



Deicorp Construction Pty Ltd  
Level4  
161 Redfern St  
REDFERN NSW 2016

06 October 2020

Dear Sir/Madam

**Application Number: DA/2020/0520**

**Proposal: Demolition of existing structures and construction of a 3-8 storey mixed use development containing 91 units and a registered club**

**Property: 73 Norton Street ASHFIELD NSW 2131**

Council is committed to working with you toward a proposal that can be supported. However, a preliminary assessment of the above-mentioned application found a number of matters that need to be resolved or additional information to be provided as outlined below.

1. Loading Bay

A review of the currently proposed loading bay has highlighted significant opportunities for conflict between operational services such as waste collection/delivery trucks and private vehicles. Given the size of the development, the frequency of services utilising the loading bay will be high, as such it is recommended that the loading bay be completely separated from private vehicular access. Due to the constraints of the site it is noted that this may not be readily achievable within the existing site boundaries, however a unique opportunity for co-ordination with a neighbouring development site has presented itself since the time of this application being lodged.

Since the time of lodgement neighbouring properties at 184-200 Liverpool Road have also approached Council and outlined an interest in re-developing a substantial portion of land directly adjacent to your site. This neighbouring site is also reliant on Norton Street for vehicular access and seeks to incorporate driveway access directly adjacent (over 81 Norton Street) to your driveway. The redevelopment of these two neighbouring sites provides a rare opportunity for co-ordination of development and the amalgamation of driveways/loading bays into one entry/exit point off Norton Street.

Such cooperation between parties will ensure that each development could utilise one loading bay for the servicing and one driveway for private vehicular access to residents and patrons. This ensures an orderly and economic use of land, removing a requirement for multiple driveways directly adjacent to one another. This coordination also provides a greater opportunity for streetscape and public domain interface to Norton Street and would assist to resolve other concerns raised within this letter. Council expects that this can occur without the loss development yield and may present an opportunity for further expansion of the registered club and/or residential entry.

Council will only consider support for the current driveway and loading bay scheme once it has been satisfactorily demonstrated that negotiations between yourself and the neighbouring site have taken place and that coordination and amalgamation is not possible/feasible. Should proof of amalgamation not being feasible be presented, then the current loading dock must be revised to incorporate/address the following concerns:

- a. The proposed loading dock must be re-designed to accommodate/demonstrate via swept paths that it is able to be serviced by a Council Resource Recovery Vehicle Specifications with the following specifications:
  - i. Length: 9.4 metres
  - ii. Width: 2.5 metres
  - iii. Height (travel): 4.5 metres
  - iv. Weight (loaded): 26 tonnes
  - v. Turning Circle: 26 metres
- b. It is noted within the waste management plan that 1100L bins are proposed to be utilised by the registered club. Council's waste team have reviewed this and outlined that should such bins be utilised then the loading bay or any waste collection area must be designed to have a clearance height over 6.2m to enable waste collection. Amended plans detailing such a clearance height must be provided, alternatively you may present an alternative bin size for the commercial aspect of the development.
- c. Amended plans clearly detailing any loading areas. Please note the loading bay must also incorporate an additional area at the rear of the truck (~2M) for loading.
- d. Additional information to demonstrate how the development ensures sightlines compliant with Australian Standards. An initial review has highlighted that there

appears to be limited sightlines between a waste vehicle entering/exiting and light vehicle travel paths.

- e. Amended plans showing pedestrian doors not opening directly onto areas with vehicular movements. Doorways must be physically protected from vehicular movements by kerbs, bollards etc.
- f. Additional information demonstrating how/where patrons and visitors will que while trucks are reversing into the loading bay. In particular concerns are raised over if said queuing will spill over into Norton street and block traffic and if private vehicles unfamiliar with the sight might follow a service truck in and stop it from being able to reverse into the loading bay. Details and management techniques on how such an outcome can be avoided should be provided.

## 2. Basement Carpark

Council Development Assessment Engineer has reviewed the proposed basement car parking. This review has highlighted a requirement for the submission of amended plans/additional information addressing the following:

- a. Amended plans detailing dimensions of aisle widths and parking spaces and line markings (e.g. direction arrows) must be provided on all basement plans.
- b. Amended Plans must show compliance with AS2890.1, AS2980.2, AS2980.3 and AS2890.6 and demonstrate safety for all users of the facilities.
- c. Additional drawings showing sections along each edge of vehicular accesses and ramps must be provided.
- d. Additional plans showing swept paths must be provided, these swept paths must detail each level of basement and must show circulation in and out the parking facilities including passing at intersections, ramps, vehicular entry/exit etc.
- e. Amended plans detailing the introduction of queuing areas at entry points such that queuing does not block/impact circulation. Concerns are raised with regards to the queuing of vehicles on carpark level 1, with residents and patrons each required to pause to allow for a roller door or boom gate to open.
- f. Additional information satisfying that sightlines at all relevant locations including the vehicular access points both for pedestrians and vehicles are compliant with Australian Standards.

- g. Parking spaces must be appropriate user class as per AS2890.1.
- h. Amended plans detailing motorcycle parking located together in a clearly defined area.
- i. Amended plans detailing bicycle parking compliant with the following:
  - I. Must be demonstrated cyclists can enter and exit the facilities safely and distances are reasonable e. from street to the bike parking spaces, then into the relevant component of the development.
  - II. Appropriate security for bike parking spaces must be demonstrated dependent on user.
  - III. Visitor bicycle parking must be at ground level. Not within the basement.
  - IV. Appropriate end of trip facilities are required.
  - V. Parking for each use must be located together.

### 3. Rate of Parking

A review of the proposed parking rate for the development has highlighted 120 parking spaces to be dedicated to the residential competent and 75 spaces dedicated to the registered club.

The proposed 120 parking spaces for the residential portion of the development results in 23 spaces above that required by the RMS' Guide for Traffic Generating Developments, as such these 23 spaces must be counted towards the developments overall GFA (299sqm) which results in the proposal being 2.6% (244sqm) over the maximum permissible FSR. Given the sites proximity to the Ashfield Town Centre and Ashfield train station any car parking in excess of the requirements is not supported.

Instead it is recommended that these spaces be reallocated to the proposed registered club, which is currently considered not to provide a sufficient rate of parking. Such reallocation must be supported by a revised parking and traffic assessment report but ensures that the proposed parking will not count towards the overall GFA of the site. Amended plans/additional information detailing compliance must be provided.

Please note that the proposed reallocation of parking is likely to result in the basement roller door for the residents required to be relocated and the stratum plans to be updated.

#### 4. Traffic

The proposal and the provided traffic reports have been reviewed by Councils Traffic Engineers and Transport for NSW (TfNSW). This review has highlighted a requirement for the submission of amended plans / additional information addressing the following:

- a. Documentation outlining traffic generation from the existing club
- b. An amended traffic report outlining Traffic Development generated volumes superimposed upon the intersection survey of diagrams page 7 of the current traffic report. This is to identify the number, pattern movement and dispersion of traffic (associated with the development) around the (4) road network intersections.
- c. Amended plans detailing any vehicular entry and exit complying with minimum sight lines for pedestrian safety (section 3.2.4 AS2890.1:2004. 3).
- d. Amended plans detailing the inclusion of 'All traffic right' sign is to be applied at the exit of the driveway.
- e. Amended plans detailing give-way to Pedestrians and Stop control signage/markings at the exit of the driveway.

In addition to the above transport for NSW have requested that any additional information also address the following concerns/questions:

- f. The SIDRA modelling provided in the Traffic Impact Assessment (TIA) indicates that the right turn movement from Liverpool Road onto Queen Street, as a result of the development, indicates that the Level of Service (LoS) will deteriorate from LoS of 'B' to 'E', which suggests a significant increase in queuing on the classified network. Additionally, TfNSW has identified that the delay along eastbound on Liverpool Road at Holden Street in the PM peak is also quite high as a result of the proposed development; and
- g. SIDRA modelled scenarios provided have utilised a 70 second cycle time; however TfNSW advises that all modelled scenarios should utilise a 140 second cycle time as it is the time given for the maximum traffic signal cycle time;

Any response to the above comments must consider/ propose potential mitigation measures to address the LoS on the classified network and signalised intersections impacted by the additional traffic generated by the development. TfNSW have also outlined that they would welcome undertaking an electronic review of the any revised SIDRA modelling provided.

#### 5. Liverpool Road Pedestrian Access

The proposal is heavily reliant on pedestrian access via a right of carriageway over 182 Liverpool Road, however the current application makes no reference to upgrading or improving this pedestrian link to make it more compliant with CPTED and a more inviting link to the site. While it is acknowledged that this pedestrian link is not on the subject site, owner's consent from 182 Liverpool Road has been provided with this application.

Discussions with 182 Liverpool Road to upgrade this pedestrian link must be undertaken. Such upgrades are anticipated to assist in reducing anti-social behaviour and stop gathering of patrons outside the main entrance. Should the owners of 182 not wish for this space to be upgraded then written confirmation should be supplied as part of any response to this letter. Should consent be given then amended plans detailing the improved pedestrian link should be provided, these plans must include a lighting strategy.

#### 6. Acoustic Impacts

The design of current application results a significant conflict between the proposed outdoor areas of the registered club (along the northern boundary) and bedrooms/living areas for residential units above. A review of Acoustic Environmental & Impact Assessment Report (dated 25 July 2020 Reference No.: 2020-104 CLUB), states that a Noise Management Plan must be implemented. Council has received a Management Plan however it makes no mention of noise, the Acoustic reports recommendations or noise management plans.

The provided acoustic report also states the outdoor dining area is expected to accommodate 50 patrons at any one time. With their predications based on 50 patrons at one time it was noted that they were not able to comply with the noise requirements for the Octave Bane 1k as it goes over the requirements by 3dBA. A review of the provided club fit out plans highlights that the total outdoor space could accommodate up to 128 patrons at one time, this combined with the requested hours of operation for the premises will result in unreasonable amenity impacts for future occupants.

At this time insufficient information to support the proposed outdoor areas has been provided and it is considered that unreasonable amenity impacts would result through the acceptance of these spaces in their current form given the close proximity of dwellings.

In order for the proposed outdoor spaces to be considered a detailed acoustic assessment of the potential impacts must be undertaken, this assessment must outline recommendations to minimise the acoustic impacts for neighbouring residents above. This report must be prepared by a suitably qualified and experienced acoustic consultant and must demonstrate that noise emissions comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Liquor & Gaming NSW, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual.

The report is to include (but not limited to):

- Maximum number of patrons using the outdoor balcony and/or outdoor gaming room and/or smokers terrace at any one time
- Proposed operating hours of the outdoor balcony and/or outdoor gaming room and/or smokers terrace
- A Noise Management Plan which complies with Acoustic Environmental & Impact Assessment Report (dated 25 July 2020 Reference No.: 2020-104 CLUB). It must also include how the Club will help reduce noise levels of the patrons.

Please note Council also requires the above noise management plan to include recommendations and management policies to ensure patrons exit the club quietly when leaving. These recommendations should also include means to stop patrons from lingering within the locality once existing from the club. This requirement applies to both the northern boundary exit and any Norton Street exit.

## 7. Solar Access Analysis

The proposal achieves the required 2 hours of solar access to balconies and living areas of at least 70% of units and is acknowledged to be compliant with the ADG. However, compliance is reliant on the adjoining land remaining undeveloped and current modelling has not accounted for neighbouring re-developments.

The potential loss of solar access resulting from neighbouring re-development is of a significant concern to Council, in particular solar access loss from the redevelopment of properties at No.184 to 200 Liverpool Road, Ashfield which is immediately to the north of this site, is likely to heavily impact the subject site. The re-development of this site is likely to occur within the immediate future with the owners of the site already approaching Council to begin discussions on potential re-development.

In order to fully understand the solar access impacts to the subject development, solar access studies modelling a compliant building mass on the neighbouring properties must be provided. It must be noted that Nos. 184 to 200 have Heritage items fronting

Liverpool Road, and as such it is likely that any massing will be away from the frontages (closer to the subject site).

#### 8. Minimum Separation Distance

The architectural plans (Drawings DA.105A to 111A) measure the 6m and 9m setback/separation distance requirement at the rear or northern boundary from the centre line of the Right-of-Way (ROW) on the adjoining land to the north being legally described as Lot E DP110389 and otherwise known as 184 Liverpool Road, Ashfield.

The ROW is not a street and therefore the development should not measure the setbacks or separation distance the from the centre line of the ROW as would otherwise be undertaken with a street. The measurement of such 6m and 9m setbacks is required to be measured from the boundary of the site, being the northern boundary of the four lots to which the DA relates.

Amended plans detailing setbacks for units compliant with the setback requirements of the ADG when measured from the boundary of the site must be submitted. The required increased setbacks will assist to lessen bulk/scale impacts on neighbouring heritage items and may go some way to improving the solar access for proposed units in the event neighbouring sites also re-develop.

#### 9. Norton Street Presentation

A review of the provided architectural plans and club fit out plans has highlighted minimal ground floor street activation for Norton Street, with floor plans not detailing windows relating to the proposed bridal room and storage room of the club and seemingly conflicting with the provided southern elevations. Activation and visual interest to the ground floor level of Norton Street must be a key feature of this proposal and amended plans detailing the provision of windows to the southern boundary of the club (as detailed on the southern elevation) must be provided. Blank walls along the southern Norton street frontage must be avoided where possible and where not possible the proposal should incorporate public artwork to promote visual interest.

In particular it is recommended that public artwork be installed between the proposed residential pedestrian entrance and driveway opening. A detailed Norton street (southern) elevational plan showing the introduction of public art must be provided as part of any amended plans.

#### 10. Common Circulation Spaces

Analysis of the proposed common lifts has highlighted that only 1 lift provides access to the ground floor lobby from the residences above. Such a design outcome is not compliant with the objectives and intention of the ADG which is to ensure a high degree of accessibility for new developments. Acceptance of the current design is anticipated



to result in a large reliance upon a single lift core for entering and existing the building and is not supported.

Amended plans detailing lift access to the ground floor from both residential lifts must be provided.

#### 11. Unit Amenity

A review of window W05 for units 103 – 703 has highlight concerns regarding potential acoustic problems resulting from the location of the proposed recycling bins on each level. It is considered that residents disposing recycling to these bins could interfere with the adjacent units amenity and as such it is recommended that windows W05 for be relocated as far away from the bins as possible. Amended plans detailing compliance must be provided.

#### 12. Corridor and Balcony Balustrades

A review of the proposed balcony and corridor balustrades has highlighted the use of transparent glazing. The use of such glazing provides poor screening for future residents.

Amended plans showing solid balustrades must be provided. This amendment particularly applies to areas of the proposed open corridors as such treatments will be key to block site lines into neighbouring sites.

#### 13. Windows W05 for units 104 to 710

Windows W05 for units 104 to 710 of the proposal are reliant upon obtaining solar access and amenity via a void looking out onto corridors, treated by privacy screening. Such an outcome is not in-keeping with the objectives and controls of the ADG and raises concerns regarding the amenity that such windows will receive.

In order for Council to consider support for such a design outcome additional information regarding the visual outlook obtained from these windows must be provided. Please note that it is Council's preference for an alternative design, but consideration of support for the current design will be undertaken where it can be demonstrated that a satisfactory amenity can be received.

#### 14. Heritage Impacts

Council's Heritage Advisor has reviewed the provided Statement of Heritage Impact (SOHI)/ architectural plans and outlined that the level of information currently provided is in-sufficient to enable a detailed assessment of the proposal and potential impacts to the neighbouring heritage items, in particular the bulk and scale impacts of the development upon the neighbouring Polish House are of concern.

In order to undertake a detailed assessment of the potential heritage impacts, photomontages must be provided that show the relationship of the proposal to the

heritage items to Liverpool Road, including a view with the church and adjacent residence (180-82 Liverpool Road) in the foreground and another with the heritage listed row of shops.

#### 15. Club Operation

Although Council appreciates that the club is an existing entity, the proposed space is new, will be subject to a new consent and will be in-close proximity to new high-density residential accommodation. Information currently provided regarding the operation of the proposed club is currently inadequate to enable a detailed assessment.

In order to undertake a detailed assessment the following additional information is required:

- a. Staffing numbers for the proposed function area and gaming area.
- b. Maximum patron numbers for each of the proposed areas of the club
- c. Frequency of events to be held within the function area and closing time.
- d. Acoustic treatment and operational measures for the proposed function area to ensure minimal amenity impacts for neighbouring residents.

Please note that unless concerns regarding amenity and acoustic impacts from the function room can be resolved, then a limitation on the frequency of events and/or type of events within the function room is likely to be imposed on any consent. This is due to the introduction of high-density residential units above the club and concerns from the NSW Police Force regarding the potential amenity impacts to neighbouring residential units.

#### 16. Food Premises Fit Out

Council's Environmental Health Team have reviewed the proposed fit out plans and note that the current design/details provided are non-compliant with Australian Standards. Amended plans detailing compliance with the following must be provided:

- a. The Plans for the kitchen only show one handwash basin. This is not enough for the size of the kitchen. At least one other Handwash basin must be supplied in the kitchen.
- b. There is no handwash basin supplied in the bar area, a hand wash basin must be supplied within the bar area.
- c. No handbasin and wash up facilities has been supplied in the deli/bakery area. A hand wash basin and wash up facilities must be supplied in the deli/bakery area.
- d. A detailed kitchen floor plan showing the location of the designated hand wash basin/s, washing up area, cooking equipment, dry food storage area and waste storage area in accordance with AS 4674:2004.

## 17. SEPP 64 Signage

A review of the provided SEE has highlighted comments which outline that the current application does not include signage and as such an assessment of signage in accordance with the requirements of SEPP 64 have not been provided, however a review of the provided architectural plans (see site plan) has highlighted multiple references to signage for the proposed club.

Given the scale of the proposed development (which includes fit out and use of the club) it is considered appropriate for a signage strategy to be development and approved with the current application. Amended plans/additional information outlining a signage strategy must be provided.

## 18. Unit Ventilation

An assessment of the current proposal has highlighted some rooms to units reliant upon balcony sliding doors for ventilation. To ensure a high degree of amenity for the proposed units, all rooms solely relying on balcony sliding doors for air must be amended to include a secondary source of air flow, such as operable glass louvers or an operable fan light window. Amended plans detailing compliance must be submitted.

## 19. Stormwater

Council Development Assessment Engineer has reviewed the proposed stormwater design for the development. This review has highlighted a requirement for the submission of amended plans/additional information addressing the following:

- a. A stormwater report is required to be submitted demonstrating compliance with the relevant components of the Marrickville DCP (i.e. 2.17 Water Sensitive Urban Design and 2.25 Stormwater Management).
- b. The development appears to completely obstruct surface flow paths from uphill lands. Further information is required on existing drainage systems and surface flow paths. Should the proposal block existing flow paths it must be demonstrated that the development will not force water onto neighbouring sites.
- c. The water treatment components should be designed for high flow bypass of storm events that exceed the design treatment flow rate.
- d. Basement should be tanked constructions unless groundwater inflows are minimal or intermittent.
- e. Any subsurface inflows must be collected at point of ingress to the basement. These drains should be physically isolated from vehicular areas to prevent ingress of pollutants from vehicles.
- f. A review of the proposed basement has highlighted that it appears to be completely internal. Therefore further explanation on why stormwater drains are proposed as base of internal basement ramps must be provided.

- g. Music modelling must be based on Inner West Modelling guidelines (i.e. Marrickville Music Guidelines).

In light of the issues addressed above, it is recommended that you submit amended plans within 21 days.

Given the extent of amendments required, amended plans are may require re-notification as per Council's Community Engagement Framework. In accordance with Council's *Inner West Council Fees and Charges 2020/21* schedule, an amended plan fee and notification fee may be required to be paid

If you do not submit additional amended plans within 21 days or withdraw the application, it will be determined based on the information originally submitted and it is likely that the application will be recommended for refusal. It is Council's policy to provide 21 days to submit amended plans. Extensions of time will only be granted by approval of the Manager in extenuating circumstances. If amended plans can't be submitted within this timeframe then it is recommended that you withdraw the application and submit a new application.

If you need any further assistance in relation to the above matter or clarification please contact me on 02 9392 5997 or [conor.wilson@innerwest.nsw.gov.au](mailto:conor.wilson@innerwest.nsw.gov.au).

Yours faithfully



**Conor Wilson**  
**Senior Planner**