for waste either on site or off site;
    f. Nomination of the person responsible for implementing the waste management plan on site and the person responsible for retaining waste dockets from facilities;
    g. Designation of appropriately licensed facilities to receive the development's construction and demolition waste;
    h. Confirmation that all waste going to landfill is not recyclable or hazardous; and
    i. The NSW Government Waste Avoidance and Resource Recovery Strategy 2013-2021 sets an 80% recycling target for Construction and Demolition Waste. The Waste Plans must indicate a level of re-use and recycling either on site or diverted with receipts sufficient to demonstrate consistency with that target.
5. At changes of tenancy and other occasions requiring refits, provision should be made by building management for the handling of the fit-out waste generated. Source separation, storage and collection of fit-out waste are to be managed such that ongoing waste management systems are not unreasonably impacted. Fittings should be deconstructed or demolished by methods that permit re-use of items such as workstations or storage, and allow for the separation of valuable resources such as metals for recycling.

TECHNICAL GUIDES

Glossary & Abbreviations

TERM	MEANING
baler	A device that compresses waste into a mould to form bales that may be self-supporting or retained in shape by ties or strapping.
bulky waste	Large and bulky items such as furniture, whitegoods or garden waste subject to a separate Council collection service to kerbside waste.
bunded	To be enclosed by a low wall intended to contain any liquid spillage or inundation from extending beyond an area.
chute	A ventilated, essentially vertical pipe for waste disposal, passing from storey to storey of a building.
chute room	A room located on each floor of a building to enclose waste chutes or the interim storage of recyclable materials.
commercial building	Any non-residential building including hotels, boarding houses, serviced apartments and child care centres.
compactor	A mechanical device for compressing waste in storage bins. For Council-collected waste, only a compression ratio of 2:1 is permitted.
Construction Waste Plan	A written plan in the form of a declaration setting out the volume and type of waste to be generated during construction associated with a development. It nominates on-site re-use, and processes and destinations for recycling and/or disposal of residue wastes.
containerised	To store waste and recycling within rigid body containers of a type designated within these Standards, meeting the design requirements of AS4123:2008: Mobile Garbage Bins.
Demolition Waste Plan	A written plan in the form of a declaration setting out the volume and type of waste to be generated during demolition associated with a development. It nominates on-site re-use, and processes and destinations for recycling and/or disposal of residue wastes.
kerbside recycling	Separated recyclable materials (such as cans, glass and plastic bottles, paper and cardboard) generated from households and businesses collected in a Yellow Lid container for processing.
kerbside waste	Mixed waste generated from households and businesses, collected in a Red Lid container, commonly termed "garbage".
garden organic waste	Separated organic material (such as garden prunings, leaves and lawn trimmings) generated from households that is collected in a Lime Green Lid container for processing.
habitable room	A bedroom, living room or kitchen, dining room, study, play room or sun room. This includes rooms in the subject development and neighbouring developments.
hopper	A fitting into which waste is placed and from which it passes into a chute or directly into a waste container.
Mobile Garbage Bin (MGB)	A waste container typically constructed of plastic with wheels with a capacity in litres of 120, 240, 660, 1000, 1100, or 1500.
site cleaners	Contractors who collect, sort and process mixed rather than source-separated building waste.
solid waste	Has the meaning assigned in the waste classification definition section of Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act). (In general, waste that is not liquid and at a minimum can be "spaded")
Waste and Recycling Servicing Plan	A written plan and associated checklist in the form of a declaration setting out how ongoing waste and recycling management will proceed in a development, including any equipment to

	be operated as part of that ongoing waste management.
Waste Source Separation and Storage Area	An area or areas wholly on site of a development, designed to accommodate the expected waste and recycling generated by the development when occupied.
Waste and Recycling Collection Points	The designated and approved position or area where waste or recyclables are loaded onto a collection vehicle.
Waste Checklist	The summary and declaration by an applicant of the degree of compliance with these Standards for the subject development.

Council	Inner West Council
DA	Development Approval
IDAP	Interim Development Approval Policy 2013
L	litres
m	metres
m^3	cubic metres
MGB	Mobile Garbage Bin
MUD	Multi-Unit Dwelling

Relevant Australian Standards & Codes

AS 1428.1-2009	Design for access and mobility - General requirements for access - New building work
AS 1530.4-2005	Fire-resistance test of elements of construction
AS 1668-2012	The use of ventilation and air conditioning in buildings
	Part 2: Mechanical Ventilation
	Part 4: Natural Ventilation
AS 2890.1-2004	Parking facilities - Off-street car parking
AS 2890.2-2002	Parking facilities - Off-street commercial vehicle facilities
AS 4031-1992	Non-reusable containers for the collection of sharp medical items
AS 4123-2008	Mobile Garbage Containers
AS4544-2012	Composts, solid conditioners and mulches
AS 4674-2004	Design, construction and fit-out of food premises

NSW Workcover Code of Practice for Collection of Domestic Waste

This document also references the Australian National Construction Code which contains the Building Code of Australia.

Guide 1: Inner West Council Standard Services

Residential Waste and Recycling Collection Service

Waste type	Bin capacity	Standard service frequency
Garbage	120 L (houses) 240 L (units - shared x 2)	Weekly
Recycling	240 L (houses) 240 L (units - shared x 2)	Fortnightly
Garden Organics	240 L	Opt in service Fortnightly

The standard presentation space allocated for each bin is 1 metre (to allow for mechanical collection).

Bulky Waste

Council offers two general bulky waste cleanup collections each year, in May and November. Up to 3 m^3 of waste can be presented by a dwelling.

Council takes bookings outside those times for individual dwelling cleanups up to four times a year. Up to 1 m^3 of waste can be booked for collection by a dwelling.

Business Waste

Council offers a business waste service to all commercial premises within the Inner West Local Government Area.

Council's business waste service provides a standard garbage service (240 L bin) and includes a free recycling service (240 L bin). Businesses can apply to have their bins collected weekly, twice a week, or three times a week.

Council uses side-loader collection vehicles for business kerbside bin services.

Businesses may elect to have their waste and recycling collected by private contractor. Larger storage capacity bin sizes may be available, which can reduce collection frequency.

Mobile Garbage Bins (MGBs) Australian Standard Sizes

(Supplier sizes may vary slightly)

Bin Type	120L MGB	240L MGB	660L MGB	1100L MGB
Height	940 mm	1080 mm	1250 mm	1330 mm
Depth	560 mm	735 mm	850 mm	1245 mm
Width	485 mm	580 mm	1370 mm	1075 mm
Footprint allowance	0.27 sqm	0.43 sqm	1.16 sqm	1.7 sqm



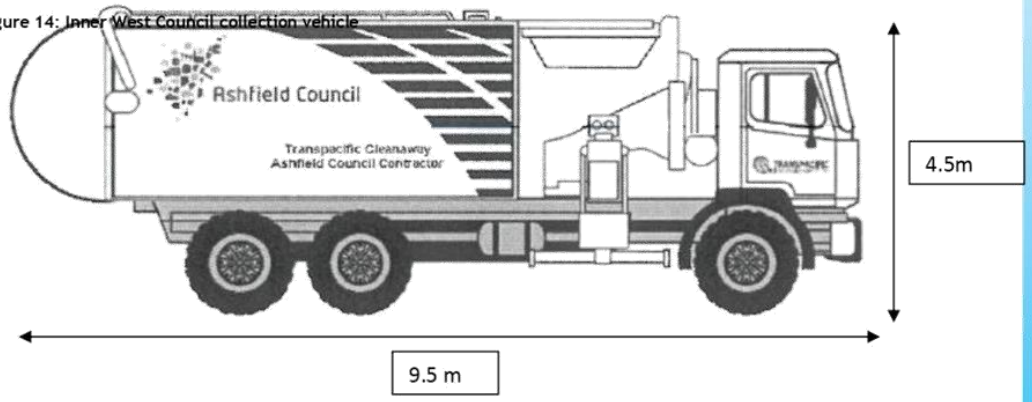
Mobile Garbage Bins (MGBs) Australian Standard Colours

Waste Type	Bin body	Bin lid	
Garbage	Dark green or black	Red	
Recycling	Dark green or black	Yellow	
Garden Organics Waste	Dark green or black	Lime Green	

Vehicle Dimensions & Tare

Council domestic waste collection vehicle specifications	
Length	9.5 metres
Width	2.6 metres
Height (travel & operational)	4.5 metres
Weight (maximum)	23.5 tonnes
Turning circle	26 metres

Figure 14: Inner West Council collection vehicle





Guide 2: Waste Source Separation and Storage Area

1. Internal Construction

1.1. The floors, walls and ceiling of dedicated waste source separation and storage areas (also known as "bin room" or "bin bay") must be finished with a rigid, smooth-faced impermeable material capable of being easily cleaned.

1.2. The floors of waste source separation and storage areas must be graded and drained to a drainage fitting approved by Sydney Water located as close as practical to the doorway.

1.3. A close-fitting and self-closing door or gate operable from within the room must be fitted and the entrance provide a minimum width clearance of 1200mm. At least one access doorway is to have sufficient dimensions to allow the entry and exit of waste containers of the largest capacity nominated for the development. These clearances will assist with flexible use of the storage area and variance in bin sizes.

1.4. The design must restrict entry of trespassers, vermin or other animals into the area.

1.5. Waste source separation and storage areas must be provided with an adequate supply of hot and cold water with a hose cock for cleaning purposes.

1.6. Waste source separation and storage areas must be provided with artificial light controlled by switches located both outside and inside the room in close proximity to the entry door.

1.7. Waste source separation and storage areas are to be ventilated by either:

- Natural ventilation openings to external air. The dimension of the permanent openings must not be less than 5 per cent of the bin bay or bin room floor area; or
- A mechanical exhaust ventilation system with a minimum exhaustion rate of 100 litres/second and a rate of 5 Litres /m^2 floor area.
- Either system is to be provided in compliance with the provisions of Australian Standard 1668:2012 The use of air conditioning and ventilation in buildings, Part 2: Mechanical Ventilation and Part 4: Natural Ventilation.

1.8. If the waste source separation and storage area is a secure holding area, a Council-approved key system will be required where necessary to allow access by collection staff. Liaison with Council staff concerning use of this system is necessary prior to the issuance of an Occupation Certificate. All costs for this are to be borne by the property management.

2. External Construction

2.1. For external waste and recycle bin storage enclosures the provisions of Internal Construction are to be applied as far as practical.

2.2. An external bin storage enclosure is to be located behind the building line where possible and screened from residential and public assessable areas through design and landscaping. The screening is to be visually consistent with the development.

2.3. An externally located bin bay can only be constructed no more than 15 metres from the property boundary at which access is provided for manual collectors. Neighbouring property boundaries should be avoided.

2.4. An external bin storage enclosure may be provided with a roller door or outwardly opening gates that can be bolted open greater than 90 degrees;

2.5. An external bin storage enclosure for more than 12 dwellings is to be roofed. If roofed, it is to have a minimum ceiling height of 2.4m and be adequately ventilated and lighted.

2.6. An external bin storage enclosure may be constructed as both storage and wash-down area, and if so is to comply with drainage requirements of **Guide 2: Waste Source Separation and Storage Areas DS1.2**. Otherwise an area for bin wash down is to be provided within the site. Preferably this area will be an unpaved earth surface or else is to be located within a bunded area drained to a sewer system.

2.7. An external bin storage enclosure is to be designed and constructed to prevent storm water and surface water from entering.

2.8. All conduits servicing an external bin storage enclosure are to be concealed in the floor, wall or ceilings.

3. Refrigerated waste storage

3.1. In some instances, Council may require that waste storage be refrigerated. This is likely if large quantities of food waste are generated on site and waste removal from this site is difficult due to its location or long trading hours. Where a waste room is refrigerated, the temperature must be maintained at or below 5°C with all refrigeration equipment installed with sufficient space for cleaning.

3.2. Construction of the refrigerated waste room must conform to provisions for Internal Construction in **Guide 2: Waste Source Separation and Storage Areas DS1.1 to DS1.6.**

3.3. The refrigerated waste room must comply with **Section G.1.2 of the National Construction Code.** The minimum size of the doorway must allow for maneuvering of the largest waste receptacle to be stored within the room.

3.4. Refrigerated waste rooms are to be fitted with an approved alarm device that is located outside, but controlled only from within the waste room.

Guide 3: Waste Chutes, Crushers & Dehydrators

Waste Chutes

Waste Chutes must

- be constructed of metal or other smooth-faced, durable, fire- and abrasion-resistant material of a non-corrosive nature, adequately for material being deposited and capable of being easily cleaned;
- be cylindrical in cross-section and the internal diameter must be a minimum 500 mm;
- be vertical without bends or "off-sets" and not reduce in diameter over the fall;
- be installed with wash down systems and noise mitigation as an integral part of their design;
- be adequately ventilated to ensure that air does not flow from the chute through any service opening.
- have a cut-off provided at or near the base of the chute to effectively close off the chute while the waste container or compacting device is withdrawn; and
- meet National Construction Code requirements, have fire mitigation systems and be located within a vertical shaft meeting National Construction Code fire resistance requirements.



3.8 m

- terminate in a Waste Source Separation and Storage Area and discharge directly into a waste container in a manner designed to avoid spillage and overflow. Shrouds between chute and containers are permitted to prevent spillage and minimise dust or spray.
- where unit numbers are sufficient, be provided with carousel or linear track systems (with or without compaction) for automatically assigning a waste bin below the chute discharge.
- Installation or use of mechanical diverters in chutes to sort various types of waste is not permitted.

Inlet hoppers for waste chutes must

- be capable of delivering the waste to the chute without using force;
- be designed to effectively close off the service opening in the chute when the device is opened for loading;
- have an effective self-sealing system returning to the closed position after use;
- be equipped with metal two (2) hour fire-rated door and throat assemblies meeting provisions of Australian Standard 1530.4-2005 Fire-resistance test of elements of construction;
- not project into the chute;
- permit easy cleaning of the device and any connection between the service opening and the chute; and
- be located not less than one metre (1 m) or more than one and one-half metres (1.5 m) above the floor level.

Glass Bottle Crushers

Bottle crushers are designed to break glass into small but recyclable-sized fragments, known as "cullet". Most crushers are integrated with a small mobile bin (typically 60 litres) to keep the weight of the cullet within limits for ease of handling. Crushers allow for much larger weights of glass to be stored in smaller volumes, reducing the storage space required for glass recycling by well over 50 per cent.

In addition, the crushers minimise noise associated with handling glass recycling by reducing the need to tip bottles

from a bar-sized bin to a larger storage bin, and also from reducing the noise at collection.

Dehydrators

Dehydrators are promoted as a means to reduce weight and volume of food waste, and many claims are made about their product being "compost" or "mature" when assessed against various index systems. Consideration of such equipment should account for the relatively high energy demand of such equipment. These units may also generate heat and moisture at undesirable levels for particular developments. Product from such systems is not to be managed as unrestricted use compost unless certified to AS4544-2012 Composts, solid conditioners and mulches.

Item 4

Attachment 3

Guide 4: Waste and Recycling Capacity Needs

Premises Type	Expected litres per 100 m^2 per day	
	Waste	Recycling
Butcher/poultry shop	185	100
Delicatessen	80	50
Fish Shop*	250	85
Greengrocer	310	120
Bakery	295	165
Default Food Retail	160	100
Supermarket	240	300
Convenience Stores	50	120
Showroom*	25	25
Hairdresser and beauty salon	40	40
Default Non-Food Retail	55	70
Backpackers Accommodation, Guest House	30	10
Boarding House (Class 3)	25	25
Hotel/Motel Accommodation	20	30
Serviced Apartments	30	20
Schools	12	4
Child Care	250	120
Medical and Optical	20	10
Services	55	10
Restaurants*	400	280

Takeaway	175	60
Cafes	215	300
Hotels, bars, clubs	90	80
Offices	20	30

	Litres per week Waste	Litres per fortnight Recycling
Apartment Dwellings	120	120

Guide 5: Standard Indemnity Deed Poll

INDEMNITY

This Deed Poll is executed on the

_____

Day / Month / Year

By the party:

_____ (Body Corporate)

Strata Corporation Name, or Community Corporation Name

_____

_____(Address)

_____ (Plan Number)

Strata Corporation Plan Number, or Community Corporation Plan Number

With respect to the services that are to be provided by:

Inner West Council ("Council")

and:

[Council Waste Services Contractor]

Whereas:

1. The Body Corporate has requested the Council, through [Contractor], to provide waste removal and/or other services to the Property.
2. The Council and [Contractor] have agreed to provide those services subject to the Body Corporate entering into this Deed of Indemnity.
3. The Body Corporate and its member owners grant to the Council and [Contractor] the right for Council and [Contractor] to enter the Property, including private roads (Roads) within the Property, and to pass and repass over the Roads with or without vehicles of any kind for the purpose of providing waste removal and/or other services.
4. The Body Corporate and its member owners acknowledge that [Contractor] or the Council will use heavy and wide vehicles in the provision of these services, and warrants that the Roads are and will, while this Deed remains in effect, be structurally suitable for access by those vehicles.

The Body Corporate agrees to:

Indemnify and keep indemnified the Council and [Contractor] and the servants and agents of each of them against all liabilities, actions, proceedings, claims, demands, costs and expenses which Council or [Contractor] may now, or at any time hereafter incur or sustain in connection with, or arising from or in respect of any claim relating to death or personal injury caused to anyone on the Property or damage to any property of the Body Corporate or of its servants, agents, licencees, tenants, lessees or invitees, or any property of all or any of the proprietors of any of the Lots in the Property or any property of the servants, agents, licencees, tenants, lessees or invitees of any of those proprietors in consequence of the provision of waste services, except that the indemnity provided in respect of death or personal injury caused to anyone on the Property is limited to the extent that the injury or death was caused by a negligent or wilful act or commission of [Contractor].

Authorised signature:

(1) Authorised Representative of the Body Corporate

Signature _____

Name _____

Plan Number _____

Plan Name _____

(2) The address of the plan: _____
_____

Item 4

Attachment 3

Guide 6: Waste Management Plans

ASHFIELD COUNCIL

DEMOLITION WASTE PLAN

Site Address	DA Number

Does Demolition Contain Asbestos? Yes ☐ No ☐

All asbestos waste is to be managed in accordance with provisions of the NSW *Work Health and Safety Regulation* 2011

Tick ☑ if under 10 m^2 ☐ Tick ☑ if over 10 m^2 ☐

WorkCover Licence No. and Class	
Demolition Contractor Details	_____ _____
Licensed destination Landfill	_____

General Demolition Waste

Type of Material	Less than 10 m^3	More than 10 m^3	How will you manage this waste?		
			Re-use On-site	Recycle	Landfill
Bricks	☐	☐	☐	☐	☐
Concrete	☐	☐	☐	☐	☐
Tiles	☐	☐	☐	☐	☐
Timber (clean)	☐	☐	☐	☐	☐
Timber (treated)	☐	☐	☐	☐	☐
Plasterboard	☐	☐	☐	☐	☐
Metals	☐	☐	☐	☐	☐
Green Waste	☐	☐	☐	☐	☐
Other	☐	☐	☐	☐	☐

Principal Off-Site Recycler	Principal Licensed Landfill Site
_____ _____ _____	_____ _____ _____

Declaration

Name of applicant (Please Print) _____

Signature of applicant _____ Date_____

ASHFIELD COUNCIL

CONSTRUCTION WASTE PLAN

Site Address		DA Number	
Will you use **Site Cleaners?**	☐ Yes, for ALL work or ☐ Yes, for some work or ☐ No	Estimated total volume or weight handled by Site Cleaners	_____
Please supply details of site cleaners used	ABN Number_____ Name_____ Suburb_____Mobile #_____		
All Excavation Material	☐ Less than 10 m^3 ☐ More than 10 m^3	☐ Re-use on-site ☐ Re-use off site ☐ Landfill Disposal	
Address if re-used off site _____ Name and Suburb of licensed landfill _____			

If using site cleaners for **ALL** work, please **STOP** here. **DO NOT** continue to complete form. Please **SIGN** declaration.

If Site Cleaners not used for all waste			How will you manage this waste?		
Type of Material	Less than 10 m^3	More than 10 m^3	Re-use on-site	Recycle	Landfill
Bricks	☐	☐	☐	☐	☐
Concrete	☐	☐	☐	☐	☐
Tiles	☐	☐	☐	☐	☐
Timber (clean)	☐	☐	☐	☐	☐
Timber (treated)	☐	☐	☐	☐	☐
Plasterboard	☐	☐	☐	☐	☐
Green Waste	☐	☐	☐	☐	☐
Other	☐	☐	☐	☐	☐

Principal Off-Site Recycler	Principal Licensed Landfill Site
_____ _____ _____	_____ _____ _____

Declaration

Name of applicant (Please Print) _____

Signature of applicant _____ Date_____

ASHFIELD COUNCIL

WASTE AND RECYCLING SERVICING PLAN

Site Address	DA Number

☐ Residential Only Development (Multi-Unit Dwellings: multi-storey or low-rise)

☐ Mixed Residential/Commercial Development (multi-storey or shop-top)

☐ Commercial only Development

The waste and recycling management meets the design objectives for this type of development?	Yes ☐ No ☐

Layout of Waste and Recycling Servicing

Drawings or plans are attached indicating the location and dimensions for both RESIDENTIAL and COMMERCIAL sections of the following: • Waste Source Separation and Storage Area(s) and Waste and Recycling Collection Point(s) • the circulation path for bins (minimum 1200mm wall-to-wall) • any required collection vehicle manoeuvring areas, and any vehicle standing areas • any garbage chute and chute rooms • the access path for collection vehicles to the Collection Point for final 30 metres or from nearest Council roadway (whichever is greater)	Yes ☐ No ☐

Residential Waste [☐ applicable ☐not applicable]

Number of residential STOREYS?		Number of residential DWELLINGS?	

	Waste	Recycling
Weekly Generation (@ 120L per residential dwelling)	L	L
Nominated storage bin size (1x240 L bin for every two units)	240L	240L
Number of bins required (divide generation by bin size, rounded up)		
TOTAL bins to be stored (waste PLUS recycling)		

TOTAL **AREA** for WASTE SOURCE SEPARATION and STORAGE	(must provide space for bins, compactors (if used), manoeuvring space, & bulky waste) (see Section 3 Clause 3.8)	m^2
Will the development include a waste chute?		Yes ☐ No ☐
Please detail the type of system (carousel, optic sensors, number of bins, provision of waste caretaker etc)		

Commercial Waste [☐ applicable ☐not applicable]

Residential waste storage is separated and secured from Commercial waste storage?		Yes ☐ No ☐
Total AREA of COMMERCIAL premises?		m^2
Commercial Premises waste and recycling storage? (If both systems used, tick both)	COMMUNAL ☐	Individual premises ☐

1. COMMERCIAL COMMUNAL STORAGE		
Calculate using floor area of commercial premises type X daily waste generation at 'Guide 4' X number of business days per week	Waste	Recycling
Weekly Generation	L	L
Nominated storage bin size(s) (240 L maximum for Council Business Waste collection)	☐ 240 L ☐ 660 L ☐ 1100 L ☐ Other _____L	☐ 240 L ☐ 660 L n/a ☐ Other _____L
Number of bins required (rounded up)	240 L 660 L 1100 L Other _____L	240 L 660 L Other _____L

TOTAL bins to be stored (waste PLUS recycling)		240 L
		660 L
		1100 L
		Other _____L
Are BALERS, CRUSHERS or other reduction systems used for recycling?	Unsuitable for Council Business Waste collection, but may alter storage area for recycling (see Section 4 Clause 2.12)	Yes ☐ No ☐
TOTAL AREA for COMMERCIAL WASTE SOURCE SEPARATION and STORAGE	(must provide space for bins, waste equipment (if used), manoeuvring space, & bulky waste) (see Section 4 Clause 2.11)	m^2

2. INDIVIDUAL COMMERCIAL PREMISES STORAGE		
For any separate waste storage areas by individual premises, calculate each premises type's weekly waste generation and storage requirements as per the communal storage requirements, then provide TOTAL below.		
TOTAL AREAs for COMMERCIAL WASTE SOURCE SEPARATION and STORAGE	(must provide space for bins, compactors (if used), manoeuvring space, & bulky waste) (see Section 4 Clause 2.11)	m^2

Declaration

Name of applicant (Please Print) _____

Signature of applicant _____ Date_____

Guide 7: Waste Management Plan Checklist

A completed and signed copy of this checklist must accompany any Waste and Recycling Servicing Plan.

Applicant		
Contact details	Email:	Phone:
DA number		
Site location		

Waste Management Plans

1	Has a completed DEMOLITION Waste Plan been provided (if Demolition works needed)?	Yes or n/a ☐ No ☐
2	Has a completed CONSTRUCTION Waste Plan been provided?	Yes ☐ No ☐
3	Has a completed Waste and Recycling SERVICING Plan been provided?	Yes ☐ No ☐
4	Does the SERVICING Plan fully comply with the Waste and Recycling Design and Management Standards for New Developments?	Yes ☐ No ☐

Storage of Waste & Recycling

5	Is there sufficient space allocated within each dwelling for two day's waste and recycling?	Yes ☐ No ☐
6	Is there a Waste Source Separation and Storage Area provided?	Yes ☐ No ☐
7	If units, has provision been made for 1 x 240L garbage bin and 1 x 240L recycling bin for every two units?	Yes ☐ No ☐
8	Is there sufficient area in the Storage Area for the garbage and recycle bins, waste equipment, PLUS manoeuvring space, as well as Bulky waste?	Yes ☐ No ☐
9	Are any access openings or doors to the Storage Area a minimum of 1200mm wide (or provide clearance for the dimensions of the largest capacity bin used) ?	Yes ☐ No ☐
10	Has adequate ventilation to AS 1668-2012 been provided for the Storage Area ?	Yes ☐ No ☐
11	Has lighting been provided for the Storage Area (automatic lighting if accessed by residents) ?	Yes ☐ No ☐
12	Has hot and cold water with hose cock been provided for the Storage Area? Is the area graded and drained to a Sydney Water approved sewer drain?	Yes ☐ No ☐
13	Has standard signage for use of the waste and recycling services been included?	Yes ☐ No ☐
14	If compactor included, is the area where this is operated secured by keyed lock for safety?	Yes or n/a ☐ No ☐
15	Has provision been made for a composting/worm farm area?	Yes ☐ No ☐
16	If an EXTERNAL bin bay, is it roofed ?(when development greater than 12 dwellings)	Yes or n/a ☐ No ☐

Storage Variation

17	Does the area calculated under the design standards for a Waste Source Separation and Storage area match the Storage Area provided on the plan?	Yes ☐ No ☐

Circulation of Waste & Recycling

18	Is there a garbage chute system included? If NO, proceed to question 19	Yes ☐ No ☐
18a	Is a chute room provided on each storey above the Waste Source Separation & Storage Area?	Yes ☐ No ☐
18b	Is there sufficient space allocated for recycling in the chute room(s)? (1 x 240 L recycling bin for every 4 dwellings on the storey)	Yes ☐ No ☐
18c	Has standard signage been included for each chute room?	Yes ☐ No ☐
18d	If included, is the area where the chute discharges secured by keyed lock for safety?	Yes ☐ No ☐

19	If no garbage chute is installed, please describe how waste and recycling are to be disposed to the Waste Source Separation and Storage Area?	
	☐ Residents drop off directly ☐ Interim disposal points (caretaker circulates bins) ☐ Other (describe) _____	
20	What is the maximum distance from any dwelling entrance to the garbage disposal point (whether disposal is to a Waste Storage Area or chute)?	metres
21	Is the access pathway from the Waste Source Separation & Storage Area to the Collection Point a minimum 1200mm wall-to-wall, with a gradient no greater than 1:12, and free of steps and obstructions?	Yes ☐ No ☐
22	If a chute or compactor are included in the design, a Waste Caretaker is to be engaged to manage waste and recycling systems on site. Will a Waste Caretaker be engaged?	Yes ☐ No ☐

Collection of Waste

23	Select the proposed LOCATION of the Collection Point? *(Please complete relevant sub-questions)*		
☐ KERBSIDE		What is the available kerbside frontage for presenting bins? (exclude vehicle access ways and obstructions)	metres
		Is this sufficient for standard presentation of the number of bins? (see *Guide 1*)	Yes ☐ No ☐
☐ INTERIOR TO BUILDING or DEVELOPMENT SITE		Are clearances and pavements sufficient for Council Standard Services vehicle? (see *Guide 1*)	Yes ☐ No ☐
		Have you prepared a Standard Indemnity?	Yes ☐ No ☐
☐ STREET-LEVEL HOLDING ROOM		Is the room provided with a Council-approved key system?	Yes ☐ No ☐
		Is the access path to where the collection vehicle will stand free of obstructions?	Yes ☐ No ☐
24	What is the maximum distance from the garbage/recycling room to the collection point or street frontage?		metres
25	Does this distance comply with maximum movement distances for the bin sizes used at the development? (see Section 2 Clause 4.5)		Yes ☐ No ☐
26	Is street access to the designated Collection Point suitable for Council Standard Services vehicles confirmed on plan?		Yes ☐ No ☐

Mixed Residential/Commercial

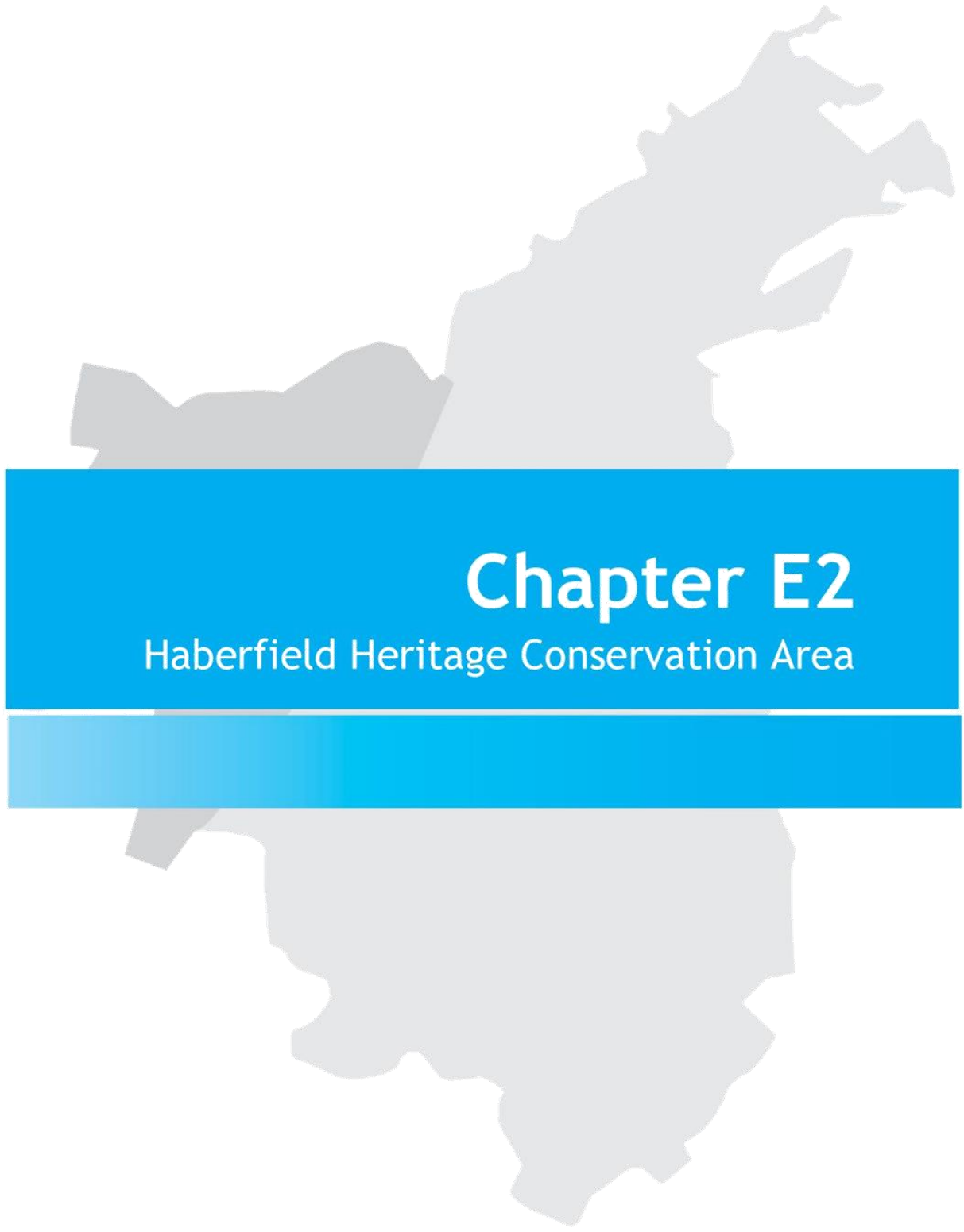
27	Are the residential and commercial waste areas provided with separated and secured Waste Source Separation and Storage Areas?	Yes ☐ No ☐
28	If more than 500m^2 of retail, or 2000m^2 of offices, has a minimum 4 m^2 separate storage for COMMERCIAL bulky waste been allocated?	Yes or n/a ☐ No ☐
29	Has sufficient space close to retail/commercial premises been allocated for interim storage of re-usable commercial items such as crates, pallets, kegs and similar items?	Yes ☐ No ☐

If you have answered 'No' to any of the above questions, except the response with a greyed-out box, please provide an additional document with details of any alternative solutions proposed for Waste and Recycling Servicing.

Declaration

Name of applicant (Please Print) _____

Signature of applicant _____ Date_____



Chapter E2

Haberfield Heritage Conservation Area

Table of Contents

E2	**Haberfield Heritage Conservation Area**	
1	**Preliminary**	
	Introduction	3
	Purpose	3
	Objectives	3
	Background	3
	Interpretation	7
2	**Detailed Planning Measures for Residential Properties**	
	Pattern of Development	9
	Building Form	10
	Roof Forms	13
	Siting, Setbacks and Levels	14
	Walls	16
	Chimneys	16
	Joinery	17
	Windows and Doors	18
	Window Sunhoods, Blinds and Awnings	20
	Verandahs	20
	Garages and Carports	21
	Garden Sheds/Store Sheds, etc	22
	Colour Schemes	23
	Fences and Gates	24
	Garden Elements, Including Paving, Driveways, Pergolas and Pools	25
	Treatment of Non-Conforming Houses	26
3	**Planning Measures for Commercial Properties**	
	Commercial Buildings	28
4	**Miscellaneous**	
	Modern Technological Developments	31
	Dual Occupancy	31

Section 1 - Preliminary

Introduction

Chapter E2 supports the LEP by providing additional objectives and development standards for development within the Haberfield Heritage Conservation Area.

Chapter E2 applies to the Haberfield Heritage Conservation Area listed as C2 in Schedule 5 - Environmental Heritage of the Ashfield LEP 2013.

Purpose

a) Augment the provisions of the Ashfield Local Environmental Plan in respect of the Haberfield Heritage Conservation Area.

b) Provide residents, landowners, purchasers and developers with a document which sets out in detail the Inner West Council's policy on change within the Haberfield Heritage Conservation Area.

Objectives

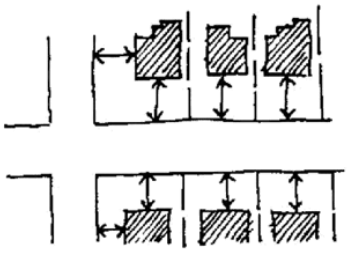
To keep the qualities which contribute to the heritage significance of the historic suburb of Haberfield;

To allow necessary change, but only where it will not remove or detract from those special qualities;

To ensure that necessary change, such as alterations and extensions to existing buildings, will respect the contribution of those buildings to the heritage significance of Haberfield and will have no ill effect on the heritage significance of Haberfield as a whole;

To ensure that where new buildings can be constructed, they are carefully designed to fit in with the heritage significance and character of Haberfield as a whole;

To encourage the removal and reversal of those components which detract from the heritage significance of Haberfield.



HABERFIELD'S PATTERN OF HOUSE PLACEMENT AND SETBACKS SHOULD NOT BE DISTURBED

Background

What is important about Haberfield? - What can you do to conserve it?

Haberfield has long been recognised as a suburb of heritage significance to NSW and indeed to Australia. It was listed

as an Urban Conservation Area by the National Trust in 1978, and has been included on the Register of the National Estate since 1990.

Why Haberfield is important - a statement of significance

Haberfield has historic significance as the first successful comprehensively planned and marketed Garden Suburb in Australia. Designed and developed by real estate entrepreneur and town planning advocate, Richard Stanton, its subdivision layout and tree lined streets, its pattern of separate houses on individual lots (the antithesis of the unhealthy crowded inner suburbs of the period) and its buildings and materials, clearly illustrate his design and estate management principles. Haberfield pre-dates the first Garden Suburbs in Britain by some five years.

It is significant in the history of town planning in NSW. The separation of land uses, exclusion of industry and hotels, designation of land for community facilities and its comprehensive provision of utility services and pre-development estate landscaping profoundly affected housing trends, state subdivision practice and planning legislation in 20th century Australia.

It is significant in the history of Australian domestic architecture for its fine ensemble of Federation houses and their fences, and shops, most with their decorative elements intact.

It is outstanding for its collection of modest Federation houses displaying skilful use of materials and a high standard of workmanship of innovative design and detail particularly reflective of the burgeoning naturalistic spirit of the Federation era in which they were built.

The form, materials, scale and setback of buildings and their landscaped gardens fronting tree lined streets together provide mature streetscapes of aesthetic appeal.

Haberfield is a major research repository of the Federation era, garden design and plant material, architectural detail, modest house planning, public landscaping and utility provision.

Haberfield and its history

The present day suburb of Haberfield occupies all the land north of Parramatta Road between Iron Cove and Long Cove Creeks granted to Nicholas Bayly in 1803. It was purchased in 1805 by emancipist and successful businessman and land owner, Simeon Lord, for 850 pounds. Lord named these 480 acres "Dobroyde" for his cousin's home in Lancastershire. When his eldest daughter, Sarah, married Mr David Ramsay in 1825, the Dobroyd Estate was part of her marriage settlement.

Mr Ramsay died in 1860, leaving his widow to dedicate land for church, manse, school and cemetery (St David's, Dalhousie Street) and to divide the rest of the Dobroyd Estate amongst their ten children.

Three of the Ramsay children put portion of their land up for sale in the 1880s. Louisa's land was subdivided into villa allotments in 1885. However, despite the extension of the tramway from Leichhardt along Ramsay Street to Five Dock, it would appear that very few villas were constructed, probably because of the restraints put on investment and development by the Depression of the 1890s.

Haberfield owes its reputation today as Australia's first Garden Suburb to the successive purchase and development of much of the Ramsay children's estates by R Stanton and W H Nicholls, real estate agents of Summer Hill.

Stanton was a friend of John Sulman, British immigrant and dominant figure in the town planning debate in Australia at the turn of the century. Australia's urban areas, particularly Sydney, faced problems of health and poverty as the rapidly growing post-Gold Rush population crowded into the cities. People were housed in unsewered terrace buildings and household drains often flowed into the back lanes. Debate about the state of our cities led to a Royal Commission in 1909, which Sulman addressed. He was aware of the British Garden City Movement which was concerned about the unhealthy effects of crowded industrial cities. It sought to design and build self-sufficient cities where industrial, commercial and residential land uses were separated, where houses were set in gardens and adequate space for agriculture and parkland was provided. Sulman lectured about town planning and architecture at Sydney University in the 1880s and gave public lectures about towns and planning. In 1914 he brought leaders of the

Garden City Movement to lecture in Australia.[1]

The Garden Suburb was the lesser and more marketable offshoot of the Garden City ideals. It sought to provide pleasant healthy model suburban estates. Stanton's Haberfield estate was the first successful Garden Suburb in Australia, predating the first in Britain (Hampstead) by five years.

Stanton and Nicholls purchased fifty acres from two Ramsay children in 1901, and laid out the estate on Stanton's own principles of garden suburb design and management. He set aside land for commercial purposes (there were to be no hotels, no corner shops and no factories in this model suburb); laid out the roads (named for members of the new Federal Government - Turner, Barton, Forrest, Kingston & O'Connor - and the generous allotments; established an integrated drainage and sewerage system at the back of the lots and planted the street trees. High quality modest houses designed by estate architects, Spencer, Stansfield and Wormald, were built for sale, and title covenants were placed on vacant allotments to ensure a continuation of Stanton's overall design intentions - single storey cottages, one per allotment, uniform setbacks, and quality materials, brick and stone, slate or tiles. Gardens were laid out by estate gardeners before owners moved in.[2]

So successful was this first venture that in 1903 Stanton purchased more of the Ramsay estates between Ramsay Street and Parramatta Road. It is no wonder that other development companies quickly imitated his principles: the Dobroyd Park Estate in 1905 and the Dobroyd Point Estate in 1910 to the west and north of Stanton's estates benefited by proximity to his marketing successes.

It is unusual for any subdivision to be fully developed immediately, but the Stanton Estates were remarkable for the short time frame in which most of them were built upon. Where vacant lots remained these were built on in the 1920s, 1930s and 1940s, and an examination of the period of each house can provide an interesting history lesson in the progressive development of the suburb.

Sydney's great suburban boom following the end of the First World War saw houses built on many of the vacant allotments. However, it was not until the 1940s that all the allotments were built upon. By the 1960s and 1970s some of the original houses had been demolished for flats or larger houses. Others have so visibly changed by reskinning of outer walls that only their original roof shape and footprint remains beneath.

Haberfield Today

As a result of Stanton's commitment to quality construction and design and to his application of title covenants the residential parts of Haberfield are characterised today by single storey brick houses on generous garden lots with uniform setbacks and a similarity of form and materials.

Within this common design, the architectural detail of the individual Federation houses (and later 1920s and 1930s bungalows) is richly varied and of great visual and architectural significance as a family of modest Federation designs.

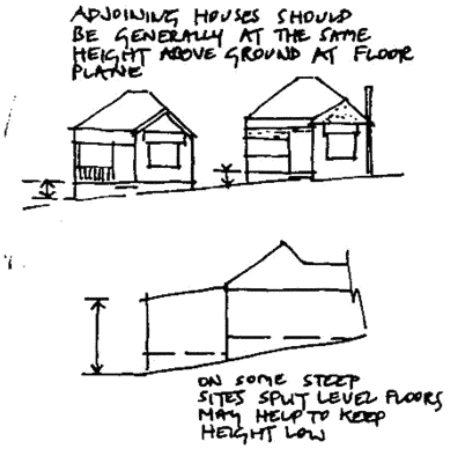
What you can do

Conservation Areas such as Haberfield are a proven tourist attraction and their careful conservation will continue to enhance real estate values, improve local business and increase amenity for residents. Therefore:

- Make those changes that are necessary.
- Make sure such changes respect existing buildings and gardens in their siting, scale and general shape. This does not mean "faking up" a new building to look old. This debases the value of the original Haberfield buildings, and is not needed nor acceptable.
- Direct change towards keeping, revealing or reinstating the original building. Recent inappropriate changes should be evaluated for removal if possible.
- Give the same careful consideration to changes to the back of houses and shops as you would to these visible from the street or a public place because they could alter the harmonious proportion and scale common to the suburb.

[1] Burke, Sheridan: The Garden Suburb in NSW & the Conservation of Haberfield. M. Sc. Thesis (Architecture & Conservaton), University of Sydney, 1985.
[2] Crow, Vincent: Haberfield - the Development of its Character Ashfield & District Historical Society, 1978.

- Avoid even minor alterations (such as removing finials) or additions (such as enclosing a verandah) because changes to building details reduce the historical, architectural and real estate value of the individual building, reduce its relationship with neighbouring buildings, and the heritage value of Haberfield which has such a strong common design theme.



Interpretation

Adaption	Means modifying a place to suit proposed compatible uses.
Alter and Alteration	Means the making of structural changes to the outside of the building or work or the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the building or work not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the building or work.
Compatible use	Means a use which involves no change to the culturally significant fabric, or changes which are substantially reversible, or which will have minimal impact.
Conservation	Means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstance include preservation, restoration, reconstruction and adaption in any one place and will be commonly a combination of more than one of these
Heritage Conservation Area	Means an area identified in this plan as a heritage conservation area.
Demolition	In relation to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the building or work in whole or in part.
Dual Occupancy Development	Means development that results in 2 dwellings (whether attached or detached) on a single allotment or land or which would have that result were it not for the fact that the allotment is to be subdivided as part of the development, however that development is described or provided for in an environmental planning instrument.
Fabric	Means all the physical material of the place.
Heritage Significance	Means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance for past, present or future generations.
Maintenance	Means the continuous protective care of the fabric, contents and setting of a place, but does not include repair
Non-conforming Building	Is a building that has replaced a building which was constructed in accordance with Stanton's original covenants.
Place	Means site, area, building or other work, group of buildings or other works together with associated contents and surroundings.
Preservation	Means maintaining the fabric of a building or work in its existing state and retarding deterioration.

Reconstruction	Means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric.
Restoration	Means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
Relic	Means any deposit, object or material evidence relating to the settlement (including Aboriginal habitation) of the area of the Inner West Municipality, which is more than 50 or more years.
Repair	Means the restoration or reconstruction of a place.
Modern technologies	This includes solar hot water/photo-voltaic systems, telecommunication structures, and other development of modern technology which are of recent invention.

Section 2 - Detailed Planning Measures for Residential Properties

Pattern of Development

2.1 Description

Haberfield differs from the Victorian inner suburbs which preceded it because it comprises generous suburban allotments which contain one house only. It is characterised by a uniform pattern of development: roads are of a regular width with the original tree planting remaining in many of the verges and because a drainage and sewerage system were in place at the back of the lot before building began there is a lack of night-soil back lanes; lots are of similar width and allowed fresh air to flow between the buildings, length of lots vary where the street pattern diverges in response to the alignment of earlier roads - Parramatta Road, Ramsay Street and other tracks on the Dobroyd Estate.

There is a uniform building setback of approximately 6 metres, and a fairly uniform site coverage, reflecting Stanton's original building covenants and the subsequent extension of their use over the rest of the Dobroyd Estate.

2.2 Significance

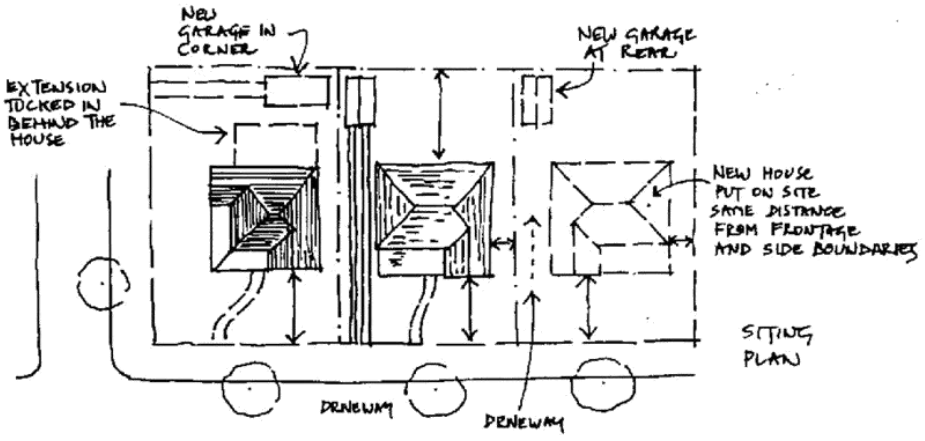
The pattern of development demonstrates the Garden Suburb ideals of creating a healthy and pleasant living environment, espoused by Richard Stanton and his professional colleagues in the town planning and real estate institutes. At Haberfield these ideals were designed and developed, protected by covenants and marketed to create Australia's first Garden Suburb. This pre-dated the first similar English Garden Suburb by three years, and established the principles for Australian suburbia for the next seventy years.

2.3 Controls

a) Subdivision of existing allotments would be detrimental to the heritage significance of the Garden Suburb and is not acceptable.

b) Any new development (new building or extension to an existing building) shall produce site coverage similar in pattern and size to the site coverage established by the original development of the suburb.

c) \No new structures are to be built forward of the existing building line. Car standing spaces with light shelters (carports) may be permitted where access is impossible to the rear of the house, and where such a structure is subservient to the existing dwelling house and does not intrude upon the house or onto the established streetscape.



Building Form

2.4 Description

Residential buildings in Haberfield are uniformly single storey and of a similar bulk. They are built of a restricted range of building materials (bricks, slate or unglazed tiles) and are of a similar shape but individually designed.

The style of their architecture is mostly Federation, but it includes many 1920s and 1930s bungalows, through to the pink brick cottage of the 1940s.

2.5 Significance

Historically the houses of Haberfield are significant as they form part of the first comprehensively planned and successfully marketed model Garden Suburb in Australia.

Architecturally the houses, although of individual design, are strongly related to one another and are collectively significant for the homogeneity of their bulk and single storey built form. Individually, the houses are significant for their rich variety of architectural detail and excellence of design. The architectural style of each house identifies the period of its construction and documents the development history of the suburb.

2.6 Controls

a) Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are not permitted.

b) Where a building, other than a non-conforming building has undergone limited change, restoration and repair of the original front of the building is encouraged.

c) Where a building, other than a non-conforming building has suffered major alteration, reinstatement is encouraged. When no surviving physical or documentary evidence of the original can be found, reconstruction similar to the neighbouring or other original Haberfield houses is encouraged.

d) Extensions shall not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings.

e) Extensions are permitted only to the rear. In certain circumstances (where there is inadequate rear land) modest side extensions may be allowed where this does not alter or overwhelm the original front façade or the presentation of the house from the street.

f) Where extensions are involved, new roofs are to be lower than the main roof form with a maximum height considerably less than the principal ridge point.

g) The overall length of any extension is to be less than, and secondary to, the original house.

h) New roof shapes may include gables and gablets where these are related to shapes already present in the main roof, and where they are subordinate to the main roof shape. Dormer windows, juliet balconies and similar protrusions will not be permitted.

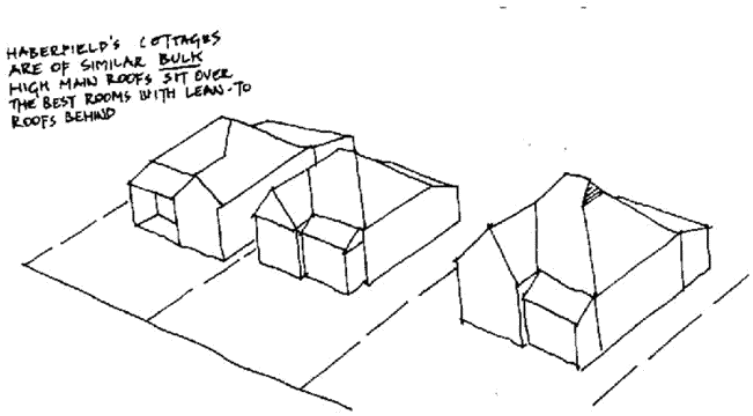
i) Attic rooms can be built within the main roof shape where they do not involve alteration of the roof shape. They are to be modest in scale and comprise one (1) or at the most two (2) rooms capable of habitation. Attic windows in the front or side faces of the main roof are not permitted

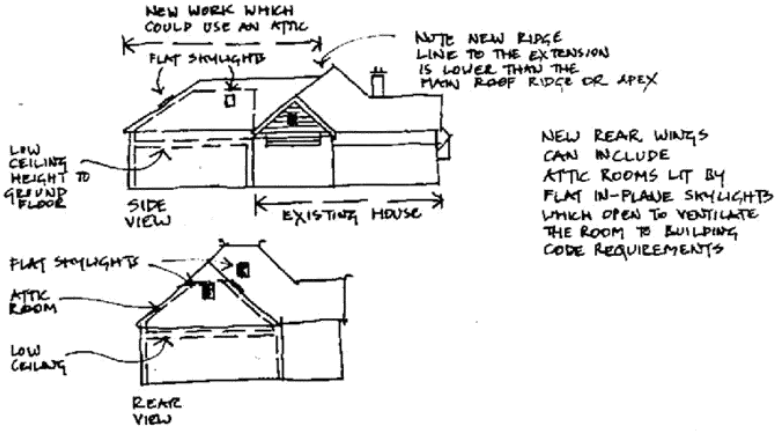
j) Rear extensions containing an attic may be considered where the attic does not cause the extension to compete with the scale and shape of the main roof and is not visible from a public place.

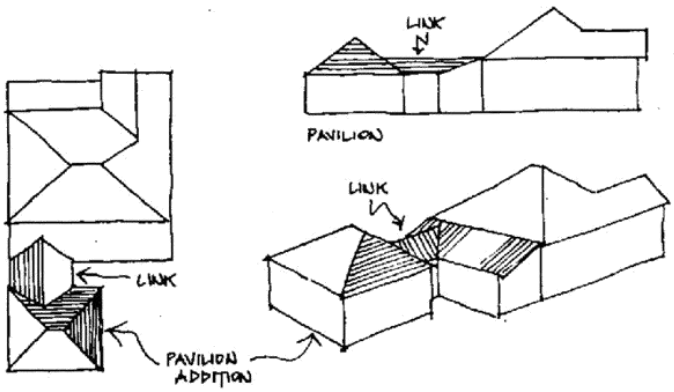
k) Where attics are permitted, their windows shall be located in rear gable ends or gablets. They shall be discreet in scale and appearance and cannot be visible from a public place. Where extensions to existing roofs are being undertaken, modest sized in-line skylights may be considered in the side and rear planes of

the extension only, and limited to one such window per roof plane.

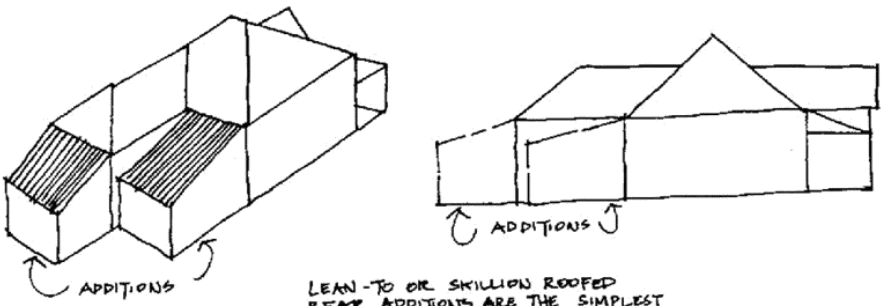
l) Extensions shall not employ any major or prominent design elements that compete with the architectural features of the existing building.



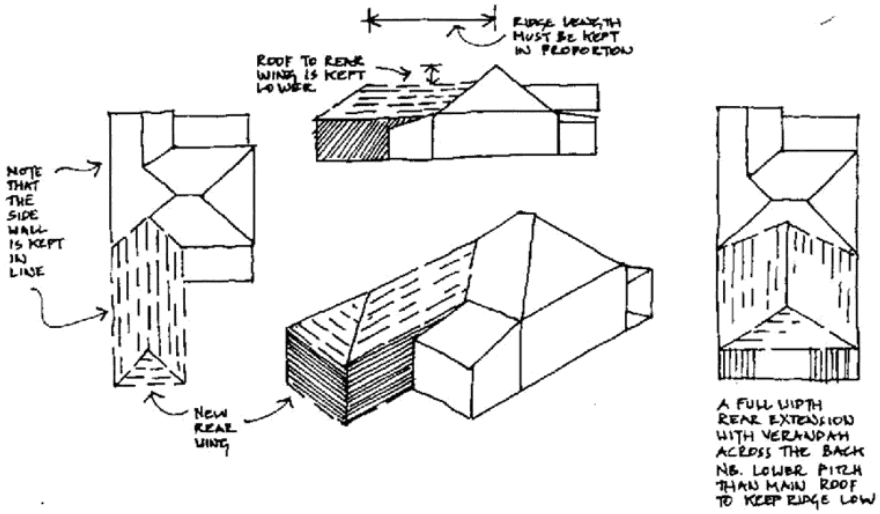




PAVILION EXTENSION CONCEPT



LEAN-TO OR SKILLION ROOFED REAR ADDITIONS ARE THE SIMPLEST WAY TO GAIN EXTRA SPACE. SKILLIONS ARE QUITE TRADITIONAL IN HABERFIELD



Roof Forms

2.7 Description

Roofs of the Federation Period are steeply pitched (30°-40°) and massive in form. After the First World War roofs were built to a lower pitch (25°-35°) as a result of change in style and the need for economy.

The roofs are complex in design and this accentuates the single storey scale of the house. The mass and bulk of the roof generally extends only over the main rooms of a house, with skillion roofs to the rear. This allows the house to maintain a visual balance and not dominate its garden setting.

Tall chimneys help to balance the massive forms of the roof.

Roofs are characterised by a picturesque arrangement of a variety of gables, gablets, vents, hips, conical turrets and deep jutting eaves and decorated with terra cotta finials, crests and ridge cappings. Some roofs are fairly plain, while others are intricately detailed.

Architectural details, such as finials, ridge cappings and the detailing of exposed eaves, are among the most visible characteristics of Haberfield houses and an important part of their picturesque qualities.

Stanton's covenants restricted roof materials to slates or unglazed terra cotta Marseilles pattern tiles, with unglazed terra cotta finials, crests and ridge cappings. Corrugated galvanised iron was used at the rear on skillions and lean-to rooms built soon after the brick house was finished. Areas not covered by Stanton's covenants also had main roofs of corrugated iron, asbestos cement and shingle tiles.

Some roofs have been altered over time. In many instances the original roof shape can be reinstated where it can be based on documentary evidence.

2.8 Significance

The roof shape and materials, as an integral part of the design of the house, help identify the architectural style and

period in which the house was built.

The complex roof forms and decorative detail are important identifying characteristics of the Federation house.

The tall chimneys and ridge decoration provide a visually interesting skyline and identify the suburb from afar.

2.9 Controls

Since roof shapes are integral with building shape, this section should be read in conjunction with Clauses 2.4 - 2.6 of this Plan.

Roof extensions are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials.

New buildings are to have roofs that reflect the size, mass, shape and pitch of the neighbouring original roofs.

Roof extensions are to be considerably lower than the original roof and clearly differentiated between the original and the new section. (See Clause 2.6)

Replacement roof materials are to match original materials or are to employ approved alternative materials. Suitable roof materials are: unglazed terra cotta Marseilles tiles; Welsh slate; approved fibrous cement tiles; and at the rear, corrugated non-reflective galvanised steel sheeting (painted or natural).

Roof details such as finials, ridge capping, are to be maintained, repaired and reinstated where necessary.



THE ROOFS OF HABERFIELD'S COTTAGES ARE ALL INDIVIDUAL BUT HAVE STRONG FAMILY RESEMBLANCES. THEIR HIPS & GABLES GIVE THEM DISTINCT CHARACTER & MATERIALS HELP TO UNIFY THEM

Siting, Setbacks and Levels

2.10 Description

Haberfield is notable for the uniformity of its building site-coverage and siting. Most houses are free standing with car access down one side, and a traditional tradesmen's path down the other.

Development on corner sites is usually sensitive to the pivotal position they occupy in both streetscapes.

Houses are set back approximately six metres from the footpath alignment. This provides for a front garden in which to present the house and allows for privacy.

Haberfield houses are set close to natural ground level. There is no substantial difference between the main floor levels of adjacent houses.

Some houses, located on sloping sites, have a sub-floor or basement level located within the foundations. The lower level does not compete with the main level of the house. Basement doors and windows are small, plainly treated, and are not visible from outside the property. The space within the below-floor area is used for laundries, store or workrooms or sometimes garages, but not for extra living areas.

2.11 Significance

The uniform pattern of site coverage and setbacks is one of the most significant aspects of Haberfield, demonstrating

Stanton's Garden Suburb ideals and establishing the principles for Australian suburban development. The close relationship between ground floor and natural ground level means that the overall built form of Haberfield reflects the underlying natural topography.

2.12 Controls

The established pattern of front and side setbacks should be kept.

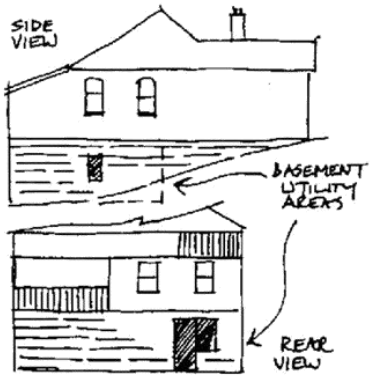
New residential buildings or extensions should not be built forward of existing front building lines.

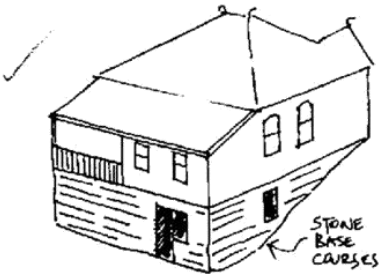
Site coverage should be similar to the traditional pattern of development, leaving generous green garden space to the front and back areas.

There should be no substantial or visible difference between the main floor levels of adjacent houses unless natural ground levels require this.

Where natural land slope allows, sub-floor and basement development is permitted for use as laundries, storerooms, workrooms or garages.

Where land slope or the existing plate height allows, split level development is permitted so long as the structure complies with Clauses 2.7 - 2.9 'Roof Forms' of this Plan, and does not result in visible of otherwise explicit two-storey development.





ON SITES SLOPING STEEPLY AWAY FROM THE STREET THE OPPORTUNITIES FOR BASEMENTS USUALLY SAW LAUNDRIES ETC PLACED UNDER THE HOUSE, WITH SMALL WINDOWS AND FEW DOORS

Walls

2.13 Description

Stanton's covenants required that the main wall be built of brick. This uniformity of materials is part of the distinctive character of Haberfield today.

The houses are built of cavity brick walls, an innovation at that time, with machine-made smooth-faced bricks. The precision of the brickwork is accentuated on the main elevation by the use of tuck-pointing, usually in white or black.

The front elevation commonly makes decorative use of bricks such as shaped and moulded brick profiles, or two-toned brickwork, sometimes roughcast and shingle work is used. Side and rear walls are generally built of common bricks.

The walls of the houses in Haberfield are often divided horizontally into two or three distinct sections, for example, the base course can be rough cut sandstone or mock ashlar (rendered brickwork) with the main wall of tuck-pointed facebrick or commons, and occasionally an upper section of contrasting roughcast finish, often accented with a frieze of brick bands. The gable ends often feature brick or timber strapwork, and timber ventilating panels of louvres framed by fretwork shapes.

2.14 Significance

The brick walls of Haberfield reflect Stanton's covenants on building materials and the extension of those covenants onto later adjoining suburban development. The use of cavity brick walls was innovative for its time.

Within the limitations imposed by the sole use of brick, a variety of wall treatments and decoration contribute to the distinctive character of the suburb.

2.15 Controls

a) The original shape and materials of the front and side walls shall not be altered.

b) The removal of the external skin or rendering of an exterior wall is not permitted, unless an essential part of approved reconstruction and authentic restoration works.

c) Unpainted surfaces shall not be painted.

d) In repairing the fabric of external walls, matching materials shall be used.

e) Reconstruction of walls previously re-skinned is encouraged using machined smooth faced bricks similar in colour to those on original Haberfield houses.

Chimneys

2.16 Description

Federation houses commonly have three or more tall chimneys, heightened by terra cotta chimney pots. Houses of the 1920s and 1930s have fewer chimneys and they are not as tall. Although many chimneys are no longer used, they remain essential elements in the design of each house and in its architectural decoration. They stand out on the skyline.

2.17 Significance

Chimneys are essential elements in the design of the houses of Haberfield: their height helps to balance and articulate the massive forms of the roofs; they create a distinctive skyline identifying the Federation suburb from afar. Chimneys also provide a means of elaborate architectural expression reflecting the stylistic influences of the time.

2.18 Controls

a) Chimneys cannot be demolished, unless they are structurally unsound and only when followed by immediate reconstruction in the original design.

b) All chimneys are to be retained internally and externally. Where necessary chimneys should be repaired even if the fireplace is no longer in use.

c) Reconstruction of original chimneys is encouraged.

Joinery

2.19 Description

Decorative timber work is used on verandahs, gables, vents, bargeboards, windows, doors, screens and fences. It is used boldly and painted various colours.

2.20 Significance

Internal and external decorative timber work is an integral part of the distinctive detailed design of Federation house and of houses in the 1920s. It was a way of expressing the individuality of houses which were otherwise similar in scale and shape.

It provides a light and textured contrast to the solid brick walls of houses and shops and their slate and tiled roofs. The interplay of sun and shadow through the decorative timber creates ever changing patterns on the buildings.

2.21 Controls

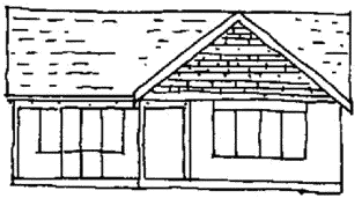
a) Existing joinery is to be kept, maintained and repaired where necessary.

b) Authentic reconstruction or reinstatement of missing joinery is encouraged.

c) Timber detailing on extensions and alterations shall respect the existing detailing but avoid excessive copying and over embellishment. Simpler approaches are best.



THE INTRICATE FORMS AND DETAILS OF HABERFIELD'S HOUSES AND THE JUXTAPOSITION OF DIFFERENT MATERIALS PROVIDE NEW DESIGNERS WITH PLENTY OF ROOM FOR CREATIVE THINKING



SIMPLIFIED DETAILS AND THE SAME FAMILY OF MATERIALS SHOULD ASSIST AN ENDLESS VARIETY OF SMALLER COTTAGE TYPES TO BE DEVISED.

Windows and Doors

2.22 Description

A great variety of window shapes, sizes and styles are found in Haberfield. The location and shape of the windows individualise each house. Windows can be positioned in the centre or to one side of a wall; they can be mounted flush or projecting from the wall. Windows are either double-hung sash or casement opening. They are typically rectangular in shape and of vertical proportion. Bay and oriel windows are sometimes used, and highlights and side lights are typical in Federation houses.

A small circular or semi circular decorative window is an architectural feature often used in the principal part of the house. Occasionally other shapes are used. Casement windows, often with matching transoms, are usually located at the front, with simple sash windows being used at the sides and rear. Windows reflect the relative importance of the room to which they belong. The use of bullnose sill bricks and arch-shape header brickwork is characteristic.

The extensive use of decorative glazing and coloured glass is an important feature. Multi-coloured or textured glass are used in the upper fanlights to doors and windows. Leadlight glazing in Art Nouveau designs is prominent. It was expensive and is generally limited to windows facing the street where it could be admired by passers-by.

Windows and external doors are made of timber and are invariably painted. Doors frequently feature decorative mouldings with the detail painted in contrasting colours.

2.23 Significance

Window and doors are an integral part of the design of each building in Haberfield. Their design reflects the relative importance of the room to which they belong.

The extensive use of coloured and decorative glazing to windows and doors illustrates the architectural detailing of the period, and the aspirations of the original owners. Haberfield is important today because it houses in situ a rich collection of this decorative art.

2.24 Controls

a) Original doors and windows are to be kept, maintained and repaired when necessary. Where necessary authentic reconstruction is encouraged.

b) Original leadlight and coloured glass panes are to be kept and restored, matched or reconstructed where necessary.

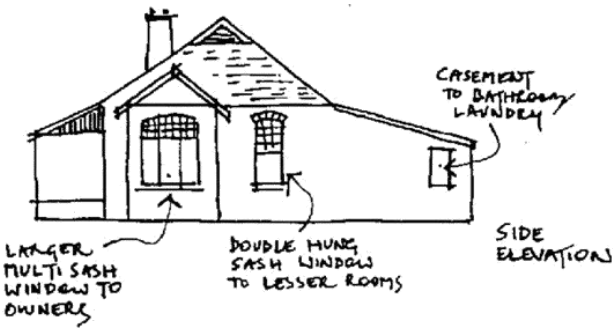
c) The size and style of new doors and windows should reflect the relative importance of the room to which they belong.

d) New doors and windows are to reflect the proportion, location, size, sill heights, header treatment, materials, detailing and glazing pattern of the original doors and windows on the house to which they belong.

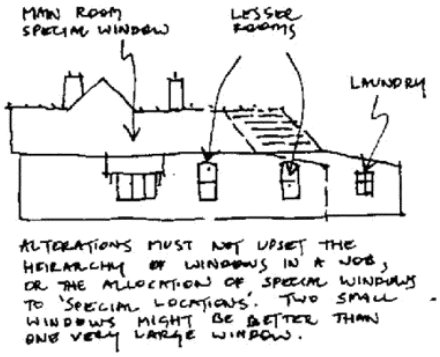
e) If no indication of original treatment is available, new doors or windows should be vertical and be kept simple.



WINDOW PATTERNS (FENESTRATION)



THROUGH ITS WINDOWS AND DOORS AND OTHER DETAIL JOINERY, EACH HOUSE ASSUMES ITS OWN PERSONALITY



Window Sunhoods, Blinds and Awnings

2.25 Description

Various sunscreening devices are used in Haberfield. They provide important practical and decorative features. Window awnings or window hoods with timber fretwork frames and various roofing materials are the most noticeable. External timber window pelmets are also common. Verandahs often have wooden venetians or canvas roll-up

2.26 Significance

Sunscreening devices are part of the individualised decorative detailing on each house, and contribute to their architectural importance and visual interest.

2.27 Controls

a) Original sunhoods, blinds and awnings are to be retained and repaired where necessary.

b) Authentic restoration, reinstatement or reproduction is encouraged, based on evidence on the house itself, or on photos.

c) Modern-style security grilles, roll-up metal screens, metal window awnings, and non-characteristic shade treatments are not acceptable on the exterior of Haberfield cottages.

Verandahs

2.28 Description

Verandahs are an integral part of the design and use of Haberfield houses. On Federation houses they are marked by a change in roof slope, angle or gable. In many instances the verandah itself includes a turret, bay, shaped balustrade or similar effect for visual variety. Back verandahs, under iron skillion roofs, are often enclosed to make extra rooms. This was often done at the time the houses were built or soon after. Bungalow verandahs, where they are small, often have flat roofs; and they are incorporated under the main roof of the house, like an outdoor room.

The shadow or void created by the verandah provides a sharp contrast to the solidity of the single storey roofed brick buildings. Verandahs are uses as an effective way to ameliorate the hot, wet Sydney climate, and provide outdoor "rooms" popular in the first decades of this century.

Verandah floors were either tongue and groove timber boarding or tessellated tiles with slate, terrazzo or marble edging, often incorporating entry steps with risers of patterned glazed tile.

2.29 Significance

Verandahs are a very important integral part of the design and use of Federation and 1920s and 1930s houses. They provide extra outdoor rooms to a house generally outside the scale of the roof: the floor space of the house therefore is often larger than the main roof suggests.

Haberfield's verandahs are a focus for timber craftsmanship employing great originality of design in the use of posts, brackets, valances and balustrades, and motifs.

2.30 Controls

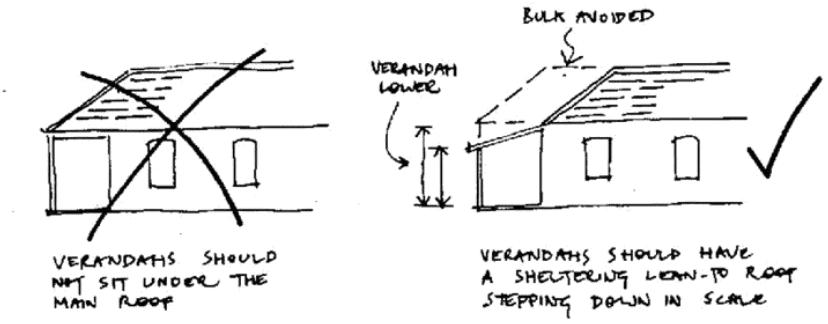
a) Existing original verandahs are to be kept and repaired or reinstated where necessary.

b) Removal, or infill of verandahs visible from a public place is not permitted.

c) Verandah additions are to be simple in design and are not to compete with the importance of the original verandah. New rear verandahs are to be generally simpler than the front main verandahs, and not to challenge the street presentation of the house.

d) The design of any new house shall take into account the architectural significance and design techniques of verandahs as used in Haberfield.

e) Authentic reconstruction of verandahs is encouraged.



Garages and Carports

2.31 Description

The freestanding houses in Haberfield allowed early car owners to drive down the side to the "motor house" at the back. Many of these older garages dating from the 1920s still survive. They are located at the back of the house away from public view from the street. They were utility buildings, designed to be less important than the house; they often had roofs of a pitch lower than the house.

Carports are a more modern phenomenon and show later efforts to provide simple roofed shelter for increasingly valuable cars. In the past the purpose of a carport was economy and utility.

Convenience of location frequently outweighed concerns about siting of design to respect the house. In some suburbs in recent years the housing of the car, as family status symbol, has dominated the presentation of the house, both in the design for the garage and in its front garden location.

2.32 Significance

The garages, carports and sheds found in Haberfield provide evidence of the impact of the early years of motor vehicle ownership upon the suburb and its residents. Older garages in particular show how modern car accommodation can be designed to reflect the original practices of garaging in the suburb.

2.33 Controls

a) The retention, repair and reconstruction of significant early garages, carports and sheds is encouraged.

b) New garages and carports are to be located at the back or at the side of the house.

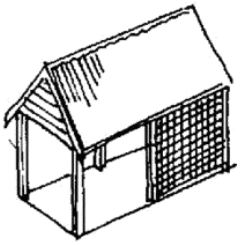
c) Where a garage or carport is at the side of the house it must be at least 1 metre back from the front wall of the house.

d) Carports but not garages forward of the building line may be permitted only in circumstances where access is not available to the rear.

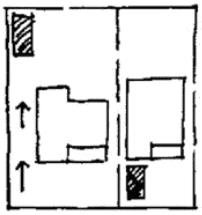
e) Garages and carports shall be of simple utilitarian design. They shall not challenge the mass or bulk of the individual house.

f) Garages and carports are to be free standing.

g) Attached garages which form part of a basement level (as outlined in this Plan), at the rear of the house and not visible from a public place, may be considered, but only where they would not conflict with other considerations in this Plan.



THE SIMPLEST TYPE OF PARTLY LATTICED CARPORT



WHERE REAR LOCATIONS CANNOT BE ACCESSED COUNCIL WILL CONSIDER DETACHED FRONT CARPORTS



CARPORTS & GARAGES

Garden Sheds/Store Sheds, etc

2.34 Description

Sheds, stores, and similar outbuildings are located at the rear of houses away from public view. They were used to store garden tools, seeds, fertilisers, bicycles, canvas covered garden furniture: use of the garden to grow vegetables and prize flowers for exhibition at the Gardening Club was an integral part of suburban life before the 1950s. Often the laundry was in a separate outbuilding in the back garden. Where the shed might be visible from the street, a variety of screening devices are used, such as suitably place fences, lattice work, hedges or other screen planting.

In scale and form Haberfield outbuildings are small, functional and simply built, with gable, hipped or skillion roofs. Materials used were inferior to those in the houses, with timber or fibro being the most common wall cladding. Their scale did not challenge that of the house they served and did not dominate views from neighbouring properties.

2.35 Significance

Early garden sheds and outhouses are important in demonstrating the way in which pre-1950s suburban residents used their allotments.

2.36 Controls

a) The retention, repair and reconstruction of significant early garden sheds and outhouses is encouraged.

b) New outbuildings shall be located at the rear of the allotment. The location shall respect boundaries, tree-planting and other site details.

c) New outbuilding shall be sited to minimise visibility from the street and from neighbouring properties.

d) New garden sheds, store sheds, and similar outbuildings shall be subordinate to the main house. They shall not challenge the shape, size, form or decoration.

e) The floor plan for new outbuildings shall be simple, not complex.

f) The roof form of new outbuildings shall be simple and practical in scale. The pitch shall be lower than the roof pitch of the house and shall use skillion, hip or gable forms. Storerooms and outhouses attached to the main house or garage are encouraged where lean-to skillion roofs can shelter them.

g) Construction materials shall be brick, weatherboard or fibro with cover battens. Roofs shall be of terra cotta Marseilles tiles or corrugated metal. Kit garden sheds of metal construction are acceptable subject to screening from the street or a public place.

h) Windows to outbuildings shall be of vertical proportions and shall be timber-framed.

i) Merging outbuildings into the landscape by use of planting and screen elements is encouraged.

Colour Schemes

2.37 Description

Large parts of the house were never painted, such as all brickwork, exposed bricks on chimneys, slate verandah edging and steps.

On timber and render a comparatively narrow range of exterior paint colours was used to enhance the natural colours of the bricks and stone. Paint technology at the time could not produce a bright white so shades of cream predominated. Authentic colour schemes usually consist of one or two lighter tones, with one much darker colour for contrast. An additional trim colour might also be used.

Careful scraping of protected, difficult-to-paint areas such as behind eaves or under window sills might reveal the colours originally used. Such evidence might also survive under layers of later paint.Old photographs also can provide valuable evidence of the original paint treatment, particularly the use of contrasting colours for the various elements of the building.

2.38 Significance

The use of original or traditional colour schemes enhance the presentation of the house and augment the public's visual appreciation of its Federation and early 20th century domestic architecture.

Unpainted masonry walls are an integral part of the architecture of Federation, Bungalow and the pre-1950s periods in general. The inter-relationship of painted timber and guttering on the natural tones of stone, brick, slate and tile is a most important decorative element in the appreciation of pre-1950s domestic architecture.

2.39 Controls

a) Paint shall not be applied to any brickwork, stonework, exposed bricks on chimneys, terra cotta chimneypots, tessellated or glazed tiling, slate verandah edging and steps.

b) New exterior brickwork is to remain unpainted.

c) On an existing house Council encourages owners to identify and use the original colour scheme.

d) On an existing house, where the original colour scheme or traditional colour scheme is not to be used, the scheme should be simple, consisting of one or two lighter tones and a darker colour for contrast. A trim colour may be used.

e) New buildings should use colours that harmonise with the traditional colour schemes.

Fences & Gates

2.40 Description

Fences to the front and sides of Haberfield houses define the garden allotment.

The front fence is of modest height (1m to 1.4m), with hedges often planted behind. They were designed to match both the house they serve and their streetscape.

They are not solid but allow the public to see the front garden, and the front of the house - the status symbol for the suburban resident pre-1950s.

Documentary evidence and surviving original fences provide clues to the great variety of fence designs: most feature decorative timberwork in beams, shapes and panels, often with gates to match. Picket fences were not common. Chain mesh within timber frames and fancy woven wire fences were also used.

Haberfield brick fences display brickwork techniques similar to that used in the houses, such as the decorative use of moulded bricks. These are also used in the footings for timber and chain mesh fences.

Dividing fences and side fences on corner allotments traditionally used timber palings (rough or reasonably dressed).

Corrugated iron and galvanised steel sheet fencing was rarely used in Haberfield, other than on rear fences or bordering commercial properties.

The use of "colorbond" fencing, modern metal 'spear' and similar topped pickets, aluminium lacework panels, bagging of masonry and similar effects are relatively new treatments and are not appropriate materials or designs in the Haberfield Conservation Area.

A number of original front brick fences survive in Haberfield. Other early brick fences use galvanised pipe as a railing between brick piers.

2.41 Significance

Fences define each individual garden allotment and illustrate the major principle of the Garden Suburb - one house,

one lot.

Front fences and side fences in front of the house area very important part of the integrated design of house and front garden and of its presentation to the public view.

2.42 Controls

a) Original front fences and gates are to be kept and repaired.

b) Reconstruction of lost fences to their early design and detail is encouraged. It needs to be based on documentary evidence (photographs, descriptions). Demolition should only be permitted where accurate reconstruction is to occur immediately.

c) New front fences which are not reconstructions of an earlier fence should be simple in design and decoration and fit in with the design of traditional fences in Haberfield.

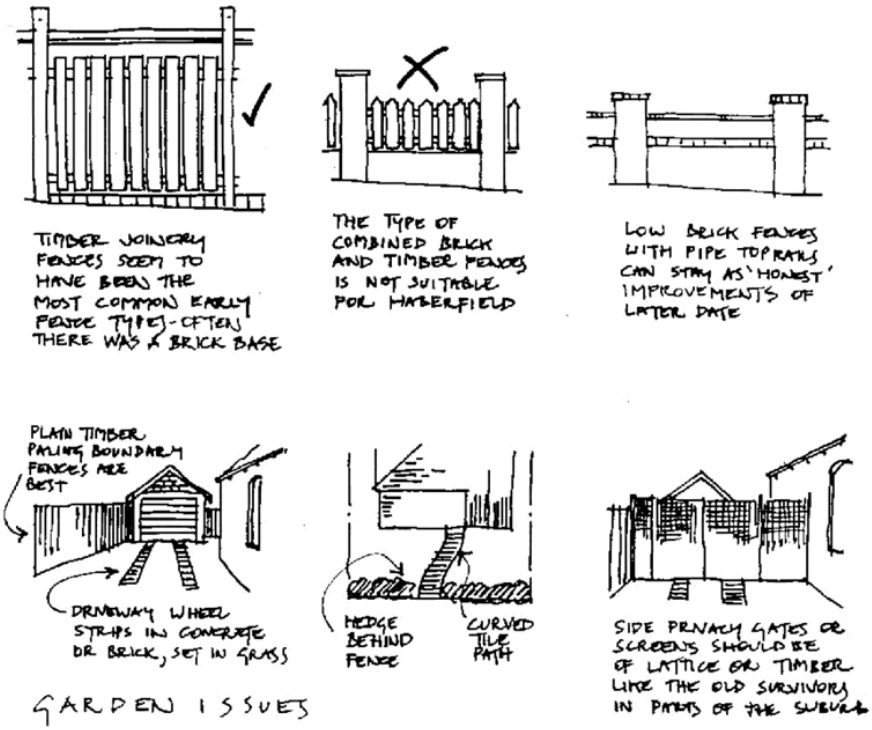
d) New front fences of timber are encouraged. They should be between 1m to 1.4m in height. The timber should be painted and in an appropriate colour (see Clause 2.37 'Colour Scheme' of this Plan).

e) High brick fences on front alignments are not permitted in Haberfield.

f) Materials and designs inappropriate to the age of the house or to the character of Haberfield Conservation Area will not be considered.

g) Brick dividing fences are not permitted unless there are overriding environmental, safety or fire separation reasons for such use.

h) Unobtrusive swimming pool safety fencing will be considered at the rear of properties, where it is not visible from a public place.



Garden Elements, Including Paving, Driveways, Pergolas And Pools

2.43 Description

Richard Stanton paid great attention to all aspects of this Haberfield's subdivision including the treatment of gardens: the grounds of each new house were laid out before the owners moved in. He consistently promoted Haberfield as "The Garden Suburb".

Original Haberfield gardens are bounded by front fences of timber with handsome joinery gates, or brick fences with wrought iron palisades. Through these fences can be seen ornamental trees and shrubs, typically in tidy beds amid neat buffalo lawn. Specimen plantings were supported on arbours of timber or metal.

A gently curving front path leads from a single, or wicket, gate to the front entry. This path is often made of tessellated tiles in elaborate patterns to match the front verandah, or more economically in coloured concrete with brick borders and garden edging.

Driveways, with double gate in the front fence, usually consist of two sealed strips with a central section of grass, garden or gravel in between which allows for on site drainage.

Side and rear paving is extremely minimal. Frames and lattice-screened fences and gates are often used to close off, disguise and protect access to the back yard.

Uncovered pergolas are secondary to the house and fit into the garden setting. Haberfield's original pergolas were used as a garden element and, along with other more modern elements, are not detrimental to the soft landscaping on the site.

The percentage of site coverage used by such elements should not dominate or overwhelm the garden of which they are part.

2.44 Significance

The light structures which enclose and furnish Haberfield's gardens are an integral part of the suburb's garden heritage and character.

Garden elements contribute to a better understanding of Stanton's vision, and the contemporary impact that "The Garden Suburb" ethos had in its time.

2.45 Controls

a) The surviving original garden elements in Haberfield are to be kept and repaired where necessary.

b) Reconstruction of lost garden elements is encouraged where it can be based on documentary evidence (photos, plans).

c) Paving, hard surfacing and secondary outbuildings shall be kept to an absolute minimum on individual sites.

d) Materials for front path shall be only tessellated tiles or smooth-textured red-tinted concrete.

e) Driveways shall consist of two (2) strips of hard surface paving with grass, garden or gravel in between.

f) Concrete paving for driveway strips is to be natural off-white, pale grey or have a red-tinted finish. Bright white concrete is not permitted.

g) Swimming pools shall be at the rear of the property, and shall be small enough to retain an adequate garden

setting.

Treatment Of Non-Conforming Houses

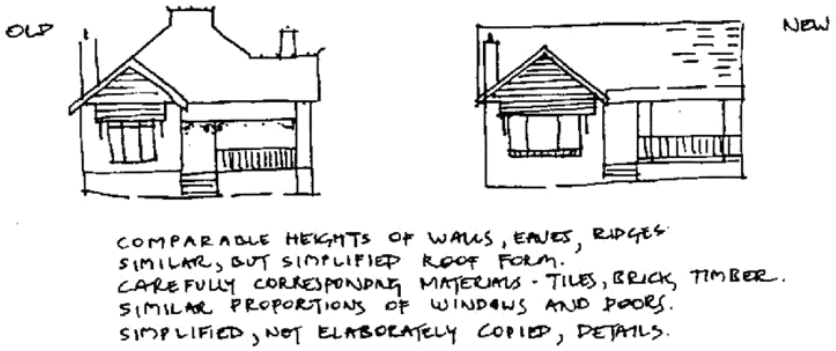
2.46 Description

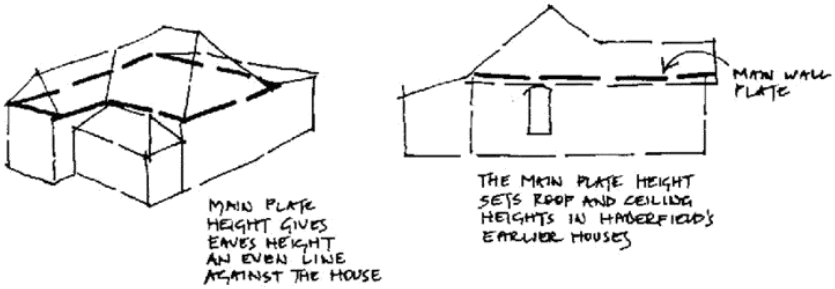
Some parts of the Haberfield Conservation Area contain houses which are of post Federation and post 1920s construction. Such houses are usually single storey, low set and of brick and tile construction. This scale and use of materials lets them blend in with the character of Haberfield.

A small number of original houses have been demolished and replaced in recent years by two storey houses or by blocks of flats. These are non-conforming buildings and are out of character with the surrounding dwellings, and with the Conservation Area.

2.47 Controls

a) Any alterations and additions to the shape, scale and materials of non-conforming houses should respond to the form of surrounding original dwellings.





Item 4

Attachment 3

Section 3 - Planning Measures for Commercial Properties

Commercial Buildings

3.1 Description

One of the principles of the Garden City Movement and the subsequent Garden suburbs was the separation of land uses: industry, housing, commerce, open space, were all contained in different areas. Haberfield was different from the residential areas which preceded it - it had no corner stores, and no pubs, and shops were grouped together in two small centres.

Shops adjoin each other in terrace-style groupings. The buildings sit square to the footpath, and come right up to their frontage.

Shops have roofs of tiles or galvanised iron. These roofs are screened from view by the upstairs residence verandah facade that features a bold parapet skyline.

Commercial buildings in Haberfield feature exotic and varied window details. These enrich the building's character and its contribution to the street.

3.2 Significance

Haberfield's commercial centres demonstrate Stanton's ideal of separating land uses so that the amenity of residential areas was ensured. The commercial buildings are remarkable for their diversity of design within a harmonious two-storey streetscape. The consistent streetscape comes from the original above-awning facades which feature recessed balconies, arched verandah openings, bay windows and roof-screening parapets above.

At ground level the few remaining shopfronts provide evidence of stained glass and leadlight windows, heavy copper or brass mouldings, glazed tiles below the display window, central entry-ways and porches embellished with tessellated tiles.

The Haberfield Main Street Heritage Study is a valuable reference indicating the style and significance of original commercial facades.

3.3 Controls

a) The existing siting pattern within the commercial area is to be maintained. The notion of a forecourt or entrance area to a commercial building is not appropriate as this interrupts the continuity and strength of the streetscape siting pattern.

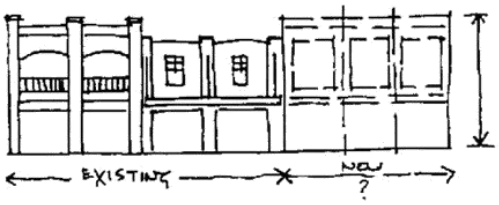
b) Removal of or alteration to original facades is not permitted.

c) Retention, repair and restoration of original above-awning facades is encouraged.

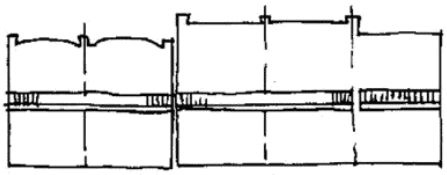
d) Below awning level, new work is to be in sympathy with, and not detract from, the style and character of the building and streetscape. Designs, including materials, colours, signage, etc should reflect the original facades of the commercial buildings of Haberfield.

e) Reinstatement of the original street-level facades is encouraged, including the reinstatement of posted verandahs.

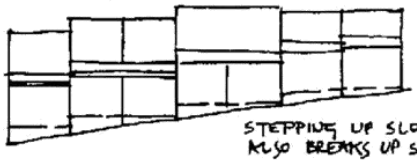
f) The design of any new commercial building may include verandah or awning facades to improve or consolidate streetscape and footpath shelter.



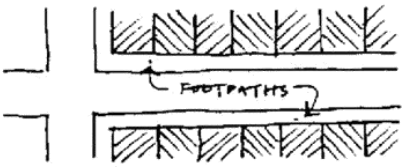
ANY NEW SHOPS SHOULD CAREFULLY REFLECT THE CHARACTER AND SCALE OF EXISTING, RELATING TO PARAPET & AWNING LINES TENANCY WIDTHS ETC.



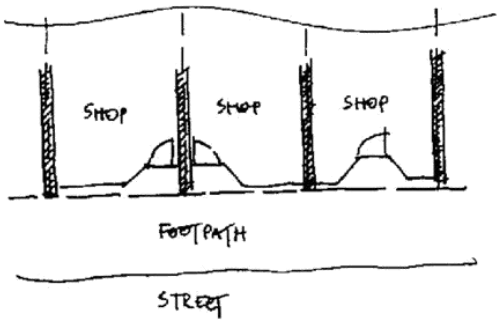
HABERFIELD'S SHOPS ARE MOSTLY NARROW UNITS IN RELATED GROUPS BUT OF INDIVIDUAL CHARACTER. NARROW WIDTH BREAKS UP THE FRONTAGES, BUT FEW OF THE SITES ARE REALLY SO FLAT, LIKE THIS.



STEPPING UP SLOPES ALSO BREAKS UP SCALE



IN THE COMMERCIAL BLOCKS SHOPS TIE UP TO THEIR FRONTAGE LINES.



MOST OF HABERFIELD'S SHOPS SIT RIGHT UP TO THEIR FRONTAGE WITH SMALL ENTRY AREAS AND SINGLE DOORS.

NEW SHOPS SHOULD CONSIDER SOMETHING SIMILAR.

Section 4 - Miscellaneous

Modern Technological Developments

4.1 Significance

Stanton's original concept for Haberfield included up to date services such as sewerage and water on tap. The services were integrated with the development and were most unobtrusive.

Solar hot water systems, photo-voltaic systems, telecommunication structures and other development of modern technology are a recent invention. Further there is growing community awareness of the need to conserve water, and rain water storage tanks are becoming more environmental popular. In introducing new technologies, it is important that such structures should not be visible from a public place nor intrude on the vistas gained from neighbouring properties. The style, siting and visual treatment of such water tanks should be discreet and not intrusive.

4.2 Controls

a) Solar collector/photovoltaic panels should be installed on the roof cladding and at the same pitch. They are to be of modest size and not visible from the street.

b) Hot water tanks should not be located externally on the roof but be within the roof space or within the building envelope.

c) Rainwater tanks are to be located at the rear of the dwelling and/or suitably screened. They should not be obvious from the street. They are to be painted a dark colour.

d) Other modern technologies should have similar regard to their siting, such as satellite dishes and microwave receivers. They should not be visible from a public place nor loom large in the vistas gained from neighbouring properties.

Dual Occupancy

4.3 Significance

The conservation value of Haberfield is not based on individual buildings, but on its combined integrity as a total suburb. The overall streetscape and sense of space generated by single dwellings on generous allotments are essential elements in its heritage significance.

While there are a number of dual occupancy examples (usually pre-1985 on corner blocks) many serve only to demonstrate how easily unsympathetic infill can undermine the "Garden Suburb" concept.

While each and every development in Haberfield has a vital part to play in protecting the ongoing heritage values, this applies particularly when considering dual occupancy.

In his successive estates, Stanton placed his individually-designed cottages upon generous allotments - though the size varied considerably. Occasionally pairs of semidetached houses were built - most of them carefully designed to masquerade as single detached residences like their neighbours - but it was the separate detached cottage, set in its own garden, which, when multiplied with Stanton's careful hand, formed the basis of Haberfield's form and identity, and its subsequent commercial success.

It is not, therefore, just the many fine Federation houses of Haberfield that demand protection - it is the total concept which Stanton developed and successfully marketed.

Detached Dual Occupancy is considered inappropriate within the Conservation Area. Council will consider attached Dual Occupancy where the design is such that it fits in with the streetscape, bulk, shape and design of the existing buildings.

4.4 Controls

a) Dual occupancy development within the Haberfield Conservation Area must conform in all respects to requirements of this part.

b) Detached dual occupancy is considered inappropriate within the Conservation Area and is not permissible in R2 low Density Zones in the Ashfield LEP 2013.

Inner West Council
Ashfield Customer Service Centre
260 Liverpool Road ASHFIELD NSW 2131
PO Box 1145 ASHFIELD NSW 1800
T (02) 9716 1800 F (02) 9716 1911
Email: info@ashfield.nsw.gov.au
Website: www.ashfield.nsw.gov.au

Item 4

Attachment 3

INNER WEST COUNCIL

SYDNEY EASTERN CITY PLANNING PANEL REPORT
728-750 PRINCES HIGHWAY, TEMPE

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL027
DA Number	DA201700185
LGA	Inner West
Proposed Development	To partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side
Street Address	728-750 Princes Highway, Tempe
Applicant/Owner	Bunnings
Date of DA lodgement	21 April 2017
Number of Submissions	108 total
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value of $44,825,000
List of all relevant s4.15(1)(a) matters	State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (State and Regional Development 2011) (SEPP SRD); Marrickville Local Environmental Plan 2011 Draft Marrickville Local Environmental Plan 2011 (Amendment 4) Marrickville Local Environmental Plan 2011
List all documents submitted with this report for the Panel's consideration	Architectural Plans Landscape Plans Statement of Environmental Effects
Report prepared by	Asher Richardson
Report date	18 October 2018

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Not Applicable**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	**No**

File Ref: DA201700185

Synopsis

This report concerns an application to partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side. The original application was notified in accordance with Council's Notification Policy and 38 submissions were received.

During the assessment process the proposal was amended to address concerns raised by Roads and Maritime Services in relation to vehicular access to the site. The amended proposal was required to be re-notified in accordance with Council's Notification Policy as the amended proposal included changes to the Princes Highway. A further 70 submissions were received.

The development has a capital investment value (CIV) of $44,825,000. Applications with a CIV of more than $30 million must be referred to the Sydney Eastern City Planning Panel (SECPP) to exercise its consent authority functions under Schedule 7 of State Environmental Planning Policy (State and Regional Development 2011).

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55), State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) and State Environmental Planning Policy (Infrastructure) 2007.

The proposal generally complies with the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011). The proposal is considered to result in a form of development which is consistent with the surrounding industrial uses and is consistent with objectives of the B6 Enterprise Corridor zone.

Notwithstanding, insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the development. Furthermore, insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.

Having regard to the unresolved on-street parking concerns and traffic impacts, the application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

PART A - PARTICULARS

Location: Eastern corner of the intersection of Princes Highway and Smith Street, Tempe.



Image 1: Location Map

D/A No: 201700185

Application Date: 21 April 2017. Additional information submitted on 13 October 2017, 11 December 2017, 29 May 2018 and 31 August 2018.

Proposal: To partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side.

Applicant: Bunnings Properties Pty Ltd

Estimated Cost: $44,825,000

Zoning: B6 Enterprise Corridor

PART B - THE SITE AND ITS CONTEXT

Improvements: 1 part 2 storey warehouse building



Image 2: The Site (as viewed from Princes Highway)



Image 3: Western corner of The Site (as viewed from Princes Highway)



Image 4: Northern corner of The Site (as viewed from Smith Street)

Current Use: Warehouse and Distribution Centre

Prior Determinations: Determination No. 200900380, dated 25 November 2009, approved an application to carry out alterations to the premises and use the southern part of warehouse for the storage and distribution of printed material, such as envelopes/brochures.

Determination No. 201200528, dated 21 August 2013, granted consent (by the Sydney East Joint Regional Planning Panel) to partially demolish the rear of the existing building, construct new building form and adaptively reuse the remainder of the existing building for two levels of bulky goods tenancies with off street car parking for up to 301 cars, erect signage, subdivide the land to provide a slip lane from the Princes Highway into Smith Street and widening Smith Street on the northern side

Environment: The site adjoins IKEA (Bulky Goods Premises) to the north, industrial and warehousing development to the east and west and is opposite low scale residential to the south.

PART C - REQUIREMENTS

1. **Zoning**
   Is the proposal permissible under zoning provisions? Yes

2. **Development Standards (Mandatory Requirements):**

Type	*Required*	*Proposed*
Floor Space Ratio (max)	0.95:1	0.877:1

3. **Departures from Council's Codes and Policies:**
   Nil

4. Community Consultation:
Required: Yes (newspaper advertisement, on-site notice and resident notification)
Submissions: Original Notification 38 submissions
Subsequent notification 70 submissions

5. Other Requirements:
ANEF 2033 Affectation: 25 - 30 ANEF
Marrickville Section 94/94A Contributions Plan 2014 $682,553.18
Environmental Planning and Assessment Act 1979
State Environmental Planning Policy No. 55 – Remediation of Land
State Environmental Planning Policy No. 64 – Advertising and Signage
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
State Environmental Planning Policy (State and Regional Development 2011) (SEPP SRD);
Roads Act 1993

PART D - ASSESSMENT

1. The Site and Surrounds

The subject site is located on north-eastern corner of the Princes Highway and Smith Street, Tempe. The site is known as 728-750 Princes Highway and is legally described as Lot 2 in Deposited Plan 803493. The site is irregular in shape and has a site area of approximately 20,400sqm. The site has a 150 metre frontage to Princes Highway and an 116 metre frontage to Smith Street.

The subject site is currently occupied by a one (1) part two (2) storey industrial building. The Princes Highway façade is listed as a heritage item under Marrickville Local Environmental Plan 2011 and is known as part of Westpac Stores Department and Penfolds Wine Cellars (former). To the rear of the Princes Highway façade is an open plan rendered brick warehouse, divided into bays with external piers and steel trusses supporting the saw toothed roof structure above.

The northern portion of the ground floor level and the entire first floor level of the industrial complex is used for the warehousing of clothing with associated offices and the southern portion of the ground floor level of the industrial complex is used for the storage and distribution of printed material.

The Smith Street elevation of the building includes the same brick façade as the Princes Highway along part of the elevation with windows at ground and first floors, with the remaining section consisting of pre-cast concrete panels. The Smith Street side setback currently contains a number of mature trees, which provide a form of green screening of the side elevation.

Vehicle access is currently provided to site via the Princes Highway and Smith Street, which leads to a rear loading dock and parking area.

The site is surrounded by various existing industrial development with low scale residential development located on the southern side of Smith Street. IKEA directly adjoins the site to the northeast.

2. The Proposal

Approval is sought to partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side.

Specifically the works include the following:

- Demolition of part of the existing heritage building and retention of the existing heritage façade and office building along the Princes Highway frontage, and the façade returns on the northern and eastern elevations, including proposed new façade lighting;
- Retention and adaptive reuse of historically significant internal spaces and fabric within the office building including the entry and two level vestibule and gallery space, ground floor and first floor former amenities areas and northern stairwell;
- Construction of a two level hardware and building supplies store, including a two storey warehouse, covered outdoor nursery, bagged goods store, timber sales area, café, office, amenities, service road/ramps and loading area;
- Construction of single level basement parking area below warehouse containing 424 car parking spaces including 4 car share spaces, 20 bicycle parking spaces and 17 motorcycle parking spaces;
- A building materials and landscape yard at ground level is proposed in the south eastern corner of the site, with car parking below;
- 11 x business identification signs including 9 flush wall signs, a 12 metre high pylon sign and a roof sign;
- Road widening to provide a slip lane and a new right turn lane from Princes Highway to the site;
- A boundary adjustment along northern and western boundaries of the site to accommodate road widening;
- New landscaping works including removal of 25 trees from the site and a new front landscaped area and retaining walls.

Signage

The application seeks consent for the erection of a total of 11 business identification signs, including 9 x flush wall signs, 1 x pylon sign and 1 x roof sign with the following dimensions:

- 4 x wall signs on the northern elevation:
  - 7.9 metres (length) by 2.5 metres (height) "Bunnings Warehouse";
  - 9.3 metres (length) by 3.2 metres (height) "Hammer and position statement";
  - 11.9 metres (length) by 3.7 metres (height) "Bunnings Warehouse";
  - 13.5 metres (length) by 6 metres (height) Hammer and position statement";
- 2 x wall signs on the eastern elevation:
  - 18.1 metres (length) by 5.7 metres (height) "Bunnings Warehouse";
  - 18.4 metres (length) by 7.2 metres (height) "Hammer and position statement";
- 2 x wall signs on the southern elevation:
  - 11.8 metres (length) by 3.7 metres (height) "Bunnings Warehouse";
  - 18.4 metres (length) by 7.2 metres (height) "Hammer and position statement";
- 1 x wall sign on the western elevation (to façade of existing heritage building) measuring 7.9 metres (length) by 2.5 metres (height) "Bunnings Warehouse";
- 1 x pylon sign within front setback with measurements 12 metres (height) by 4.8 metres (width) showing "Bunnings Warehouse and hammer logo"; and
- 1 x large format roof sign "Bunnings Warehouse" and "Hammer".

All signage is proposed to be externally illuminated with adjustable down lights fitted to the top of the signage and illuminated between the hours of 6:00am and 10:00pm daily.

Hours of Operation

The application seeks approval to operate the development seven (7) days a week with the following trading hours:

Mondays to Fridays	6.00am to 10.00pm
Saturdays, Sundays and Public Holidays	6.00am to 7.00pm

Staffing

The information submitted with the application anticipates that the proposed development would employ up to 250 full time and part time/casual staff and maintenance staff.

Amended plans were provided to Council on 13 October 2017 in response to advice provided by Roads and Maritime Services and included removal of the proposed signalised right turn bay for northbound traffic into the site. An amended package was also provided to Council on 11 December 2017 containing amended architectural plans and amended landscape plans. Subsequent amended plans and documents were submitted to Council on 29 May 2018, and a final combined package was submitted on 31 August 2018. These plans are the subject of this assessment and a copy of the amended site plan, floor plans, elevations and sections of the development are reproduced below:



Image 5: Site Plan



Image 6: Basement Plan

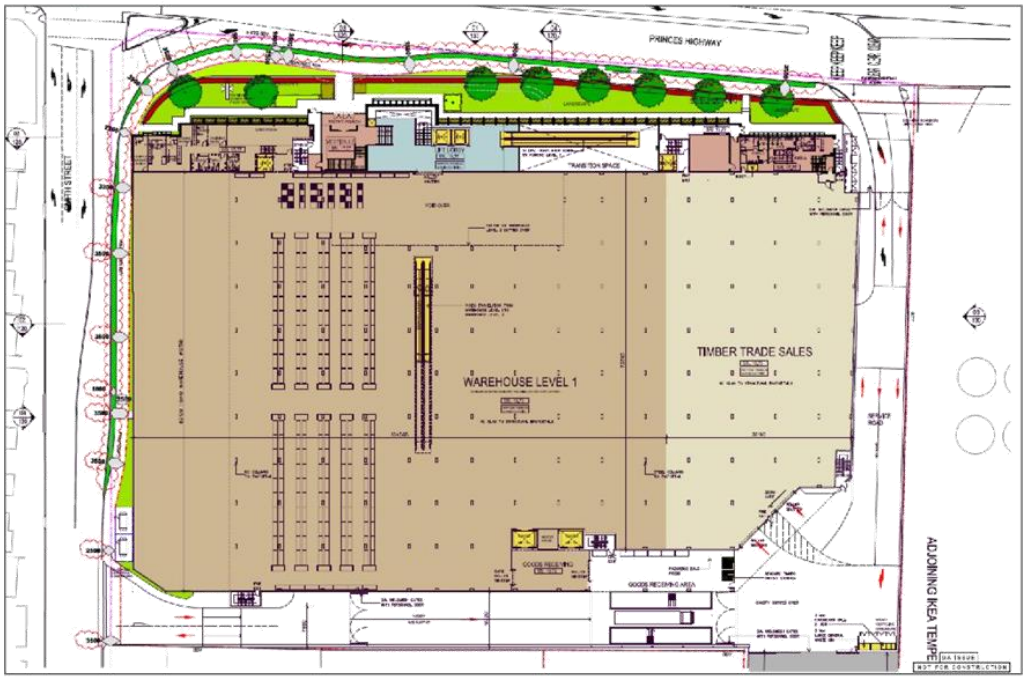


Image 7: Ground Floor Plan

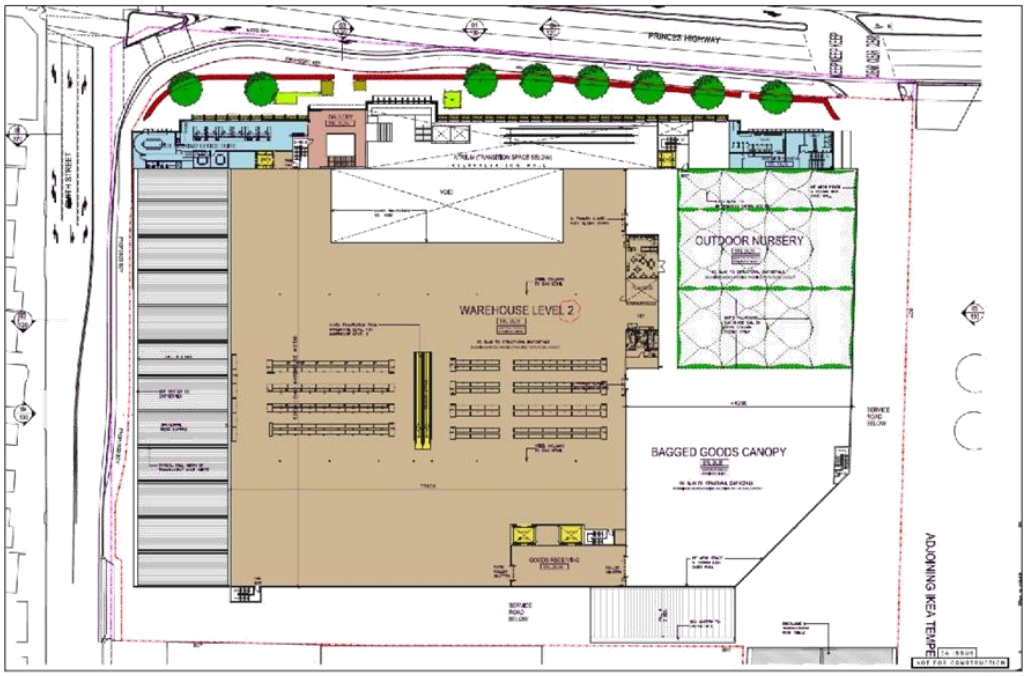


Image 8: First Floor Plan

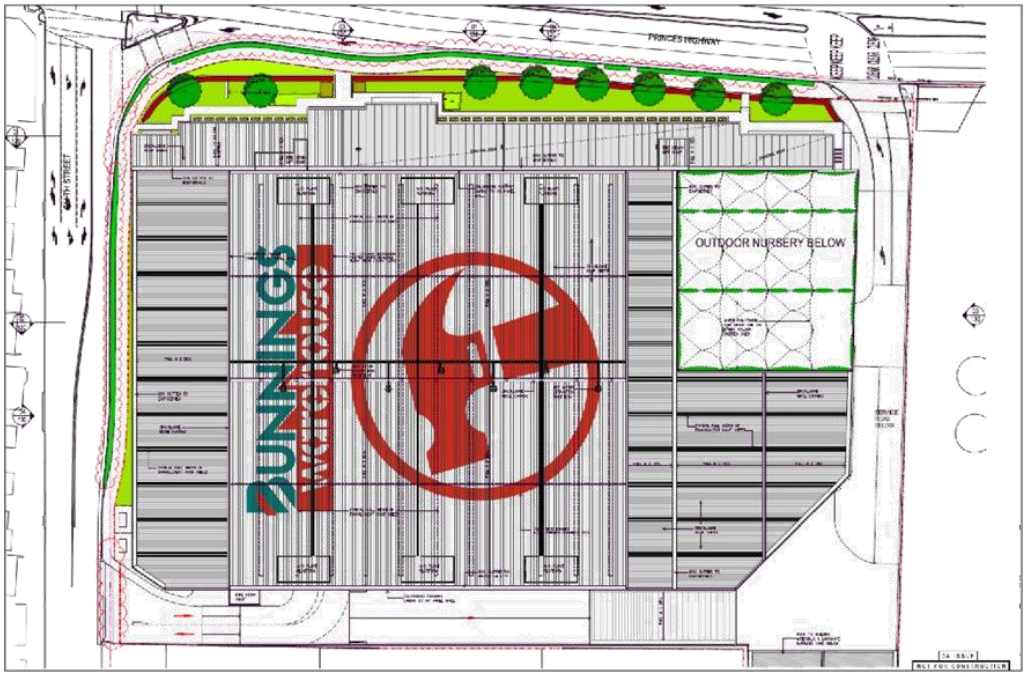


Image 9: Roof Plan

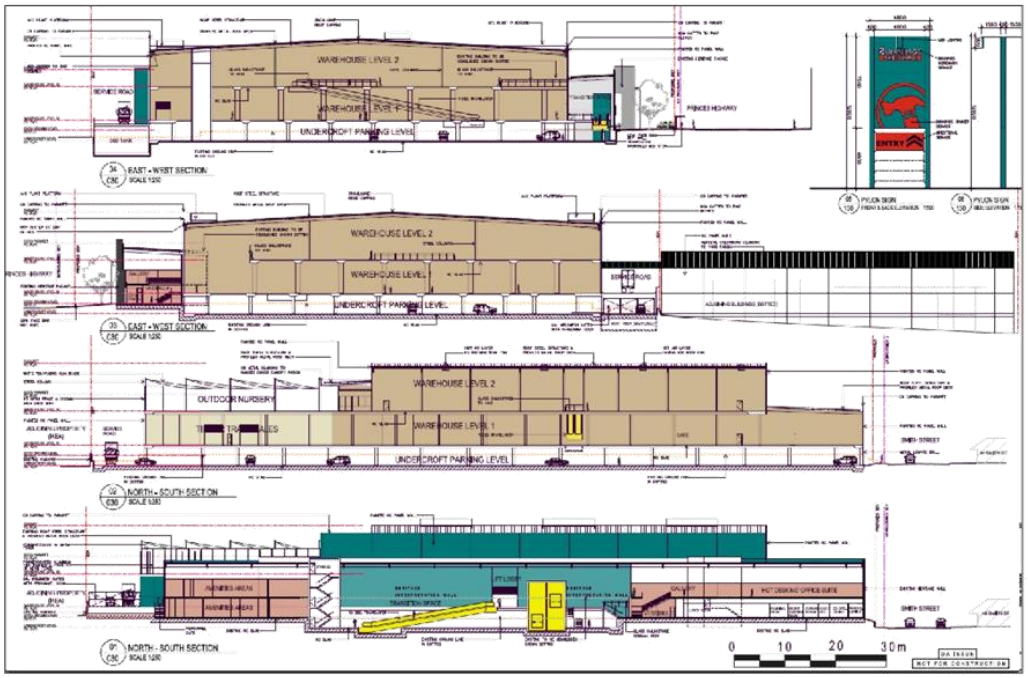


Image 10: Sections

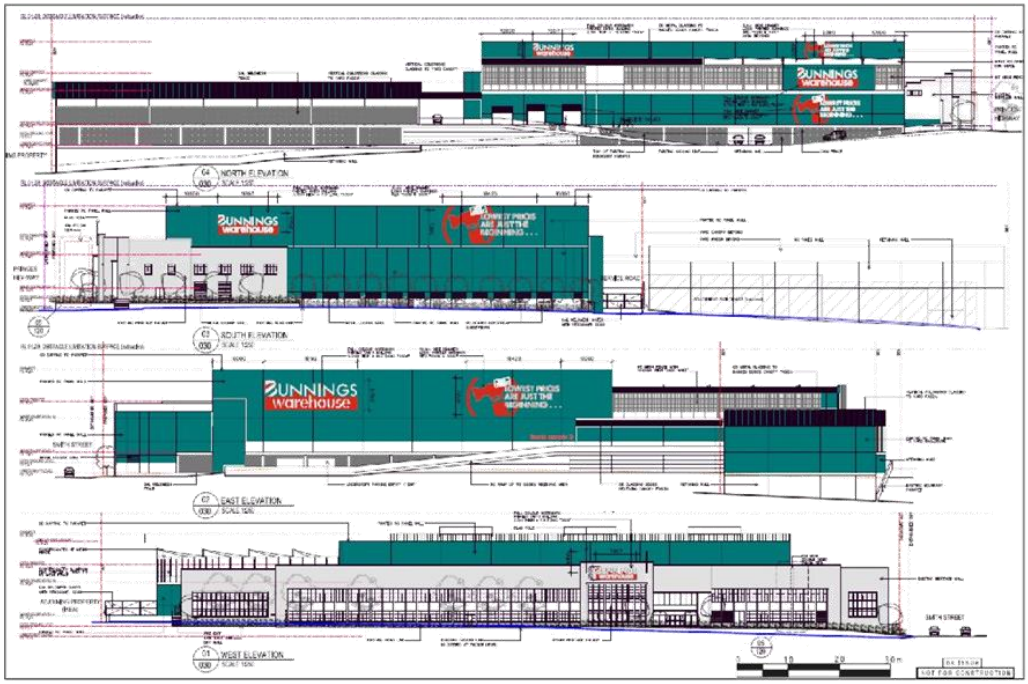


Image 11: Elevations

3. Background

Determination No. 201200528, dated 21 August 2013, determined by the Sydney East Joint Regional Planning Panel approved an application to partially demolish the rear of the existing building, construct a new building form and adaptively reuse the remainder of the existing building for two levels of bulky goods tenancies with off street car parking for up to 301 cars, erect signage, subdivide the land to provide a slip lane from the Princes Highway into Smith Street and widening Smith Street on the northern side.

An application was lodged with Council on 21 July 2015 to partially demolish the rear of the existing building, construction of a new building form, and adaptively reuse the remainder of the existing building for use as a hardware and building supplies store over 2 levels with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from Princes Highway into Smith Street and the widening of Smith Street on the northern side. The application was subsequently withdrawn on 22 September 2016 due to the failure of Roads and Maritime Services to grant concurrence, among other planning reasons.

The subject application was lodged with Council on 21 April 2017.

The application was referred to a number of internal and external parties. Internally, referrals were provided to Council's Local Traffic Committee, Tree Management Officer, Heritage Advisor, Environmental Health Officer, Social Planner, Waste Management Officer and Development Engineer. Externally, the proposal was referred to Roads and Maritime Services, Ausgrid, Sydney Airport, State Transit, Marrickville Heritage Society and Heritage Council of NSW.

On 30 May 2017 Council received a response from Roads and Maritime Services (RMS) advising that the proposal was unsatisfactory in relation to the signalization of a right turn bay for northbound traffic entering the site. Amended plans were subsequently received by Council on 13 October removing the signalization of the turning bay.

The amended proposal was placed on public notification in accordance with Council's notification Policy on 15 November 2017.

On 7 November 2017 the applicant was notified by Council that the proposal in its current form was not supported on a number of grounds, including loss of heritage fabric, impact on existing trees, waste management, and traffic and parking concerns. An amended package was provided to Council on 11 December 2017 containing amended architectural plans, an amended landscape package, traffic response, arborist response and amended arborist report and a heritage response.

The traffic response package prepared by the applicant was reviewed by Council's Traffic Section and on 17 April 2018 the applicant was advised by letter of a number of ongoing/outstanding concerns. It was concluded that, in its current form, the proposed development site at 728-750 Princes Highway, Tempe could not be supported due to outstanding traffic and parking concerns.

A subsequent meeting was held 15 May 2018 with Council Officers and the applicant to discuss outstanding concerns raised by Council. On 29 May 2018 the applicant submitted amended plans and additional documentation in response to Council's outstanding traffic and parking concerns.

It is noted that the amended plans and details submitted subsequent to the re-notification on 15 November 2017 made no significant material changes and no changes that would have further impact on adjoining premises than the notified proposal and were therefore not required to be notified in accordance with Council's Notification Policy.

The amended plans and documents submitted to Council on 13 October 2017, 11 December 2017, 29 May 2018 and 31 August 2018 are the subject of this assessment.

4. State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. Where a site is found to be contaminated, SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP), as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contamination prior to granting consent to the carrying out of development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

A Detailed Site Investigation, prepared by Coffey Environments Australia Pty Ltd, dated 17 June 2013 was submitted with a previous proposal for the site. That report concluded that the site is suitable for the proposed development, subject to the appropriate removal of underground storage tanks and the surrounding subsurface validated in accordance with the *Guidelines for Assessing Service Station Sites (NSW EPA, 1994)*.

The subject application is accompanied by a Preliminary Site Investigation (PSI), prepared by Environmental Investigations Services (EIS), dated 26 November 2014. The PSI prepared by EIS concluded that the site can be made suitable for the proposed use and made the following conclusion:

> *"EIS consider that the site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to minimise/better manage/characterise the risks:*
>
> 1. *Undertake further assessment of the potential asbestos issue identified in BH4. This will enable a decision to be made on any management procedure that may need to be implemented during or after earthworks; and*
>
> 2. *Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition works; and*
>
> *In the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works should stop and an environmental consultant should be engaged to inspect the site and address the issue."*

The subject application is accompanied by a Hazardous Materials Assessment (Hazmat), prepared by Greencap, dated November 2014. The Hazmat makes a significant number of recommendations and actions necessary to manage any hazardous material related risks, including asbestos.

The report also identified the site as potentially being affected by Acid Sulfate Soils (ASS) and concluded that the risk of encountering acid sulfate soils during the proposed development is considered to be very low. No further concern is raised in this regard.

Subject to the imposition of conditions in accordance with the conclusion and recommendations contained within the PSI and hazmat submitted with the application the site can be made suitable for the proposed use, however the application is not supported for other reasons outlined in this report.

5. State Environmental Planning Policy No. 64 - Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) was gazetted on 16 March 2001. This SEPP applies to all signage that requires development consent and aims to ensure that signage is compatible with the desired amenity and visual character of an area.

The aims and assessment criteria in SEPP 64 are generally covered by the signage controls contained in Part 2.12 of Marrickville Development Control Plan 2011 - Signs and Advertising Structures and are considered as part of the assessment of the application presented in this report.

The application seeks consent for the erection of a total of 11 business identification signs, including 9 x flush wall signs, 1 x pylon sign and 1 x roof sign with the following dimensions:

- 4 x wall signs on the northern elevation:
  - 7.9 metres (length) by 2.5 metres (height) "Bunnings Warehouse";
  - 9.3 metres (length) by 3.2 metres (height) "Hammer and position statement";
  - 11.9 metres (length) by 3.7 metres (height) "Bunnings Warehouse";
  - 13.5 metres (length) by 6 metres (height) Hammer and position statement";
- 2 x wall signs on the eastern elevation:
  - 18.1 metres (length) by 5.7 metres (height) "Bunnings Warehouse";
  - 18.4 metres (length) by 7.2 metres (height) "Hammer and position statement";
- 2 x wall signs on the southern elevation:
  - 11.8 metres (length) by 3.7 metres (height) "Bunnings Warehouse";
  - 18.4 metres (length) by 7.2 metres (height) "Hammer and position statement";
- 1 x wall sign on the western elevation (to façade of existing heritage building) measuring 7.9 metres (length) by 2.5 metres (height) "Bunnings Warehouse";
- 1 x pylon sign within front setback with measurements 12 metres (height) by 4.8 metres (width) showing "Bunnings Warehouse and hammer logo"; and
- 1 x large format roof sign "Bunnings Warehouse" and "Hammer".

All signage is proposed to be externally illuminated with adjustable down lights fitted to the top of the signage and illuminated between the hours of 6:00am and 10:00pm daily.

Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage has been considered against the assessment criteria contained within Schedule 1.

Character of the area – The signage is considered compatible with the existing and future desired character of the area. The scale of the proposed signage is considered proportionate to the scale of the existing development and typical of similar centres. The proposed pylon sign is approximately 12 metres in height and is comparable in height to the existing pylon sign on the property. Whilst the area to the south of the site contains low density residential, the interface of the dwellings is with industrial lands surrounding the site and the signage is consistent with the character expected within an industrial context.

Special Areas – The proposed signage does not adversely degrade or detract from the visual quality or amenity of the area as the proposed identification signage is considered to be integrated well into the subject building.

Views and Vistas – The proposed development does not compromise or obscure any views or vistas. The visual impact of the signage to the Princes Highway is considered to be minimal as the flush wall sign to the heritage façade and the pylon sign is to replace existing signage in these locations. The remaining signage is located on side elevations and set back from the street.

Streetscape, setting or landscape – The proposed scale, proportion and form of the signage is considered appropriate for the building and area, whilst contributing to the visual interest of the

streetscape.

Siting and Building – The proposed signage is considered consistent to the scale and proportion of the building as it is positioned within the lines of the existing building's facades. The signage is considered to respect the important architectural features of the existing building.

Associated devices and logos with advertisements and advertising structures – No advertising structures are proposed to be installed.

Illumination – The level of illumination of the proposed signage is not considered to impact on the surrounding development.

Safety – It is considered the proposed signage would not reduce the safety for pedestrians, bicyclists, drivers or obscure sightlines from public areas as the signs have an adequate setback from the street and pedestrian walkways.

For the purposes of Schedule 1 of SEPP 64, the proposed signage is considered acceptable. The proposed sign is also discussed further within this report under the provisions of MDCP 2011.

6. State Environmental Planning Policy (Infrastructure) 2007

Clause 101 – Development with frontage to Classified Road

The subject site has a frontage to the Princes Highway which is a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP):

> *"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:*
>
> *(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
> *(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*
> *(ii) the emission of smoke or dust from the development, or*
> *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
> *(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."*

Vehicular access to the property is provided from Princes Highway and Smith Street. It is considered that the proposed development would not affect *"the safety, efficiency and ongoing operation of the classified road."* It is considered that the proposed development is a type of development that is not sensitive to traffic noise or vehicle emissions.

Clause 104 – Traffic generating development

In accordance with Clause 104 of the Infrastructure SEPP, the application was referred to Roads and Maritime Services. RMS advised by letter dated 11 December 2017 that concurrence is granted subject to appropriate conditions which should be imposed on any consent granted. A full background to the amendments required by RMS is provided earlier in Part D(3) of this report under the heading *'Background'*.

The application was also required to be referred to Council's Local Traffic Committee (LTC) as the proposal constitutes traffic generating development. The application was considered by the LTC at the meeting on 5 October 2017. The officer's report made the following conclusions:

> *"The submitted development application for the proposed development site at 728-750 Princes Highway, Tempe has been reviewed and in its current form cannot be supported in its current form based on the concerns raised below;*
>
> 1. *As per MDCP 2011, it should be considered that due to the significant shortfall in bicycle spaces on-site, the applicant should include to the on-site parking that the site proposes Council authorised car-share parking spaces and liaise with relevant car-share company as part of the development of a transport plan to encourage a bicycle and car-share vehicle scheme.Therefore, the provision of at least 20 on-site bicycle spaces and 4 on-site car-share parking spaces to make for the balance of on-site bicycle parking shortfall is required. The applicant is also to liaise with relevant car-share company as part of the development of a transport plan to encourage a bicycle and car-share vehicle scheme.*
>
> 2. *As per MDCP 2011, it should be required that a total of 5 service/delivery truck parking spaces be provided on-site and that the applicant supply evidence that there are parking spaces allocated for service vehicles or delivery trucks. There is uncertainty on whether the site will be able to accommodate for more than 1 truck delivery, simultaneously, without queuing on the proposed ramp via the Smith Street access point;*
>
> 3. *Information on the general waste and recycling generated within the development site is required. A general waste management plan illustrating the proposed location of the waste pick-up area and the directional method of vehicles to collect the waste is to be provided;*
>
> 4. *Due to a proposed bicycle route to be located on the eastern side of Princes Highway within the footpath as a shared path and then continuing into Smith Street, it is recommended that a continuous concrete footpath width of 2.5m (minimum) be provided to allow a continuous shared path in Smith Street; and*
>
> 5. *The proposed road widening of Princes Highway and Smith Street with changes to the traffic signals at this intersection and additional traffic signals at the driveway crossing on Princes Highway, it is recommended that the traffic modelling be reviewed and that consideration be made for a northbound 'right turn' traffic lane on Princes Highway at the existing signalised intersection with Smith Street and that four northbound traffic lanes be maintained on Princes Highway to maintain the traffic flow along Princes Highway and to not increase any further delay with the additional traffic signals. The applicant should also implement a proposal which looks at the dedicated right turn bay into Smith Street from the Princes Highway and compensates for the loss in kerbside parking (on the western side of Princes Highway) with purchase of property/land along this section of the highway with access to Zuttion Lane. The purchase of property/land be converted into usable off-street parking area with direct access to the Princes Highway to make up for the parking loss along the Princes Highway."*

The report was discussed at the LTC meeting on 5 October 2017 with Committee members and it was noted that the Committee had concerns with the impact of the Bunnings development generally and the proposed changes on local residential streets as well as the Princes Highway. Of particular note was the impact of the proposed right turn traffic movements at Princes Highway and Smith Street intersection, as well as concerns with regard to the RMS recommendation to not signalise the dedicated entry/exit to the site at Princes Highway. The RMS representative stated that the recommendation not to signalise the entrance to the site was based on traffic modelling which indicated that a right turn signal from Princes Highway to the site would have significant

impacts to traffic flow on Princes Highway. Amended plans were subsequently submitted to Council on 13 October 2017 removing the proposed signalisation of the right turn bay, amongst other amended documentation.

Subsequently, on 7 November 2017 the Applicant was notified by Council that the proposal in its current form was not supported on traffic and parking concerns, among other reasons. An amended package was provided by the applicant to Council on 11 December 2017 containing, among other documents, a response to Council's traffic and parking concerns.

The traffic response package prepared by the applicant was reviewed and on 17 April 2018 Council's Traffic Section raised a number of ongoing concerns. It was concluded that, in its current form, the proposed development site at 728-750 Princes Highway, Tempe could not be supported based on the traffic and parking concerns raised below:

1. *"The applicant supply evidence and demonstrate with drawings/plans that there is adequate space allocated for service vehicles or delivery trucks. There is uncertainty on whether the site will be able to accommodate for more than 1 truck delivery, simultaneously, without queuing on the proposed ramp via the Smith Street access point;*

2. *Information on the general waste and recycling generated within the development site is required. A general waste management plan illustrating the proposed location of the waste pick-up area and the directional method of vehicles to collect the waste is to be provided;*

3. *Due to a proposed bicycle route to be located on the eastern side of Princes Highway within the footpath as a shared path and then continuing into Smith Street, it is recommended that a continuous concrete footpath width of 2.5m (minimum) be provided to allow a continuous shared path in Smith Street; and*

4. *The proposed road widening of Princes Highway and Smith Street with changes to the traffic signals at this intersection, it is recommended that the traffic modelling be reviewed, particularly in Smith Street, and that consideration be made to the loss of on-street parking along the northern side of Smith Street (adjacent to the proposed development). The applicant should consider an alternate proposal or amend the existing alignment of the road widening in Smith Street to minimise the impact of loss in on-street parking while maintaining adequate queuing lengths of traffic lanes for peak periods at the propose traffic signals. The purchase of adjacent properties in Smith Street, at its intersection with Princes Highway, should be considered to make up for the parking loss along the northern side of Smith Street."*

A meeting was held 15 May 2018 with Council Officers and the applicant to discuss the ongoing concerns raised by Council.

On 29 May 2018 the applicant submitted amended plans and additional documentation in response to Council's outstanding traffic and parking concerns. A revised assessment was reported to the LTC on 7 August 2018 which reviewed the proposal based on the information submitted. That report concluded the following;

> *"The submitted development application and amendments for the proposed development site at 728-750 Princes Highway, Tempe have been reviewed and in their current form still cannot be supported due to the outstanding concerns raised below;*

- *Any loss of on-street parking spaces is not acceptable*

  Inner West LGA, in some of its suburbs, experiences an acute shortage of available on-street parking for its residents that do not have any off-street parking facilities and who rely on on-street parking. Tempe is one of these suburbs.

- *Concerns remain in regards to the location and actual number of on-street parking spaces that will be lost and/or impacted upon in Smith Street, Tempe.*

The local community already experiences high parking ultisation rates for the existing on-street parking provision in the locality. Any loss of on-street parking is not acceptable and would be at the detriment of local residents. Residents in the locality report that they already find it hard to secure parking in their street and/or nearby their residences. Many local residents do not have off-street parking facilities.

For an adequate assessment of the actual loss of on-street parking in Smith Street it is suggested that a plan be produced showing all 'No Stopping' areas dimensioned and all parking restrictions dimensioned endorsed with an overlay indicating existing on-street parking spaces and then identification of those 'lost' / 'retained'. Superimposed on the same plan the swept path of the largest truck using the site ideally would show accurately what on-street parking would be impacted on.

- *No updated swept path diagrams supplied showing trucks entering and leaving the site at the Smith Street entrance, in particular, to check whether they will impact on the loss of on-street parking spaces*

In the recent amended diagrams no updated swept path diagrams of large vehicles entering the site at the driveway entrance in Smith Street and/or leaving the site have been supplied. It is important to have these also updated so as to check all truck movements are accurate and/or to check whether they impact at all on any on-street parking as noted above."

It is noted that the applicant submitted additional information to the Traffic Committee which has subsequently been reviewed by Council's Traffic Engineers who have indicated the information still fails to provide the necessary information and adequately respond to Council's concerns.

A referral was received by Council's Traffic Services section who recommended that the application be refused for the following reasons:

"Insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the development.

Particularly, Council officers are concerned that up to 16 spaces along the northern side of Smith Street may be lost as a result of this proposal. The request for a plan of existing on-street parking with an overlay of the final road configuration and swept paths of the largest approved truck which uses Smith Street should be provided to analyse the loss of on-street parking on the northern side. To date this information is yet to be provided.

Further, car parking spaces may be lost on the southern side of Smith Street near the Princes Highway as a result of the propose signal configuration. This will only add to the parking strain on residents.

Insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.

A report on the proposed development site was referred to the Local Traffic Committee at its meeting on 5 October 2017 for consideration and a Committee member raised the following recommendation:

"A more comprehensive traffic study be undertaken to determine the potential impact on local residential streets like Smith Street, Union Street, Foreman Street and South Street."

The applicant was asked to provide a more comprehensive traffic study of the proposed traffic impact of the new Bunnings development to determine the potential impact on local residential streets like Smith Street, Union Street, Foreman Street and South Street, Tempe however insufficient information was provided to adequately assess the full impact of the development on the local street network.

Queuing in Smith Street will be an issue and no measures have been given to ameliorate it. The SIDRA analysis looked at isolated intersections and not the locality as an integrated network. Queuing back from downstream intersections on Princes Highway was not taken into account in the analysis and this will have an impact to queuing in Smith Street.

Also there appears to be no justification detailed in the applicant's Traffic report in relation to the split of 'projected distribution of future site generated traffic' from the proposed development. Considering the demographics of the area it is considered that more generated traffic would go into Union Street (onwards to Earlwood etc) than north (on Princes Highway) as indicated."

Having regard to the unresolved traffic concerns regarding traffic and the loss of parking on Smith Street, the application is unsupportable and is recommended for refusal.

7. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under MDCP 2011.

There are a number of trees on the site protected by MDCP 2011 which are discussed later in this report under the provisions of Part 2.20 of MDCP 2011.

8. Marrickville Local Environmental Plan 2011

(i) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned B6 – Enterprise Corridor under the provisions of MLEP 2011. The development for the purpose of *Hardware and Building* Supplies is permissible with Council's consent under the zoning provisions applying to the land. The development is acceptable having regard to the objectives of the B6 - Enterprise Corridor zone.

(ii) Subdivision (Clause 2.6)

Clause 2.6 of MLEP 2011 states that land to which this Plan applies may be subdivided, but only with development consent. The proposed development includes subdivision of the land to create a slip lane along the Princes Highway frontage and road widening of the northern side of Smith Street adjacent to the site. This matter is discussed later in this report under the heading *"Marrickville Development Control Plan 2011 - Part 3 - Subdivision, Amalgamation and Movement Networks"*.

(iii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works appropriate should be imposed on any consent granted

(iv) Height (Clause 4.3)

MLEP 2011 does not prescribe a maximum building height for the subject site. Instead, MDCP 2011 contains a number of controls and objectives which aim to ensure that the heights of buildings are consistent with the character of the surrounding area.

This matter is discussed in more detail later within this report, under the heading *"Marrickville Development Control Plan 2011"*.

(v) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.95:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 17,865sqm and has an FSR of 0.877:1 on the site which complies with the FSR development standard.

(vi) Heritage Conservation (Clause 5.10)

The site is listed as a heritage item under MLEP 2011, listed as *Westpac Stores Department and Penfolds Wine Cellars (former), including interiors* (Part of Item 299, together with the adjoining IKEA site). The site has also been identified under MLEP 2011 as an archaeological site.

The application involves partial demolition of the existing sawtooth-roofed warehouse, precast additions and part of the office section of the original building. The application was referred to Council's Heritage Advisor who provided the following comments:

> *"There is no objection to the demolition of the precast additions, which have no heritage value. The sawtooth-roofed warehouse has historical value though not aesthetic significance, but in the interests of the continuing use of the item, its demolition can be accepted. There are some concerns with the design:*
>
> 1. *The extent of demolition of the offices and loss of interior spaces;*
> 2. *The massing of the new store in relation to the offices*
> 3. *The widening of the Princes Highway and loss of setting and curtilage;*
> 4. *The large freestanding sign in front of the building.*
>
> *Other considerations are the need to ensure*
>
> 5. *the conservation of the item;*
> 6. *adequate protection for any archaeological relics;*
> 7. *the provision of interpretation."*

The concerns raised by Council's Heritage Advisor in the preliminary assessment of the proposal were raised with the applicant who provided a supplementary report to Council on 11 December 2017 prepared by GML Heritage. Upon a site inspection of the internal building, Council's Heritage Advisor reviewed the response and concluded that the impacts to the heritage item as a result of concerns 1 to 4 raised above are largely unavoidable due to the required widening of Princes Highway and Smith Street and the constrained nature of the site. Furthermore, the height of the proposed warehouse, being 2 storeys is considered modest given the nature of the locality and in considering that no numerical development standard applies to the site in relation to height.

The pylon sign is comparable in size to that approved as part of the consent granted by Determination No. 201200528 dated 21 August 2013 granted by the Sydney East Joint Regional Planning Panel and it would be onerous to require the sign to be reduced in size.

The supplementary report provided by GML Heritage makes the following recommendations in relation to matters 5 to 7 above:

> ***"Conservation of Heritage Item***
>
> *A detailed Schedule of Conservation Works will be provided as a Condition of Consent, similar to but updated from the conditions placed on the 2013 DA, or in a modified HIS. A suggested condition is attached to this report.*
>
> ***Adequate provision for archaeological relics***
>
> *This can be addressed through an appropriate Condition of Consent, which will require an Aboriginal Due Diligence Assessment and Historical Archaeological Assessment and Research Design report to be prepared and all relevant permits to be obtained prior to works commencing on the site. This can be based on an update of the Archaeological Assessment and Research Design report prepared by Godden Mackay Logan dated November 2012.*
>
> ***The provision of interpretation***
>
> *The provision and implementation of an Interpretation Plan (IP) will be incorporated as a Condition of Consent; a variation to the condition placed on the 2013 DA is recommended that avoids the IP being referred to the Heritage Council for approval as this will take time and money, and could be signed off by Council's heritage advisor.*
>
> *In addition, the standard archival recording of the changes will be undertaken, also a recommended condition of consent."*

The conditions recommended by GML Heritage have been considered and could be imposed on any consent granted, however the application is not supported for traffic reasons.

The application was also referred to Heritage Council of NSW who raised no concern over the development subject to the imposition of appropriate conditions relating to archaeological relics.

The development is considered acceptable having regard to Clause 5.10 of MLEP 2011 and the relevant provisions of Part 8 of MDCP 2011.

(vii) Acid Sulfate Soils (Clause 6.1)

The subject property is identified as land being affected by Class 5 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map.

The applicant submitted a Preliminary Site Investigation, which identified the site as potentially being affected by acid sulfate soils. This matter has been discussed previously within this report under the heading *"State Environmental Planning Policy No. 55 – Remediation of Land"*.

(viii) Earthworks (Clause 6.2)

The proposed development includes excavation to a depth approximately 2.5 metres below existing ground level to accommodate the undercroft parking. Clause 6.2 of MLEP 2011 requires the consent authority to have regard to certain matters where earthworks require development consent. Those matters include the potential disruption to drainage patterns and soil stability, effects on the likely future use of the land, the quality of the fill or soil to be excavated, likely effects

on adjoining properties, the likelihood of disturbing relics and the potential for adverse impacts on any watercourse or drinking water.

The application was accompanied by a Geotechnical Report, which stated that the proposed development is considered geotechnically feasible, however, recommends further investigation to provide suitable recommendations for design and to manage the geotechnical risks associated with the development. In addition the applicant submitted a Preliminary Site Investigation Report, which contained a number of recommendations to ensure that the site can be made suitable for the proposed development and the appropriate disposal of excavated soil.

If the proposal were to be supported, subject to the imposition of appropriate conditions relating to the recommendations contained within the Geotechnical Report submitted with the application, the proposed development could satisfy the objectives contained within Clause 6.2 of MLEP 2011, however the application is not supported for other reasons.

(ix) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the 25 - 30 Australian Noise Exposure Forecast (2033) Contour. The proposed use is defined as light industrial in nature and an Acoustic Report was submitted with the application that demonstrates that the development is acceptable as per the provisions of Table 2.1 in AS2021-2015.

(x) Airspace Operations (Clause 6.6)

The site lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority. The development has a height of 40 metres Australian Height Datum (AHD).

The application was referred to the body responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Kingsford Smith Airport in accordance with the requirements of Clause 6.6 of MLEP 2011, being Sydney Airport Corporation.

Sydney Airport Corporation, by letter dated 1 May 2017 advised no concern is raised over the height of the development subject to the imposition of conditions on any consent granted.

9. Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

10. Marrickville Development Control Plan 2011

Part 2 – Generic Provisions

(i) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the development application and is acceptable.

(ii) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

For commercial developments Part 2.5 of MDCP 2011 requires:

- Appropriate access for all persons through the principal entrance of a building and a continuous accessible path of travel (CAPT), designed in accordance with the National Construction Code (Building Code of Australia) and relevant Australian Standards; and
- General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities and outdoor recreational facilities; and
- In a car parking area containing 10 or more car spaces, a minimum of 1 accessible car parking space being provided for every 10 car spaces or part thereof.

The applicant provided a Statement of Consistency as part of the subject development application that demonstrates that the proposal satisfies the access and mobility controls contained in MDCP 2011 in that:

- Appropriate access is provided for all persons through the principal entrance to the premises;
- A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the shop;
- An accessible toilet is provided;

The development provides 424 car parking spaces, with 10 of those spaces being accessible. Based on the quantity of car parking spaces provided, a total of 43 accessible car parking spaces would be required to be provided on site. The provision of an additional 33 accessible car parking spaces to provide a total of 43 accessible spaces would reduce the total number of standard car parking spaces to 364, which is not preferable. The applicant provided the following justification for the development providing accessible car parking below that prescribed by MDCP 2011:

"We believe the proposed provision of ten (10) accessible spaces is justified on the following grounds:

- *As a rule of thumb, Bunnings adopts the Australia-wide standard of 2 accessible spaces per 100 car spaces found in the BCA (section D3.5 Accessible Car Parking, class 6). In the case of the proposed Tempe store, a total of 424 car spaces are proposed and 10 accessible car spaces are proposed, which exceeds this requirement.*
- *It is Bunnings' standard requirement that for all "large warehouses" 10 accessible car spaces are provided, irrespective of actual car park numbers*
- *Bunnings has well established experience of operating these types of stores, which at last count exceeds 300 stores across Australia, and it is our experience that this provision is sufficient for demand*
- *In the event an excessive number of accessible spaces are provided, this will act to limit supply for other users and potentially lead to unforeseen car parking shortfalls at peak periods"*

The above justification is considered well founded and worth of supported. Any reduction in ambulant car parking spaces could result in an overflow into the local street car parking network which would be undesirable.

Given the above the proposed development is considered reasonable having regard to the access controls contained in MDCP 2011.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of the proposal.

(iii) Acoustic and Visual Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains the objectives and controls relating to acoustic and visual privacy including controls relating to aircraft noise, general acoustic privacy, visual privacy, air conditioning, and impacts of rail and road noise or vibration.

An Acoustic Report was submitted with the application which made the following conclusions:

> *"…Noise assessment was completed for the proposed new Bunnings store at Tempe which has included the assessment of noise from fixed mechanical plant, patrons, aircraft and activities associated with the delivery of goods.*
>
> *Background noise monitoring from 2014 was used to establish the existing noise levels from which project specific noise criteria were derived. These criteria were developed using the EPA's Noise Guide for Local Government.*
>
> *The noise assessment has determined that noise from operations on the site will comply with established noise criteria at the closest residences on Smith Street."*

The Acoustic Report was reviewed by Council's Environmental Health Officer who raised no concern with the proposal from an acoustic perspective.

The layout and design of the proposed development ensures that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties are protected. The proposal does not include any additional openings along the Smith Street elevation which would result in any adverse privacy impacts. Furthermore, appropriate conditions of consent should be imposed on any consent granted to ensure that the operation of the subject development does not adversely impact on the acoustic amenity of the adjoining residential properties.

The application includes the installation of air conditioning units on the roof of the development which are not visible from any public place. MDCP 2011 provides the following in relation to air conditioning units:

> *"Air-conditioning units must be installed to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. The air-conditioner, associated plant and ancillary fittings must not give rise to "offensive noise" as defined under the provision of the Protection of the Environment Operations Act 1997."*

Appropriate conditions could be imposed on any consent granted to ensure the air conditioning units comply with the above criteria however the proposal is not supported on traffic grounds.

Matters relating to hours of operation have been discussed later in this report under the provisions of Part 6.2 of MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties. The development does not result in any significant increase in

overshadowing to the dwellings on the opposite side of Smith Street, being Nos. 30 to 48 Smith Street.

The development will not impact on any principal living areas or areas of private open space of any residential accommodation to the extent that solar access to those areas are reduced to less than 2 hours on 21 June in accordance with Council's controls. .

The development is acceptable having regard to the provisions of Part 2.7 of MDCP 2011.

(v) Social Impact Assessment (Part 2.8)

Part 2.8.5 of MDCP 2011 states that a Social Impact Comment is required for retail premises exceeding 3,000sqm. The proposed hardware and building supplies store is technically an industrial development but given the size and nature of the use, a Social Impact Assessment was submitted with the application which concluded the following, in part:

> *"…The proposed development will significantly increase the range of hardware and home improvement goods on offer in the inner west. The co-location of the proposed store with Ikea will provide convenient shopping for homemakers as a considerable range of goods will be on offer in a single location. The proposed development will encourage increased competition between retailers which will benefit the consumer. The proposed development will also bring significant employment opportunities and boost gross regional product."*

The application was referred to Council's Social Impact Planner who raised no objection to the proposal and indicated the development would provide improved employment opportunities in the LGA. The development satisfies the controls and objectives contained in part 2.8 of MDCP 2011.

(vi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The proposed development is considered to generally satisfy the objectives of Part 2.9 of MDCP 2011 as follows:

- The proposal includes appropriate lighting for all entrances and on-site pedestrian thoroughfares;
- The alterations and additions to the building have been design to avoid secluded areas and incorporate large open plan areas which accommodate parking, landscaping and entrances;
- The building entrance will be readily visible from the street; and
- The proposed use will generate in itself more opportunities for causal surveillance by customers.

Having regard to the above the proposal is considered to satisfy the community safety provisions of Part 2.9 of MDCP 2011.

(vii) Parking (Part 2.10)

Car Parking

In accordance with Part 2.10 of MDCP 2011, the subject property is located in Parking Area 3 and has a GFA of 17,865sqm. The parking rates table in Control C1 of Part 2.10.5 of MDCP 2011 does not provide parking rates for *Hardware and Building Supplies* stores. Control C2(xi) of Part 2.10.5 of MDCP 2011 specifies the following:

> *"Calculation of parking provision for uses not specified in Table 1 above is to be undertaken on merit, guided by the RMS Guide to Traffic Generating Developments rates reduced by 30%, 25% and 20% for Parking Areas 1, 2 & 3 respectively."*

A review of the RMS *Guide to Traffic Generating Developments* concludes that the guide also does not specify parking rates for *Hardware and Building Supplies* stores and therefore the appropriate rate of car parking must be considered on merit for this application.

The application seeks consent for a single level of basement parking accommodating the following:

- A total of 424 car parking spaces for customers and staff, including 4 spaces to be provided for car share vehicles, 4 car parking space being provided with attached trailer bays, and 10 accessible car parking spaces;
- 20 bicycle parking bays;
- 17 motorcycle parking spaces.

The applicant submitted the following comments regarding car parking:

"1. *Bunnings' consultant TTPA has presented empirical parking analyses of comparable Bunnings Warehouses, and concludes that provision within a range of 360-412 spaces will be appropriate to cater for expected demand, including seasonal demand, to avoid any overflow on-street parking. The proposed provision of 424 spaces (at a rate of 1 space/42 sqm), is an appropriate "merit" provision in light of expected demands.*

2. *With regard to the objectives of Part 2.10 of the MDCP 2011, this provision can be supported because:*

   (i) it avoids spillover parking on to surrounding streets which cannot accommodate any spillover parking;
   (ii) the proposed car park sits within an excavated area under the footprint of the proposed warehouse, therefore parking is managed in a visually unobtrusive manner;
   (iii) parking is provided for customers and staff on-site; parking provision is sufficient to cater for demand as evidenced by comparison to empirical survey relating to demand for this type of development;
   (iv) the development features the economic reuse of a significant heritage item.

The previous approval on the site, Determination No. 201200528 dated 21 August 2013 which granted consent for a bulky goods retail premise was subject to the parking provision rate for bulky goods retail which under MDCP 2011 is a rate of 1 space per 100sqm GFA. Whilst Council acknowledges the parking rate provision for bulky goods premises is not appropriate for the proposed use as the parking demands are different, it is the most similar use with a rate prescribed in MDCP 2011. Given the GFA of the subject proposal being 17,885sqm, this would attract a requirement for 179 car parking spaces, with 18 of these spaces being accessible.

A recent RMS Technical Direction, *TDT 2013/04*, published May 2013 provided updated traffic surveys for certain types of traffic generating developments. The surveys indicate that there is a substantial difference between the vehicle trips generated by a bulky goods retail store and a major hardware and building supplies store. It is therefore concluded that Council's parking rates for bulky goods retail premises could not accurately be used to determine the required number of car parking spaces being required for the subject use. It would be undesirable for a reduced number of car spaces to be provided which may result in overflow on to the street parking network.

Considering the above and the argument provided by the applicant above, it is Council's opinion that the 424 car parking spaces are sufficient given the circumstances.

Bicycle Parking

MDCP 2011 does not prescribe a bicycle parking rate for hardware and building supplies premises. An assessment of the merits of the proposal was undertaken by Council's Traffic and Parking

Services section who consider that 20 bicycle parking spaces would be sufficient for use by customers and staff.

The development proposes a total of 20 bicycle parking spaces. Given that the development site is a hardware and building supplies store and most goods purchased are of significant size, it is envisaged that most customers would be visiting the store with a vehicle. It is therefore considered that 20 spaces is appropriate. Notwithstanding, there is sufficient space within the basement parking area if more than 20 bicycle should wish to park at any one time.

Motorcycle Parking

Control C19 of Part 2.10.15 of MDCP 2011 prescribes that motorcycle parking shall be provided at a rate of 5% of the car parking required. Given that no car parking provision rates apply for the use, a rate of 5% of the car parking provided should be used in this circumstance.

The proposed development provides a total of 17 motorcycle parking spaces. A condition should be imposed on any consent granted requiring the provision of a total of 21 motorcycle parking space in accordance with Part 2.10.15 of MDCP 2011. This will ensure sufficient motorcycle parking is provided on site for customers and staff.

Vehicle Service and Delivery Areas

C25 of Part 2.10.16 of MDCP 2011 requires the provision of service and delivery vehicle parking for the proposed development as follows:

> *"One truck space per 4,000sqm GFA up to 20,000sqm GFA plus one truck space per 8,000sqm thereafter."*

Plans submitted with the application indicate space for 4 trucks to park and unload. Council's Traffic Services section has reviewed the service and delivery area and has advised that the area complies with the requirements of MDCP 2011.

(viii) Signage and Advertising Structures (Part 2.12)

Part 2.12 of MDCP 2011 specifies Council's objectives and requirements for the erection and display of advertising signs. Those provisions are intended to protect the significant characteristics of retail/commercial strips, neighbourhoods, buildings, streetscapes, vistas and the skyline. The provisions include general controls for signage, prohibitions, preferred options for signage and size restrictions for signage.

The application seeks consent for the erection of a total of 11 business identification signs, including 9 x flush wall signs, 1 x pylon sign and 1 x roof sign with the following dimensions:

- 4 x wall signs on the northern elevation:
  - 7.9 metres (length) by 2.5 metres (height) "Bunnings Warehouse";
  - 9.3 metres (length) by 3.2 metres (height) "Hammer and position statement";
  - 11.9 metres (length) by 3.7 metres (height) "Bunnings Warehouse";
  - 13.5 metres (length) by 6 metres (height) Hammer and position statement";
- 2 x wall signs on the eastern elevation:
  - 18.1 metres (length) by 5.7 metres (height) "Bunnings Warehouse";
  - 18.4 metres (length) by 7.2 metres (height) "Hammer and position statement";
- 2 x wall signs on the southern elevation:
  - 11.8 metres (length) by 3.7 metres (height) "Bunnings Warehouse";
  - 18.4 metres (length) by 7.2 metres (height) "Hammer and position statement";
- 1 x wall sign on the western elevation (to façade of existing heritage building) measuring 7.9 metres (length) by 2.5 metres (height) "Bunnings Warehouse";

- 1 x pylon sign within front setback with measurements 12 metres (height) by 4.8 metres (width) showing "Bunnings Warehouse and hammer logo"; and
- 1 x large format roof sign "Bunnings Warehouse" and "Hammer".

All signage is proposed to be externally illuminated with adjustable down lights fitted to the top of the signage and illuminated between the hours of 6:00am and 10:00pm daily.

General Controls

Control C2 specifies that the scale and location of a sign must be compatible with the architectural design of the building to which it is affixed and consider nearby buildings, streets and other existing signs. Important architectural features must not be obscured by signage and must remain the dominant feature of the facade.

The development involves retention of an existing heritage listed warehouse and construction of a new warehouse addition behind. The site has approximately 150 metres of frontage to Princes Highway and the southern and northern side elevations of the new additions are particularly prominent when viewed from Princes Highway. Given the heritage nature of the front façade, only a small business identification sign is located on the front façade replacing the existing "Pretty Girl" signage.

Given that the front façade is entirely void of signage with the exception of the small replacement "Bunnings" sign and pylon sign in the front setback, the majority of signage is in the form of painted wall signage along the northern and southern elevations of the rear portion of the development, albeit still visible form Princes Highway, as illustrated in Image 11 below:

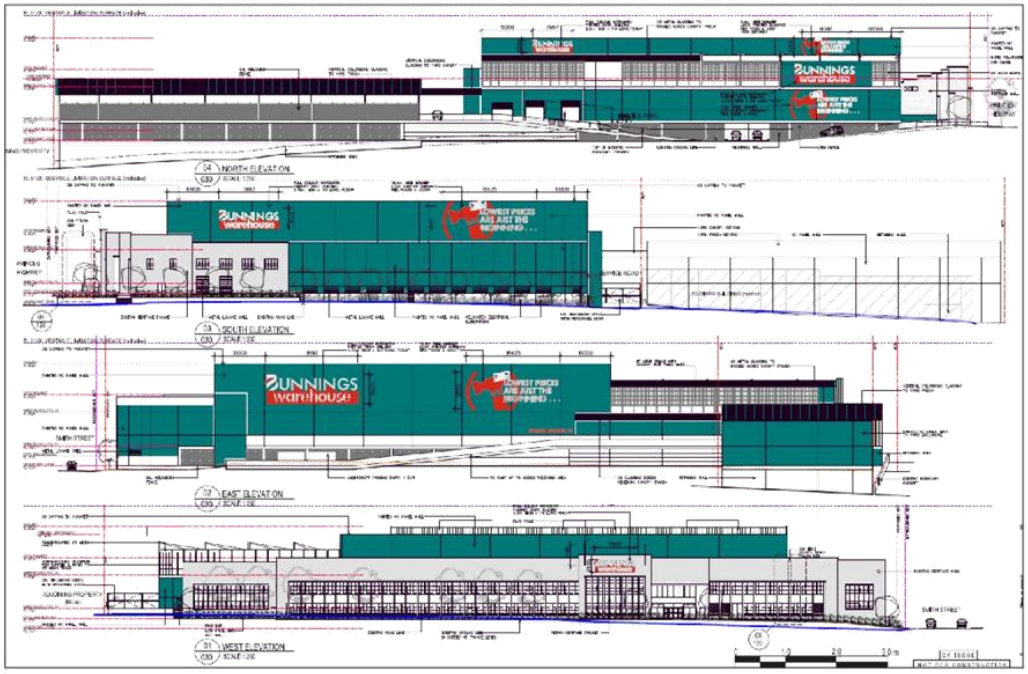


Image 12: Proposed Signage

Control C4 specifies that the colour used in the design of an advertising sign or structure must be compatible with the colour scheme of the building to which it will be attached. Control C5 also specifies that corporate colours, logos and other graphics are only acceptable where they are

restricted to an advertising sign. The development includes the painting of the entire development, with the exception of the heritage building in a dark green colour. The green is considered a corporate colour and the signage incorporates branding colours, including white, red and green

Given the colour scheme of the heritage item being retained which generally includes blonde brick and white window frames, the green is considered inappropriate and will detract from the appearance of the item. The painting of the entire development in a bold corporate colour is considered excessive. It is considered that a predominantly off-white paint scheme, incorporating areas of green and red in the advertising signs is more appropriate and would be compatible with the colour of the heritage item. A similar approach to this was incorporated into the design and branding of the Bunnings store in Ashfield, illustrated in Image 12 below:



Image 13: North eastern façade of Bunnings Ashfield

If the proposal were to be supported, a condition could be imposed requiring that the painting of the façade be amended to an off-white colour and the colour scheme of the signage be amended accordingly. Subject to the colour scheme being amended, it is considered that the proposed signage is compatible with the contemporary rear addition and is respectful to the features of the heritage item. However, the proposal is not supported on traffic grounds as outlined thought his report.

The development includes small down lights on adjustable fittings to illuminate the signage. Illumination is proposed during the hours of operation being 6:00am to 10:00pm. Control C1 specifies that no illumination may occur between 10:00pm and 7:00am the following day. The operation of the premises commences from 6:00am on Mondays to Fridays and the advertising signs along the southern elevation are located opposite residential accommodation. Notwithstanding, the above, Council raises no concern over the illumination of the signage between 6:00am and 10:00pm daily which is consistent with consents relating to other similar signage including IKEA and Decathlon to the north of the site fronting Princes Highway.

Signage controls based on sign type

Flush wall signs

C14 specifies controls relating to flush wall signs, specifically that only 1 sign shall be permitted on each wall, and the sign must not occupy more than 20% of that wall and a maximum area of 8sqm.

As discussed above, the development has a total frontage of 266 metres to Princes Highway and Smith Street and is a large 2 storey warehouse building. Given that the front façade is entirely void of signage with the exception of the small replacement "Bunnings" sign and pylon sign in the front setback, the majority of signage is in the form of painted wall signage along the northern and southern elevations of the rear portion of the development.

Whilst the signage exceeds the maximum size of 8sqm prescribed by Control C14 above, the proposed wall signage occupies approximately 10% of the northern and southern facades which is well within the 20% criteria prescribed and is commensurate with signage in the vicinity of the site, such as IKEA to the north and signage in the business precinct along Princes Highway. The signage is not considered to be excessive in size and is proportionate to the size of the development.

Signage controls based on zoning and land uses

Signage in industrial zones

Whilst the proposal is located in the B6 Enterprise Corridor zone, the site and its surrounding development is industrial in nature, and includes a number of warehouse and distribution centres to the west of the site, bulky goods retail premises to the north of the site and transport infrastructure opposite the site. The controls relating to commercial zones relate more specifically to commercial centres and this does not reflect the nature of the subject use.

Control C19 specifies that the total advertising area upon any building in an industrial zone must not exceed 1sqm for each 3 metres or part thereof of a frontage up to a maximum area of 10sqm. The site has a 150 metre frontage to Princes Highway and a 116 metre frontage to Smith Street.

Whilst the total area of the signage exceeds the size prescribed by C19, the signage is proportionate to the size of the development, is not considered to be excessive and is commensurate to other types of signage in the vicinity of the site, such as IKEA to the north and signage in the business precinct along Princes Highway.

Signage on heritage items and in heritage conservation areas

Part 2.12.4.9 prescribes controls for signage on heritage items. The development is acceptable having regard to those controls in that:

- The proposed signage on the heritage item is modest in size and scale
- The signage replaces the existing "Pretty Girl" signage on the building in the same location and a similar scale;
- Illumination of the sign is minimal. A condition should be imposed on any consent granted requiring that the cabling and conduit supplying power to the sign be completely concealed and must not involve intervention in or damage to the façade;
- A condition should be imposed on any consent granted requiring that the installation of any sign be carried out in a reversible manner without damage to the façade.

Considering the above, the signage is considered acceptable having regard to the controls contained in MDCP 2011.

(ix) Energy Efficiency (Part 2.16)

Part 2.16.3 of MDCP 2011 specifies the following requirements for new business premises, retail premises, office premises and industrial buildings (involving a gross floor area of greater than 1,000sqm:

- *The total anticipated energy consumption must be no greater than 450 MJ/am2 (commercial) and 900MJ/am2 (retail).*
- *New or replacement hot water systems of domestic/ residential scale must be 3.5 star greenhouse rated or more efficient.*
- *The design principles and controls in sections 2.16.6 to 2.16.8 (must be discussed in the statement of environmental effects (SEE).*
- *Where natural ventilation is not possible and new or replacement air-conditioners (of domestic/ residential scale) are to be installed; they must be MEPS (minimum energy performance standards) rated. Minimum 4 star rating for cooling only, and minimum 4 star on one cycle and 3 star on the other cycle for reverse-cycle models."*

The application was accompanied by an Energy Performance Report which demonstrated that the proposed development would generally comply with the above provisions of Part 2.16.3 of MDCP 2011 and is acceptable in this regard.

(x) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for commercial, retail, and industrial development with a total site area greater than 2,000sqm, which results in new or increased gross floor area of greater than 50%.

The application was accompanied by a Stormwater Management Report which is considered acceptable. However, modelling required to be undertaken in the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) program was not submitted with the application. Notwithstanding, the application was reviewed by Council's Development Engineer who raised no concern over the development in this regard subject to a condition being imposed on any consent granted requiring the MUSIC modelling to be undertaken prior to the issue of a Construction Certificate. Notwithstanding the proposal is not supported on traffic grounds.

(xi) Landscaping and Open Spaces (Part 2.18)

Industrial Development

The following landscaping controls apply to industrial development:

*"**C28** Landscaped area*

i. A continuous minimum landscaped area 1.5m wide across the entire frontage of the property, excluding driveways, must be provided. This width must be increased to 2 metres where the site exceeds 600m2 and to 3 metres when the site exceeds 1,000m2.

ii. For corner sites, a continuous minimum landscaped area 1.5 metres wide across the entire secondary frontage of the property, excluding driveways, must be provided.

iii. If an existing site is to be refurbished or is subject to a change of use application, the required landscaped area will be sought where it is possible without structural alterations.

***C29** Communal open space*

i. A minimum of 5% of the site area must be provided as communal open space to cater for staff recreation and informal social interaction.

ii. Communal open space must be located close to indoor dining areas (if applicable) to encourage greater use of the outdoors.
iii. If an existing site is to be refurbished or is subject to a change of use application, the 5% communal open space will be sought if there is unused land available or excess parking.

The development retains a large portion of the front setback of the existing development, however the front boundary setback has been reduced due to the required road widening. The development includes a landscaped area measuring approximately 4 to 8 metres wide along the entire Princes Highway frontage of the site which is acceptable.

The site is a corner site and has a secondary frontage to Smith Street. A continuous landscaping strip is providing along much of the secondary frontage, with the exception of some narrow portions with the setback being reduced as a result of the widened footpath and cycleway. Considering the circumstances, the proposed landscaping is acceptable.

The development includes an internal kitchen and lunch room for staff on the ground floor level. Given the significant site coverage proposed and the retention of the existing heritage portion of the building, there is not sufficient space on site to provide 5% of the site for communal landscaping. The front setback provides approximately 750sqm of landscaping, however this is not suitable for communal open space as its proximity to the Princes Highway would make it undesirable. The non-compliance with the 5% communal open space control is acceptable given the site circumstances.

A landscape maintenance schedule was not submitted with the application. If the proposal were to be supported a condition could be imposed on any consent granted requiring the submission of a landscape maintenance schedule, however the application is not supported on traffic grounds.

(xii) Tree Management (Part 2.20)

The application seeks consent for the removal of a total of 25 trees from the site protected under MDCP 2011, including the following:

Street trees along Princes Highway

- 7 x *Melaleuca bracteata* (black tea tree)

Trees on subject property

- *Harpephyllum caffrum* (African wild plum) near the main building entrance. It is in generally fair condition with a ULE of 15 to 40 years. Its landscape significance is moderate to high and its retention value is moderate
- Approximately 18 trees along the Smith Street frontage of the property, most of which are *Corymbia maculata* (spotted gums). They are in generally good condition with ULEs of 15 to 40 years, and possibly longer. Their landscape significance is moderate to high and their retention value is moderate.
- 3 x *Corymbia maculata* (spotted gums) on the right hand side of the driveway entrance of Smith Street. These are generally in similar condition and have similar retention value to the trees along the Smith Street frontage.
- A number of trees along the northern boundary.

The application was referred to Council's Tree Management Officer (TMO) who initially recommended that the application be refused, making the following comments:

1. *The removal of the seven street trees along Princes Highway will not be supported.*
2. *The existing arborist report is not acceptable as it fails to address the minimum requirements detailed in Appendix 1, Part 2.20 of MDCP 2011, most importantly the requirement to provide tree retention values.*
3. *The landscape plan is not supported as it fails to adequately compensate for the loss of existing trees and does not achieve an acceptable urban forest canopy over the site.*

It was recommended that the applicant:

1. *Amend the plans to incorporate the retention of the 7 street trees along the Princes Highway.*
2. *Provides an amended arboricultural report that addresses the minimum requirements of Appendix 1, Part 2.20 of MDCP 2011.*
3. *Reviews and amends the landscape plan to ensure that the existing trees that are removed are adequately and appropriately compensated for and that the urban forest canopy is increased significantly above existing levels.*

Subsequent to that letter, the applicant sought a meeting with Council to discuss the issues raised. An amended arborist report and landscape plan were provided to Council on 11 December 2017. The amended package was reviewed by Council's TMO who made the following additional comments, in summary:

> *"In summary, the loss of the seven established street trees is not supported, despite the proposed compensatory tree planting. The loss of all existing trees on the subject property is not supported, particularly without adequate compensation. The proposed five new trees along Smith Street do not provide adequate compensation for the trees that are proposed to be removed.*
>
> *However, it is acknowledged that the amended landscape plan would provide a better urban forest outcome than the previous landscape plan."*

Notwithstanding the comments from Council's TMO, it is acknowledged that the widening of Princes Highway and Smith Street will result in a loss of established street trees and this is unavoidable. The amended landscape plan proposes 8 *Corymbia citriodora* (lemon-scented gums) along the Princes Highway frontage and another 5 lemon-scented gums along the Smith Street frontage. Considering the industrial nature of the site, the expansive driveway and under croft area restricting the opportunity for deep soil planting on site, and the removal of the existing street trees in return for the proposed shared pedestrian and cycleway, the provision of compensatory planting is considered acceptable.

To ensure that the proposed landscaping satisfies the recommendations made with the submitted Arborist's Report, a condition should be imposed on any consent granted requiring detailed plans being submitted to the satisfaction of the Certifying Authority, endorsed by a qualified Arborist, demonstrating adequate planting conditions being provided for all proposed trees and any necessary measures being incorporated into the development to ensure the ongoing health of the proposed landscaping.

The application is acceptable with regard to tree management subject to the imposition of the above conditions however the proposal is not supported on traffic grounds.

(xiii) Site Facilities and Waste Management (Part 2.21)

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

Part 3 –Subdivision, Amalgamation and Movement Networks

Part 3.2.1 of MDCP 2011 prescribes objectives and controls relating to Torrens title subdivision.

The application involves a minor boundary adjustment to the site in order to facilitate a slip lane from the Princes Highway to Smith Street. The boundary adjustment equates to approximately 1,000sqm.

The boundary adjustment is acceptable having regard to Part 3.2.1 of MDCP 2011 in that:

- The boundary adjustment will not compromise any significant site features, with the existing heritage listed building at the front of the site being retained;
- The boundary adjustment is consistent with the site topography and natural and physical features of the site, the services to the site, vegetation, easements, stormwater management and vehicular access; and
- A splay is provided to the corner of Princes Highway and Smith Street.

The development is acceptable having regard to Part 3 of MDCP 2011.

Part 6 – Industrial development

The following comments are provided where concerns are raised with the development in respect of the relevant controls within Part 6 of MDCP 2011.

(xiv) General Industrial Controls (Part 6.1)

Floor Space Ratio

As indicated previously within this report, the proposed development complies with the floor space ratio development standard contained within MLEP 2011. Despite the non-compliance, the applicant has demonstrated that the proposed development still satisfies the objectives of the standard and the zone and is considered acceptable in this regard.

Site Area and Frontage

The application included vehicle movement diagrams which demonstrate the site can accommodate the proposed use and heavy vehicle movements necessary to service the proposed development. Furthermore, the site has a frontage which exceeds the 20 metre minimum prescribed under Part 6.1.2.3 of MDCP 2011. The application is considered acceptable in this regard.

Site Layout and Amenities

The proposed site layout and amenities, including landscaping are considered generally acceptable and satisfy the objectives of Part 6.1.2.4 of MDCP 2011.

Built Form and Character

The development generally complies with the controls contained in Part 6.1.2.5 in that:

- The maximum height of the building is consistent with the height of other industrial buildings in the immediate vicinity, including the existing developments to the east of the site and the existing IKEA building to the north of the site.
- The development is consistent with Council's controls relating to urban design, solar access, privacy and residential/industrial interface.

- The development complies with Clause 6.6 of MLEP 2011 in relation to the Obstacle Limitation Surface and has been supported by Sydney Airport Corporation.
- All rooftop or exposed structures including lift motor rooms, plant rooms, air-conditioning, ventilation or exhaust systems are suitably screened and integrated with the building. No rooftop plant and services are located on the southern side of the building adjoining the residential accommodation on Smith Street.

Building Design and Appearance

The proposal includes the retention of the existing building elements which front the Princes Highway and Smith Street. The new works are located within the rear corner of the site and are considered to reflect the built form and appearance of the surrounding industrial development.

All external walls are proposed to be graffiti resistant. A condition to this effect could be imposed on any consent granted if the proposal were to be supported. Furthermore, the change in colour of the new works has been discussed earlier in this report, and subject to changes as detailed, the application is considered acceptable in this regard.

Setbacks

The proposal provides a variable front setback which ranges between approximately 10 metres to 13 metres. The Smith Street setback will be approximately 2.5 metres after the completion of the proposed road widening and boundary adjustment. The existing rear setback will be retained at approximately 13 metres.

The front setback retains the existing heritage item and is considered acceptable. Part 6.1.2.7 of MDCP 2011 prescribes a secondary frontage setback of 1.5 metres. In addition, industrial allotments which adjoin residential buildings must be designed appropriately to protect the amenity of those buildings. The proposal maintains the existing separation between the existing industrial building and the adjoining residential properties. Whilst the development proposes to remove the existing landscaping to accommodate the new road widening, the application includes the provision of mature planting to partially screen the existing side elevation.

The proposed landscaping is considered acceptable in maintaining the amenity of the adjoining residential properties.

(xv) Industrial/Residential Interface

Plan of Management

The site adjoins residential accommodation on the opposite side of Smith Street to the south of the premises and therefore requires a Plan of Management (POM) in accordance with Control C40 within Part 6.2.1 of MDCP 2011.

Notwithstanding this, it is considered that the premises is capable of operating without causing unreasonable amenity impacts for nearby residents and should any impact on the amenity of neighbouring premises occur, appropriate procedures are in place to resolve such issues.

If the proposal were to be supported, a condition could be included in the recommendation requiring that a detailed Plan of Management be submitted to and approved by Council prior to the release of an Occupation Certificate which details how the facility will be managed so as to limit adverse amenity impacts upon nearby residential premises, with regard to noise generation, hours of operation and employee conduct, however the proposal is not supported on traffic grounds

Furthermore, appropriate conditions of consent could be imposed on any consent granted to protect the amenity of the adjoining residential amenity if the proposal were to be supported.

Noise and Vibration Generation

Part 6.2.2 of MDCP 2011 prescribes controls for industrial uses that are located nearby residential accommodation, the development is acceptable and demonstrates compliance with Part 6.2.2 of MDCP 2011 in that:

- An Acoustic Report was submitted with the application that demonstrates compliance with the relevant noise control guidelines. The Acoustic Report was reviewed by Council's Environmental Health Officer who raised no objection to the proposed development;
- There are no openings along the southern portion of the building, with the exception of the basement vehicular entry, which minimises noise disturbance; and
- The hours of operation are consistent with neighbouring uses and are not considered to be excessive given the nature of the use.

Hours of Operation

Part 6.2.4 of MDCP 2011 contains objectives and controls relating to hours of operation. The application seeks consent to operate between the following hours:

Mondays to Fridays	6.00am to 10.00pm
Saturdays, Sundays and Public Holidays	6.00am to 7.00pm

Whilst there are a number of residential dwellings located on the opposite side of Smith Street, the area is zoned B6 Enterprise Corridor and there is a history of industrial use on the site. An Acoustic Report was submitted with the application which concludes that the operation of the business would not cause any offensive noise and complies with the relevant noise criteria guidelines. Notwithstanding, an assessment of operating hours of similar hardware and building supplies stores, including Bunnings, in the metropolitan area which have an interface with residential accommodation concludes that 9:00pm is generally the extent of evening operating hours permitted on these sites. Considering the interface with residential accommodation directly opposite the vehicular access to the basement car park on Smith Street, the operating hours until 10:00pm is considered excessive. As such, a condition could be imposed on any consent granted limiting the weekday operating hours to 6:00am to 9:00pm, however the proposal is not supported on traffic grounds. No concern is raised over the weekend hours.

It should be noted that the approved hours of operation of the adjoining IKEA store are 10.00am to 10.00pm Mondays to Fridays and 9.00am to 10.00pm weekends, however IKEA does not have a residential interface.

Subject to a reduction in the weekday operating hours until 9:00pm, the development is acceptable having regard to Part 6.2.4 of MDCP 2011.

Part 9 – Strategic Context

The property is located in the Princes Highway Planning Precinct (Precinct 33) under Marrickville Development Control Plan 2011. The development is considered to be consistent with the desired future character of the area. No precinct specific or site specific controls relate to the subject site.

11. Marrickville Section 94/94A Contributions Plan 2014

A Section 7.11 contribution of $682,553.18 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014.

12. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 38 submissions were received in response to the original notification of the proposal.

During the assessment process the proposal was amended to address concerns raised by Council officers relating to vehicular access to the site and tree management. The amended proposal was notified in accordance with Council's Notification Policy and 70 submissions were received.

The submissions raise the following concerns which have already been discussed throughout the main body of this report:

(i) Loss of on-street car parking;
(ii) Concerns relating to quantity of car parking provided on site;
(iii) Visual and acoustic privacy;
(iv) Traffic generation and increased heavy vehicle movements;
(v) Loss of heritage fabric;
(vi) Removal of mature frees along Princes Highway;
(vii) Concern that Smith Street is not suitable for heavy traffic, as a result of the proposed development
(viii) Impact of queuing on Smith Street; and
(ix) Amenity of adjoining residential accommodation.

In addition to the above, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Removal of bus stop currently located on Princes Highway

Comment: The application seeks consent to relocate the bus stop to accommodate the proposed slip lane from Princes Highway into Smith Street. If the proposal was to be supported a condition could be imposed on any consent granted requiring the applicant to seek approval from State Transit Authority for the relocation of the bus stop and shelter and a plan of the proposed bus shelter relocation with signposting alterations shall be submitted to the RMS and Council for approval before the issue of a Construction Certificate, however the proposal is not supported on traffic grounds.

Issue: Pedestrian safety and accessibility.

Comment: The signalised crossing at the top of Smith Street is being retained and no change to pedestrian access is proposed as part of this application, with the exception of a new traffic island to facilitate the slip lane. The existing footpath is to be reconstructed with a new shared bicycle/pedestrian path and no change to the existing pedestrian accessibility is proposed.

A number of resident submissions actively oppose the construction of a new shared path/cycleway. This is an adopted policy of Council and has been placed on public exhibition for comment.

Issue: Impact to the local street network in Tempe, with regard to traffic, increased heavy vehicle movements and access.

Comment: Concern is raised that traffic will increase on Union Street. Council's Traffic and Parking Services section has recommended refusal of the application as insufficient information has been provided to adequately assess the impact of the development on the local street network in relation to increased traffic.

Issue: Ingress/egress options on Princes Highway.

Comment: All works to the Princes Highway are governed by Roads and Maritime Services who have granted concurrence for the proposal.

Issue: Impact to the local street parking network in Tempe as a result of reduced on street car parking in Smith Street.

Comment: Council's Traffic and Parking Services section have recommended refusal of the application as insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the proposed development.

Issue: "Misrepresentation in the Social Impact Survey"

Comment: A number of submissions raise concern that local residents were not contacted by Bunnings prior to lodgement, as is suggested in the Social Impact Report. The application was reviewed by Council's Social Planner who was critical of the level of engagement with the community undertaken by Bunnings.

Notwithstanding, the application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. Local residents were provided an opportunity to comment on the development and a total of 108 submissions were received over 2 notification periods.

Issue: "Too many Bunnings in close proximity"

Comment: Whilst it is acknowledged that there are numerous Bunnings stores in metropolitan Sydney and some are relatively close to the subject site, there are no planning controls to prevent clustering for this type of use as this is regulated by the market.

All relevant matters raised in the submissions able to be considered under the provisions of Section 4.15 of the Environmental Planning and Assessment Act have been discussed in the report.

13. Conclusion

The application seeks consent to partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side. The heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) State Environmental, State Environmental Planning Policy No. 64 – Advertising and Signage and State Environmental Planning Policy (Infrastructure) 2007

The proposal generally complies with the provisions of Marrickville Local Environmental Plan 2011 and Marrickville Local Environmental Plan 2011.

Notwithstanding, insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street

as a result of the development. Furthermore, insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.

The application is unsupportable and in view of the circumstances, refusal of the application is recommended.

PART E - RECOMMENDATION

A. **THAT** the development application to partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side be **REFUSED** for the following reasons:

1. Insufficient information has been submitted with the application to adequately identify the quantity of, and address the impact of the resultant loss of car parking on Smith Street as a result of the development.

2. Insufficient information has been submitted with the application to adequately assess the impact of the development on the local street network in relation to increased traffic.

3. In view of the above having regard to the traffic and parking impacts on the local road network, approval of the application would not be in the public interest.

SUMMARY

This report concerns the additional information prepared for an application to partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side.

The Sydney Eastern City Planning Panel held a public determination meeting on Thursday 4 April 2019 with the matter deferred on traffic and parking grounds. It was determined that additional traffic related assessment was necessary. A Supplementary Traffic Assessment was prepared by GTA Consultants and submitted to Council on 3 May 2019. An updated assessment was provided to Council on 24 May 2019 incorporating comments provided by the applicant. That assessment is attached to the end of this supplementary report as Attachment A.

Expert legal advice was prepared by Allens and submitted by the applicant to Council on 18 April 2019 regarding physical commencement of Determination No. 201200528, dated 21 August 2013. The Applicant's advice is attached to the end of this supplementary report as Attachment B .Legal advice prepared by Council's Senior Lawyer is attached to the end of this supplementary report as Attachment C.

Advice prepared by Roads and Maritime Services has been received and is attached to the end of this supplementary report as Attachment D.

Council is of the opinion that the additional information provided generally satisfies the resolution of the Panel. The application is referred to the SECPP for determination. Revised conditions of consent are provided should the SECPP be of the mind to approve the application.

1. Background

A report on an application to partially demolish the rear of the existing building, construction of a new building form and adaptively reuse the site for use as a 2 level hardware and building supplies store with undercroft car parking, erection of signage, boundary adjustments to provide a slip lane from the Princes Highway into Smith Street and the widening of Smith Street on the north-eastern side was considered by the SECPP at its public determination meeting on 18 October 2018.

The Panel resolved unanimously to defer the determination of the application for the following reason, in part:

> *"The Panel notes that the assessment report specifies insufficient information on traffic impact as the main reason for refusal, without specifying precisely what additional information is required. In order to determine the application, the Panel requires an assurance that the proposal has minimized its impact on the nearby residential streets to the maximum possible extent.*
>
> *The Panel requests the council and the applicant to agree on a mutually acceptable traffic expert who can prepare, at the applicant's expense, a peer review and an independent assessment of the application that assesses the application. Specifically, assessment of traffic generation, traffic movement on and off the site, discussions with RMS as to greater access opportunities from the highway, including signalization, LATMS to reduce the impact on local streets where increased movements would occur and be deleterious and the consequences and impact of any loss of on street parking and whether any alternate solutions are required."*

On 22 November 2018 the chair of the SECPP agreed to an extension to 29 January 2019 for the additional information to be provided given the Christmas and New Year period.

The Sydney Eastern City Planning Panel held a public determination meeting on Thursday 4 April 2019 with the matter deferred on traffic and parking grounds. It was determined that additional traffic related assessment was necessary, with the record of deferral noting the following:

> *"The Panel requires the following information:*
>
> 1. *Mr Hazell to advise the Panel of the likely impact on the traffic on the Highway of the opening of the tunnel section under the site of Westconnex, and whether he agrees that this is likely to occur in 2020.*
> 2. *Mr Hazell to advise of the traffic impact of the approval for bulky goods development, which is still current and the difference between that traffic impact and the traffic impact of the proposed development.*
> 3. *Mr Hazell to undertake a consideration and to inform the Panel what would need to be included in a LATM scheme to limit rat-runs through local roads surrounding the site and the estimated cost of any work.*
> 4. *Council staff to obtain evidence from the applicant that physical commencement has in fact occurred to render the previous approval 'current'.*
> 5. *The Council to liaise with the applicant to establish a mechanism for the delivery of the LATM scheme at no cost to Council.*
> 6. *The cost of Mr Hazell's advice is to be borne by the applicant.*

7. *The applicant is to approach the RMS with a request to re-consider the removal of the parking spaces on the western side of the Highway opposite the site and to advise the Panel of the response.*

8. *Prior to preparing a supplementary report back to the Panel the report of Mr Hazell is to be provided to the applicant and Council and a meeting convened by Councils Planning Manager to identify any queries or differing positions such that the report back to the Panel can clearly identify the different positions (if they exist) and the basis of those positions."*

2. Additional Information

A Supplementary Traffic Assessment was prepared by GTA Consultants and submitted to Council on 3 May 2019. An updated assessment was provided to Council on 24 May 2019 incorporating comments provided by the applicant. That advice attached to the end of this supplementary report as Attachment A. The expert advice addresses resolutions 1, 2 and 3 of the Panel.

Expert legal advice was prepared by Allens and submitted by the applicant to Council on 18 April 2019. The legal advice addresses resolution 4 of the Panel which requires evidence to be provided of physical commencement of Determination No. 201200528, dated 21 August 2013, being the previous consent on the site. The advice letters from Allens and Council's opinion on it are attached to the end of this supplementary report as Attachments B and C respectively. The legal advice addresses resolution 4 of the Panel.

Advice prepared by Roads and Maritime Services has been received and is attached to the end of this supplementary report as Attachment D.

3. Planning Assessment

Below is an assessment addressing the individual components of the Panel's resolution:

1. *Mr Hazell to advise the Panel of the likely impact on the traffic on the Highway of the opening of the tunnel section under the site of Westconnex, and whether he agrees that this is likely to occur in 2020.*

2. *Mr Hazell to advise of the traffic impact of the approval for bulky goods development, which is still current and the difference between that traffic impact and the traffic impact of the proposed development.*

3. *Mr Hazell to undertake a consideration and to inform the Panel what would need to be included in a LATM scheme to limit rat-runs through local roads surrounding the site and the estimated cost of any work.*

Comment:

Expert advice was prepared by GTA Consultants (Mr Hazell) and submitted to Council on 3 May 2019 in response to resolutions 1, 2 and 3. An updated advice letter was provided to Council on 24 May 2019 incorporating comments provided by the applicant. That advice attached to the end of this supplementary report as Attachment A.

In response to resolution 1, the GTA report concludes that *"with the agreed parking measures in place and intersection upgrades complete, the Princes Highway/ Smith Street/ Union Street signalised intersection will continue to operate well in all peak periods following the opening of WestConnex Stage 1 (2021) and Stage 2 (2031). Indeed, in 2031, with significant reductions*

in Princes Highway traffic, the parking bans on the western side of the Princes Highway would be no longer required."

Mr Hazell has indicated in his email to Council dated 11 June 2019 that he is of the opinion that the opening of the tunnel section under the site of Westconnex is likely to occur in 2020.

In response to resolution 2, the GTA report concludes that overall, the proposed development represents a greater proportional increase in traffic that will use Smith Street on approach and departure than that associated with the previous approval. The agreed upgrades to the Princes Highway/Smith Street/Union Street signalised intersection, coupled with SIDRA modelling indicates that this additional traffic can be accommodated while maintaining acceptable intersection operation, including queue lengths and delay associated with the Smith Street approach.

It is noted that the GTA report incorrectly assumes that the previous consent, being Determination No. 201200528, dated 21 August 2013, remains current. Council has not received proof of physical commencement of that Determination and this is discussed later in this report under resolution 4 of the Panel.

In response to resolution 3, the GTA report provides a typical scope for the LATM study. The GTA report estimates the LATM study to cost approximately $65,000 with a 25% contingency. The total cost of the LATM study through consultation, costings, agreement, traffic committee approvals and installation has been estimated in the order of $250,000 to $300,000. It is noted that this assessment is not conclusive and final costs (including study costs) will need to be determined by others

Council is of the opinion that the information provided satisfies the resolutions 1, 2 and 3 of the Panel.

> *4. Council staff to obtain evidence from the applicant that physical commencement has in fact occurred to render the previous approval 'current'.*

Comment:

Expert legal advice was prepared by Allens and submitted by the applicant to Council on 18 April 2019. The legal advice addresses resolution 4 of the Panel which requires evidence to be provided of physical commencement of Determination No. 201200528, dated 21 August 2013, being the previous consent on the site.

The report concludes the following, in summary:

> *"2.1 In our view, the Development Consent has not lapsed because engineering work, in the form of intrusive geotechnical investigations, relating to the building work was physically commenced on the Site pursuant to s4.53(4) of the Environmental Planning and Assessment Act 1979 (NSW) (**EP&A Act**).*
>
> *2.2 The intrusive geotechnical investigations were undertaken between 14 and 17 August 2018, prior to the date on which the Development Consent would have otherwise lapsed being 20 August 2018."*

A copy of the advice prepared by Allens is attached to the end of this supplementary report as Attachment B

The advice provided by the applicant was reviewed by Council's Lawyer, who is of the opinion that physical commencement of Determination No. 201200528 has not been proven. That advice is attached to the end of this supplementary report as Attachment C.

Council is of the opinion that the information provided by the applicant does not unequivocally demonstrate physical commencement of Determination No. 201200528, dated 21 August 2013. To claim physical commencement, the applicant is reliant on condition 55 of that Determination which states:

> 55. *Before the issue of any Construction Certificate, amended plans are required to be submitted to the satisfaction of the Certifying Authority detailing all recommendations contained within the Geotechnical Deck Study report, prepared by Coffey Geotechnics Pty Ltd, dated 13 August 2012 and submitted to Council on 27 November 2012.*

The Coffey Geotechnical Report recommends further investigations be carried out specific to the proposed development, including the following excerpt:

> *Further investigation such as boreholes will be required to assess excavation conditions where excavations and new footings are located. Cored boreholes are also recommended to assess the depth and quality of bedrock. This would also allow higher design bearing capacities and a better understanding of any likely groundwater seepage during construction.*

The Geotechnical report prepared by JK Geotechnics of 20 August 2018 and submitted to Council with the Allens advice letter states the following:

> *"The main purpose of the geotechnical work was to confirm and supplement the information and recommendations presented in our Geotechnical Report Ref. 27926Vrpt-Tempe, dated 2 December 2014. The latter report was preliminary and prepared simply for the purposes of Due Diligence to assist with the purchase of the property; hence, the need to complete the additional, supplementary work to assist with the Development Application for the proposed development.*

The JK Geotechnics report does not reference the Coffey Report referenced in condition 55 of Determination No. 201200528. Rather, the author states that the report was prepared as a Due Diligence document to assist with the purchase of the property by Bunnings which occurred in January 2015. It is nothing to do with reports necessary to satisfy condition 55 of Determination No. 201200528. Council's lawyer indictes that the work done is not "related to" this proposal: see *Hunter Development Brokerage Pty Ltd v Cessnock City Council* [2005] NSWCA 169 at paragraph 104 and therefore does not satisfy the test for physical commencement.

Council is of the opinion that the legal advice provided does not satisfy resolution 4 of the Panel in that physical commencement of Determination No. 201200528 has not been proven.

> 5. *The Council to liaise with the applicant to establish a mechanism for the delivery of the LATM scheme at no cost to Council.*

Comment:

In order for no financial burden to fall on Council, the delivery of the LATM scheme will need to be undertaken by an external company. The external company will undertake all stages of the project including the LATM study as well as design and delivery.

Council will need to engage an external project manager to manage the project for Council including the preparation of a brief. This brief will include but not be limited to the scope of works (i.e. study area), aims and objectives, methodology/requirements, community engagement and attendance at required meetings. Council will need to approve the final traffic study as well as final detailed design drawings.

It should be noted that the study area itself will need to extend beyond Union Street on the north side of the Highway to account for any possibly measures on union Street which may impact adjacent streets. The study area will therefore be determined during the development of the brief

The cost for the engagement of the project manager by Council for a period of 6 months is estimated at $85,000. The study and subsequent works have been estimated by GTA in the traffic assessment at $65,000 for the LATM study and $300,000 for subsequent works; this cost is indicative and is subject to the outcome of the study, design and construction costs. Therefore the total cost is estimated at $450,000.

In terms of costs, Council will engage a preferred project manager and this cost will be invoiced directly from the consultant to Bunnings. The external company commissioned by Bunnings to undertake the LATM study and design and delivery will be invoiced directly to Bunnings.

The above advice was forwarded to the applicant for comment. The applicant has confirmed this as the agreed mechanism.

6. *The cost of Mr Hazell's advice is to be borne by the applicant.*

Comment:

Council and the applicant have noted the above resolution and Council has forwarded invoices for the cost of Mr Hazell's advice to the applicant.

7. *The applicant is to approach the RMS with a request to re-consider the removal of the parking spaces on the western side of the Highway opposite the site and to advise the Panel of the response.*

Comment:

Consultation with Roads and Maritime Services (RMS) in relation to the removal of parking on the Princes Highway has been completed by the applicant. Council is in receipt of written in-principle support from Roads and Maritime for the removal of on-street parking on western side of the Princes Highway north of Union Street, provided select measures are implemented as part of the development, specifically:

- *The applicant is conditioned to provide an additional 13 public spaces in the proposed carpark to ameliorate the impacts to the loss of available parking.*
- *The applicant is conditioned to provide a door on the south western elevation of the car park, which shall be accessible internally and externally and signposted as such to permit public access to facilitate pedestrian access and egress to Smith Street from the carpark during Bunnings trading hours.*
- *The signage installation and community consultation shall be at no cost to Roads and Maritime and undertaken by the applicant.*

Email correspondence dated 15 April 2019 confirms RMS in-principle support and that email is attached to the end of this supplementary report as Attachment D. The necessary measures, mostly to ensure on-site parking be provided to offset the loss of on-street parking are generally consistent with previous requirements and it is understood that the applicant is agreeable to these requirements.

It is further noted that the site at No. 669 Princes Highway on the north western side of Princes Highway near where the car parking spaces are to be lost has previously been used as an unauthorised taxi changeover base. Council is currently assessing an application for the site which seeks to carry out alterations and additions to the existing premises to be used for the purpose of a vehicle body repair workshop and vehicle repair station. Consideration of that application will require that any parking associated with the use be contained wholly within the site. This is likely to result in some reduced demand for those car parking spaces on Princes Highway.

In relation to the RMS conditions provided above, it is noted that Council's original Assessment Report concluded that a substantial quantum of car parking is already provided on site (in excess of what is prescribed). Whilst there is insufficient space in the proposed basement to accommodate an additional 13 car parking spaces, Council considers that 13 of the proposed spaces can be marked as publicly available car parking spaces for non-Bunnings patrons.

The following additional conditions have been included in response to the RMS comments:

6. 13 out of the total number of car parking spaces provided by Condition 5 above must be signposted and dedicated as public car parking spaces and being available to non-Bunnings patrons.

56. Amended plans complying with the above standards and including the following amendments/additional information shall be provided for approval:
    d) The door on the south western elevation of the car park shall be accessible internally and externally and signposted as public access to allow pedestrian access to Smith Street from the car park during the Bunnings trading hours.

113. All works required to be carried out in relation to the loss of on-street parking on the western side of Princes Highway, including the signage installation and community consultation shall be at no cost to Roads and Maritime and undertaken by the applicant before the issue of an Occupation Certificate.

Council is of the opinion that the information provided satisfies the resolution 7 of the Panel.

> *8. Prior to preparing a supplementary report back to the Panel the report of Mr Hazell is to be provided to the applicant and Council and a meeting convened by Councils Planning Manager to identify any queries or differing positions such that the report back to the Panel can clearly identify the different positions (if they exist) and the basis of those positions."*

Comment:

Expert advice was prepared by GTA Consultants (Mr Hazell) and submitted to Council on 3 May 2019 in response to resolutions 1, 2 and 3. That report was forwarded to the applicant for comment. The applicant provided the following response in reply:

> *"I have reviewed the report prepared by GTA and I have no concerns in relation to its findings. The relevant comments I would make are as follows:*

- *The proposed parking restriction covering 5 spaces on the western side of the highway north of Union Street would not need to apply between say 7.00pm and 6.00am.*

- *It is understood from Council officer advice that the current taxi depot use of the site on the western side of the highway is proposed to cease in the near future and this will significantly reduce the taxi driver parking demand on streets in the area.*

- *The traffic volume comparison made by TTPA between the RMS (AECOM 2015) EIS projected volumes "South of Railway Road" and the current volumes 6.12.18 reveal a projected reduction of up to 10% in the peak periods to those projections."*

In response to the above comments the GTA report was updated and resubmitted to Council on 24 May 2019 incorporating comments provided by the applicant. Rather than being differing opinions or positions, these are additional comments included in the report at the request of the applicant and have been included in the supplementary traffic assessment without objection from Council or Mr Hazell.

As mentioned earlier in this report under resolution 5, there is a differing opinion between Council and the applicant relating to the timing for the commencement of the Local Area Traffic Management study with regard to the conditions of consent.

Council has drafted a deferred commencement condition to the following effect:

1. *The applicant is fund a full comprehensive Local Area Traffic Management study to be undertaken by Council to determine the potential impact on specific local residential streets including Smith Street, Union Street, Foreman Street and South Street. Appropriate mitigating LATM measures/works must be detailed and measures proposed to combat any adverse effects identified.*

The condition was discussed with the applicant in a meeting with Council and Mr Hazell on 18 April 2019. The applicant has provided the following response to this condition:

> *"…if consent is to be granted by the panel, Bunnings would request that the draft conditions include that the likely requirement for the LATM approval be secured "Prior to CC". This will then enable that we can progress RMS negotiations, detailed road design and the WAD; the Heritage Office approvals' processes; infrastructure services liaison, design and approvals; and the development tender process, whilst the LATM process occurs."*

Council is of the opinion that all requirements including those specified by the applicant above, can still take place without an active consent and the deferred commencement does not limit the applicant's ability to prepare all that documentation for lodgment with the relevant authorities. Furthermore, the deferred commencement condition only requires commencement of the LATM study, not full completion. Once the LATM study has been commissioned and commenced to the satisfaction of Council, an active consent can be issued.

Council and the applicant are satisfied as to resolution 8 of the Panel.

4. Conclusion

Council is of the opinion that the information provided to Council in response to the resolutions of the Panel satisfies the resolutions of the Panel.

Amended conditions of consent have been provided should the Panel be of a mind to approve the application.

5. Conditions of Consent

The following conditions have been prepared should be SECPP be of the mind to approve the application.

PART A - DEFERRED COMMENCEMENT CONSENT

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matter:

1. The applicant is fund a full comprehensive Local Area Traffic Management study to be undertaken by Council to determine the potential impact on specific local residential streets including Smith Street, Union Street, Foreman Street and South Street. Appropriate mitigating LATM measures/works must be detailed and measures proposed to combat any adverse effects identified. The LATM study must be commissioned and commenced to the satisfaction of Council before the issue of an active consent.

Evidence of the above matter must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the Consent will lapse.

PART B - CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Plan and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
030 H	Site Plan	29 May 2018	John R Brogan & Associates	26 September 2018
031 F	Site Plan - Undercroft Parking Level	29 May 2018	John R Brogan & Associates	26 September 2018
032 F	Site Plan – Warehouse Level 1	29 May 2018	John R Brogan & Associates	26 September 2018
033 F	Site Plan – Warehouse Level 3	29 May 2018	John R Brogan & Associates	26 September 2018
100 G	Floor Plan - Undercroft Parking Level	29 May 2018	John R Brogan & Associates	26 September 2018
101 H	Floor Plan – Warehouse Level 1	29 May 2018	John R Brogan & Associates	26 September 2018
102 H	Floor Plan – Warehouse Level 2	31 August 2018	John R Brogan & Associates	26 September 2018
110 G	Roof Plan	29 May 2018	John R Brogan & Associates	26 September 2018
120 D	Sections	21 March 2017	John R Brogan & Associates	26 September 2018
130 E	Elevations	11 December 2017	John R Brogan & Associates	26 September 2018
115 D	Existing Building Detail	11 December 2017	John R Brogan & Associates	26 September 2018

116 D	Existing Building Detail	11 December 2017	John R Brogan & Associates	26 September 2018
117 C	Existing Building Detail	11 December 2017	John R Brogan & Associates	26 September 2018
118 C	Existing Building Detail	11 December 2017	John R Brogan & Associates	26 September 2018
140 B	Concept Sections	11 December 2017	John R Brogan & Associates	26 September 2018
141 B	Detail Sections	11 December 2017	John R Brogan & Associates	26 September 2018
143 A	Footpath Detail Section 1	11 December 2017	John R Brogan & Associates	26 September 2018
144 A	Footpath Detail Section 2	11 December 2017	John R Brogan & Associates	26 September 2018
145 A	Footpath Detail	11 December 2017	John R Brogan & Associates	26 September 2018
2212LP - 01 K	Landscape Plan	29 May 2018	John Lock & Associates	26 September 2018
2212LP - 02 I	Landscape Elevations	7 December 2017	John Lock & Associates	26 September 2018
2212LP - 03 H	Landscape Details	27 March 2017	John Lock & Associates	26 September 2018
27926KGrpt	Preliminary Environmental Site Assessment	26 November 2014	Environmental Investigation Services	21 April 2017
27926Vrpt	Preliminary Geotechnical Investigation	2 December 2014	JK Geotechnics	21 April 2017
C108568 : J129853	Hazardous Materials Risk Assessment	November 2014	Greencap	21 April 2017
312288 Rev. 01	Energy Efficiency Report	7 April 2017	KPMG	21 April 2017
14377 Rev. B	Development Application Noise Assessment	April 2017	Wilkinson Murray	21 April 2017

and details submitted to Council on 21 April 2017, 13 October 2017, 11 December 2017, 14 May 2018, 31 August 2018, 26 September 2018 and 24 May 2019 with the application for development consent and as amended by the details submitted to Council as part of Part A of this determination and the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:

   a) the plans and/or information approved under this consent; or
   b) any relevant requirements of this consent,

   the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

   All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.
   Reason: To ensure the development is carried out in accordance with this Determination.

3. The development is approved to a maximum height of 40.4 metres above Australian Height Datum (AHD). Should the height be exceeded a new application must be submitted in accordance with the Civil Aviation (Building Control) Regulations 1988.
   Reason: To confirm the terms of Sydney Airport's approval.

4. Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
   Reason: To confirm the terms of Sydney Airport's approval.

5. A total of 424 car parking spaces being provided, paved and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 – Parking. The parking spaces must include the following allocations:

   a) 4 double-length car and trailer spaces;
   b) 10 accessible car parking space; and
   c) 4 car share spaces.

   Reason: To ensure practical off-street car parking is available for the use of the premises.

6. **RMS requirements**
   13 out of the total number of car parking spaces provided by Condition 5 above must be signposted and dedicated as public car parking spaces and being available to non-Bunnings patrons.
   Reason: To enable residents to utilise the on-site car parking and mitigate the loss of on-street car parking during trading hours.

7. A minimum of 20 bicycle parking spaces being provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
   Reason: To ensure practical bicycle parking is available for the use of the premises.

8. All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
   Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

9. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
   Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
   Reason: To prevent loss of amenity to the area.

10. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent. The windows must not be painted with advertisements and no flashing lights must be installed on the premises.
    Reason: To confirm the terms of approval.

11. The advertising structure(s) and associated advertisement(s) must be properly and safely maintained at all times.
    Reason: To ensure that the signage does not have any detrimental effect upon the amenity of the area or endanger the safety of the public.

12. Certification by a Structural Engineer as to the adequacy of the method of affixing the signage must be submitted to Council prior to the erection of the signage.
    Reason: To ensure public safety.

13. No storage of goods or equipment external to any building on the site being permitted.
    Reason: To ensure the premises are kept in a neat and tidy manner.

14. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
    Reason: To prevent the public footpath from being obstructed.

15. All loading and unloading in connection with the use must be carried out wholly within the property, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public.
    Reason: To prevent use and obstruction of the adjacent public thoroughfare.

16. All machinery must be installed in accordance with the manufacturer's specifications and being maintained at all times if in use.
    Reason: To ensure that such machines are properly installed and maintained so as to prevent noise generation, vibration and any other disturbances to adjoining premises.

17. The hours of operation must be restricted to between the hours of 6:00am to 9:00pm Mondays to Fridays, and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays.
    Reason: To ensure that the operation of the premises does not interfere with the amenity of the locality.

18. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
    Reason: To ensure that the development is adequately serviced.

19. All trade waste must be stored within the site boundaries and must be contained in such a manner so as not to cause a nuisance.
    Reason: To provide for correct storage of wastes.

20. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

21. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).
Reason: To confirm the terms of approval.

22. During the first sixty (60) days of trading being provided at the premises, the following acoustic measures must be undertaken:

a) A suitably qualified acoustic consultant must be appointed to:
   i) measure and verify the noise emanating from the premises; and

   ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.

b) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
   i) submitted to Council with the noise measurements; and
   ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of trading.

Reason: To confirm the terms of approval.

23. The following is a condition imposed by Ausgrid:

a) **Method of Electricity Connection**

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

b) **Supply of Electricity**

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

c) **Conduit Installation**

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

d) **Vegetation**

All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines

e) **Proximity to Existing Network Assets**

Overhead Powerlines
There are existing overhead electricity network assets in Princes Highway and Smith Street.
Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au
Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables
There are existing underground electricity network assets in Princes Highway and Smith Street
Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation
There are existing electricity substation assets within the site boundary.
The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural

ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.
In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.
Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.
The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006).
For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.
Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.
For further details refer to Ausgrid's Network Standard 143.

Reason: To confirm the terms of Ausgrid's approval.

24. The staff or occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition.
Reason: To confirm the terms of approval.

25. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2015 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To confirm the terms of approval.

26. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
Reason: To confirm the terms of approval.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

27. The applicant must meet the cost of implementing any future resident parking scheme in Smith Street, Tempe subject to Traffic Committee approval.
Reason: To confirm the terms of approval.

28. All construction related parking must be contained within the site and the applicant to provide a Construction Management Plan demonstrating the provision of parking on-site for the duration of the works before commencing works.
Reason: To confirm the terms of approval.

29. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

    a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
    b) A concrete pump across the roadway/footpath
    c) Mobile crane or any standing plant
    d) Skip bins
    e) Scaffolding/Hoardings (fencing on public land)
    f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
    g) Awning or street verandah over footpath
    h) Partial or full road closure
    i) Installation or replacement of private stormwater drain, utility service or water supply

    Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

    Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity
    Reason: To confirm the terms of approval.

30. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
    Reason: To confirm the terms of approval.

31. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

    If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

    Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

    Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.
    Reason: To confirm the terms of approval.

32. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.
    Reason: To confirm the terms of approval.

33. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
Reason: To confirm the terms of approval.

34. No work must commence until:

a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
b) A minimum of 2 days written notice given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

35. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

36. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.
Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

37. All demolition work must:

a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

38. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
Reason: To protect the amenity of the area.

39. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
Reason: To ensure that the demolition work is carried out safely.

40. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and must be submitted to and accepted by the PCA before work commences.
Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

41. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
Reason: To secure the area of the site works maintaining public safety.

42. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign must include:

a) The name, address and telephone number of the PCA;
b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

43. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

a) Where the builder's materials and waste are to be stored;
b) Where the sediment fences are to be installed on the site;
c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

44. Site Induction
Before any works commence on site, all contractors and subcontractors shall undergo an induction session, prepared and delivered by the Heritage Consultant, highlighting the historical significance of the site and in particular those building elements and site archaeology elements requiring monitoring and conservation.
Reason: To confirm the terms of approval.

45. Section 140 Approval
Before any works commence on site, the Applicant must apply to the Heritage Council of NSW for a Section 140 Heritage Act Approval and comply with any and all conditions of such approval. This application will need to be accompanied by an appropriate Archaeological Assessment and Archaeological Research Design and Methodology.
Reason: To confirm the terms of approval.

46. Archival Recording
Before any works commence on site, an Archival Photographic Recording in accordance with the NSW Heritage Council's 'Guide to Archival Photographic Recording' shall be submitted to the satisfaction of Council's Heritage Advisor.
Reason: To confirm the terms of approval.

47. The following is to be submitted to the satisfaction of the Heritage Council of NSW prior to works commencing on site:

a. An Archaeological Assessment prepared by a suitably qualified and experienced should identify whether relics of local or State significance may be harmed by this activity and whether appropriate mitigation measures or alteration of the design should occur based on the significance of the relics which may be present. This assessment shall be submitted prior to works commencing on site.
b. In the event the Archaeological Assessment identifies the proposal would impact archaeological relics of local or State heritage significance which may be found in association with this item, the Applicant would need to obtain an approval under s140 of the *Heritage Act 1977* prior to causing harm. Any such application would need to clearly outline what mitigation measures to avoid harm have been considered for this work. If this approval is required it must be obtained prior to commencement of excavation works on site.
c. An Archaeological Research Design (ARD) outlining the details of the proposed design impacts and excavation methodology, prepared by a suitably qualified Excavation Director, should accompany submission of a s140 excavation permit.
d. Following the receipt of the Archaeological Assessment, the Heritage Council of NSW or its delegate reserves the right to issue additional archaeological conditions to manage the archaeology. Matters such as (but not limited to) preparation of an archaeological excavation methodology and research design, fieldwork methodology, artefact analysis and final reporting may be included as part of these archaeological conditions

Reason: To confirm the terms of the Heritage Council of NSW's approval.

BEFORE THE LODGEMENT OF A CONSTRUCTION CERTIFICATE

48. Before the lodgement of any Construction Certificate, amended plans and details must be submitted to and approved by Council's Heritage Advisor indicating the following:

a) The painting of the RC panel wall on the western elevation (fronting the Princes Highway above the retained brick portion of the building) and the RC panel wall on the southern elevation that sits vertically above the retained brick portion of the building being amended to an off-white colour, and the colour scheme of the flush wall signage being amended accordingly. A specific colour swatch must be provided to Council's satisfaction;
b) All cabling and conduit supplying power to the sign installed on the heritage listed warehouse façade being completely concealed and must not involve intervention in or damage to the façade; and
c) Methodology for the installation of the signage on the heritage listed warehouse façade can be carried out in a reversible manner without damage to the façade.

Reason: To ensure the integrity of the heritage item.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

49. A contribution of $682,553.18 has been assessed as the contribution for the development under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.11 contribution referred to above is indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.11 contribution (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.11 contributions **CANNOT** be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

50. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	$750,000
Inspection fee (FOOT)	$2,306.50

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of $10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: To confirm the terms of approval.

51. The stormwater drainage plans 01425-100 (Rev 02), 01425-201 (Rev 03), 01425-202 (Rev 03), 01425-203 (Rev 03), 01425-204 (Rev 03), 01425-205 (Rev 03), 01425-301 (Rev 03), 01425-302 (Rev 03), 01425-351 (Rev 02), 01425-601 (Rev 03), 01425-621 (Rev 03) and 01425-701 (Rev 03) and the proposed water quality treatments measures outlined in the Stormwater Management Plan submitted by C&M Consulting Engineers P/L (Rev C) are generally acceptable subject to the following amendments/additional details being submitted to and approved by Council before the issue of a Construction Certificate;

i. Detailed calculations for sizing of the OSD system including the orifice must be provided for assessment (this shall include the DRAINS files);
ii. Details of the Height v Storage and Height v Discharge relationships for the OSD system must be submitted for review;
iii. Details of the 1 in 100 year overflow routes in case of failure\blockage of the drainage system shall be provided. Please note that catchments that do not have an overland flow path available the pipe capacity draining that catchment must have a 1 in 100 year capacity;
iv. Details of the proposed stormwater re-use system and the proposed connection to toilets and external taps for irrigation;
v. The MUSIC file (ie .sqz file) used in the Stormwater Management Plan submitted by C&M Consulting Engineers P/L shall be submitted to Council's Development Engineer for review; and
vi. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.

The above additional information shall be shall be submitted to and approved by Council's Development Engineer before the issue of a Construction Certificate.

Reason: To confirm the terms of approval.

52. In order to provide satisfactory vehicular and pedestrian access adjacent to the site, the following road and footpath works shall be undertaken in accordance with Council's standard plans and specifications (AUS-SPEC) and RMS's requirements. All works shall be at no cost to Council or the RMS and shall be constructed before the issue of the Occupation Certificate. The works shall include the following:

i. Road, footpath and kerb & gutter works generally in accordance with the civil works plans DAC000-P1, DAC001-P4, DAC002-P3, DAC003-P4, DAC004-P5, DAC005-P1 and DAC006-P1 by AT&L Civil Engineers subject amendments to provide a consistent property alignment in Smith Street adjacent to the electrical kiosk;

ii. The provision of a new road pavement in Smith Street (kerb to kerb) for the full frontage of the site in Smith Street. The design of the pavement shall be undertaken using geotechnical information and testing and up to date traffic data;
iii. All works in relation to the installation of the new Traffic Signals and right turn bay in the Princes Highway;
iv. Relocation and/or augmentation of existing Council and RMS stormwater drainage to suit the road works and new road alignments. This shall include the upgrade all of the stormwater pipes within the Princes Highway and Smith Street adjacent to the site to a minimum 375 diameter;
v. All footpaths must be reconstructed in accordance with Councils Standard Plan "F3" with a 2.5% positive cross fall from the existing kerb (assuming a 150mm high kerb) to the site boundary;
vi. The construction of Industrial duty concrete vehicular crossings at the proposed vehicular access locations;
vii. The removal of all redundant vehicular crossings to the site of the proposed development and replacement with kerb, gutter and footpath paving;
viii. Details of all existing and proposed signage and line marking and existing and proposed "on street" parking on the southern side of Smith Street;
ix. Landscaping to Council and RMS requirements; and
x. All adjustments to public utilities including street lighting required by these works;

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed before to the issue of an Occupation Certificate. No road and drainage works shall commence until approved plans and specifications are issued for construction by the Council.

Reason: To confirm the terms of approval.

53. A detailed Traffic Signal design for the reconfigured intersection of Smith Street and the Princes Highway shall be submitted for the approval of RMS and Council before the issue of a Construction Certificate. The new signals shall be designed to accommodate bicycles.
Reason: To confirm the terms of approval.

54. The person acting on this consent shall seek approval from the State Transit Authority (STA) for the proposed relocation of the bus stop and shelter. The applicant must liaise with Council's bus shelter service provider to organise the relocation at no cost to Council. The shelter shall be located adjacent to the site and within the property boundaries (with provision of a suitable easement) so as to maintain a 2.5m clear footpath along the Princes Highway. A plan of the proposed bus shelter relocation with signposting alterations shall be submitted to the RMS and Council for approval before the issue of a Construction Certificate.
Reason: To confirm the terms of approval.

55. The alignment levels for the site at the boundaries shall match the adjacent "top of kerb" height plus 2.5%. This will require the internal site levels to be adjusted locally at the boundary to ensure that they match the above issued alignment levels. Amended plans detailing the alignment levels (at 10m intervals) shall be submitted to and approved by Council's Development Engineer before the issue of the Construction Certificate.
Reason: To confirm the terms of approval.

56. Vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS 2890.1-2004, Australian Standard AS 2890.2-2002, and Australian Standard AS 2890.6-2009. Amended plans complying with the above standards and including the following amendments/additional information shall be provided for approval:

    a) Details of all signage and line marking for the driveway access and carpark areas;
    b) The provision of traffic control devices such as speed humps where parking aisle lengths are more than 100m in accordance with Clause 2.3.3 of AS 2890.1-2004;
    c) The provision of adequate pedestrian circulation in accordance with Clause 4.1 of AS 2890.1-2004;
    d) The door on the south western elevation of the car park shall be accessible internally and externally and signposted as public access to allow pedestrian access to Smith Street from the car park during the Bunnings trading hours.
    e) The provision of 4 carshare spaces on site; and
    f) The applicant shall implement treatments at the Smith Street exit (to the satisfaction of Council) which will assist in limiting left turns into Smith Street from out of the proposed developments' driveway.

    Details of compliance with the above requirements shall be submitted to Council for approval before the issue of a Construction Certificate.
    Reason: To confirm the terms of approval.

57. Before the issue of a Construction Certificate the person acting on this consent shall submit to Council's Traffic & Parking Services section a Loading Dock Delivery Management Plan for the site. Delivery times shall be managed so as to reduce conflict between heavy vehicles and other traffic accessing the site. Six months and 18 months after commencement of operations the applicant shall investigate and report on the effectiveness of the plan and undertake any reasonable improvements required by Council.
    Reason: To confirm the terms of approval.

58. Details of an anti-graffiti treatment to all side elevations of the development must be submitted to and approved by the Principal Certifying Authority before the issue of a Construction Certificate.
    Reason: To ensure the development remains free of graffiti.

59. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

    NOTE: **The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.**

    For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
    http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

    Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

60. Before the issue of any Construction Certificate, amended plans are required to be submitted to the satisfaction of the Certifying Authority detailing all recommendations contained within the Energy Performance report referenced in Condition 1 of this Determination have been incorporated into the development.
Reason: To ensure the proposed development incorporates the measures recommended within the report.

61. Before the issue of any Construction Certificate, the Certifying Authority must be satisfied that all recommendations contained within the Preliminary Site Investigation report and Hazardous Materials Assessment Report referenced in Condition 1 of this Determination have been satisfied.
Reason: To ensure the proposed development incorporates the measures recommended within the report.

62. Before the issue of any Construction Certificate, amended plans are required to be submitted to the satisfaction of the Certifying Authority detailing all recommendations contained within the Geotechnical Study report referenced in Condition 1 of this Determination have been satisfied.
Reason: To ensure the proposed development incorporates the measures recommended within the report.

63. Before the issue of any Construction Certificate, the Certifying Authority must be satisfied that all recommendations contained within the Acoustic Report referenced in Condition 1 of this Determination have been satisfied.
Reason: To ensure the proposed development incorporates the measures recommended within the report.

64. Before the issue of any Construction Certificate, amended plans and details must be submitted to and approved by Council indicating a total of 21 motorcycle parking spaces being provided in the basement car park.
Reason: To ensure compliance with the requirements of Part 2.10 of MDCP 2011.

65. **Conservation Architect**
A suitably qualified conservation architect is to be engaged to advise the person acting on this consent on any heritage issues arising during construction. Evidence that this person has been appointed is to be submitted to the Principal Certifying Authority before the issue of any Construction Certificate.
Reason: To confirm the terms of approval.

66. **Schedule of Conservation Works**
Before the issue of any Construction Certificate, a Schedule of Conservation Works is to be prepared by the appointed conservation architect. The schedule is to include details of how significant exterior and interior finishes within the retained elements of the building shall be conserved, including but not limited to: the building façade and fenestration, significant flooring finishes, lighting and electrical fixtures, walls and surface finishes, tiles, bathroom fixtures and fittings, signage, handrails and balustrades, ceilings, window and door hardware and windows and doors. A landscape plan for the Princes Highway frontage is to be included, which responds to the original landscape setting within the reduced curtilage.
Reason: To confirm the terms of approval.

67. **Interpretation Plan**
Before the issue of any Construction Certificate, an Interpretation Plan must be prepared by an experienced heritage interpretation practitioner and submitted to the satisfaction of Council's Heritage Advisor. The Interpretation Plan shall be in accordance with the NSW Heritage Council's 'Interpreting Heritage Places and Items Guidelines' 2005. The plan must make allowance for the display of potential archaeology uncovered during the works and interpret the multiple uses and history of the building and site in a way that is engaging, informative and readily accessible to visitors.
Reason: To confirm the terms of approval.

68. **Archaeological Assessment and Research Design Report**
Before the issue of any Construction Certificate, an Aboriginal Due Diligence Assessment and Historical Archaeological Assessment and Research Design report is required to be prepared and submitted to the satisfaction of the Certifying Authority, and all relevant permits are to be obtained prior to works commencing on the site. This will require the updating of the Archaeological Assessment and Research Design report prepared by Godden Mackay Logan dated November 2012.
Reason: To confirm the terms of approval.

BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE

69. The submission of a final survey plan and five (5) copies for the proposed subdivision.
Reason: To comply with Council's requirements.

70. The payment of the required fee, under Council's adopted fees and charges, for the approval of the final plan under the terms of Section 109J of the Environmental Planning and Assessment Act.
Reason: To comply with the requirements of that Act.

71. All instruments used to create easements, rights and/or restrictions as to user including in them provisions that such may not be revoked or modified without the prior approval of Council.
Reason: To ensure that such instruments are not revoked or modified without the prior approval of Council.

SITE WORKS

72. Alignment levels for the site at all pedestrian and vehicular access locations shall to be set by the public domain design to be approved by Council;
Reason: To confirm the terms of approval.

73. The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security bond and Council may recover any costs in excess of the security from the applicant.
Reason: To confirm the terms of approval.

74. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Princes Highway boundary and does not affect or impact the integrity of any WestConnex New M5 tunnel.

    Additionally all required road works and relocated public footpaths required by this development should be located within public road or land to be dedicated as public road.

    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.
    Reason: To confirm the terms of RMS concurrence.

75. The proposed works along the Princes Highway shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.
    Reason: To confirm the terms of RMS concurrence.

76. The proposed modifications to the traffic control light at the intersection of Prince Highway and Smith Street shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

    The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au). The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a Construction Certificate and commencement of road works.

    Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

    The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.
    Reason: To confirm the terms of RMS concurrence.

77. 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.
    Reason: To confirm the terms of RMS concurrence.

78. 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.
Reason: To confirm the terms of RMS concurrence.

79. Consideration should also be given to providing bicycle parking facilities either within the development or close to it, as well as end trip facilities such as showers, changing rooms, etc. to encourage employees travelling to and from the development by cycling.
Reason: To confirm the terms of RMS concurrence.

80. 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 the Princes Highway.
Reason: To confirm the terms of RMS concurrence.

81. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate
Reason: To confirm the terms of RMS concurrence.

82. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on the Princes Highway during construction activities.
Reason: To confirm the terms of RMS concurrence.

83. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

84. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

85. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

86. All demolition work must be carried out in accordance with the following:
a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
e) the generation of dust and noise on the site must be controlled;
f) the site must be secured to prohibit unauthorised entry;
g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only having access to the site during work hours nominated by Council and all loads must be covered;
i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

87. The works must be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

    a) At the commencement of the building work;
    b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
    c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
    d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

    You are advised to liaise with your PCA to establish if any additional inspections are required.

    Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the National Construction Code (Building Code of Australia).

88. If it is necessary to excavate below the level of the base of the footings of a building on the adjoining allotments, including a public place such as footways and roadways, the person acting on this consent must ensure that:

    a) At least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work; and
    b) Any building is preserved and protected from damage.

    Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained. Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

    Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

89. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
    Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

90. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
    Reason: To ensure all works are contained within the boundaries of the allotment.

91. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.
    Reason: To provide safe egress in case of fire or other emergency.

92. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.

93. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.
NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.
Reason: To conserve water.

94. Trees to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia *Guide to Managing Risks of Tree Trimming and Removal Work*, July 2016.
Reason: To ensure trees are removed in a safe and environmentally responsible manner.

95. Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction in accordance with a maintenance schedule prepared for all landscaping within the site boundaries and submitted to Council's satisfaction.
Reason: To ensure adequate landscaping is maintained.

BEFORE OCCUPATION OF THE BUILDING

96. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To confirm the terms of approval.

97. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
Reason: To confirm the terms of approval.

98. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
Reason: To confirm the terms of approval.

99. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
Reason: To confirm the terms of approval.

100. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
Reason: To confirm the terms of approval.

101. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To confirm the terms of approval.

102. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:

a) The proprietor of the property shall be responsible for maintaining the stormwater treatment facility in accordance with the approved plans;
b) The Proprietor shall have the stormwater quality treatment facilities inspected annually (minimum) by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.

Reason: To confirm the terms of approval.

103. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.
Reason: To confirm the terms of approval.

104. All instruments under Section 88B of the Conveyancing Act used to create positive covenants, easements or right-of-ways shall include the condition that such easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.
Reason: To confirm the terms of approval.

105. Before the issue of the Occupation Certificate, The Council must be provided with evidence which establishes that a plan of subdivision has been registered by the Land and Property Information Authority which results in the road widening of the Princes Highway and Smith Street conforming to new road alignment in the approved Civil Works Plans.
Reason: To confirm the terms of approval.

106. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate.

    Video inspection (CCTV) shall be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

    In addition, full works-as-executed plans in PDF or CAD format (dwg or dxf files), prepared and signed by a registered surveyor, shall be submitted to Council upon completion of the works.
    Reason: To confirm the terms of approval.

107. The existing overhead power cables along the Princes Highway and Smith Street frontages of the site must be relocated underground with appropriate street lighting and new steel standard poles being installed at no cost to Council and before the issue of an Occupation Certificate. The street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid and must meet lighting category required by RMS. Plans shall be submitted to and approved by Council before submission to Ausgrid for implementation.
    Reason: To confirm the terms of approval.

108. The use and operation of the 4 car share space must be managed by the owner or contracted by the owner to a car share operator to the satisfaction of Council. The use and operation of the car share space must be accommodated in the titling and management of the development before the issue of an Occupation Certificate, and must provide for:

    a) Free use of the car share space;
    b) The car share parking space must be marked as a "shared hire car only";
    c) Public access at all times to the car share vehicle; and
    d) Insurances, including public liability.

    Reason: To confirm the terms of approval.

109. A second Dilapidation Report addressing the public infrastructure identified in the pre work Dilapidation Report including a photographic survey and structural condition, must be submitted after the completion of works. A copy of this Dilapidation Report must be lodged with Council and the Principal Certifying Authority before to the issue of an Occupation Certificate.

    Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to Council before to the issue of an Occupation Certificate.
    Reason: To confirm the terms of approval.

110. The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the road/drainage works in an amount of $75,000.00 for a period of twelve (12) months from the date of completion of the Road/Drainage works as surety for the proper maintenance of the Road/Drainage works.
    Reason: To confirm the terms of approval.

111. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
Reason: To confirm the terms of approval.

112. **LATM scheme delivery**
a) The LATM works approved as part of Part A of this Determination being implemented to the satisfaction of Inner West Local Traffic Committee prior to the issue of an Occupation Certificate and are to be carried out by the applicant at the applicant's expense.

b) After a period of 12 months from the issue of an Occupation Certificate, the applicant is to fund a review of the LATM measures implemented as part of Part a) of this condition. Any implemented LATM devices that are deemed not to be required are to be removed by the applicant at the applicant's expense and to the satisfaction of Inner West Local Traffic Committee. In addition any new LATM measures deemed necessary shall also be constructed by the applicant and at the applicant's expense.

c) All works required to be carried out on public land as part of Parts a) and b) of this condition are to be carried out by the applicant at the applicant's expense with an appropriate Deed and bond being entered into with Council prior to the issue of an Occupation Certificate.

Reason: To confirm the terms of approval.

113. All works required to be carried out in relation to the loss of on-street parking on the western side of Princes Highway, including the signage installation and community consultation shall be at no cost to Roads and Maritime and undertaken by the applicant before the issue of an Occupation Certificate.

114. Before the issue of an Occupation Certificate, the person acting on this consent shall submit to the satisfaction of Council a Plan of Management for the operation of site. The Plan of Management shall be prepared in accordance with guidelines contained within Marrickville Development Control Plan 2011, and shall include but not limited to operational details, hours of operation, staffing detail, delivery details, customer handling policy, security measures, complaint recording and handling procedures and a review process.
Reason: To ensure an adequate framework and policy is in place to protect the amenity of the adjoining development and manage the ongoing operation of the site.

115. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

    a) A copy of the determination;
    b) Copies of any documents that were lodged with the Occupation Certificate application;
    c) A copy of Occupation Certificate, if it was issued;
    d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
    e) A copy of any missed inspections; and
    f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

    Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

116. Occupation of the building must not be permitted until such time as:

    a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
    b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
    c) An Occupation Certificate has been issued.

    Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

117. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

    a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
    b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

    Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

    Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

118. Following completion of construction and before the issue of an Occupation Certificate, thirteen (13) new trees shall be planted. The new trees shall be planted in accordance with the following criteria:

    a) The new trees shall be located in accordance with the landscape plan (John Lock & Associates Landscape Architecture, Issue I, 7/12/18).
    b) The species of the new tree shall be *Corymbia citriodora* (lemon-scented gum).
    c) The planting stock size shall be at least 100 litres.
    d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
    e) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
    f) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
    g) Each new tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by MDCP 2011.
    h) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

    Reason: To ensure that the new trees are planted in a suitable location and maintained properly.

119. The Principal Certifying Authority shall certify in writing before the issue of the Occupation Certificate that the conditions relating to tree removal and tree planting have been complied with, or if not, detail the nature of any departure from the conditions and shall report breaches of the conditions to Inner West Council.
    Reason: To ensure that conditions relating to tree removal, tree protection and tree planting are complied with.

120. Heritage Council Approval of Archaeological Works
    Before the issue of an Occupation Certificate, the person acting on this consent shall provide written evidence to the satisfaction of the Certifying Authority that the Heritage Council of NSW is satisfied with the completion of all on-site archaeological works.
    Reason: To confirm the terms of approval.

121. The conservation works recommended in the Schedule of Conservation works as required by Condition 64 are to be implemented to the satisfaction of Council's Heritage Advisor prior to the issue of the Occupation Certificate.
    Reason: To confirm the terms of approval.

122. The Interpretation Plan must be implemented to the satisfaction of Council's Heritage Advisor prior to the issue of the Occupation Certificate.
    Reason: To confirm the terms of approval

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit those plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.

- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

- Contact "Dial Before You Dig" before commencing any building activity on the site.

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.

NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	☎ 13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

B. **THAT** those persons and the head petitioner who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

LETTER

GTAconsultants

Transport Engineering

REF: N165200

DATE: 24 May 2019

Inner West Council
PO Box 14
PETERSHAM NSW 2049

Attention: Mr George Tsaprounis (Coordinator Traffic Engineering Services)

Dear George,

RE: 728-750 PRINCES HIGHWAY, TEMPE – ADDITIONAL ASSESSMENT FOR PLANNING PANEL

Inner West Council engaged GTA Consultants (GTA) in November 2018 to complete a peer review (reference N165200 dated 29/01/19) of the traffic impact assessment completed by Transport and Traffic Planning Associates (TTPA) dated October 2017 to support a new Bunnings development at 728-750 Princes Highway, Tempe (DA2017/00185).

GTA was specifically engaged to provide commentary and recommendations on the adequacy of TTPA's methodology, report conclusions and any specific need for additional or alternative mitigation measures. It was understood at the time that the review intended to assist in facilitating a greater understanding of the potential traffic and parking related impacts of the proposed Bunnings on the surrounding road network, with any recommendations from the report to be incorporated in a revised traffic impact assessment by TTPA.

Subsequent to the peer review, Inner West Council requested GTA prepare a letter (reference N165200 dated 14/03/19) to further clarify the following:

- extent of on-street parking loss associated with the proposal and potential strategy to minimise impacts
- opportunity for traffic calming measures on the surrounding local road network
- extent of queuing and delay at the Princes Highway/ Smith Street/ Union Street intersection following full site development.

The Sydney Eastern City Planning Panel also requested clarification on several traffic related matters prior to the panel hearing (email dated 01/04/19), with GTA issuing a memorandum (reference N165200 dated 03/04/19).

The Sydney Eastern City Planning Panel held a public meeting on Thursday 4 April 2019 with the matter formally deferred on traffic and parking grounds. It was determined that additional traffic related assessment was necessary, with the record of deferral noting the following:

The Panel requires the following information:

1. *Mr Hazell to advise the Panel of the likely impact on the traffic on the Highway of the opening of the tunnel section under the site of Westconnex, and whether he agrees that this is likely to occur in 2020.*
2. *Mr Hazell to advise of the traffic impact of the approval for bulky goods development, which is still current and the difference between that traffic impact and the traffic impact of the proposed development.*
3. *Mr Hazell to undertake a consideration and to inform the Panel what would need to be included in a LATM scheme to limit rat-runs through local roads surrounding the site and the estimated cost of any work.*
4. *Council staff to obtain evidence from the applicant that physical commencement has in fact occurred to render the previous approval 'current'.*
5. *The Council to liaise with the applicant to establish a mechanism for the delivery of the LATM scheme at no cost to Council.*

VIC | NSW | QLD | SA | WA
Level 16, 207 Kent Street
SYDNEY NSW 2000
t// +612 8448 1800
ABN 31 131 369 376
www.gta.com.au

6. *The cost of Mr Hazell's advice is to be borne by the applicant.*
7. *The applicant is to approach the RMS with a request to re-consider the removal of the parking spaces on the western side of the Highway opposite the site and to advise the Panel of the response.*
8. *Prior to preparing a supplementary report back to the Panel the report of Mr Hazell is to be provided to the applicant and Council and a meeting convened by Councils Planning Manager to identify any queries or differing positions such that the report back to the Panel can clearly identify the different positions (if they exist) and the basis of those positions."*

This letter has been prepared to address the above requirements. Should you have any questions or require any further information, please do not hesitate to contact me on (02) 8448 1800.

Yours sincerely

GTA CONSULTANTS

Rhys Hazell
Associate Director

encl.

Supplementary Traffic Assessment

Item 6

Attachment 5

Supplementary Traffic Assessment

Princes Highway Parking

Future operation of the Princes Highway in the immediate vicinity of the site is critical to the proposed development and recognises the need to maintain traffic flow through the area, including assessing post opening scenarios associated with the various WestConnex stages.

As per the requirements of the record of deferral, consultation with Roads and Maritime in relation to the removal of parking on the Princes Highway has been completed. Ultimately, in-principle support has been received from Roads and Maritime for the removal of on-street parking on western side of the Princes Highway north of Union Street, provided select measures are implemented as part of the development. Email correspondence dated 15/04/19 confirms this agreement and is included as Attachment 1. The necessary measures, mostly to ensure on-site parking be provided to offset the loss of on-street parking are generally consistent with previous requirements and considered acceptable to the applicant. Council has also informed the applicant that the current taxi depot use of the site on the western side of Princes Highway will cease in the near future and this will significantly reduce demand for on-street parking in the area, including the highway.

It has been agreed that the no stopping zone will cover a distance of 110 metres extending north from Union Street to the existing no stopping sign north of Brooklyn Street, as shown in Figure 1. This area is already subject to weekday AM clearways between 6am and 10am and with existing no stopping zones, existing driveways and Brooklyn Street, will result in a minor loss of five to six parking spaces. The proposed parking restriction is to maintain northbound traffic flow on the Princes Highway and would not need to necessarily apply between say, 7.00pm and 6.00am.

It is understood that public consultation and formal notification period will be required prior to any physical works, with the applicant to coordinate with Council and Roads and Maritime as required.

Figure 1: Princes Highway proposed no stopping zone



Base image source: Nearmap

WestConnex

Table 9-51 of the WestConnex New M5 Environmental Impact Statement (AECOM, 2015) provides a summary of the anticipated changes to mid-block traffic flows on traffic routes adjacent to the WestConnex program. These volumes on

the Princes Highway south of Railway Road are summarised in Table 1 and specifically include the following agreed traffic volumes and assumptions:

- 2018 Roads and Maritime Services weekday permanent count data (6 December 2018).
- 2021 EIS traffic volumes post opening of WestConnex Stage 1, linking the M5 with WestConnex.
- 2031 EIS traffic volumes post opening of WestConnex Stage 2, linking with a new F6 tunnel further south.

Table 1: Changes to mid-block traffic flows on traffic routes adjacent to the traffic and transport study area near the St Peters interchange

Peak hour	Location	Direction	RMS 2018	2021 with WestConnex	Change in flow	2031 with WestConnex	Change in flow
AM peak	Princes Highway, south of Railway Road	Northbound	2,967	2,580	-13.0%	2,180	-26.5%
		Southbound	943	980	3.9%	550	-58.3%
PM peak		Northbound	1,636	1,760	7.6%	720	-44.0%
		Southbound	2,517	2,360	-6.2%	2,110	-16.2%

Source: Table 9-51 of the WestConnex New M5 EIS prepared by AECOM Australia for Roads and Maritime Services, November 2015

Table 1 indicates that the AECOM 2015 EIS anticipates relatively minor changes to Princes Highway traffic following the opening of WestConnex Stage 1 in 2021. This amounts to an increase of up to eight per cent for the non-peak directional flow and a reduction of up to 13 per cent for the peak directional flow. Reductions in traffic flows are significant following the opening of WestConnex Stage 2 in 2031.

Agreement has also been reached between all parties on the validity of the GTA traffic surveys completed in the first week of December in 2018. The survey data also compares well with Roads and Maritime AADT permanent count data on the Princes Highway with nominal differences (between one and six per cent) between November and December traffic volumes in the weekday PM peak hours. It is also noted that although the GTA survey data reveals a potential reduction of up to 10 per cent in peak period traffic volumes when compared with the Roads and Maritime (AECOM 2015) EIS projected volumes (stated as being 'south of Railway Road'), a conservative assessment has been applied by adopting the EIS projected volumes.

With this in mind, the discount factors shown in Table 1 have been adopted to assess the impact of the proposed development in 2021 and 2031 with WestConnex open. With the EIS projecting traffic volumes on weekday peak periods only, assumptions have been drawn to estimate Saturday traffic. With Saturdays considered representative of 'shoulder peak' traffic conditions where route choice, travel times and peak flow factors vary from those typical of weekday peaks, a more consistent (and conservatively low) factor has been applied for northbound and southbound Princes Highway traffic. In 2021, this factor represents an increase of four per cent for northbound traffic and a reduction of three per cent for southbound traffic. In 2031 a consistent reduction factor of 25 per cent has been applied to both northbound and southbound traffic.

SIDRA modelling has been completed at the Princes Highway/ Smith Street/ Union Street signalised intersection and incorporates the proposed intersection upgrades included as part of the proposed development together with the agreed 110 metre no stopping zone on the Princes Highway north of Union Street. Future year and post WestConnex opening modelling includes the agreed 2021 and 2031 scenarios, with the results summarised in Table 2.

Table 2: Intersection operating conditions in 2021 and 2031

Design Year	Peak	Leg	Degree of Saturation (DOS)	Average Delay (sec)	95th Percentile Queue (m)	Level of Service (LOS)
2021	Weekday PM	South	0.95	23	184	B
		East	0.61	68	51	E
		North	0.65	3	68	A
		Overall	**0.95**	**15**	**184**	**B**
	Saturday	South	0.87	6	98	A
		East	0.87	73	87	F
		North	0.48	5	58	A
		Overall	**0.87**	**12**	**98**	**A**
2031	Weekday PM	South	0.83	4	27	A
		East	0.58	66	48	E
		North	0.55	1	16	A
		Overall	**0.83**	**6**	**48**	**A**
	Saturday	South	0.66	2	27	A
		East	0.81	69	83	E
		North	0.35	4	34	A
		Overall	**0.81**	**10**	**83**	**A**

Table 2 indicates that with the agreed parking measures in place and intersection upgrades complete, the Princes Highway/ Smith Street/ Union Street signalised intersection will continue to operate well in all peak periods following the opening of WestConnex Stage 1 (2021) and Stage 2 (2031). Indeed, in 2031, with significant reductions in Princes Highway traffic, the parking bans on the western side of the Princes Highway would be no longer required. That said, it is envisaged that far broader traffic measures along the Princes Highway corridor will likely be the subject of future assessments to ensure an appropriate balance is found between parking and traffic in a significantly altered road environment.

With this in mind, it is also noted that all parties have agreed to all traffic and parking based aspects, including the traffic volumes to be adopted as part of this assessment, necessary parking bans on the Princes Highway and the need for an LATM study to be completed prior to occupation certification.

Existing Bulky Goods Approval

The subject site was previously granted approval for a bulky goods development with access solely via Smith Street. It is understood that this approval remains current and therefore appropriate to consider in light of the proposed development.

The approved development was estimated to generate a net increase of 88 and 300 vehicle trips in the weekday PM and Saturday midday peak hours respectively. The proposed development is estimated to generate a net increase of 226 and 670 additional vehicle trips in the same peak hours. This represents an additional 138 and 370 vehicle trips in each peak hour and would appear to present a significantly greater traffic impact than that associated with the previous approval. Acknowledging the variance in access arrangements associated with each development (Bunnings proposes Princes Highway and Smith Street access driveways), the proposed development would result in an additional 96 and 246 vehicle trips in the respective peak hours using Smith Street than the previous approved development. This equates to between 1.5 and four vehicles trips per minute during peak periods.

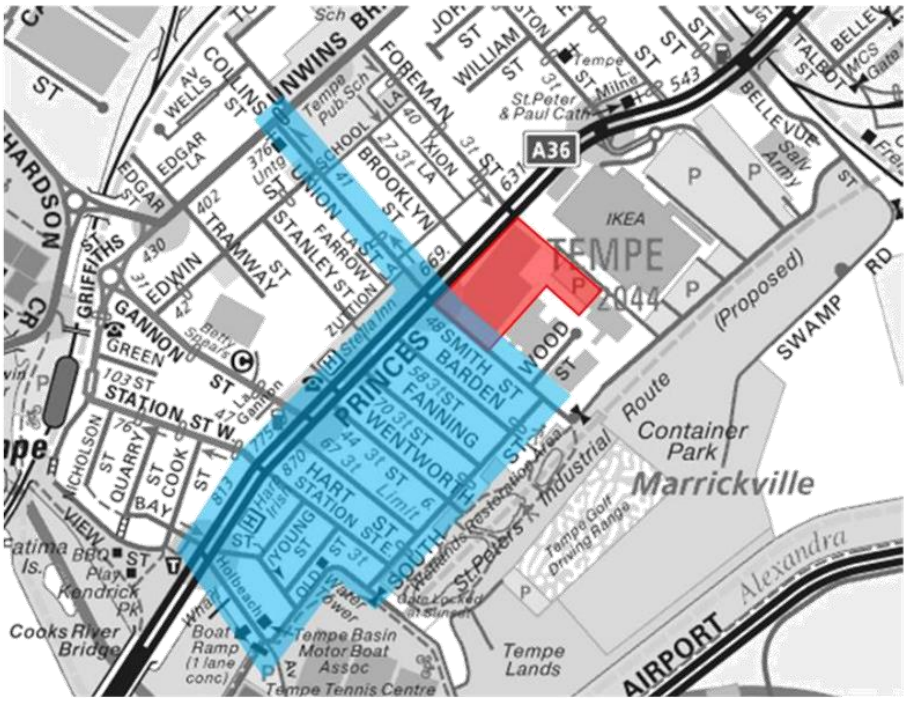
Overall, the proposed development represents a greater proportional increase in traffic that will use Smith Street between the Princes Highway and site access driveway on approach and departure than that associated with the

previous approval. The agreed upgrades to the Princes Highway/ Smith Street/ Union Street signalised intersection, coupled with SIDRA modelling indicates that this additional traffic can be accommodated while maintaining acceptable intersection operation, including queue lengths and delay associated with the Smith Street approach.

Local Area Traffic Management

Should the proposed development be granted approval, it is important for the applicant to commit (through conditional approval) to undertaking a detailed Local Area Traffic Management (LATM) study. This study would need to be completed prior to occupation certification and delivered by (or in conjunction with) Inner West Council. The indicative study area is shown in Figure 2.

Figure 2: Indicative LATM study area



LATM studies typically consider a range of transport related impacts with a view to managing local area traffic impacts for a range of purposes. Typical scope items include (but not necessarily limited to) the following:

- audit of all existing transport related facilities, including LATM's and pedestrian/ cyclist facilities
- detailed site observations (traffic, parking, pedestrian/ cyclist activity, public transport use, school zone and peak period effects etc.)
- traffic and pedestrian surveys (intersection counts and/ or 24 hour-seven day tube counts
- traffic modelling (in this case existing and post development/ Westconnex scenarios)
- public and stakeholder consultation strategy, and feedback
- options assessment
- recommendations for required LATM's.
- indicative costings, timelines for installation etc.

Ultimately, the aim of an LATM assessment would be to allow appropriate measures to be implemented to mitigate the impacts associated with the proposed development on the local (and arterial) road network. A key objective would be to limit the effects on local area residents by influencing development traffic approach and departure routes. Local street traffic volume environmental capacities should be retained in peak periods and across a typical day.

Tube counts along the following local roads may be considered:

- Smith Street
- Barden Street
- Fanning Street
- Wentworth Street
- Hart Street
- Station Street
- South Street
- Holbach Avenue
- Union Street.

The LATM study would likely require a period up to six months, with an estimated cost of $50,000. Applying a 25 per cent contingency results in costs up to circa $65,000.

While it is difficult to estimate costs associated with installation of LATM's as a result of the study, select indicative costings have been detailed in Table 3. Overall, a total cost of an LATM study, through all consultation, costings, agreement, traffic committee approvals and installation could be in the order of $250,000 to $300,000. It is understood that all associated costs are to be borne by the applicant. It is noted that this assessment is not conclusive and final costs (including study costs) will need to be determined by others.

Table 3: Indicative LATM costings

Measure	Cost Estimate (per item)
Watts profile speed hump	$5,000 - $7,000
Speed cushions	$3,000
Rumble bar median islands with linemarking	$5,000 - $7,000
Median island	$3,000 - $5,000
Pedestrian refuge island	$5,000
Kerb extension with pram ramp	$20,000 - $25,000
Raised threshold treatment	$20,000 - $25,000
Traffic management plans	$10,000 - $20,000
Linemarking	$10,000 (total estimate)
Directional signage	$10,000 (total estimate)

ATTACHMENT 1

Roads and Maritime Services email correspondence

Rebecca Winter

From: Asher Richardson <Asher.Richardson@innerwest.nsw.gov.au>
Sent: Monday, 15 April 2019 3:11 PM
To: Rhys Hazell
Subject: FW: Bunnings Tempe - 728-750 Princes Highway, Tempe (Ref. 2017SCL027) (our ref. 17053)

Importance: High

Hi Rhys,

FYI see below.

Are you available this week to meet with Bunnings?

Kind regards
Asher

Asher Richardson | Senior Planner
Inner West Council
P: +61 2 9392 5315 | **E:** asher.richardson@innerwest.nsw.gov.au

Ashfield Service Centre: 260 Liverpool Road, Ashfield NSW 2131
Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040
Petersham Service Centre: 2-14 Fisher Street, Petersham NSW 2049
PO Box 14, Petersham NSW 2049

INNER WEST COUNCIL

Council acknowledges the Traditional Custodians of these lands, the Gadigal-Wangal people of the Eora Nation.

From: PEGG Brendan J [mailto:brendan.j.pegg@rms.nsw.gov.au]
Sent: Monday, 15 April 2019 2:45 PM
To: ross@ttpa.com.au
Cc: TANCEVSKI Aleksandar; KOCOSKI Nicolas; Ruba Osman; Asher Richardson; George Tsaprounis; pdrew@bunnings.com.au; PILLY MOOTANAH Hans R
Subject: RE: Bunnings Tempe - 728-750 Princes Highway, Tempe (Ref. 2017SCL027) (our ref. 17053)
Importance: High

Hi Ross,

Roads and Maritime Services (Roads and Maritime) has reviewed the below material and advises that:

1. Previous discussions between the proponent and Roads and Maritime regarding the removal of on-street parking on Princes Highway were only in relation to the on-street parking south of the Princes Highway/Smith Street/Union Street intersection. Roads and Maritime was not supportive of removing parking at this this location and notes that the current proposal is to remove on-street parking north of the Princes Highway/Smith Street/Union Street intersection (which totals 100m and a loss of five parking spaces), which is an extension of the existing 'No Stopping' zone.

2. After review of the below email and submitted material, Roads and Maritime will support the extension of the existing 'No Stopping' zone north of the Princes Highway/Smith Street/Union Street intersection to 100m on the provision that:

    a. The applicant is conditioned to provide an additional 13 public spaces in the proposed carpark to ameliorate the impacts to the loss of available parking.
    b. The applicant is conditioned to provide a door on the south western elevation of the car park, which shall be accessible internally and externally and signposted as such to permit public access to facilitate pedestrian access and egress to Smith Street from the carpark during Bunnings trading hours.
    c. The signage installation and community consultation shall be at no cost to Roads and Maritime and undertaken by the applicant.

If you have any questions, regarding the above, please let me know.

Kind regards,

Brendan Pegg
Senior Land Use Planner
South East Precinct | Sydney Division
M
www.rms.nsw.gov.au

Every journey matters

Roads and Maritime Services
27-31 Argyle Street, Parramatta NSW 2150

From: Ross Nettle [mailto:ross@ttpa.com.au]
Sent: Monday, 8 April 2019 10:22 AM
To: KOCOSKI Nicolas; Development Sydney
Cc: PILLY MOOTANAH Hans R; TANCEVSKI Aleksandar; Ruba Osman (ruba.osman@innerwest.nsw.gov.au); George Tsaprounis (george.tsaprounis@innerwest.nsw.gov.au); Asher Richardson (asher.richardson@innerwest.nsw.gov.au); Philip Drew (pdrew@bunnings.com.au)
Subject: Bunnings Tempe - 728-750 Princes Highway, Tempe (Ref. 2017SCL027) (our ref. 17053)
Importance: High

Nick

When the Development Application was first considered by Sydney Eastern City Planning Panel (Carl Scully Chairman), the Panel resolved that an independent traffic consultant be engaged to review the DA Traffic Study. On the 4 April, the Panel considered the outcome of that Traffic Review and again resolved to defer a decision. See attached.

During the earlier discussions with RMS, it was assessed that the parking along the highway in front of the shops etc. south of Union Street was a sensitive issue and RMS was not willing to agree to the removal of this parking.

An assessment has now been made in relation to the parking north of Union Street and the implications of providing 100m of NO PARKING 10am to 7pm 7 days. The attached images reveal that the provision of the required 100m would only involve the removal of 5 parking spaces and these spaces are generally used by taxi drivers operating out of the adjacent taxi depot. Council has issued draft Consent Conditions for the proposed development and one of these conditions requires Bunnings to provide 8 on site parking spaces to be specifically provided and designated for public use (i.e. not Bunnings customer or staff use). The text of this draft condition is as follows:

> *The door on the south western elevation of the car park shall be accessible internally and externally and signposted as public access to allow pedestrian access to Smith Street from the car park during the Bunnings trading hours.*

Reason: To enable residents to utilise the on-site car parking and mitigate the loss of on-street car parking during trading hours.

If RMS is willing to introduce the NO PARKING restriction which enables the 100m requirement, Bunnings will recommend that the Consent Condition be modified to increase the number of public spaces in the Bunnings car park to 13. To me, this outcome would replicate arrangements that RMS has made elsewhere to recompense for the removal of on-street parking on sections of State Road in sensitive traffic areas.

The Planning Panel has given a short time frame for Bunnings and the independent traffic consultant to come up with a resolution to this matter which is the only apparent "sticking point" to the approval of this Development Application. It would be appreciated if RMS could give urgent consideration to this proposal.

Regards

Ross Nettle | Director

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES Established 1994

Suite 502, Level 5, 282 Victoria Avenue, Chatswood NSW 2067

P (02) **F** (02) 9904 6622 **W** ttpa.com.au



Before printing, please consider the environment

IMPORTANT NOTICE: This email and any attachment to it are intended only to be read or used by the named addressee. It is confidential and may contain legally privileged information. No confidentiality or privilege is waived or lost by any mistaken transmission to you. Roads and Maritime Services is not responsible for any unauthorised alterations to this email or attachment to it. Views expressed in this message are those of the individual sender, and are not necessarily the views of Roads and Maritime Services. If you receive this email in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or use any part of this email if you are not the intended recipient.

This email has been scanned by Symantec Email Security cloud service on behalf of Inner West Council.

****

This message and any attachment are confidential and may be privileged or otherwise protected from disclosure. If you are not the intended recipient of this message you must not copy, reproduce, disseminate or distribute this message or any attachment. If you are not the intended recipient please email the sender or notify Inner West Council and delete this message and any attachment from your system. Any views expressed in this email transmission may represent those of the individual sender and may include information that has not been approved by Inner West Council. The Council will not be responsible for any reliance upon personal views or information not approved by Inner West Council. Inner West Council advises that this email and any attachments should be scanned to detect viruses and accepts no liability for loss or damage resulting from the use of any attached files.

****

This email has been scanned by Symantec Email Security cloud service on behalf of Inner West Council.

Allens
Deutsche Bank Place
Corner Hunter and Phillip Streets
Sydney NSW 2000 Australia

T +61 2 9230 4000
F +61 2 9230 5333
www.allens.com.au

GPO Box 50
Sydney NSW 2001 Australia

ABN 47 702 595 758

Allens › ‹ Linklaters

18 April 2019

Philip Drew
Development Approvals Manager
Bunnings Properties Pty Ltd
Level 8
5 Rider Boulevarde
Rhodes NSW

Dear Phil

Physical commencement of works pursuant to Development Consent No. 201200528
Site: 728-750 Princes Highway, Tempe NSW

1 Instructions

1.1 Bunnings Properties Pty Ltd (***Bunnings***) has requested our advice as to whether Development Consent No. 201200528 issued by Marrickville Council to Urbis Pty Ltd on 21 August 2013 (***Development Consent***) has lapsed.

2 Summary of advice

2.1 In our view, the Development Consent has not lapsed because engineering work, in the form of intrusive geotechnical investigations, relating to the building work was physically commenced on the Site pursuant to s4.53(4) of the *Environmental Planning and Assessment Act 1979* (NSW) (***EP&A Act***).

2.2 The intrusive geotechnical investigations were undertaken between 14 and 17 August 2018, prior to the date on which the Development Consent would have otherwise lapsed being 20 August 2018.[1]

3 Statutory framework

3.1 Under the EP&A Act, a development consent lapses 5 years after the date from which it operates, although this period may be reduced by the consent authority when granting a development consent in certain circumstances.[2] No such reduction was made by the consent authority when granting the Development Consent.

3.2 However, development consent for the erection of a building, the subdivision of land or the carrying out of a work does not lapse:

[1] EP&A Act s4.53(1).
[2] EP&A Act, s4.53(2)-(3A).

Allens is an independent partnership operating in alliance with Linklaters LLP.

Item 6
Attachment 5

> *"…if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section."*[3]

3.3 Case law confirms that in applying s4.53(4) of the EP&A Act to determine whether a development consent has lapsed, the only relevant questions are:[4]

(a) **Question 1:** was the consent for the erection of a building, subdivision of land or the carrying out of a work;

(b) **Question 2:** was the work relied on *"building, engineering or construction work*";

(c) **Question 3:** did it relate to the approved development; and

(d) **Question 4:** was it lawfully physically commenced on the land to which the consent applied prior to the relevant lapsing date.

3.4 Each of these questions are addressed below.

4 Physical commencement

Question 1: Consent for the erection of a building and subdivision of land

4.1 The Development Consent authorises the following development at the Site:

(a) partial demolition of the rear of the existing building;

(b) construction of a new building form and adaptive reuse of the remainder of the existing building for two levels of bulky goods tenancies;

(c) provision of undercroft car parking and at grade parking for up to 301 cars;

(d) erection of signage; and

(e) subdivision of the land to provide a slip lane from the Princes Highway into Smith Street and widening of Smith Street on the northern side;

together, the ***Development***.

4.2 The Development Consent clearly authorises the erection of a new building form on the Site, together with subdivision of land for the purposes of s4.53(4) of the EP&A Act.

Question 2: Engineering Work

4.3 We are instructed that intrusive geotechnical investigations were undertaken on the Site by JK Geotechnics between 14 and 17 August 2018, comprising drilling and testing of 8 deep geotechnical boreholes and installation of groundwater monitoring wells at various locations on the Site.

4.4 The nature and purpose of the geotechnical investigations is described in the **enclosed** letter from JK Geotechnics to Bunnings Group Limited dated 20 August 2018. Relevantly, that letter confirms that the results of the geotechnical testing will enable JK Geotechnics to provide information and recommendations on subsurface profile including bedrock depth and quality; AS2870 site classification; main geotechnical issues of the Site for the Development; earthworks including excavation issues; retention; groundwater issues; lateral parameters for retention design; suitable

[3] EP&A Act, s4.53(4).
[4] *Hunter Development Brokerage Pty Ltd v Cessnock City Council; Tovedale Pty Ltd v Shoalhaven City Council* [2005] NSWCA 169 at [111]; *Norlex Holdings Pty Ltd v Wingecarribee Shire Council* [2010] NSWLEC 149 at [22].

footings systems and options; foundation strata and depth; allowable bearing pressures; allowable shaft adhesions; and external pavements.

4.5 It is well established in decisions of the Court of Appeal and Land and Environment Court that geotechnical work can be *'engineering works'* precluding a consent from lapsing, and such works do not fail to prevent the lapse of the consent because the works are merely preparatory or because the soil is analysed off site.[5]

4.6 In *Hunter Development Brokerage Pty Ltd v Cessnock City Council; Tovedale Pty Ltd v Shoalhaven City Council* [2005][6] (*Hunter*), Tobias JA made the following observations:

> *"In my opinion, the expression "engineering work" in its context of forming part of the composite phrase "building, engineering or construction work", should be given a broad meaning to include all those activities associated with, and forming a necessary part of, the discipline of engineering applicable to the subdivision of land. There can be no doubt that engineering as such can involve many different elements…"*

4.7 Whilst *Hunter* involved subdivision works, these principles have also been applied to "works" generally.[7]

4.8 Relevantly, the works described in those cases involved the excavation of test pits and the collection of soil samples that were subjected to laboratory tests, whose results enabled:

(a) the preparation of engineering plans and specifications for proposed subdivision road pavements in one instance; and

(b) recommendations regarding earthworks, excavation, footings and retaining walls, and a basement construction sequence for the proposed development to be made in another instance.

4.9 Accordingly, and consistent with case law authority, we consider that the intrusive geotechnical investigations carried out by JK Geotechnics on the Site are *'engineering works'* pursuant to s4.53(4) of the EP&A Act.

Question 3: Nexus with the approved development

4.10 The phrase "relating to" in the context of s4.53(4) of the EP&A Act has been the subject of much judicial discourse. The seminal discussion is to be found in the judgment of Tobias JA in *Hunter* where his Honour relevantly states at [104]:

> *"I accept that the ambit of the expression "relating to" depends upon the context in which it appears…It involves, at the very least some real relationship or connection between the work and the subdivision in respect of which the consent has been granted. In my opinion, the required connection or relationship is satisfied if the relevant work is a necessary step in, or part of, the process required for, or involved in, the erection of the building, the subdivision of the land or the carrying out of the work (as the case may be) which is authorised by the consent."*

4.11 Importantly, in *Hunter* Tobias JA also found at [109] that even though work undertaken may not form part of the actual works consented to, *"the carrying out of engineering work associated therewith*

[5] *Hunter Development Brokerage Pty Ltd v Cessnock City Council; Tovedale Pty Ltd v Shoalhaven City Council* [2005] NSWCA 169; *Rowlane Investments Pty Ltd v Leichhardt Council* [2013] NSWLEC 60; *Zaymill Pty Limited and Maksim Holdings Pty Limited v Ryde City Council* [2009] NSWLEC 86; *Benedict Industries Pty Ltd v Minister for Planning; Liverpool City Council v Moorebank Recyclers Pty Ltd* [2016] NSWLEC 122.
[6] [2005] NSWCA 169 at [83].
[7] *Benedict Industries Pty Ltd v Minister for Planning; Liverpool City Council v Moorebank Recyclers Pty Ltd* [2016] NSWLEC 122 at [61] and [67].

and/or which was necessary to enable those works to be undertaken" constitutes works that relate to the development works.

4.12 We are instructed that the geotechnical investigations were undertaken for the following reasons as relating to the Development authorised by the Development Consent:

(a) to provide technical engineering information on subsurface conditions of the Site to inform the detailed engineering and structural design of the Development, and in particular:

(i) the undercroft car park, which involves excavation of the Site; and

(ii) the footings for the above-ground structures by reference to bearing conditions;

(b) to enable detailed design plans to be prepared and lodged as part of the application for a construction certificate;

(c) to comply with Condition 47 of the Development Consent, which requires Bunnings to submit design drawings and documents relating to the excavation of the Site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001 (given that excavation is proposed close to the Princes Highway). Condition 47 requires Bunnings to submit all documentation at least 6 weeks before the commencement of works; and

(d) to comply with Condition 55 of the Development Consent which requires amended plans to be submitted to the satisfaction of the Certifying Authority detailing all recommendations contained within the Geotechnical Desk Study Report prepared by Coffey Geotechnics Pty Ltd dated 13 August 2012. That Geotechnical Desk Study Report relevantly recommended:

> *"Further geotechnical investigation specific to the proposed development is recommended to provide suitable recommendations for design, and to manage the geotechnical risks associated with the site and the development proposal.*
>
> *Further investigation such as boreholes will be required to assess excavation conditions where excavations and new footings are located. Cored boreholes are also recommended to assess the depth and quality of bedrock. This would also allow higher design bearing capacities and a better understanding of any likely groundwater seepage during construction."*

4.13 The works clearly relate to the Development as approved by the Development Consent as can be seen through their linkage with Conditions 47 and 55, and to enable an application for a construction certificate to be made.

4.14 In *Benedict Industries Pty Ltd v Minister for Planning; Liverpool City Council v Moorebank Recyclers Pty Ltd* [2016][8], Robson J held that:

> *"I do not accept the submission that works conducted to either obtain a construction certificate or comply with some other precondition to the development cannot "relate to" the development works…The Consent works are only able to be pursued to the extent that their preconditions, whether a construction certificate or otherwise, are met by the proponent. Meeting these conditions is a necessary step if the Consent works are to be undertaken, and so compliance with the preconditions represents an "initiatory step" as outlined by Tobias JA in Hunter. As such, works undertaken in relation to these preconditions may still represent works "relating to" the Consent works."*

4.15 It is clear that the geotechnical investigations are properly referable to the Development authorised by the Development Consent, as those works are a necessary step in the process of carrying out the Development in order to comply with conditions and to prepare detailed plans to accompany the application for a construction certificate.

[8] *Benedict Industries Pty Ltd v Minister for Planning; Liverpool City Council v Moorebank Recyclers Pty Ltd* [2016] NSWLEC 122 at [72].

Question 4: Lawful physical commencement on the land prior to lapsing date

4.16 In *Hunter*, the notion that the work had to result in a material alteration to the physical nature of the land was rejected. All that was necessary was that the work was physically commenced on the property and was not commenced off-site. Thus, in *Hunter* and in *Zaymill Pty Limited and Maksim Holdings Pty Limited v Ryde City Council* [2009][9], the excavation and testing of the soil samples was engineering work that had been physically commenced on the land notwithstanding that the soil was analysed elsewhere.

4.17 The geotechnical investigations in the present case included the drilling and testing of 8 deep geotechnical boreholes and installation of groundwater monitoring wells across the Site, thereby clearly evidencing work on the land. The fact that analysis of samples occurred off-site does not erode this position or satisfaction with this requirement of s4.53(4).

4.18 The works were undertaken between 14 and 17 August 2018, prior to the date on which the Development Consent would have otherwise lapsed being 20 August 2018.

4.19 The geotechnical investigations were also lawfully carried out in accordance with the Development Consent. Although Condition 28 – 47 of the Development Consent are pre-conditions to undertaking certain works, we do not consider that those conditions were required to be satisfied prior to undertaking the geotechnical investigations. We have formed this view because:

(a) the heading to Conditions 28 – 47 is *"before commencing demolition, excavation and/or **building** works"* (our emphasis), and the geotechnical investigations are not demolition, excavation or building works; and

(b) the geotechnical investigations were required to be undertaken in order to obtain the information necessary to comply with Condition 47. A similar set of facts was considered by the Court in *Reysson Pty Ltd v Roads and Maritime Services* [2012][10] in which Biscoe J relevantly held that:

> *"…if "engineering works" in condition 9 include surveying, then it is impossible to comply with condition 9 because the complete set of engineering drawings it requires cannot be produced until surveying is done, yet condition 9 prohibits surveying until the complete set of engineering drawings is produced. Catch 22.*
>
> *The respondent has no answer except to say that (a) the Court is not free to depart from the literal meaning of the words…*
>
> *I do not accept the respondent's submission. One shrinks from the extraordinary construction which it involves: that the Council is taken to have intended to grant consent for work that was impossible without amending a condition of the consent. This would be a serious derogation from the grant. It is not sensible. Conditions of development consent should be construed if possible as intended to achieve something practical and substantive…"*

4.20 Accordingly, the engineering works were physically commenced on the Site before the date on which the Development Consent would otherwise lapse.

5 Conclusion

5.1 In our view, and for the reasons set out above, the Development Consent has not lapsed.

[9] [2009] NSWLEC 86.
[10] [2012] NSWLEC 17 at [40] – [42].

Please let us know if you have any questions or would like to discuss any aspect of the above.

Yours sincerely

Felicity Rourke
Partner
Allens
Felicity.Rourke@allens.com.au
T +61 2 9230 4366

Rebecca Pleming
Senior Associate
Allens
Rebecca.Pleming@allens.com.au
T +61 2 9230 5246

Encl.

JK Geotechnics
GEOTECHNICAL & ENVIRONMENTAL ENGINEERS

PO Box 976, North Ryde BC NSW 1670
115 Wicks Rd, Macquarie Park NSW 2113
Tel: 02 9888 5000 Fax: 02 9888 5001
www.jkgeotechnics.com.au

Monday, 20 August 2018
Ref No 27926V1let1

Bunnings Group Ltd
11 Shirley St
ROSEHILL NSW 2142

SENT BY EMAIL: mmahrous@bunnings.com.au

ATTENTION: Michael Mahrous, Project Manager NSW/ACT

Dear Sirs

PRELIMINARY GEOTECHNICAL INFORMATION
PROPOSED BULKY GOODS WAREHOUSE DEVELOPMENT (DA201200528)
750 PRINCES HIGHWAY (CORNER SMITTH ST)
TEMPE NSW

At your request, we have commenced additional geotechnical work at the above mentioned proposed development site. The main purpose of the geotechnical work was to confirm and supplement the information and recommendations presented in our Geotechnical Report Ref. 27926Vrpt-Tempe, dated 2 December 2014. The latter report was preliminary and prepared simply for the purposes of Due Diligence to assist with the purchase of the property; hence, the need to complete the additional, supplementary work to assist with the Development Application for the proposed development.

The additional work was started on 14 August 2018 and essentially comprised drilling and testing of 8 deep geotechnical boreholes and installation of groundwater monitoring wells at the locations shown very approximately on the attached plan, Figure 1, which is based on the survey plan of the site. The figure also shows the locations of the 2014 test boreholes, referenced 1 to 13. The additional test locations were nominated by HWN and agreed on site. Location of the boreholes was partly dictated by access constraints imposed by existing development, which was still in use.

The additional boreholes and groundwater monitoring wells were completed on 17 August 2018. The work has now progressed to drafting of the borehole logs and laboratory testing, including strength testing of recovered rock core.

The boreholes exposed a subsurface profile of fill covering residual clay that grades into shale bedrock. The depths to shale are marked on attached Figure 1 next to each current and previous borehole. Depths to rock range from 0.3m in BH4 to 2.3m in BH8. The rock is at shallower depths in the northern corner of the site at 0.3m to 0.8m in BHs 2, 3, and 4. The strength of the rock will be confirmed by laboratory strength testing of recovered rock cores, but at this early stage, the rock strength was assessed during the drilling to be generally in the range of low to medium strength (i.e. unconfined compressive strengths in the range of 2MPa to 20MPa); however, the rock profile did seem to contains bands and layer of weaker and stronger rock than the latter stated general strength range. In regards to the strata above the rock this comprised surface layer of fill down to depths of between 0.3m and 2.7m, with the deepest fill present under the existing warehouse slab. And below the fill layer there was residual silty clay that was assessed to be of medium plasticity and very stiff to hard in strength.

The groundwater levels as measured last week in all new and existing wells was different from those reported in the previous Due Diligence report. The current measured groundwater depths were at the range of 4.6m to 7.3m are shown on attached Figure 1. The 2014 groundwater levels were in the range of 1.7m to 4.6m.

At this very early stage, the main conclusion from the additional boreholes is that the geotechnical and subsurface strata as described in the previous Due Diligence report are confirmed to be generally comparable. The main deviation from the information provided in the previous report is in regards to the depths to groundwater levels, which were found to be remarkably diffident at much greater depths.

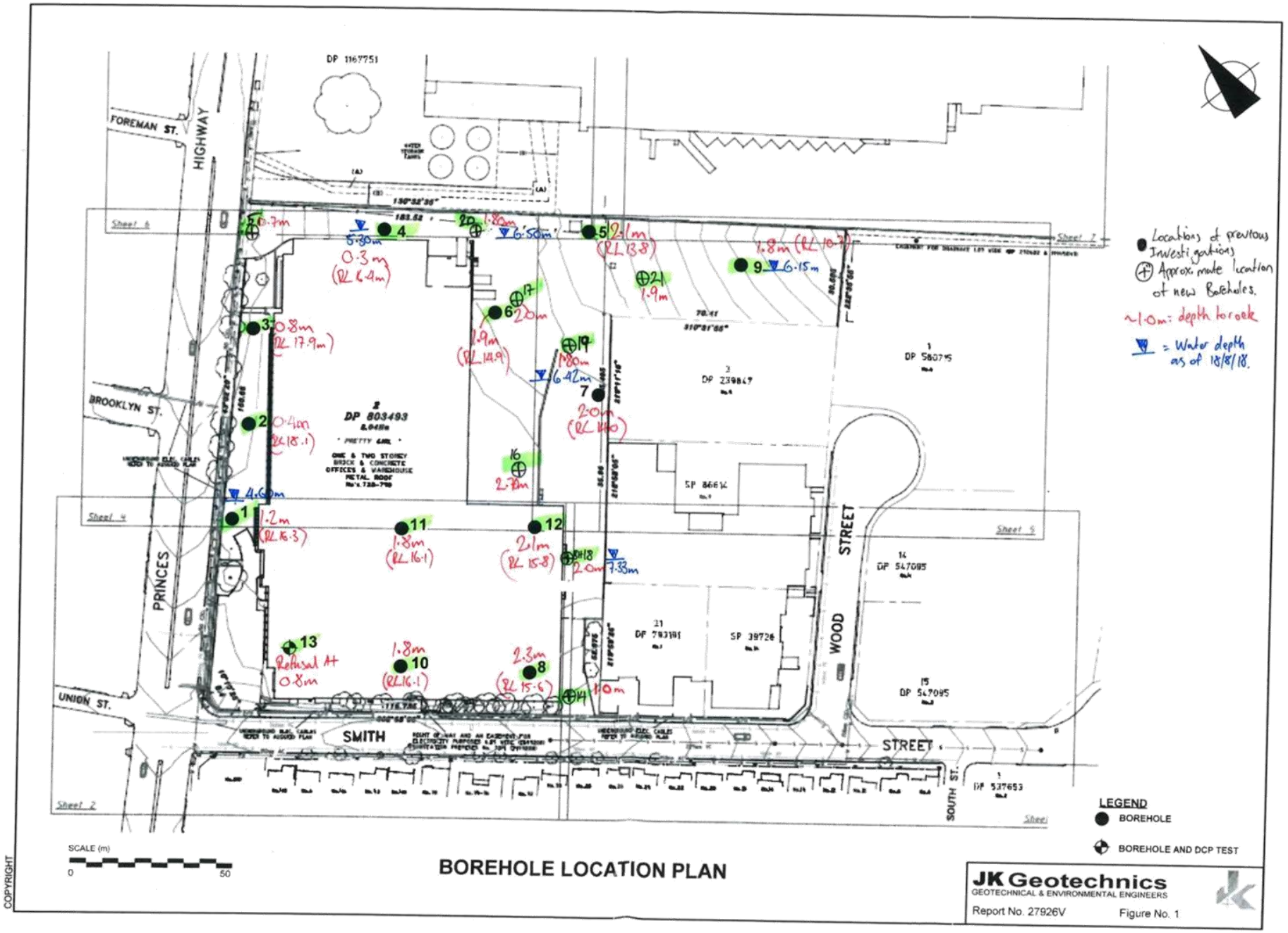
As mentioned above, the geotechnical work has now progressed to drafting of the borehole logs and laboratory testing, including strength testing of recovered rock core. After receiving the latter results, analyses and report preparation will be completed. The report will provide final information and recommendations on; we do not expect these to deviate significantly from those provide in the previous Due Diligence report:

- Detailed logs of the all boreholes, including current and previously completed, with penetration test results and groundwater observations;
- Interpretation of Subsurface Profile including bedrock depth and quality;
- AS2870 site classification;
- Main Geotechnical Issues of this site for the development;
- Earthworks including excavation issues;
- Retention;
- Groundwater Issues;
- Lateral Parameters for Retention Design;
- Suitable Footings Systems and Options;
- Foundation strata and depth;
- Allowable Bearing Pressures;
- Allowable Shaft Adhesions;
- External Pavements including CBR value.

Should you require any further information regarding the above, please do not hesitate to contact the undersigned.

Yours faithfully
For and on behalf of
JK GEOTECHNICS

Fernando Vega
Senior Associate
Encl.: Figure 1.


DP 1167751
FOREMAN ST.
HIGHWAY
BROOKLYN ST.
PRINCES
UNION ST.
SMITH
STREET
WOOD
STREET
SOUTH ST.
Sheet 1
Sheet 2
Sheet 4
Sheet 5
Sheet 6
Sheet 7
DP 803493
DP 239847
DP 580715
SP 86614
DP 547085
DP 783181
SP 38726
DP 547095
DP 537653
Locations of previous Investigations
Approx. route location of new Boreholes.
~1.0m: depth to rock
= Water depth as of 18/8/18.
Refusal At 0.8m
LEGEND
BOREHOLE
BOREHOLE AND DCP TEST
SCALE (m)
0
50
BOREHOLE LOCATION PLAN
JK Geotechnics
GEOTECHNICAL & ENVIRONMENTAL ENGINEERS
Report No. 27926V
Figure No. 1
COPYRIGHT

Asher Richardson

From:	Mark Bonanno
Sent:	Friday, 24 May 2019 2:03 PM
To:	Asher Richardson
Cc:	Erin Watt; Simon Turner; Harjeet Atwal; Ruba Osman; Luke Murtas
Subject:	728 Princes Highway: Commencement of DA201200528

Dear Asher,

Advice sought

You have asked me to advise whether I agree that physical commencement of works in relation to DA201200528 has commenced, and therefore, that the consent has not lapsed.

Information to hand

- Your emails; and
- An advice from Allens Linklaters dated 18 April 2019 (**Advice**) in support of the proposition that the works have physically commenced (attaching a report from JK Geotechnics of 20 August 2018 (**Report**)); and
- A copy of the conditions in 201200528; and
- A copy of the Coffey Geotechnical Report (**Coffey Report**) referenced in the conditions.

Executive summary

I do not agree that physical commencement has taken place for the reasons set out below. I believe therefore the approval has lapsed.

The Facts

DA201200528 (**DA**) was issued by the Panel on 21 August 2013, for the property 728 to 750 Princes Highway, Tempe (**Site**) and in the normal course would lapse on 20 August 2018.

The DA was for a series of bulky goods tenancies.

The relevant section is section 53 of the *Environmental Planning & Assessment Act 1979* (**Act**). None of the variations or exceptions in the section apply, and the approval would last for 5 years.

The DA was issued to Urbis Pty Limited.

The Site was then sold to Bunnings in January 2015.

Bunnings have submitted a new development application for the same Site and this is the subject of the Panel's current consideration.

The only work allegedly done to fulfil the requirement for physical commencement is a series of 8 boreholes and installation of groundwater monitoring wells commenced on 14 August 2018 (see Report, page 1), or 6 days before lapse. There is no other work alleged to allow physical commencement.

The conditions refer to a number of requirements before undertaking works in conditions 28 to 47. None of these were fulfilled. In fact, fulfilment of some of these conditions would be quite onerous.

Consideration

To claim physical commencement, Bunnings are reliant on condition 55 which states:

> *Before the issue of any Construction Certificate, amended plans are required to be submitted to the satisfaction of the Certifying Authority detailing all recommendations contained within the Geotechnical Deck Study report, prepared by Coffey Geotechnics Pty Ltd, dated 13 August 2012 and submitted to Council on 27 November 2012.*

The Coffey Report itself seems complete save for one part at page 5 under the heading "Further Investigation". It states:

> *Based on the results of this initial geotechnical assessment and our experience on similar projects, the proposed development is considered geotechnically feasible, but further geotechnical investigation specific to the proposed development is recommended to provide suitable recommendations for design, and to manage the geotechnical risks associated with the site and development proposal.*
>
> *Further investigation such as boreholes will be required to assess excavation conditions where excavations and new footings are located. Cored boreholes are also recommended to assess the depth and quality of bedrock. This would also allow higher design bearing capacities and a better understanding of any likely groundwater seepage during construction.*

The Report appears to be an answer to the Coffey Report. However, I am troubled by a few matters.

Firstly, the Report at page 1 states:

> *The main purpose of the geotechnical work was to confirm and supplement the information and recommendations presented in our Geotechnical Report Ref. 27926Vrpt-Tempe, dated 2 December 2014. The latter report was preliminary and prepared simply for the purposes of Due Diligence to assist with the purchase of the property; hence, the need to complete the additional, supplementary work to assist with the Development Application for the proposed development.*

In other words, no reference to Coffey. In fact, it tells us that it is a supplementary report which was required for Due Diligence in the purchase of the Site. It is nothing to do with reports necessary to satisfy the condition in the DA.

It goes on to speak of the need to "*assist with the Development Application for the proposed development*".

Which "*proposed development*"? The DA has already been approved. The Report is far from clear that it is in response to the DA conditions. It is far more likely that it is for the current proposal you are assessing, and not for the DA which lapsed on the very day it was produced.

Consideration of the law within the Advice

I have no dispute with the law as quoted. The bar for physical commencement is low. Preparatory work qualifies, provided it is "related to" the DA in question.

My concern here is that the documents you have been given are ambivalent. If the Report made reference to the Coffey Report, and expressed itself to be in answer to Item 7 page 5, the path would be clearer.

From what I have in front of me now, I do not have a Geotechnical report which is necessary to the DA.

Doubtless when the applicant sees this advice, there will be all sorts of qualifying letters, but the circumstances trouble me.

Less than a week before lapse, the applicant appears to have taken steps to action the approval. Unable to do the things in the sections "Before Commencing Demolition…" they have found something to do of a preparatory nature. My concern is that the work done is not "related to" this proposal: see *Hunter Development Brokerage Pty Ltd v Cessnock City Council* [2005] NSWCA 169 at paragraph 104.

The Report, which is essentially all they have to prove commencement, expresses itself to be undertaken as part of an old due diligence report; and then references another 2014 report undertaken by themselves. Again, no reference to the DA. JK Geotechnics, as far as I can see, had nothing to do with the DA. They may be involved in this proposal for Bunnings, but hey had no part in the DA which is alleged to have commenced.

We are meant to assume that the Report is done to complete the Coffey recommendations. Nothing in their advice, or in the Report itself, leads me to that conclusion. We are invited to assume the link.

I decline the invitation.

Conclusion

While the barrier to proving physical commencement is low, for the above reasons I do not think they have succeeded on this occasion.

Mark

Mark Bonanno | Senior Lawyer
Inner West Council
P: +61 2 | **E:** @innerwest.nsw.gov.au

Ashfield Service Centre: 260 Liverpool Road, Ashfield NSW 2131
Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040
Petersham Service Centre: 2-14 Fisher Street, Petersham NSW 2049
PO Box 14, Petersham NSW 2049

INNER WEST COUNCIL

Council acknowledges the Traditional Custodians of these lands, the Gadigal-Wangal people of the Eora Nation.

Item 6
Attachment 5

Asher Richardson

From: PEGG Brendan J @rms.nsw.gov.au>
Sent: Monday, 15 April 2019 2:45 PM
To: @ttpa.com.au
Cc: TANCEVSKI Aleksandar; KOCOSKI Nicolas; Ruba Osman; Asher Richardson; George Tsaprounis; @bunnings.com.au; PILLY MOOTANAH Hans R
Subject: RE: Bunnings Tempe - 728-750 Princes Highway, Tempe (Ref. 2017SCL027) (our ref. 17053)

Importance: High

Hi Ross,

Roads and Maritime Services (Roads and Maritime) has reviewed the below material and advises that:

1. Previous discussions between the proponent and Roads and Maritime regarding the removal of on-street parking on Princes Highway were only in relation to the on-street parking south of the Princes Highway/Smith Street/Union Street intersection. Roads and Maritime was not supportive of removing parking at this this location and notes that the current proposal is to remove on-street parking north of the Princes Highway/Smith Street/Union Street intersection (which totals 100m and a loss of five parking spaces), which is an extension of the existing 'No Stopping' zone.

2. After review of the below email and submitted material, Roads and Maritime will support the extension of the existing 'No Stopping' zone north of the Princes Highway/Smith Street/Union Street intersection to 100m on the provision that:

    a. The applicant is conditioned to provide an additional 13 public spaces in the proposed carpark to ameliorate the impacts to the loss of available parking.
    b. The applicant is conditioned to provide a door on the south western elevation of the car park, which shall be accessible internally and externally and signposted as such to permit public access to facilitate pedestrian access and egress to Smith Street from the carpark during Bunnings trading hours.
    c. The signage installation and community consultation shall be at no cost to Roads and Maritime and undertaken by the applicant.

If you have any questions, regarding the above, please let me know.

Kind regards,

Brendan Pegg
Senior Land Use Planner
South East Precinct | Sydney Division
M
www.rms.nsw.gov.au

Every journey matters

Roads and Maritime Services
27-31 Argyle Street, Parramatta NSW 2150

From: Ross Nettle [mailto @ttpa.com.au]
Sent: Monday, 8 April 2019 10:22 AM
To: KOCOSKI Nicolas; Development Sydney
Cc: PILLY MOOTANAH Hans R; TANCEVSKI Aleksandar; Ruba Osman (ruba.osman@innerwest.nsw.gov.au); George Tsaprounis (george.tsaprounis@innerwest.nsw.gov.au); Asher Richardson (asher.richardson@innerwest.nsw.gov.au);

Philip Drew (pdrew@bunnings.com.au)
Subject: Bunnings Tempe - 728-750 Princes Highway, Tempe (Ref. 2017SCL027) (our ref. 17053)
Importance: High

Nick

When the Development Application was first considered by Sydney Eastern City Planning Panel (Carl Scully Chairman), the Panel resolved that an independent traffic consultant be engaged to review the DA Traffic Study. On the 4 April, the Panel considered the outcome of that Traffic Review and again resolved to defer a decision. See attached.

During the earlier discussions with RMS, it was assessed that the parking along the highway in front of the shops etc. south of Union Street was a sensitive issue and RMS was not willing to agree to the removal of this parking.

An assessment has now been made in relation to the parking north of Union Street and the implications of providing 100m of NO PARKING 10am to 7pm 7 days. The attached images reveal that the provision of the required 100m would only involve the removal of 5 parking spaces and these spaces are generally used by taxi drivers operating out of the adjacent taxi depot. Council has issued draft Consent Conditions for the proposed development and one of these conditions requires Bunnings to provide 8 on site parking spaces to be specifically provided and designated for public use (i.e. not Bunnings customer or staff use). The text of this draft condition is as follows:

> *The door on the south western elevation of the car park shall be accessible internally and externally and signposted as public access to allow pedestrian access to Smith Street from the car park during the Bunnings trading hours.*
> *Reason: To enable residents to utilise the on-site car parking and mitigate the loss of on-street car parking during trading hours.*

If RMS is willing to introduce the NO PARKING restriction which enables the 100m requirement, Bunnings will recommend that the Consent Condition be modified to increase the number of public spaces in the Bunnings car park to 13. To me, this outcome would replicate arrangements that RMS has made elsewhere to recompense for the removal of on-street parking on sections of State Road in sensitive traffic areas.

The Planning Panel has given a short time frame for Bunnings and the independent traffic consultant to come up with a resolution to this matter which is the only apparent "sticking point" to the approval of this Development Application. It would be appreciated if RMS could give urgent consideration to this proposal.

Regards

Ross Nettle | Director

TRANSPORT AND TRAFFIC PLANNING ASSOCIATES Established 1994

Suite 502, Level 5, 282 Victoria Avenue, Chatswood NSW 2067
P (02) **F** (02) 9904 6622 **W** ttpa.com.au

Before printing, please consider the environment