



MEMO

TO: Sydney East JRP
FROM: Director Planning & Environment
DATE: 17 May 2012
SUBJECT: DEVELOPMENT APPLICATION NO 67/2011 - WESTS CLUB ADDITIONS AND ALTERATIONS 113-115 LIVERPOOL ROAD, ASHFIELD

Please not the following comments in relation to the queries that have been raised by the applicant in their email dated 15 May 2012 (refer attachment) concerning a number of the development consent conditions.

Condition A2:

This condition can be amended as suggested to include "Extent to be agreed between Council and the applicant". The amended condition can read as follows:

(2) Footpath Dedication

The current footpath area between the kerb and gutter on Liverpool Road and the current and proposed building lines which is now owned by West Leagues Club shall be dedicated to Council for purposes of public access. The extent of the dedication to be agreed between Council and the applicant prior to the release of any Construction Certificate.

Condition A4:

This condition should remain as the plans currently before Council still show a number of retail tenancies contained in the new works. Unless amended plans deleting these retail tenancies are submitted and a new use nominated for these areas, the condition should not be deleted. Note: retail uses are not permissible under the current LEP provisions for this site.

Condition A6:

Agreed - the condition can be deleted.

Condition C6:

The basis of the S94 contributions levied for the development is as follows:

- Hotel Component where the contributions are levied on the basis of 'number of beds' within the development; and
- Commercial component which is calculated on the basis of 'per sqm of GFA'.

Hotel component

Based on the details submitted with the application, the hotel comprises 135 rooms which contain different room types and bed configurations. On the assumption that the each room can potentially accommodate two beds, the contributions have been calculated on 270 beds within the hotel.

If the applicant is able to provide a more accurate description on the configuration of beds this figure could be reviewed.

Commercial floor space:

The commercial contributions are calculated on the basis of additional GFA proposed within the development. Based on the information provided by Nettleton Tribe Partnership on behalf of the applicant, the combined additional GFA is 3007m² comprising 2403m² at first floor and 604m² at the ground floor. The S94 Contributions are based on the additional GFA provided within the building.

The applicant's contention that this floor space is part of the 'club' premises is not supported as it includes (based on information contained on the plans) a convention component, spa and massage facilities, gymnasium and various spaces identified as 'retail uses' or with no specific labelling. Officers are of the view that these uses should attract a Section 94 levy as commercial floor space.

Phil Sarin
Director Planning & Environment



2011SYE055 - 113 - 115 Liverpool Road, Ashfield



Angela Kenna

to:

shakeebm

15/05/2012 08:56 AM

CC:

AtalayB

Hide Details

From: "Angela Kenna" <Angela.Kenna@planning.nsw.gov.au>

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

CC: AtalayB@ashfield.nsw.gov.au

Hi Shakeeb,

I understand Atalay is on leave until June and he advised me to contact you in his absence regarding this DA. I left a message for you to phone me if you get a chance to discuss this please.

In reviewing the supplementary report prepared by Atalay the Panel requested that I seek comments from the applicant on the conditions.

The applicant got back to me today with the following comments:

Our comments are as follows:

Condition A2 Extent to be agreed between Council and the applicant.

Condition A.4 During the preparation of tender documentation these tenancies on Level 1 were changed to be meeting rooms with operable dividing walls, so this condition may be irrelevant. We would like to retain the right to submit a separate DA to allow use as retail tenancies. Therefore, we request that the requirement for deletion of the retail tenancies be changed to include a condition simply requiring a future DA for fitout of them which is the normal case.

Condition A.6 We fail to see why this condition is necessary as we have shown detail layouts for the use of these areas. We object to this condition and request its removal.

Condition C.6 This condition deals with the calculation of Section 94 contributions. We fail to understand the method of calculation used in this case and believe there is duplication in the calculation used for commercial and hotel. It appears that areas ancillary to the hotel operation at Mezzanine and Level 1 have been included as commercial whilst the Ground Floor lobby area has not. We also request that the project be dealt with as a registered club under Councils Section 94 Plan noting that the subject site is zoned Special Uses Club rather than commercial.

We request that the calculation under this condition be reviewed.

The Panel have asked if you can please provide comments and advice when you come in for the briefing meeting at 17 Henry Street and 185A Frederick Street, Ashfield on Thursday for this matter.

Please call me on 9228 2064 if you have any questions.

Thanks,
Angela

Angela Kenna
Project Officer, Joint Regional Planning Panels
Panel Secretariat | GPO Box 39, Sydney NSW 2001
23-33 Bridge Street, Sydney NSW 2000

file:///C:/Users/shakeebm/AppData/Local/Temp/notes462AB2/~web6716.htm

17/05/2012

HOTEL ROOM SCHEDULE

	Level 2	Level 3	Level 4	Level 5	Subtotal
Twin Room	17	16	13	15	61
Double Room	15	15	12	13	55
Executive Double	0	0	4	4	8
Round Room	1	1	1	1	4
Accessible Room	1	3	3	0	7
Subtotal per Floor	34	35	33	33	
TOTAL NO. OF ROOMS					135



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DA SUBMISSION
 Wests, Ashfield - Site A

Development Summary refers to: attached area diagrams

Yield Potential

Floor Space Ratio 3 : 1

Site Area 6,553 m²

Maximum Permissible GFA 19,659 m²

Areas - Proposed DA

Total 19,659 m²

Gross Floor Area	EXISTING BUILDING	PROPOSED BUILDING	TOTAL
ROOF	0	0	0 m ²
Level 5	0	1,618	1,618 m ²
Level 4	0	1,618	1,618 m ²
Level 3	0	1,618	1,618 m ²
Level 2	508	1,685	2,193 m ²
Level 1	2,459	2,403	4,862 m ²
Mezzanine	0	604	604 m ²
Ground	2,019	595	2,614
Basement 1	1,081	0	1,081
Basement 2	0	0	0
Basement 3	0	0	0
	6,067	10,141	16,208
			FSR 2.47

Notes:
 1. GFA definition based on Ashfield DCP - measured from external face of external walls.

CONDITIONS

DA 2011.67.1

113-115 Liverpool Road ASHFIELD 2131

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

- Demolition of existing western car park;
- Alterations and additions to the existing club premises;
- Construction of an eight (8) storey building accommodating 10,141m² gross floor area and one-hundred and thirty-five (135) hotel rooms including a function room, gym and day spa;
- construction of four (4) basement car parking levels accommodating a total of four hundred and forty eight (448) car parking spaces; and
- consolidation of the allotments at 95-115 Liverpool Road, Ashfield.

On allotments:-

Lot: 1 DP: 529827 (95-103 Liverpool Road)
 Lot: A DP: 17678 (105 Liverpool Road)
 Lot: B DP: 17678 (107 Liverpool Road)
 Lot: C DP: 17678 (109 Liverpool Road)
 Lot: 10 DP: 1013464 (111 Liverpool Road)
 Lot: D DP: 17678 (111A Liverpool Road)
 Lot: E DP: 17678 (111B Liverpool Road)
 Lot: 1 DP: 305206 (113-115 Liverpool Road)
 Lots: A & B DP: 379301 (113-115 Liverpool Road)
 Lots: 111 & 112 DP: 130232 (113-115 Liverpool Road)

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the approved plans and specifications listed below, prepared by Nettleton, Site Design Landscape Architects, M+G Consulting Engineers Pty Ltd and any supporting documentation received with the application, except as amended by the conditions specified hereunder:-

Job No	DWG No	Issue	Title
3370	DA001	A	Location Plan
3370	DA003	A	Site Analysis
3370	DA004	A	Basement 4 Plan
3370	DA005	D	Basement 3 Plan
3370	DA006	D	Basement 2 Plan
3370	DA007	D	Basement 1 Plan
3370	DA008	B	Ground Floor Plan
3370	DA009	B	Mezzanine Floor Plan
3370	DA010	B	Level 1 Floor Plan
3370	DA011	B	Level 2 Floor Plan
3370	DA012	B	Level 3 Floor Plan
3370	DA013	B	Level 4 Floor Plan
3370	DA014	B	Level 5 Floor Plan
3370	DA015	B	Roof Plan
3370	DA021	A	South Elevation
3370	DA022	B	West Elevation
3370	DA023	A	North Elevation
3370	DA024	B	East Elevation
3370	DA031	C	Section AA

Document	Prepared by	Date
Statement of Environmental Effects Pty Ltd	Moody & Doyle	
Pedestrian wind Environment Statement	WindTech	5 August 2010
Design Justification Report	Nettletontribe	11 March 2011
West's Ashfield Sustainability Initiatives	Jones Nicholson Consulting Engineers	12 August 2011
BCA Capability Report	Vic Lilli & Partner	17 November 2010
Accessibility Review	Morris Goding Accessibility Consulting	1 March 2011
Construction Management Plan		
Transport report	Colston budd Hunt & Kafes PTY LTD	December 2010
Fire Safety Strategy Western Suburbs Leagues Club	Raw Fire	30 August 2010
Report on Geotechnical Investigation	Douglas Partners	October 2010
Acoustic Assessment	Koikas Acoustics PTY LTD	9 September 2010
Phase 1 Contamination Assessment	Douglas Partners	October 2010
NSW Transport RailCorp	Concurrence	26 April 2012
NSW Police	Conditions	30 May 2011

3370	DA032	B	Section BB
3370	DA033	B	Section CC
3370	DA041	B	Winter Shadow Diagrams - Proposed building
3370	DA042	B	Winter Shadow Diagrams - Proposed building
3370	DA043	B	Equinox Shadow Diagrams - Proposed building
3370	DA044	A	Winter Shadow Diagrams - DCP Control
3370	DA045	A	Winter Shadow Diagrams - DCP Control
3370	DA081	A	Perspective 1
3370	DA082	A	Perspective 2
3370	DA083	A	Sample
10214	Landscape Plan	A	Level 1
10214	Landscape Plan	A	Level 2
10214	Landscape Plan	A	Sky Garden Terrace
3529	C01	3	Ground Floor Concept Stormwater Drainage, Erosion & Sediment Control Plan
3529	C02	3	Basement B3 Concept Stormwater Drainage Plan
3529	C03	3	Concept Stormwater Drainage Details
3529	S02	6	Shoring Notes
3529	S03	7	Shoring Plan & Part Capping Beam Plan
3529	S04	6	Shoring Elevations & Sections - Sheet 1
3529	S05	6	Shoring Elevations & Sections - Sheet 2
3529	S06	3	Shoring Elevations & Sections - Sheet 3
3529	S07	6	Shoring Elevations & Sections - Sheet 4
3529	S08	3	Shoring Elevations & Sections - Sheet 5
3529	S09	3	Shoring Details

(2) Footpath Dedication

The current footpath area between the kerb and gutter on Liverpool Road and the current and proposed building lines which is now owned by West Leagues Club shall be dedicated to Council for purposes of public access.

(3) Design and construction of car parking bays and ramps

The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including grades, turn paths, sight distance requirements, aisle lengths, loading bay dimensions and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for large vehicles.

(4) Deletion of retail tenancies

Approval is not granted to any retail tenancies or retail uses and accordingly all proposed retail tenancies shall be deleted.

(5) Pedestrian safety along Liverpool Road

Pedestrian safety shall be ensured in the area, particularly with regard to the interaction of trucks and pedestrians along the Liverpool Road Street frontage of the site. Clear sight line measures shall be provided at the property line to the Liverpool Road driveway to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath- reference section 3.2.4 AS2890.1-2004.

(6) Lodgement of separate Development application

A separate development application is to be submitted to Ashfield Council for the fit-out of the proposed function room, gym and day spa.

(7) Building work in compliance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

(8) Provision of public Art

A public art feature shall be designed and constructed/installed at the applicants cost for the lower section (blank wall) elevation of the building along the western elevation. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details shall be approved by Ashfield Council prior to issue of Occupation Certificate, and the applicant is advised to liaise with Council during design stages.

(9) Protection of street trees

No trees on public property (footpaths, roads, reserves, etc) shall be removed or damaged during construction including for the erection of any fence, hoarding or other temporary works. Street trees shall be protected during construction work at all times. Details of the method employed to preserve and protect street trees shall be submitted and approved by Ashfield Council prior to release of the Construction Certificate.

(10) Basement head height

The ceiling height for the internal waste and recycling collection areas shall be a minimum 4.3 metres and free from suspended pipes, ducts etc. Details are to be provided on revised plans with the submission of Construction Certificate.

(11) **External finishes** External finishes shall be in accordance with the approved plans and not to be modified without further approval from Council.

B **Design Changes**

(1) **Bicycle parking** A bicycle parking area shall be incorporated into the public car parking area without the loss of any public car parking spaces.

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

(1) **Consolidation of allotments**

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

(2) **Cost of works Estimate**

An accurate estimate of the proposed works, prepared and certified by a registered quantity surveyor or the like, must be provided to the satisfaction of Council's Assessment Officer, with or before the application for a construction certificate. The estimate should be based on recognised industry cost rates or the contract price, including the cost of labour. If the revised cost of works estimate exceeds the estimate supplied with the development application, an additional fee based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

(3) **Construction and Site Management Plan**

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

(a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;

(b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site;

(c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period;

(d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways; and

(e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

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

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

(4) Soil and Water Management Plan

Prior to the issue of a Construction Certificate, the applicant shall submit to and obtain approval from Council or the accredited certifier of a Soil and Water Management Plan and Statement which clearly identifies site features, constraints and soil types together with the nature of proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures and also rehabilitation techniques necessary to deal with such activities.

The Plan shall be compatible with any Construction and Site Management Plan and shall ensure the following objectives are achieved, namely:

- to minimise the area of soils exposed at any one time
- to conserve top soil
- to identify and protect proposed stockpile locations
- to preserve existing vegetation and identify revegetation techniques and materials
- to prevent soil, sand, gravel, and any other sediment or spoil from leaving the site in an uncontrolled manner
- to control surface water flows through the development construction site in a manner that:-

diverts clean run-off around disturbed areas
 minimises slope gradient and flow distance within disturbed areas.
 ensures surface run-off occurs at non-erodible velocities.
 ensures disturbed areas are promptly rehabilitated

- to ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works.

The plan is to be prepared in accordance with "Managing Urban Stormwater: Soils and Construction Manual" prepared by NSW Department of Housing (1998).

(5) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "Pollution Control Manual for Urban Stormwater", as recommended by the Environmental Protection Authority. Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the Protection of the Environment Operations Act 1997 or other subsequent Acts.

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

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

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

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

Further information may be obtained from:

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

(6) Section 94 Development Contributions

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

CONTRIBUTIONS (NEW DEVELOPMENT)			
	Hotels/ Motels/ Serviced Apartments	Commercial (per sqm)	Total
Number of Dwellings / Beds or GFA	270	3007	N/A
Number of deficient car parking spaces			0
Local Roads	\$24,972.84	\$9,270.78	\$34,243.62
Local Public Transport Facilities	\$91,472.21	\$20,103.49	\$111,575.71
Local Car Parking Facilities	\$0.00	\$0.00	\$0.00
Local Open Space and Recreation Facilities	\$0.00	\$783,288.25	\$783,288.25
Local Community Facilities	\$0.00	\$0.00	\$0.00
Plan Preparation and Administration	\$73,087.04	\$35,562.93	\$108,649.96
TOTAL	\$189,532.09	\$848,225.45	\$1,037,757.54

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

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

Where:

- $\$C_c$ is the amount of the contribution for the current financial quarter
- $\$C_p$ is the amount of the original contribution as set out in this development consent
- CPI_p is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.
- CPI_p is the Consumer Price Index for the financial quarter at the time of the original consent.

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

(7) Long service levy

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

(8) Services infrastructure or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

(9) Category 2 - Remediation

Prior to the issue of a construction certificate the site is to be remediated in accordance with:

- *State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)*, and
- The guidelines (if any) in force under the Contaminated Land Management Act.
- A Remedial Action Plan that has been prepared with consideration to the Detailed Investigation.

A Notice of Remediation must be given to Council at least 30 days before the commencement of remediation work unless the site is subject to a remediation order. This will allow Council to intervene if it considers the work to be Category 1 remediation work, as set out in SEPP 55. The Principle Certifying Authority must ensure professionals undertaking remediation are appropriately qualified and experienced.

The Notice of Remediation must be in writing and be consistent with clause 16 of SEPP 55. In addition to these requirements the notice will:

- provide two copies of the Remedial Action Plan for the subject site, and
- contact details for the remediation contractor and party responsible for ensuring compliance of remediation work with all relevant regulatory requirements (if different to remediation contractor).

Within 30 days after the completion of the remediation works, a notice of completion including a validation and/or monitoring report is to be submitted to Council. This notice must:

- be in writing prepared and signed by the person who carried out the work, and
- provide the person's name, address and business telephone number, and
- provide details of the person's qualifications to carry out the work, and
- specify, by reference to its property description and street address (if any), the land on which the work was carried out, and
- state when the work was completed, and
- specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment, and