

RESUMPTION OF STANDING ORDERS

103/10 RESOLVED Stott/ Mansour

That standing orders be resumed the time being 8.46pm.

DEVELOPMENT APPLICATION: 10.2009.155.1

**89-93B LIVERPOOL ROAD ASHFIELD Andrew Johnston - Development
Assessment Officer. Report Submitted with attachments 1 and 2.**

(11/03/10)

10.2009.155.1

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CM 10.2 Attached

104/10 RESOLVED Stott / Kennedy

**That Council request the RTA to address the Council Works and
Infrastructure Committee on the proposals regarding the property
and traffic issues**

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

For the Motion

Councillors McKenna, Rerceretnam, Stott, Wangmann, Cassidy, Drury,
Kelso, Lofts, Wang and Kennedy.

Against the Motion

Councillor Mansour

The Motion was Carried

Subject	DEVELOPMENT APPLICATION: 10.2009.155.1 89-93B LIVERPOOL ROAD ASHFIELD
File Ref	10.2009.155.1
Prepared by	Andrew Johnston - Development Assessment Officer
Reasons	For Council to determine application prior to concurrence of Roads and Traffic Authority – report previously deferred
Objective	For Council to determine the application
Strategic Plan Link	N/A
Management Plan Activity	2.11 Development & Building Control, Strategic Planning

Overview of Report

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to demolish the buildings and structures located at 89-93B Liverpool Road, Ashfield.

1.0 Background

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to demolish the buildings and structures located at 89-93B Liverpool Road, Ashfield. A total of seven (7) attached mixed-use buildings are proposed for demolition with this application.

Each of these properties is owned by the Roads and Traffic Authority (RTA) and the front portion of these sites are scheduled for road widening. No timeframe for the widening of this section of Liverpool Road has been provided, however, the RTA has advised that it will not occur in the next five (5) years.

The application is defined as Crown Development as it was lodged by a public authority.

A report on this matter was previously heard at Council's meeting of 8 December 2009. A copy of this report, recommending the approval of the application, is included as **Attachment 1**.

At its meeting of 8 December 2009 Council resolved:

1. *That the application be refused for the demolition of the building.*
2. *That Council write to the RTA to invite them to give a presentation to Council on its long-term plan for traffic management on this section of Liverpool Road and beyond.*

The RTA was advised of this resolution on 14 December 2009 and was further requested to provide a presentation on their long-term plans for the site on 5 January 2010. In accordance with

Ashfield Council

Meeting Held 23 March 2010

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Council's resolution the RTA now wishes to address Council with respect to the subject site and the proposed road-widening works along this section of Liverpool Road.

2.0 Determination of Crown Development Applications

The RTA is defined as a 'public authority' under Clause 226(1)(a) of the Environmental Planning and Assessment (EP&A) Regulations 2000. As such the RTA may lodge applications under the Crown development provisions of Division 4 of Part 4 of the EP&A Act.

Section 89 of the EP&A Act states:

- (1) *A consent authority (other than the Minister) must not:*
- (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Council is therefore unable to formally refuse this application without the approval of the Minister who has delegated this responsibility to the Joint Regional Planning Panel.

Should Council support the demolition of the buildings the previously prepared conditions would need to be referred to the RTA for concurrence pursuant to Clause 89(1)(b) of the EP&A Act.

3.0 Additional Information for the Consideration of Council

The RTA has lodged the following information in support of the demolition of the buildings:

- A concept plan for the future re-development of the site.
- A fire safety audit report outlining the upgrading works required for the existing buildings.
- A hazardous materials survey of the existing buildings.

This additional information is included at **Attachment 2**.

Financial Implications

Council's Section 94A Contributions Plan applies to all development with an estimated value-of-works in excess of \$100,000.00 – with the exception of works defined under Section 3.6 of the Plan. Demolition works are not referred to under Section 3.6 of the Plan and as such a Section 94A Contribution would be payable even if no building works are proposed as a part of the application.

Therefore, based on the estimated value-of-works of \$300,000.00, a contribution fee of \$3,000.00 would be payable should this application be approved.

Section 94 or 94A Contributions would still be payable for any future developments of the site.

Other Staff Comments

Nil.

Public Consultation

A single submission was received during the notification of the original application:

Submissions
Mr S French 12/93 Alt Street ASHFIELD NSW 2131

A copy of this submission and a discussion of the matters raised are included in **Attachment 1**.

Conclusion

This report has been submitted for the consideration of Council, in response to Council's resolution of 8 December 2010.

It is requested that Council note the provisions of Section 89(1) of the EP&A Act and either reaffirm its previous decision to not support the proposal or approve the application subject to the concurrence of the RTA for the imposition of conditions as recommended previously.

ATTACHMENTS

Attachment 1	Council Report dated 8 December 2009	31 Pages
Attachment 2	Additional Information for the consideration of Council	86 Pages

RECOMMENDATION

Submitted for consideration.

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 8 DECEMBER 2009**

Committee

*Tue 16 February. or
Tue 16 March*

RESOLVED

Stott / Kelso

1/2 That the development application be refused for the demolition of the building.

Celf *hag* *** **2/2 That Council to write to the RTA to invite them to give a presentation to Council on its long-term plan for traffic management on this section of Liverpool Road and beyond.**

The voting was as follows:-

For the Motion

*Local widening over RTA and
traffic plan.*

Councillors McKenna, Rerceretham, Stott, Wangmann, Cassidy, Drury, Kelso, Lofts, Adams, Wang, Mansour and Kennedy.

Against the Motion

Nil

The Motion was Carried

**AMENDMENT TO PART C11 OF ASHFIELD DEVELOPMENT
CONTROL PLAN 2007 - PARKING CONCESSION - CROYDON URBAN
VILLAGE.** Ron Sim - Manager Strategic Planning & Projects. Report
Submitted with attachment 1.
(25/11/09) Planning & Building > Development Control Plan > Croydon
Urban Village Part C11

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CM 10.4 Attached

5 **552/09**

RESOLVED

Wangmann / McKenna

1/4 That Part C11 of the Ashfield Development Control Plan (DCP) 2007 be amended along the lines suggested in this report - i.e. inclusion of a statement in the DCP that no additional car parking be required for changes of building use that do not involve increases in gross floor area within the Croydon Urban Village area shown on the Map attached.

2/4 That adoption of the DCP amendment be notified in the press to comply with the requirements of the EPA Act 1979 (as amended).

3/4 That the Department of Planning be advised as required under the regulations to the EPA Act 1979 (as amended).

4/4 That a letter be forwarded by Council to all owners/tenants