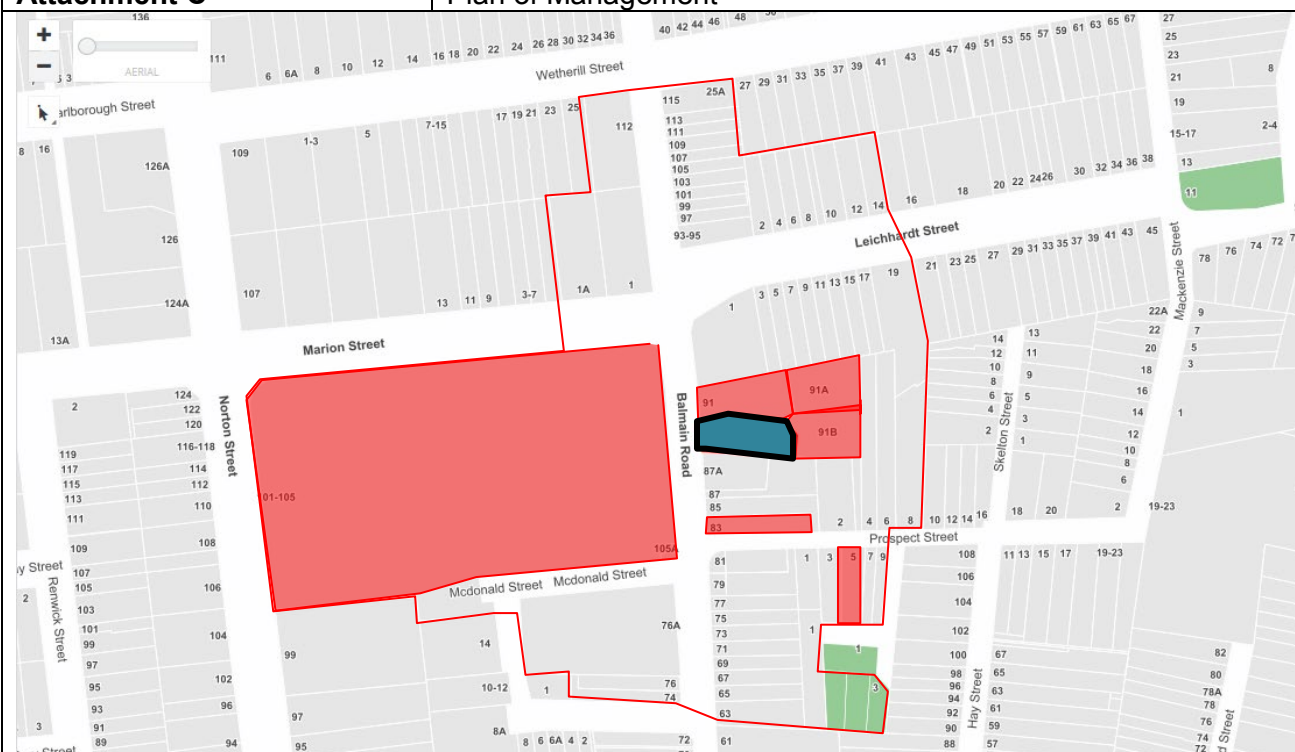




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

| | |
|---|--|
| Application No. | D/2019/25 |
| Address | 89 Balmain Road, LEICHHARDT NSW 2040 |
| Proposal | Demolition of an existing attached dual occupancy and construction of a new generation boarding house development accommodating 24 rooms with basement car parking, and associated works, including retaining wall, fencing and landscaping works. |
| Date of Lodgement | 23 January 2019 |
| Applicant | Habitation Design |
| Owner | Ms J Villari and Ms N Cincotta and Mr S Previtera |
| Number of Submissions | 14 objections |
| Value of works | \$1,078,930 |
| Reason for determination at Planning Panel | Number of submissions exceeds officer delegation |
| Main Issues | Building siting and design; Parking |
| Recommendation | Approval |
| Attachment A | Recommended Conditions of Consent |
| Attachment B | Proposed Plans |
| Attachment C | Plan of Management |



LOCALITY MAP

| | | | | | |
|----------------------|--|-------------------|--|--|----------|
| Subject Site | | Objectors | | | N |
| Notified Area | | Supporters | | | |

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of an existing attached dual occupancy and construction of a new generation boarding house development accommodating 24 rooms with basement car parking, and associated works, including retaining wall, fencing and landscaping works at 89 Balmain Road, Leichhardt. The application was notified to surrounding properties and 14 submissions were received.

The main issues that have arisen from the application include:

- Building siting and design
- Parking

The proposal is acceptable (as amended by conditions) given it is consistent with the objectives of the zone and no adverse streetscape, stormwater, traffic, or amenity impacts arise. Therefore, the application is recommended for approval.

2. Proposal

The proposal involves the demolition of existing structures and construction of a part 2-storey, part 3-storey boarding house above basement car parking and associated works.

The boarding house comprises 20 single lodger rooms and 4 double lodger rooms, including an onsite manager's room, with lift access to basement parking and a ground floor lobby. The basement car park accommodates a waste storage room and a total of 12 car spaces (including an accessible space and 3 vertical car stackers), 6 bicycle spaces and 5 motorcycle spaces with access from Balmain Road. A rear communal area with BBQ facilities and communal open space is provided on the ground floor.

New fencing and landscaping works are proposed to the Balmain Road frontage and along the side and rear boundaries.

3. Site Description

The subject site is located on the eastern side of Balmain Road, between Leichhardt Street and Prospect Street. The site is irregular in shape with a total area of 547sqm and is legally described as Lot B, DP 420345.

The site has a frontage to Balmain Road of 11.95m.

The site supports a single storey brick and tiled roof dwelling. The adjoining properties support one and two storey dwellings and 3-storey residential flat buildings.

The subject site is not listed as a heritage item and is not located within a conservation area, but is located opposite a heritage item (I676 – Leichhardt Public School).

The land is not affected by flooding or significant vegetation.

4. Background

4(a) Site history

The following section outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

| Application | Proposal | Decision & Date |
|-----------------|---|--------------------------------|
| PREDA/2018/112, | <p>Demolition of existing building and construction of a 3-storey, 30 room boarding house with basement car parking accommodating 8 car spaces.</p> <p>The current proposal, being a part 2-storey, part 3-storey, 24 room boarding house, with basement car parking accommodating 12 car spaces, generally satisfactorily responds to the issues raised.</p> | Advice letter issued 26/6/2018 |

Surrounding properties

No relevant application history.

4(b) Application history

The following table outlines the relevant history of the subject application.

| Date | Discussion / Letter/ Additional Information |
|-----------|--|
| 12/7/2019 | <p>Applicant submitted amended plans and additional information.</p> <p>The amended plans entail:</p> <ul style="list-style-type: none"> Reduction of motorcycle parking from 6 to 5 spaces. Extension of basement footprint to accommodate increased waste storage room and car parking headroom, gradient and aisle width requirements. Reduction of ceiling height for Unit 6 to 2.4m to accommodate required headroom clearance for proposed vertical car stackers. <p>The amended plans and additional information have been reviewed by Council's Engineers and do not satisfactorily address Council's car parking issues. In particular, whilst the use of car stackers are generally not supported, it is considered acceptable in this instance noting the site constraints do not provide a viable alternative for the provision of car parking. Further, suitable conditions will be imposed to ensure the satisfactory maintenance of the car stackers at all times. In addition, conditions have been provided to address compliance with Council's design requirements for car parking including the deletion of Unit 6 given the proposed finished floor level of RL 40.32 is not sufficient to accommodate the required headroom clearance for the car stackers and cannot be raised any further whilst maintaining a 2.4m ceiling height.</p> <p>The amended plans lodged did not require re-notification as they were considered to fall within <i>Control C5. Section A3.13 - Specific Circumstances Where Notification Is Not Required, Part A: Introduction, Leichhardt Development Control Plan 2013</i>, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lesser development have been proposed in order to address the concerns raised by Council or objectors.</p> |
| 18/6/2019 | <p>Council requested the following information in relation to car parking design.</p> <ul style="list-style-type: none"> <i>The amended details indicate that the following concerns raised in our memo dated 27 February 2019 remain unresolved:</i> |

| | |
|-----------|--|
| | <ul style="list-style-type: none"> • The proposed stack parking spaces for the development site are not accepted. The stacked spaces do not achieve compliance with the requirements of the Australian Standards. Reliance on mechanical devices to meet minimum parking rates is not supported as the provision of parking is reliant on the ongoing operation of the mechanical device over the longer term which cannot be guaranteed. • Accessible parking spaces must comply with the dimensional requirements of Figure 2.1 of AS/NZS 2890.6-2009 Off-street parking for people with disabilities, including the provision of a shared area. Dimensions shall be shown on the plan. • Parking space dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004. • It appears that there is insufficient area to access to car parking space 1 from the driveway and vehicles will be unable to exit in a forwards direction. • A plan of the proposed access and adjacent road, drawn at a 1:200 scale shall be submitted with the development application, demonstrating that vehicle manoeuvrability for entry and exit to the site and parking spaces complies with the AS/NZS 2890.1:2004. The plan must include any existing on street parking spaces. • Offsets from the boundary shown on the long section of the ramp must be shown on the plan and chainages must be indicated. It appears that the long section is inconsistent with the plan. • Telstra's written concurrence must be obtained for the vehicular crossing being proposed over the existing Telstra pit. • A dedicated car wash bay must be provided. • The location of underground On-site Stormwater Detention storage (OSD) conflicts with the proposed landscape plan and must maintain compliance with Council's landscaping requirements. • Base of the proposed underground storage shall be above the top of kerb over the outlet. • Design of the OSD tank should be supported by calculations demonstrating that the post development flows for the 100 year Average Recurrence Interval (ARI) storm event from the site are restricted to the pre development flows for the 5 year ARI storm event. • The volume of the OSD can be reduced where on-site retention (OSR) facilities for rainwater reuse and/or stormwater reuse are proposed to service all toilets, laundries and outdoor usage. Where OSR is proposed in lieu of OSD, the offset shall be calculated at a rate of 1m³ from the OSD storage volume, for every 2.5m³ of OSR storage provided (up to a maximum OSD offset of 10m³). Offsets for larger OSD storage must be supported by detailed calculations demonstrating compliance with the objectives of Leichhardt Council's DCP. |
| 11/6/2019 | Applicant submitted amended plans and additional information in |

| | |
|-----------|---|
| | response to the issues raised including a streetscape analysis, elevational shadow diagrams, revised traffic assessment and stormwater plans, and a response to submissions. |
| 15/5/2019 | <p>Council requested further information in relation to BCA compliance, car parking, stormwater, waste management, and public submissions regarding:</p> <ul style="list-style-type: none"> • <i>Car parking and traffic impacts</i> • <i>Visual and acoustic privacy impacts</i> • <i>Overshadowing</i> • <i>Visual bulk impact as viewed from adjoining properties</i> • <i>Excessive bulk and height not in keeping with character of local area resulting in adverse impacts to heritage in the vicinity and streetscape</i> • <i>Excessive development in terms of intensity of use</i> • <i>Inadequate waste management arrangements</i> • <i>Inadequate arrangements to manage potential noise, anti-social behaviour and crime / insufficient manager contact hours</i> • <i>No smoking should be permitted in front of the premises or neighbouring properties as well as on the site</i> • <i>Construction impacts in the vicinity of public school</i> |

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy No 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

5(a)(i) *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. LDCP 2013 provides controls and guidelines for remediation works. *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*.

The proposal seeks to continue the existing residential use of the land and there is no evidence to suggest that the site poses a site contamination risk to human health or the environment. Therefore, it is considered that the site will not require remediation in

accordance with SEPP 55. On this basis, the site is considered suitable for the proposed residential use.

5(a)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal was accompanied by a valid BASIX Certificate.

5(a)(iii) State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* are applicable to the proposed development. The relevant provisions of the State Policy are provided in the table below. Whilst the existing assisted boarding house does not achieve strict compliance with all of the relevant provisions below, it is considered that the proposal is acceptable on merit in the circumstances of the case and that consent may be granted notwithstanding strict non-compliance with the standards that cannot be used to refuse.

| Standard | Compliance/Comment |
|--|--|
| <p><u>29 Standards that cannot be used to refuse consent</u></p> <p><i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than, inter alia...</i></p> <p><i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</i></p> <p><i>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</i></p> | <p>The land is zoned R1 – General Residential.</p> <p>The maximum allowable FSR for any form of residential accommodation on the land under Clause 4.4 (2B)(c) of <i>Leichhardt Local Environmental Plan (LLEP) 2013</i> is 0.5:1.</p> <p>The land is within a zone in which residential flat buildings are permitted and does not contain a heritage item and as such, a maximum FSR of 1:1 applies.</p> <p>The proposal provides a total gross floor area of 541sqm or 0.99:1.</p> <p>In addition, noting that the communal area is not fully enclosed, a condition will be imposed requiring the provision of sliding doors along the eastern side of the communal area. This can be accommodated within the permitted FSR of 1:1 given the deletion of Unit 6.</p> |
| <p><i>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p> | |
| <p><i>(a) building height</i> <i>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</i></p> | <p>The <i>LLEP 2013</i> does not impose any height limit.</p> <p>The proposal adopts a part 2-storey form adjacent to the one and two storey dwellings to the south and a part 3-storey form adjacent to the 3-storey flat buildings to the north.</p> |
| <p><i>(b) landscaped area</i> <i>if the landscape treatment of the front</i></p> | <p>The adjoining property to the north contains no landscaping, while the property to the</p> |

| | |
|--|---|
| <p><i>setback area is compatible with the streetscape in which the building is located</i></p> | <p>south contains a small landscaped area with turf and hedge planting within the front setback.</p> <p>The proposal provides a landscaped front setback with a mixture of shrubs and a canopy tree, which is considered to be an improvement to the existing streetscape.</p> <p>Therefore, the proposal is compatible with the streetscape in which the building is located.</p> |
| <p><i>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p> | <p>The proposed communal area is located in the north-eastern corner of the building, which will achieve 3 hours direct sunlight between 9am and 3pm in mid-winter to the communal living room.</p> <p>Therefore, the proposal is considered acceptable with respect to solar access.</p> |
| <p><i>(d) private open space if at least the following private open space areas are provided (other than the front setback area):</i></p> <p><i>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</i></p> <p><i>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</i></p> | <p>A common private open space area of 77sqm with a minimum dimension of 3m is provided at the rear, which complies. In addition, each ground floor room enjoys individual courtyards varying from 7sqm to 10sqm with a useable depth of 2m.</p> <p>The onsite caretaker's room has a separate private open space area of 20sqm with a minimum dimension of 2.5m.</p> <p>Therefore, the proposal is considered acceptable with respect to private open space.</p> |
| <p><i>(e) parking if:</i></p> <p><i>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</i></p> <p><i>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</i></p> <p><i>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</i></p> <p><i>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the</i></p> | <p>Based on a total of 23 rooms (as conditioned), a total of 12 car spaces are required (including 1 car space for an onsite caretaker). The proposal provides a total of 12 car spaces including 1 accessible space and 3 vertical car stackers.</p> <p>Therefore, the proposal is considered to be acceptable with respect to car parking subject to conditions requiring the deletion of Unit 6 to accommodate the required headroom clearance for the vertical car stacker.</p> |

| | |
|---|---|
| <i>development and who is resident on site,</i> | |
| <p><i>(f) accommodation size</i> <i>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</i> <i>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</i> <i>(ii) 16 square metres in any other case.</i></p> | <p>The proposal (as conditioned) involves the provision of 19 single lodger rooms ranging from 11.8sqm to 15.2sqm and 4 double lodger rooms ranging from 15.5sqm to 20.8sqm excluding kitchen and bathroom facilities.</p> <p>All rooms are capable of accommodating single beds with sufficient circulation space and opportunities for bedside tables/storage. However, a condition will be imposed requiring Units 17 and 18 to be increased in size by 0.2sqm to comply with the 12sqm requirement.</p> <p>Therefore, the proposal is considered acceptable with respect to accommodation size.</p> |
| <i>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</i> | Each room contains private kitchenettes and bathroom facilities. |
| <i>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</i> | As noted above, a condition will be imposed requiring Units 17 and 18 to be increased in size by 0.2sqm to comply with the 12sqm requirement. |
| 30 Standards for boarding houses | |
| <i>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</i> | |
| <i>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</i> | A communal semi-enclosed area has been provided at the area. However, noting that the communal area is not fully enclosed, a condition will be imposed requiring the provision of sliding doors along the eastern side of the communal area. This can be accommodated within the permitted FSR of 1:1 given the deletion of Unit 6. |
| <i>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</i> | No boarding room has an area exceeding 25sqm (excluding any area used for the purposes of private kitchen or bathroom facilities). |
| <i>(c) no boarding room will be occupied by more than 2 adult lodgers,</i> | <p>No boarding room will be occupied by more than 2 lodgers. A total of 4 rooms have the capacity for 2 lodgers as assessed above. The total amount of lodgers will therefore be 25 (excluding the onsite manager's room which has capacity for 2 persons).</p> <p>It is recommended that the maximum number of adult lodgers be reaffirmed by way of condition.</p> |
| <i>(d) adequate bathroom and kitchen facilities</i> | Adequate private bathroom and kitchen |

| | |
|--|--|
| <i>will be available within the boarding house for the use of each lodger,</i> | facilities are available within the boarding house for the use of each lodger. |
| <i>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</i> | The proposal as conditioned has the capacity to accommodate 25 lodgers, and as a result, a boarding house manager is required. A condition will be imposed requiring the provision of an onsite caretaker within Unit 10 as nominated on the plans. |
| <i>(f) (Repealed)</i> | |
| <i>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</i> | The site is not zoned for commercial purposes. |
| <i>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i> | The proposal as conditioned provides 23 rooms, requiring 5 bicycle and 5 motorcycle parking spaces. A total of 6 bicycle and 5 motorcycle parking spaces have been provided. |
| 30A Character of local area <i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i> | The proposal adopts a part 2-storey form adjacent to the one and two storey dwellings to the south and a part 3-storey form adjacent to the 3-storey flat buildings to the north. The proposal provides compliant car parking, FSR, site coverage and landscaped area and is generally sited where it can be reasonably expected a building can be accommodated on the site. The proposal will not result in any adverse streetscape, amenity or heritage impacts. Therefore, the proposal is considered to be compatible with the character of the local area. |
| 52 – No subdivision of boarding houses | |
| <i>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</i> | Noted. It is recommended a condition be imposed to reaffirm this Clause. |

5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposal involves the removal of two minor trees, which is considered acceptable and will be replaced by suitable landscaping.

5(a)(v) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not located within the coastal zone and as such, these provisions are not applicable.

5(a)(vi) *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The subject site is not within the Foreshores and Waterways Area.

5(a)(vii) *Leichhardt Local Environment Plan 2013 (LLEP 2013)*

The application was assessed against the following relevant clauses of the *Leichhardt Local Environment Plan 2013*:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management
- Clause 6.8 – Development in areas subject to aircraft noise

The following table provides an assessment of the application against the development standards:

| Standard (maximum) | Proposal | % of non compliance | Compliance |
|--|------------------|---------------------|------------|
| Floor Space Ratio LEP 0.5:1 plus SEPP 0.5 bonus = 1:1 | 0.99:1 541sqm | N/A | Yes |
| Landscape Area 20% (109.4sqm) | 23% 125.2sqm | N/A | Yes |
| Site Coverage 60% (328.2sqm) | 53% 290sqm | N/A | Yes |

5(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) 2018

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating seven existing SEPPs including *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

| Part | Compliance |
|---|----------------------------|
| Part A: Introductions | |
| Section 3 – Notification of Applications | Yes |
| Part B: Connections | |
| B1.1 Connections – Objectives | Yes |
| B3.1 Social Impact Assessment | Yes |
| Part C | |
| C1.0 General Provisions | Yes |
| C1.1 Site and Context Analysis | Yes |
| C1.2 Demolition | Yes |
| C1.3 Alterations and Additions | N/A |
| C1.4 Heritage Conservation Areas and Heritage Items | N/A |
| C1.5 Corner Sites | N/A |
| C1.7 Site Facilities | Yes |
| C1.8 Contamination | Yes |
| C1.9 Safety by Design | Yes |
| C1.10 Equity of Access and Mobility | Yes |
| C1.11 Parking | ARH SEPP |
| Part C: Place – Section 2 Urban Character | |
| C2.2.3.3 Piperston Distinctive Neighbourhood, Leichhardt | Yes – see discussion below |
| Part C: Place – Section 3 – Residential Provisions | |
| C3.1 Residential General Provisions | Yes |
| C3.2 Site Layout and Building Design | No – see discussion below |
| C3.3 Elevation and Materials | Yes |
| C3.4 Dormer Windows | N/A |
| C3.5 Front Gardens and Dwelling Entries | Yes |
| C3.6 Fences | Yes |
| C3.7 Environmental Performance | Yes |
| C3.8 Private Open Space | ARH SEPP |
| C3.9 Solar Access | Yes |
| C3.10 Views | Yes |
| C3.11 Visual Privacy | Yes |
| C3.12 Acoustic Privacy | Yes |
| Part C: Place – Section 4 – Non-Residential Provisions | N/A |
| Part D: Energy | Yes |
| Part E: Water | Yes |
| Part F: Food | N/A |
| Part G: Site Specific Controls | N/A |

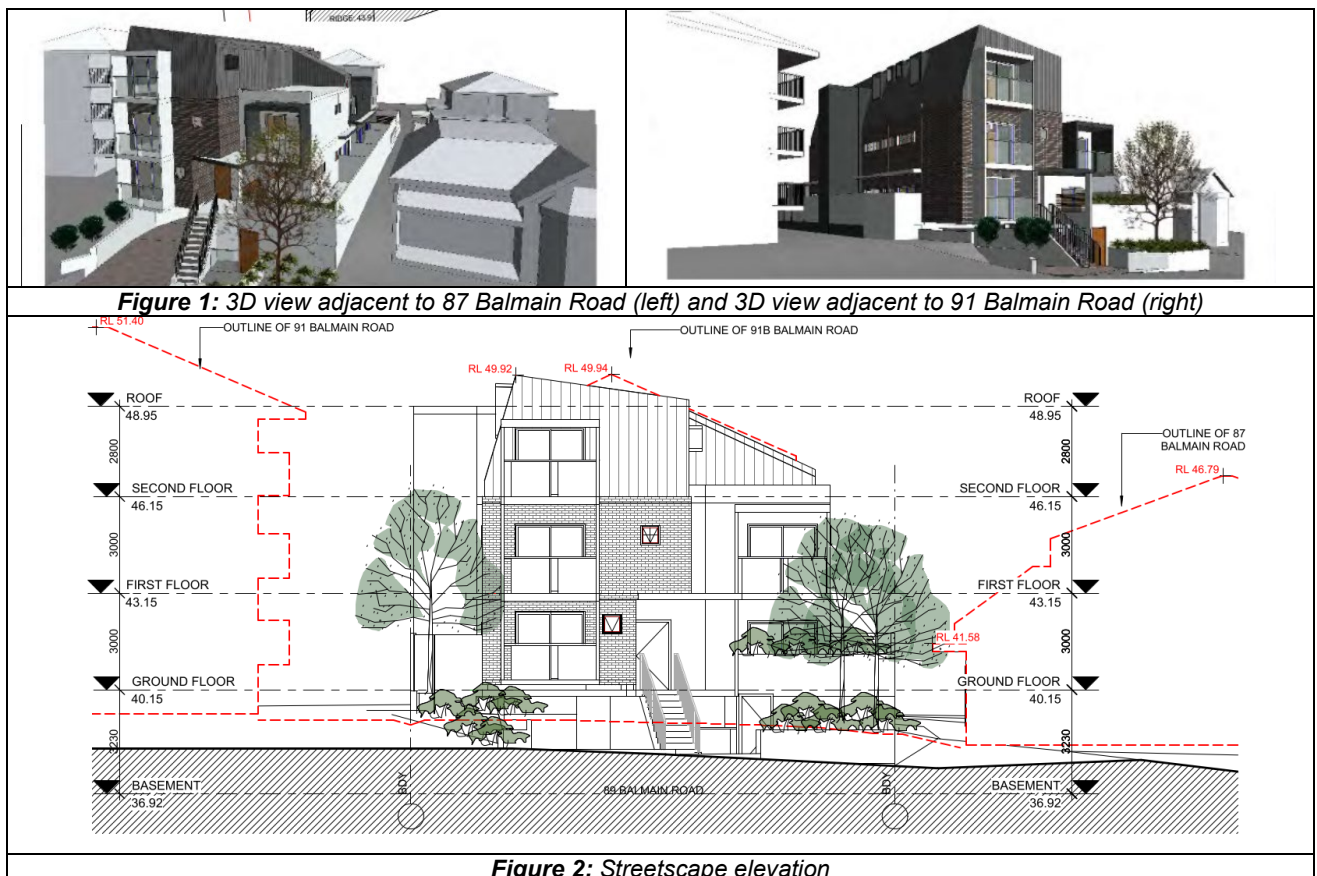
B3.1 Social Impact Assessment

The proposal was supported by a Social Impact Statement as required by this Part in addition to a Plan of Management. Council's Community Development section has reviewed

the proposal and raised no objections. The proposal is wholly consistent with Council's Affordable Housing Strategy with the objective to promote affordable housing within the LGA.

C2.2.3.3 Piperston Distinctive Neighbourhood, C3.2 Site Layout and Building Design

The proposal adopts a part 2-storey form adjacent to the one and two storey dwellings to the south and a part 3-storey form adjacent to the 3-storey flat buildings to the north and east. The images below indicate the proposal in its immediate context as viewed from Balmain Road.



Building Envelope

The Piperstone Distinctive Neighbourhood controls provide a maximum Building Envelope wall height control of 3.6m. The proposal has a building wall height of 10.38m, which equates to a 6.78m variation. However, in accordance with Control C13 of Section C3.2 of LDCP 2013, the building envelope should be applied having regard to the prevailing circumstances of the surrounding development. As shown above, the surrounding development varies from one and two storey dwellings to the south and 3 storey flat buildings to the north and east. The building is part two storey and part three storeys, with the third storey component sited adjacent to the northern boundary with 91 Balmain Road (containing the 3-storey flat building) and the two-storey component sited adjacent to 87 Balmain Road (containing a single storey dwelling). Therefore, having regard to the prevailing circumstances and the transition in proposed building height, the variation to the building envelope wall height control is considered acceptable in this instance.

Building Location Zone (BLZ)

The single storey dwelling at 87 Balmain Road has a front setback of 4.13m and the 3-storey flat building at 91 Balmain Road has a front setback of 11.1m. In this instance, the proposal

varies the ground floor BLZ with a front setback of 5.3m and seeks to establish a new second and third storey BLZ.

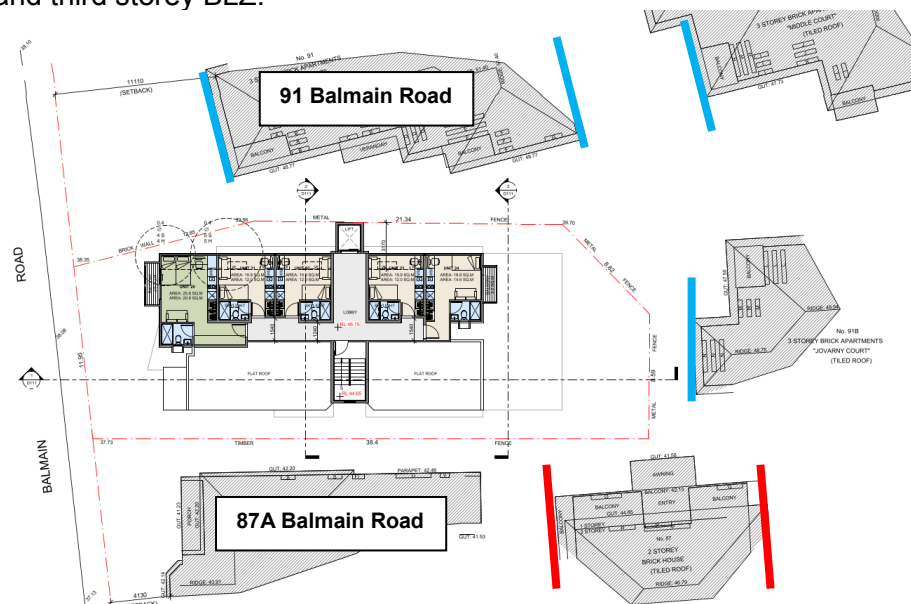


Figure 3: Existing pattern of development (red lines = first floor BLZ, blue lines = second floor BLZ).

Control C6 enables a variation to the BLZ, where it is considered that the proposed building is consistent with the pattern of development in the immediate locality (usually taken as the same street) and that:

- a. amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;
- b. the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;
- c. the proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping;
- d. retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and
- e. the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.

In consideration of the above, the siting of the proposal is in a location where development could be readily assumed given the context of the area.

Side Setback

The following table indicates compliance with the Side Boundary Setback Graph –

| Elevation | Proposed Wall Height (m) | Required setback (m) | Proposed setback (m) | Difference (m) |
|-----------|--------------------------|----------------------|----------------------|----------------|
| Northern | 10.38 | 4.37 | 0-2 | 4.37-2.37 |
| Southern | 7.04 | 2.44 | 2 | 0.44 |

Council's DCP allows for a variation to the wall height for the required setback, provided the proposal demonstrates compliance with the relevant Building Typology; pattern of development is not compromised; the bulk and scale is minimised; and amenity impacts are minimised; and reasonable access is retained for maintenance.

The proposal is considered acceptable for the following reasons:

- The scale of the building is not 'out of character', with the addition being compatible with the existing built form along this section of Balmain Road.
- The floor-to-ceiling heights are not considered excessive.
- It is not considered that the proposal results in any undue adverse overshadowing or amenity impacts.
- The proposal complies with the FSR, site coverage and landscaped area development standards, and therefore, is not considered to be an overdevelopment of the site.
- The 0m side setback to the northern boundary relates only a 2m length of wall for the proposed lift structure, is of low maintenance construction, and will not result in any adverse amenity or streetscape impacts.
- The 2m side setback to the southern boundary involves a minor 0.44m variation and will not result in any adverse amenity or streetscape impacts.

As a result, it is considered appropriate in its context.

C1.10 Equity of Access and Mobility & C3.14 – Adaptable Housing

The proposal is nominated to have a chairlift to the ground floor, and accommodates an adaptable room at ground floor and first floor. These are accepted. To reaffirm the accessibility of the building, conditions of consent are included in the recommendation to provide a full access management plan and the ground floor room to be adaptable.

C1.11 Parking

As noted previously, the proposal complies with the car parking requirements of the *ARHSEPP*. However, Council's Engineering section does not support the use of mechanical car stackers. Notwithstanding that the use of car stackers is not supported, conditions have been provided to address compliance with Council's design requirements for car parking including the deletion of Unit 6 to accommodate the required headroom clearance for the car stackers.

The amended plans and additional information have been reviewed by Council's Engineers and do not satisfactorily address Council's car parking issues. However, whilst the use of car stackers are generally not supported, Control C36 of Section C1.11 of LDCP 2013 does permit the use of mechanical devices where there is no viable alternative to accommodate off-street parking. Therefore, it is considered acceptable in this instance noting that site constraints do not provide a viable alternative for the provision of car parking on the site.

Further, suitable conditions will be imposed to ensure the satisfactory maintenance of the car stackers at all times. In addition, conditions have been provided to address compliance with Council's design requirements for car parking including the deletion of Unit 6 given the proposed finished floor level of RL 40.32 is not sufficient to accommodate the required headroom clearance for the car stackers and cannot be raised any further whilst maintaining a 2.4m habitable ceiling height.

C1.12 – Landscaping & C1.14 – Tree Management

As discussed in *ARHSEPP*, a standard not to refuse consent is - *if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.*

The proposal seeks to remove two (2) trees and provide replacement landscaping. Council's Landscape Officer has reviewed the proposal and raised no objections subject to conditions.

C3.9 Solar Access

As shown on the submitted shadow diagrams and elevational shadow diagrams for 87 Balmain Road, the proposal does not result in any additional overshadowing of adjoining

living area windows or private open space between 9am to 3pm at midwinter, noting the location of paved parking and driveway areas along the northern side of 87 Balmain Road.

C3.11 Visual Privacy and C3.12 Acoustic Privacy

There is not considered to be any direct visual privacy loss to surrounding residential properties, and in relation to noise, it is considered that the Plan of Management (which provides controls for the lodgers and their onsite behaviour) will provide a level of control on the site. It is not anticipated that any adverse noise shall be generated, however if this does occur, it can be investigated and action taken as necessary.

In relation to potential external noise from the outdoor area, a specific ongoing condition is included that there is to be no entertainment in the form of amplified music on any part of the outdoor area at any time.

C1.9 Safety by Design

A Plan of Management (POM) was submitted with the application and includes 'house rules' which provide controls for the lodgers and their behaviour as occupants on the site.

The Boarding House is also to be registered and Council will be carrying out inspections in accordance with the *Boarding House Act 2012*.

Part D – Energy (Waste)

The proposed incorporates a basement waste storage room, and suitable conditions will be imposed requiring the provision of garbage and recycling bins in accordance with the DCP

In regard to waste collection for the building, standard conditions are included in relation to bins only being placed on the street for collection and not to be left on the footpath. All bins are to be returned to their respective bin rooms on the site immediately after collection.

Part E – Water

The proposal incorporates suitable stormwater management measures including on-site detention (OSD) tank, which has been reviewed by Council's Engineering section and is considered acceptable subject to conditions.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(e) The suitability of the site for the development

The site is zoned R1 General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. A total of 14 separate submissions were received.

The following issues raised in submissions have been discussed in this report:

- *Car parking and traffic impacts*
- *Visual and acoustic privacy impacts*
- *Overshadowing*
- *Visual bulk impact as viewed from adjoining properties*
- *Excessive bulk and height not in keeping with character of local area resulting in adverse impacts to heritage in the vicinity and streetscape*
- *Inadequate waste management arrangements*

The other matters raised can be summarised as follows –

- *Construction impacts in the vicinity of public school*
- *Excessive development in terms of intensity of use*
- *Inadequate arrangements to manage potential noise, anti-social behaviour and crime / insufficient manager contact hours*
- *No smoking should be permitted in front of the premises or neighbouring properties as well as on the site*

Excessive Development

Comment: The proposal complies with the permitted FSR, landscaped area and site coverage controls and is compatible in its context amongst Residential Flat Buildings along this section of Balmain Road. The proposal is considered to be an appropriate form of development for this site given no undue adverse amenity, streetscape, heritage, traffic, waste or stormwater impacts arise.

Inadequate arrangements to manage potential noise, anti-social behaviour and crime / insufficient manager contact hours / smoking provisions

Comment: The proposal has been accompanied by a detailed Operational Plan of Management. The Plan outlines the proposal, demonstrates how the boarding house will successfully operate, provides direct contact numbers of the live-in manager if any problems arise, identifies managerial responsibilities, outlines security measures and lists house rules that all boarders are made to abide by. A strict tenancy screening process will be employed to ensure the occupants of the residential premises are either key workers, students or of a reputable background.

A condition will be imposed requiring the strict implementation of the Plan of Management at all times.

Construction Impacts

Comment: Suitable conditions will be imposed to ensure that the potential construction impacts of the proposed development are satisfactorily controlled.

Heritage Impact to heritage items in the vicinity

Comment: As noted previously, the site is not a Heritage Item and is not located in a Heritage Conversation Area, but is located opposite a local heritage item being Leichhardt Public School. An assessment of the design/character of the proposal is provided above and it is considered that overall it is acceptable as proposed and does not adversely affect the integrity and/or contribution of the Item.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers:

- Development Engineer: Not supported due to use of car stacker. However, acceptable car parking and stormwater provision can be accommodated subject to conditions.
- Building Surveyor: No objections subject to conditions.
- Landscape Officer: No objections subject to conditions.
- Social Planner: No objections to proposal as lodged.

6(b) External

The application was not required to be referred externally.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal, being a new generation boarding house with 23 self-contained boarding rooms that are not restricted to low income earners, noting that only “temporary accommodation and low income boarding houses” are exempted from contributions under Leichhardt Section 94 Contributions Plans.

Therefore, the carrying out of the development would result in an increased demand for public amenities and public services within the area. A financial contribution would be required for the development under Leichhardt Section 94 Contributions Plans as follows:

| Contribution Plan | Contribution |
|--------------------------------------|---------------------|
| Community Facilities | \$39,076.00 |
| Open Space | \$255,589.00 |
| Local Area Traffic Management | \$2,762.78 |
| Access to Balmain Peninsula | \$0.00 |
| Light Rail | \$0.00 |
| Leichhardt Town Centre | \$0.00 |
| Bicycle | \$245.73 |
| Commercial Carparking | \$0.00 |
| Total | \$297,673.51 |

A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in ARH SEPP 2009, Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2019/25 for Demolition of an existing attached dual occupancy and construction of a new generation boarding house development accommodating 23 rooms with basement

car parking, and associated works, including retaining wall, fencing and landscaping works at 89 Balmain Road, LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Conditions of Consent

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution in accordance with Leichhardt Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Developer Contributions Plan – Transport and Access ("CP") has been paid to the Council.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

| Local Infrastructure Type: | Contribution \$ |
|-------------------------------|---------------------|
| Community Facilities | \$39,076.00 |
| Open Space | \$255,589.00 |
| Local Area Traffic Management | \$2,762.78 |
| Bicycle | \$245.73 |
| Commercial Carparking | \$0.00 |
| Total | \$297,673.51 |

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

2. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

3. Security Deposit - Standard

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been 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: | \$8,056.50 |
| Inspection Fee: | \$230.65 |

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 the 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.

General Conditions

4. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

| Plan, Revision and Issue No. | Plan Name | Date Issued | Prepared by |
|------------------------------|----------------------|-------------|-------------------------------|
| D104, Rev. D | Site Plan | 28/5/2019 | Habitation Design + Interiors |
| D105, Rev. D | Basement | 28/5/2019 | Habitation Design + Interiors |
| D106, Rev. D | Ground Floor Plan | 28/5/2019 | Habitation Design + Interiors |
| D107, Rev. D | First Floor Plan | 28/5/2019 | Habitation Design + Interiors |
| D108, Rev. D | Second Floor | 28/5/2019 | Habitation Design + Interiors |
| D109, Rev. D | Roof Plan | 28/5/2019 | Habitation Design + Interiors |
| D110, Rev. D | Elevations | 28/5/2019 | Habitation Design + Interiors |
| D111, Rev. D | Sections | 28/5/2019 | Habitation Design + Interiors |
| D112, Rev. D | Materials + Finishes | 28/5/2019 | Habitation Design + Interiors |
| D117, Rev. D | Landscape Plan | 28/5/2019 | Habitation Design + Interiors |
| D01, D02, C01 & C02, Rev. D | Stormwater Plans | 12/7/2019 | United Consulting Engineers |
| 957318M_02 | BASIX Certificate | 16/1/2019 | Outsource Ideas Pty Ltd |
| - | Plan of Management | 28/8/2018 | Unknown |
| 20181017.1 | Acoustic Report | 21/8/2018 | Acoustic Logic |

As amended by the conditions of consent.

5. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

1. Room 6 (and the roof above) is to be deleted to accommodate the required headroom clearance for the car stackers and replaced with a raised external uncovered timber deck with a finished floor level of RL40.58 up to the eastern wall of Room 7.
2. A 1.7m high privacy screen is to be provided along the southern side of the raised external deck.
3. Sliding or stacker glazed doors are to be provided along the eastern side of the ground floor common area (adjacent to the western side of the external BBQ) to allow the common dining and kitchen area to be fully enclosed.
4. Rooms 17 and 18 are to be increased in size by 0.2sqm to comply with the minimum 12sqm room size requirement exclusive of private kitchens and bathrooms.

6. Maintenance Manual

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed maintenance manual for the car stackers to ensure the satisfactory performance of the car stackers for the life of the development at all times.

7. Car Parking

The development must provide and maintain within the site:

- a) 11 car parking spaces must be paved and line marked.
- b) 1 car parking space, for persons with a disability must be provided and marked as disabled car parking spaces.
- c) 5 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times.
- d) 6 Bicycle storage capacity within the site.
- e) 1 Carwash/Loading bay.

8. Boarding House

The development must provide and maintain:

- a) A minimum of 2 Accessible boarding rooms.
- b) All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service.

9. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

10. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

11. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

12. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

13. Dry-weather Flows

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets. The basement and all below ground structure must be designed to be "tanked" preventing the ingress of seepage or groundwater.

14. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

15. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

16. Tree Removal

Approval is given for the following works to be undertaken to trees on the site:

| Tree/location | Approved works |
|---|----------------|
| 2x <i>Tibouchina</i> sp (Tibouchina) trees located in the front of the site | Remove. |

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

The approved works shall not be carried out unless this letter, or copy of it, is kept on the site. It shall be shown to any authorised Council Officer upon request.

All tree work shall be undertaken by an experienced Arborist with a minimum qualification of Level 3 under the Australian Qualification Framework (AQF). The work shall be undertaken in accordance with AS4373 – 2007 'Pruning of amenity trees' and in compliance with the Safe Work Australia Code of Practice 'Guide to Managing Risks of Tree Trimming and Removal Work'.

Prior to any Demolition**17. Advising Neighbors Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

18. Construction Fencing

Prior to the commencement of any works (including demolition), 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.

19. Resource Recovery and Waste Management Plan - Demolition and Construction

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

20. Hoardings

The person acting on this consent must 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. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

21. Construction Traffic Management Plan – Detailed

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with RMS accreditation. The Certifying Authority must approve the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;

- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) 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; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

Prior to Construction Certificate

22. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

23. Aircraft Noise – Acoustic Report (ANEF20-25 or Greater)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report that meets the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction. The recommendations of the report are to be indicated on the architectural plans and / or specifications.

24. Boarding House – Plan Of Management

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Plan of Management demonstrating compliance with operation and maintenance standards set out in Local Government (General) Regulation 2005 and the following requirements:

- a) The building is to contain a maximum of 27 persons (not including children under the ages of 5 years), being no more than 2 persons per designated twin bedroom and 1 person per designated single bedroom.
- b) The occupier of premises must not allow any room or cubicle in the premises to be used for the purpose of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case).

Note The Public Health Regulation 2012 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days

- c) A sign (300mm x 300mm) indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
- d) A schedule showing the numeral designating each bedroom and dormitory and the number of person permitted to be accommodated in each must be conspicuously displayed within the premises.
- e) Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.
- f) Adequate light and ventilation must be maintained at all times in the premises.
- g) All partitions forming cubicles in a dormitory must be adequately constructed and provide adequate ventilation.
- h) Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.
- i) The floor of any kitchen must have an approved impervious surface and be kept in a clean and health condition, in good repair
- j) All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
- k) Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.
- l) If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.

25. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork including stormwater downpipes within the outer walls of the building so they are not visible.

26. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

27. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a) The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

28. Car Wash Bay – Design

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with certification confirming that all wastewater generated from the car wash bay will be discharged to the sewerage systems in accordance with the requirements of Sydney Water.

29. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

30. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area (within the basement) must meet the floor area requirements as per the Leichhardt DCP 2013 and have minimum doorways of 1200mm wide to accommodate large items.

31. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

Each residential level is to have access to a disposal point for all waste streams.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

32. Access report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

- a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
- b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
- c) Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.

33. Structural details and design

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with structural details and a Structural Certificate for Design by a qualified practising structural engineer and in accordance with Clause A2.2(a)(iii) of the Building Code of Australia (applicable to Class 2-9 buildings) and Clause 1.2.2(iii) of Volume 2 of the BCA (applicable to Class 1 and 10 buildings)

34. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

35. Stormwater Drainage System – Major Developments

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention facilities (OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that the design of the site drainage system complies with the following specific requirements:

- a) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road.
- b) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- c) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than for the pump-out of surface flows from the driveway ramp to the basement.
- d) The basement and all below ground structure must be designed to be fully "tanked" preventing the ingress of seepage or groundwater.
- e) The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.
- f) The plans, including supporting calculations, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15litres/second (100year ARI);
- g) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided.
- h) An overland flowpath must be provided within the setback to the southern side boundary between the rear of the building and the Balmain Road frontage. The rear yard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.
- i) As there is no overland flow/flood path available from the Unit 04 and Unit 05 courtyards to the Balmain Road frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
 - b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
 - c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

- j) A minimum 150mm step up or ramp up shall be provided between all external finished surfaces and adjacent internal floor areas.
- k) A pump-out system for drainage of surface flows from the driveway ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
 - i. Comply with all relevant Australian Standards.
 - ii. An overflow, flashing light and audible alarm is to be provided to warn of pump failure.
 - iii. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months.
 - iv. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event.
 - v. The pump system must be discharged to the OSD storage tank.
 - vi. Pump out of subsurface flows is not permitted. The basement and all below ground structure must be designed to be fully "tanked" preventing the ingress of seepage or groundwater.
- l) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- m) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system.
- n) No nuisance or concentration of flows to other properties.
- o) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- p) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- q) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- r) Only a single point of discharge is permitted to the kerb and gutter.
- s) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm.
- t) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- u) Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).
- v) Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

| 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 | 900 | 85% reduction of average annual load |

| | | |
|-------------------------------|----|---|
| than 5mm | | |
| Total Phosphorous | 2 | 65% reduction of average annual load |
| Total Nitrogen | 15 | 45% reduction of average annual load |
| Hydrocarbons (Oil and Grease) | | 90% reduction of average annual load – no visible discharge |
| Toxicants | | 100% containment of toxicants |

- w) A WSUD Strategy Report must be provided to ensure the treatment measures proposed to meet Council's water quality targets.
- x) 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.
- y) Dry-weather flows of any seepage water including seepage from landscaped areas are not permitted.

36. Parking Facilities – Major (including basement)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
- b) The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing.
- c) The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle.
- d) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s).
- e) Minimum headroom of 2200mm must be provided for car in each car space within the Car Stacker(s).
- f) The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
- g) Longitudinal sections along each outer edge of the vehicular access and parking facilities extending to the centreline of the road carriageway must be provided demonstrating compliance with the above requirements.
- h) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces and aisles adjacent to walls or fences are increased in width by an additional 300mm;
 - ii. End spaces are provided with an additional 1m aisle extension; and

- iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- i) The relative surface levels of the internal access from the road being controlled so that:
 - i. The surface levels at the property boundary match "alignment levels";
 - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - iii. The maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - iv. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- j) The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004.
- k) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles.
- l) The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius.
- m) The vehicular access must be amended to provide clear sight lines (triangles) to pedestrians in Balmain Road in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
- n) All parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- o) The entry security door must be set back a minimum of 5500mm from the property boundary.
- p) A bicycle storage area must be provided to accommodate the numerical requirements of DCP and be designed in accordance with relevant provisions of AS 2890.3-2015.
- q) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road.

37. Structural and Geotechnical Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practicing Structural and Geotechnical Engineer(s) with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications. The report and plans must be prepared/ amended to make provision for the following:

- a) The basement must be fully tanked to prevent the ingress of subsurface flows.
- b) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
- c) Any existing or proposed retaining walls that provide support to the road reserve 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, based on a design life of not less than 50 years.
- d) All components of the basement, including footings, must be located entirely within the property boundary.
- e) No adverse impact on surrounding properties including Council's footpath and road.
- f) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.

- g) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- h) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

38. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) New asphalt footpath and kerb and gutter along the frontage of the site.
- c) Installation of a stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

39. Tree Protection

Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

40. Replacement Tree Planting

The following trees must be planted:

A minimum of 2 x 100 litre size trees, which will attain a minimum mature height of 6 metres, shall be planted in a more suitable location within the property at a minimum of 1.5m from any boundary or structure. The tree is to conform to AS2303—Tree stock for landscape use.

Details of the species and planting locations of the replacement plants must be included on the landscape plan and site plan prior to the issue of a Construction Certificate. Note: any replacement tree species must not be a palm tree species or tree species listed as an exempt species under Council's Tree Management Controls.

If the trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

During Demolition and Construction

41. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00am to 1:00pm 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 out of hours 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 must be limited to:

8:00am to 12:00pm, Monday to Saturday; and
2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must 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.

42. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

43. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

Prior to Occupation Certificate

44. Aircraft Noise –Alterations and Additions

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

45. Acoustic Report

A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

- State Environmental Planning Policy (Infrastructure) 2007
- ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
- conditions of development consent; and
- recommendations of the report prepared by Acoustic Logic dated 21 August 2018.

The report shall include post construction validation test results.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

46. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

47. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

48. Car Wash Bay – Trade Waste Agreement

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a copy of the Sydney Water Trade Waste Agreement for the disposal of wastewater from the premises.

49. Non-combustible Cladding – Class 2-9 Buildings

Prior to the issue of an Occupation Certificate the Principal Certifier must be provided with suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the National Construction Code (NCC).

50. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b) New asphalt footpath and kerb and gutter along the frontage of the site.
- c) Installation of a stormwater outlet to the kerb and gutter.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-“Roadworks Specifications”.

51. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

52. Parking Signoff

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

53. Basement Signoff

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification by a qualified Structural Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that the basement has been constructed in accordance with the approved design and relevant Australian Standards and the basement is fully tanked to prevent the ingress of subsurface flows.

54. Stormwater Drainage and Road Works – Certification

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that:

- a) All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans.
- b) Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.

55. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD system commissioned and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

56. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

57. Easements, Restrictions on the Use of Land and Positive Covenants

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a) Restrictions on the Use of Land related to on Site Stormwater Detention System and stormwater quality improvement devices;
- b) Positive Covenant related to on-site stormwater detention and/or retention system;
- c) Positive Covenant related to stormwater quality improvement devices;
- d) Positive Covenant and Restrictions on the Use of Land related to car stackers.

The wording in the Instrument must be in accordance with Councils Standard wording.

58. No Weep Holes

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that any weep holes to Council road or footpath resulting from the building works have been removed.

59. Landscaping Works

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.

60. Registration of Use

The premise must be registered with Council's Environment Health Section in accordance with the following relevant legislation:

Boarding House - Boarding Houses Act 2012.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any interim / final occupation certificate.

On-going**61. Boarding House**

The use of the premises as a boarding house must comply at all times with the following:

- a) The use must comply at all times with the Plan of Management referred to in condition 4 above and as amended by the conditions in this Determination;
- b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d) The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f) The premises must be used exclusively as a boarding house containing a maximum total of 22 lodger's rooms and 1 on-site manager's room with not more than 25 adult lodgers and 2 adult on-site managers residing in the premises at any one time;
- g) Not more than 1 lodger must occupy each nominated single boarding room and 2 lodgers must occupy each nominated double boarding room;
- h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- i) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- j) Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.
- k) The car stackers are to be operated and maintained in accordance with the maintenance schedule at all times.
- l) If background music is being played in the indoor common area (up to 65dB(A)Leq internally) after 6pm, all doors and windows of the common area are to remain closed except for ingress/egress.
- m) All doors and windows of the common area are to remain closed at all times (except for ingress/egress) when amplified music (more than 65dB(A)Leq internally) is played in the indoor common area.
- n) No amplified music is to be played within the indoor common area after 10pm.
- o) The outdoor common area is not to be used for parties and there is to be no amplified music in this area.
- p) The outdoor common area is not to be used after 9pm or before 8am.

62. Boarding House Registration

The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and on-going inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

The boarding house must be operated in accordance with the Boarding Houses Act 2012.

63. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

64. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

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 LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

65. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

66. Bin Storage

All bins are to be stored within the site.

67. Operation and Management Plan

The Operation and Management Plan for the on-site detention and stormwater quality improvement devices and Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

68. Canopy Trees

The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

Advisory notes

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

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. 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 must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must 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 veranda over the footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b) Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

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 must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Easement and Covenant Process

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

- a) **Work-As-Executed Plans**
A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.
- b) **Engineer's Certificate**
 - i. A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
 - ii. the soundness of the storage structure;
 - iii. the capacity of the detention storage;
 - iv. the emergency overflow system being in place;
 - v. the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
 - vi. the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
 - vii. basement car park pumps are class one zone two;
 - viii. OSR pumps and SQIDS have been installed and commissioned.
- c) **Restriction-As-To-User**
A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

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

A typical document is available from Council's Development Assessment Engineer
- d) **A Maintenance Schedule.**

Noise

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.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges

from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Construction of Vehicular Crossing

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, prior to commencement of works.

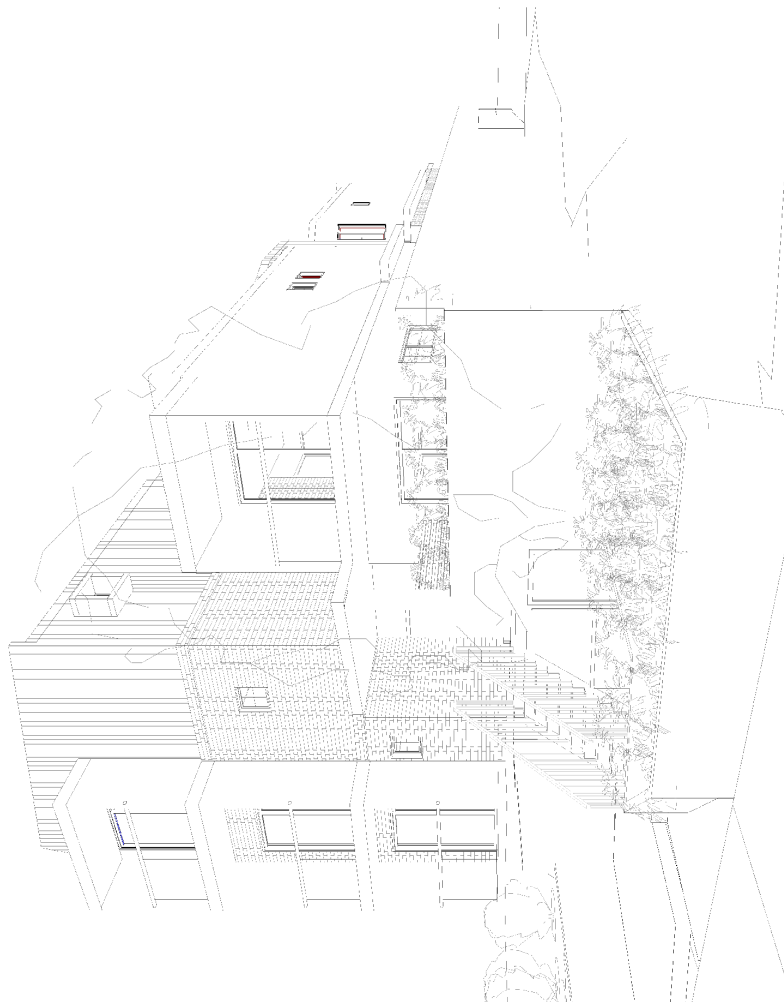
Dial before you dig

Contact "Dial Prior to You Dig" prior to 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 Prior to You Dig | 1100 www.dialprior.toyoudig.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.sydnewwater.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. |

| Sheet List | |
|----------------------------------|--------------|
| Sheet Name | Sheet Number |
| COVER PAGE | D101 |
| BASIX CERTIFICATE | D102 |
| SURVEY PLAN | D103 |
| SITE PLAN | D104 |
| BASEMENT | D105 |
| GROUND FLOOR PLAN | D106 |
| FIRST FLOOR PLAN | D107 |
| SECOND FLOOR | D108 |
| ROOF PLAN | D109 |
| ELEVATIONS | D110 |
| SECTION | D111 |
| MATERIALS + FINISHES SCHEDULE | D112 |
| CALCULATION SHEET | D113 |
| WINTER SHADOW DIAGRAM | D114 |
| ELEVATION WINTER SHADOWS DIAGRAM | D115 |
| SUMMER SHADOW DIAGRAM | D116 |
| LANDSCAPE PLAN | D117 |
| OPTED ASSESSMENT | D118 |
| STREETSCAPE ANALYSIS PLAN | D119 |



| | | |
|---|---------------------|---------------------------|
| DEVELOPMENT APPLICATION BOARDING HOUSE DEVELOPMENT | | GOALC @ A1: @ A2, @ A3 |
| CLIENT: MR. G. JIA | N.Y.M 28/05/2019 | DATE: 28/05/2019 |
| ADDRESS: 89 BALMAIN ROAD, LEIGHARD | C-ROD BY J.P | @ A17 NUMBER: 18093 |
| | | D101 |

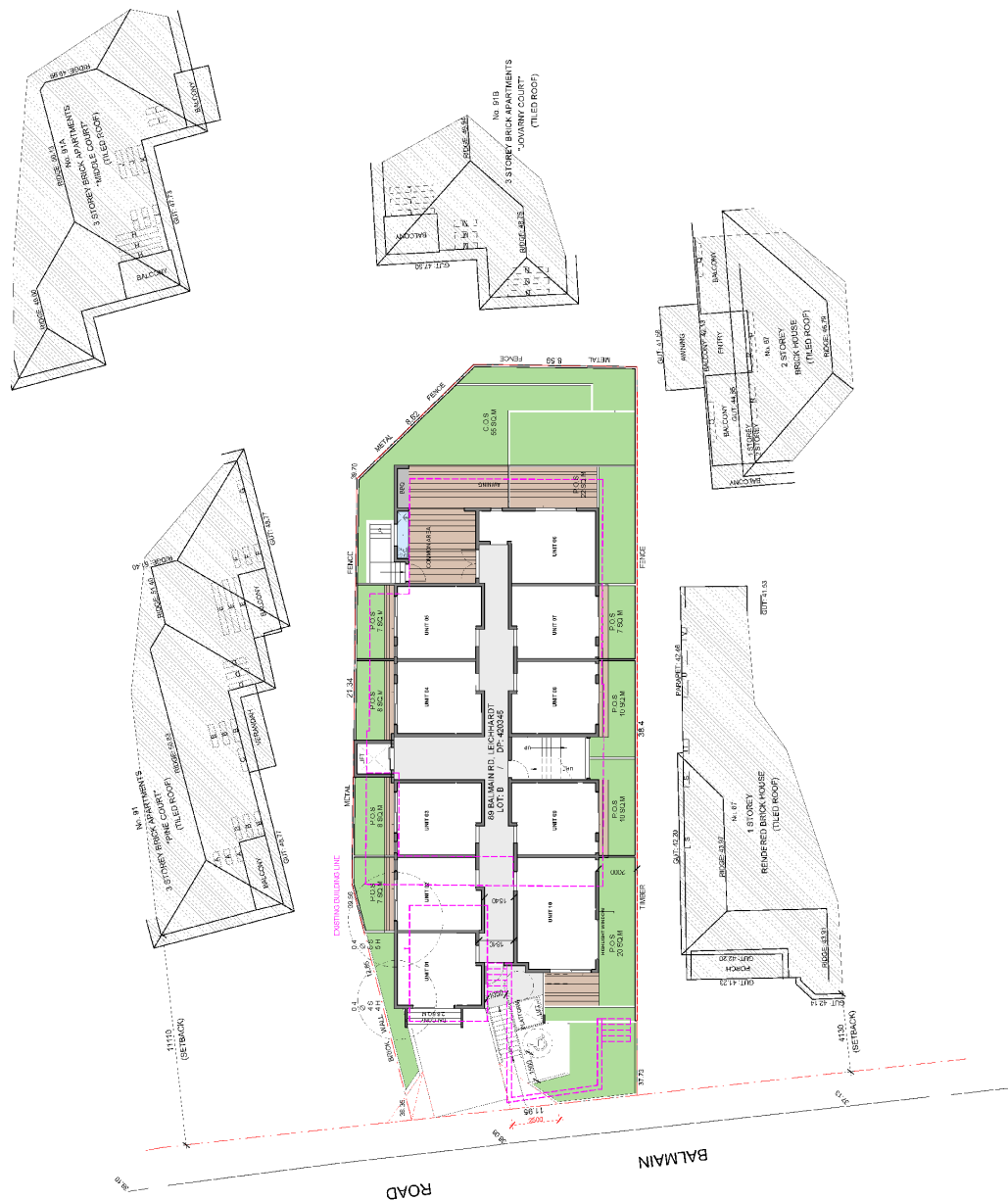
COVER PAGE

PRELIMINARY
NOT FOR CONSTRUCTION

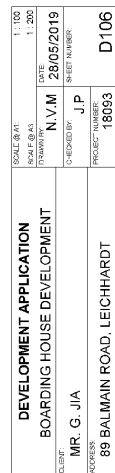
[illegible]

| REVISION | | |
|------------|----------|---------------------------------------|
| D | 28/06/99 | REVISED DEVELOPMENT APPLICATION ISSUE |
| C | 22/07/99 | REVISED DEVELOPMENT APPLICATION ISSUE |
| B | 18/07/98 | DEVELOPMENT APPLICATION ISSUE |
| ISSUE DATE | | BY |
| | | CHECKED |



[illegible]





GROUND FLOOR PLAN

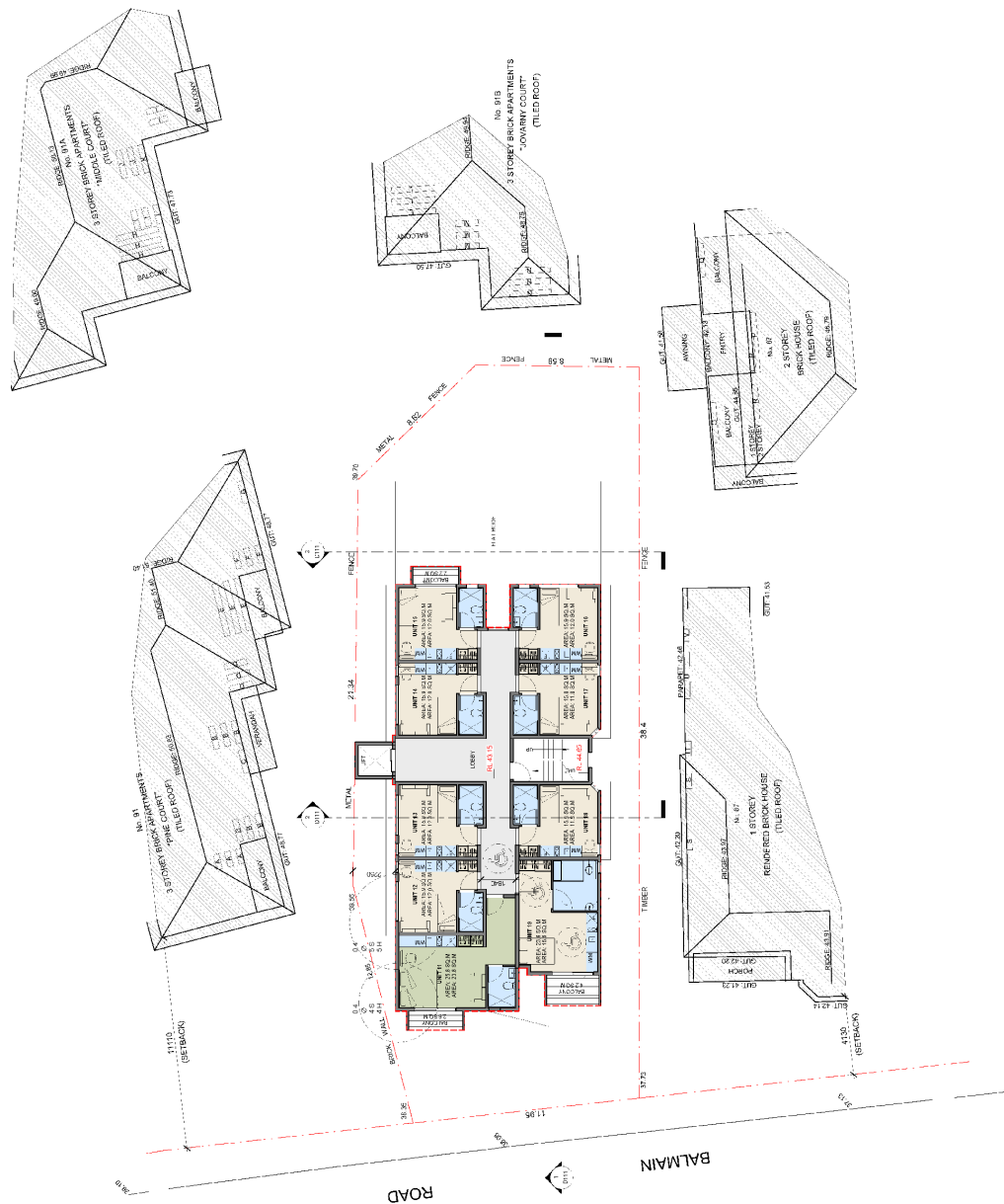
PRELIMINARY
NOT FOR CONSTRUCTION

[illegible]

| REVISION | | |
|----------|---------|---|
| D | 2906/18 | REVISED DEVELOPMENT APPLICATION ISSUE NMW JP |
| C | 2907/18 | NEVISED DEVELOPMENT APPLICATION ISSUE NMW JP |
| B | 1907/18 | DEVELOPMENT APPLICATION ISSUE NMW JP |
| ISSUE | DATE | BY CHECKED |

habitation
design + interiors

• 3611 16th Ave. N.
• Second Floor RM2
• BOSTON, MA 02116
• 617-552-0000
• www.habitation.com



| | | |
|----------------------------|--------------------|-------------------------|
| SCALE 1:100 SCALE 1:200 | DATE 28/05/2019 | SHEET NUMBER D107 |
| DRAWN BY N.V.M | CHECKED BY J.P | PROJECT NUMBER 18093 |

DEVELOPMENT APPLICATION
BOARDING HOUSE DEVELOPMENT

IDENT: MR. G. JIA

DRESS: 89 BALMAIN ROAD, LEICHHARDT



FIRST FLOOR PLAN

PRELIMINARY
NOT FOR CONSTRUCTION

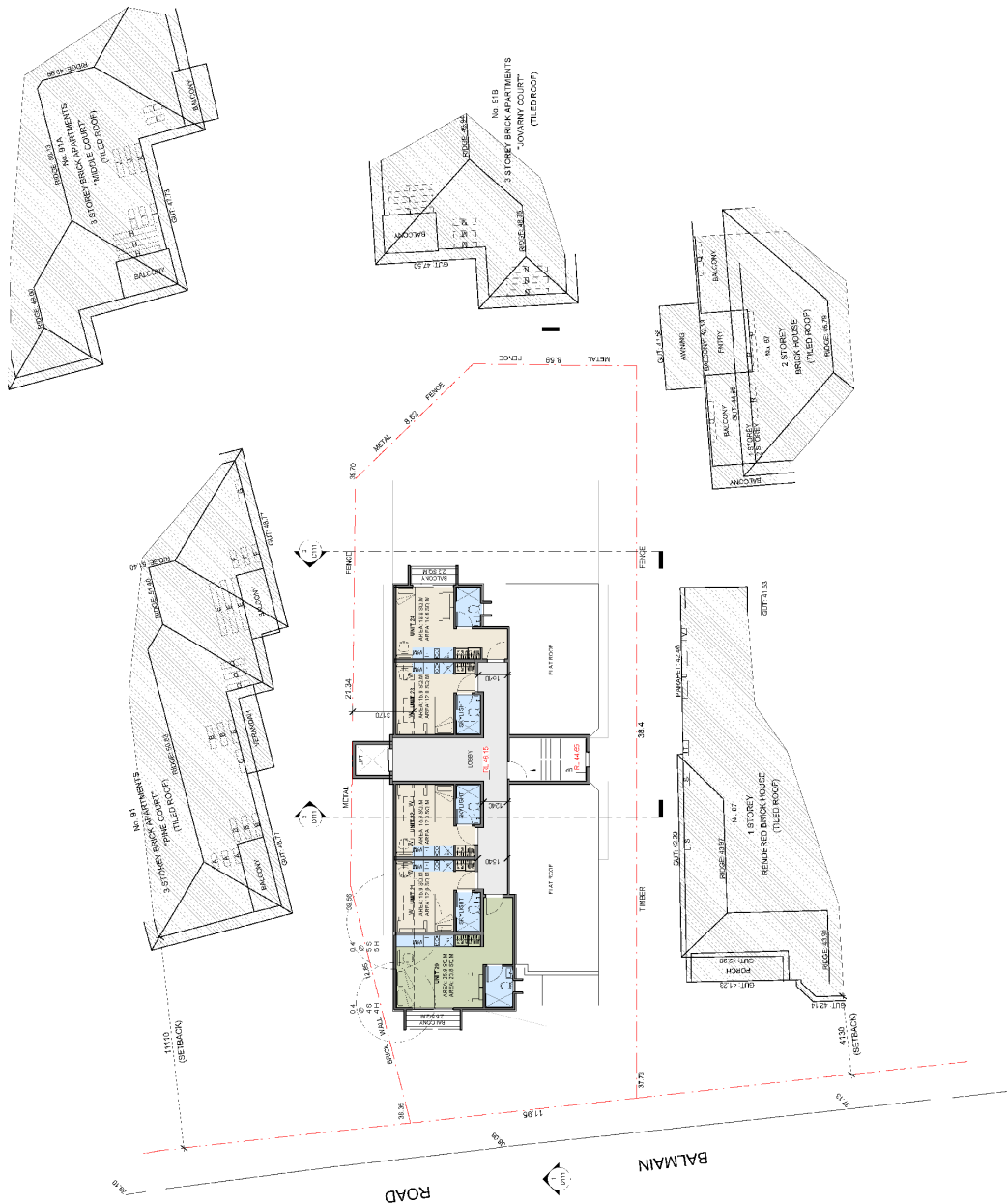
[illegible]

| REVISION | | | |
|------------|----------|---------------------------------------|------------|
| D | 260519 | REVISED DEVELOPMENT APPLICATION ISSUE | NM JP |
| C | 220719 | REVISED DEVELOPMENT APPLICATION ISSUE | NM JP |
| B | 190718 | DEVELOPMENT APPLICATION ISSUE | NM JP |
| ISSUE DATE | REVISION | | BY CHECKED |

habitation
design + interiors

☒ 100% AIA CE
☒ 100% LEED
☒ National Green Building Institute
☒ Registered with the International Brotherhood of Architects

10000 10th Avenue, Suite 200
 Boulder, CO 80501
 Phone: 303.440.1000
 Email: info@habitation.com



habitation
Design + Interiors

Member
of Architects

11 BALMAIN ROAD, BALMAIN NSW 1535
TEL: 02 9550 1111
WWW.HABITATIONDESIGN.COM.AU

REVISION

| REVISION | DATE | BY | REVISION |
|----------|----------|-----------|---------------------------------------|
| D | 2007/09 | N.M. J.P. | REVISED DEVELOPMENT APPLICATION ISSUE |
| C | 2007/09 | N.M. J.P. | REVISED DEVELOPMENT APPLICATION ISSUE |
| B | 18/07/08 | N.M. J.P. | DEVELOPMENT APPLICATION ISSUE |
| A | 18/07/08 | N.M. J.P. | DEVELOPMENT APPLICATION ISSUE |

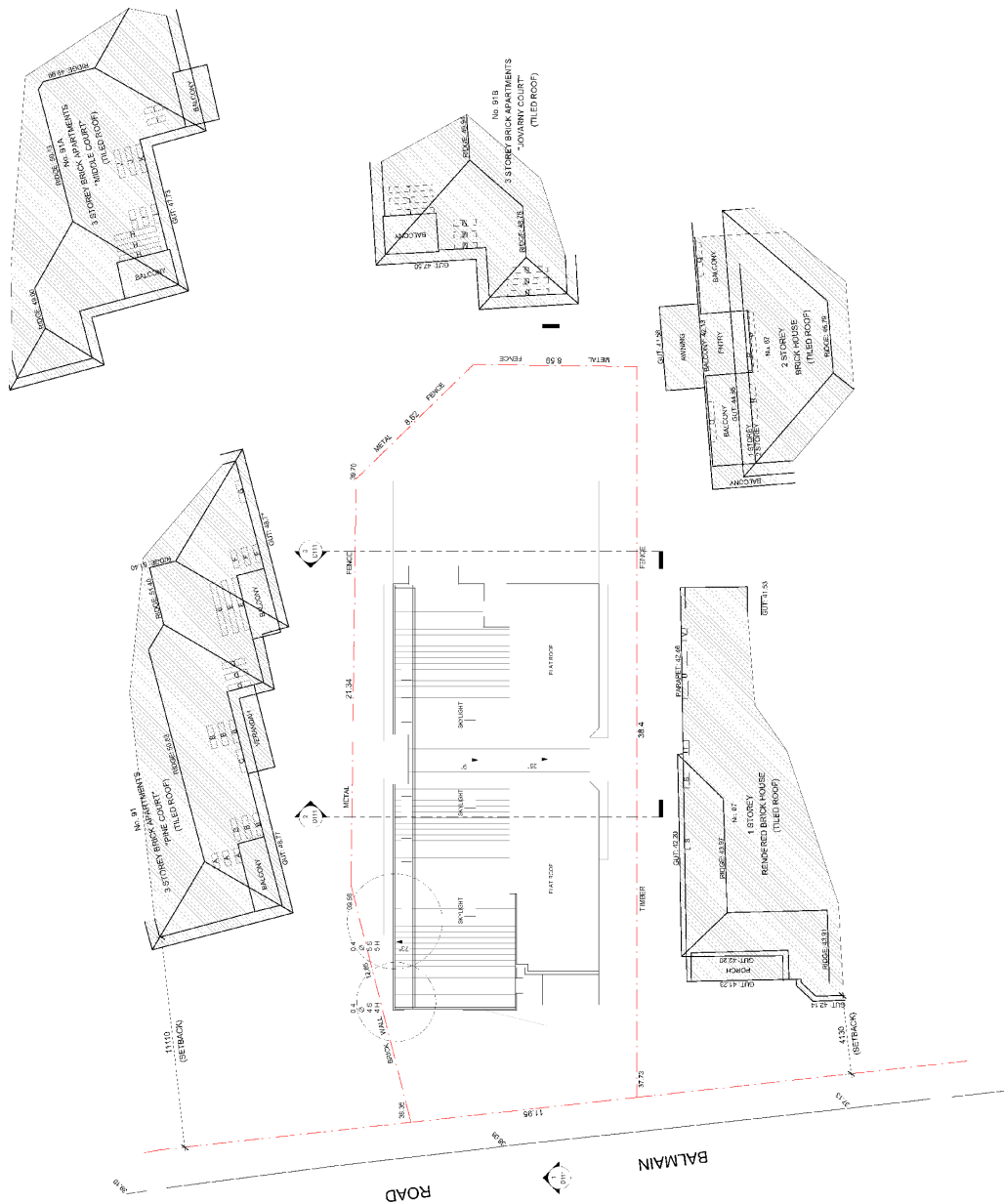
SECOND FLOOR
PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
BOARDING HOUSE DEVELOPMENT

CLIENT
MR. G. J.A.

ADDRESS
89 BALMAIN ROAD, LEICHHARDT

SCALE: 1:100
DRAWN: 1:200
DATE: 28/05/2019
CHECKED BY: J.P.
PROJECT NUMBER: 18093
D108



| | | | |
|---|-----------------------------------|---------------------------------|----------------------------|
|  | DEVELOPMENT APPLICATION | | SCALE @ 1:100 |
| | BOARDING HOUSE DEVELOPMENT | | DATE: 1/200 |
| CLIENT: MR. G. JIA | | N.Y.M | DATE: 28/05/2019 |
| ADDRESS: 89 BALMAIN ROAD, LEICHHARDT | | C-ROAD: JY | SHEET NUMBER: |
| | | PROJECT NUMBER: 18093 | D109 |

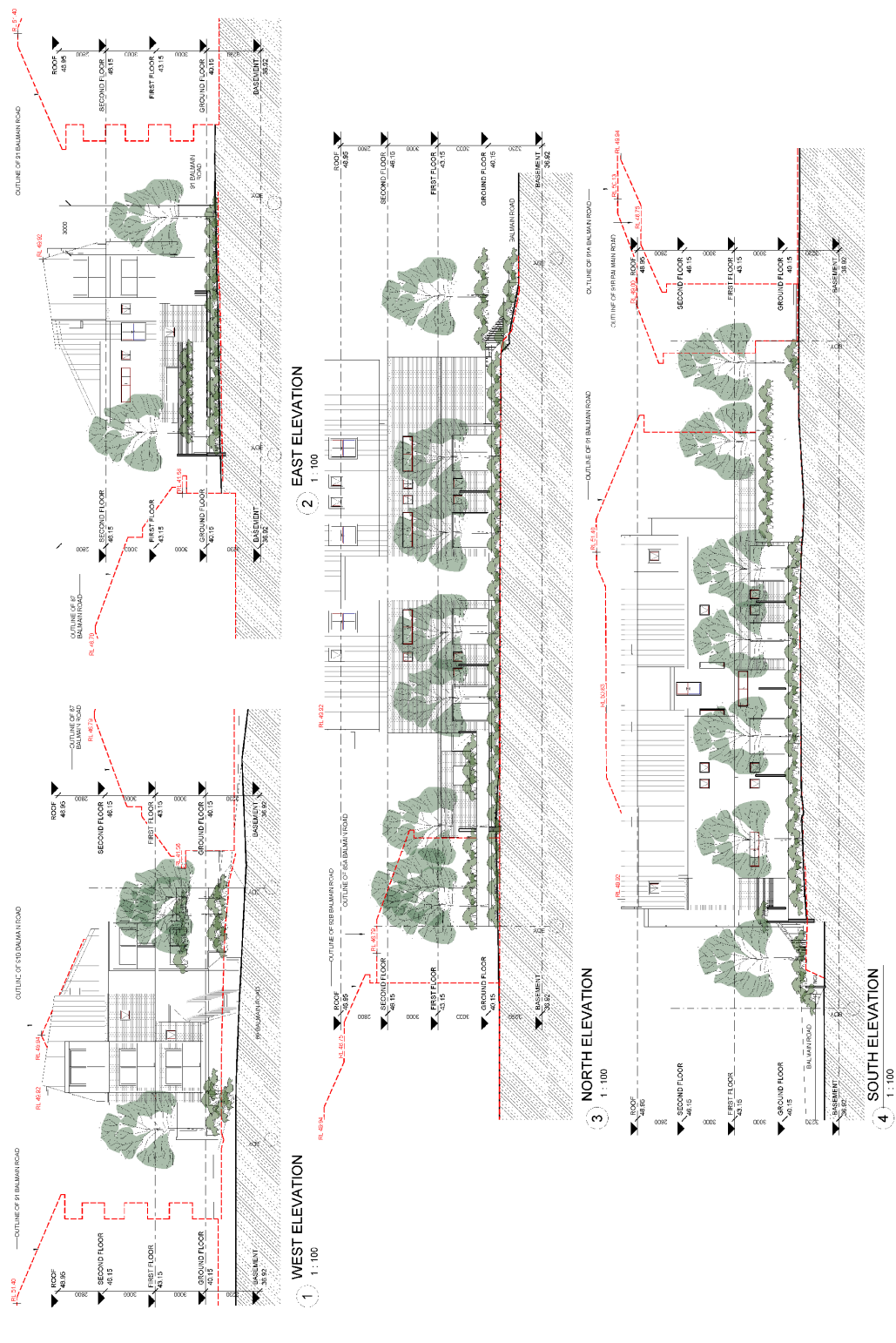


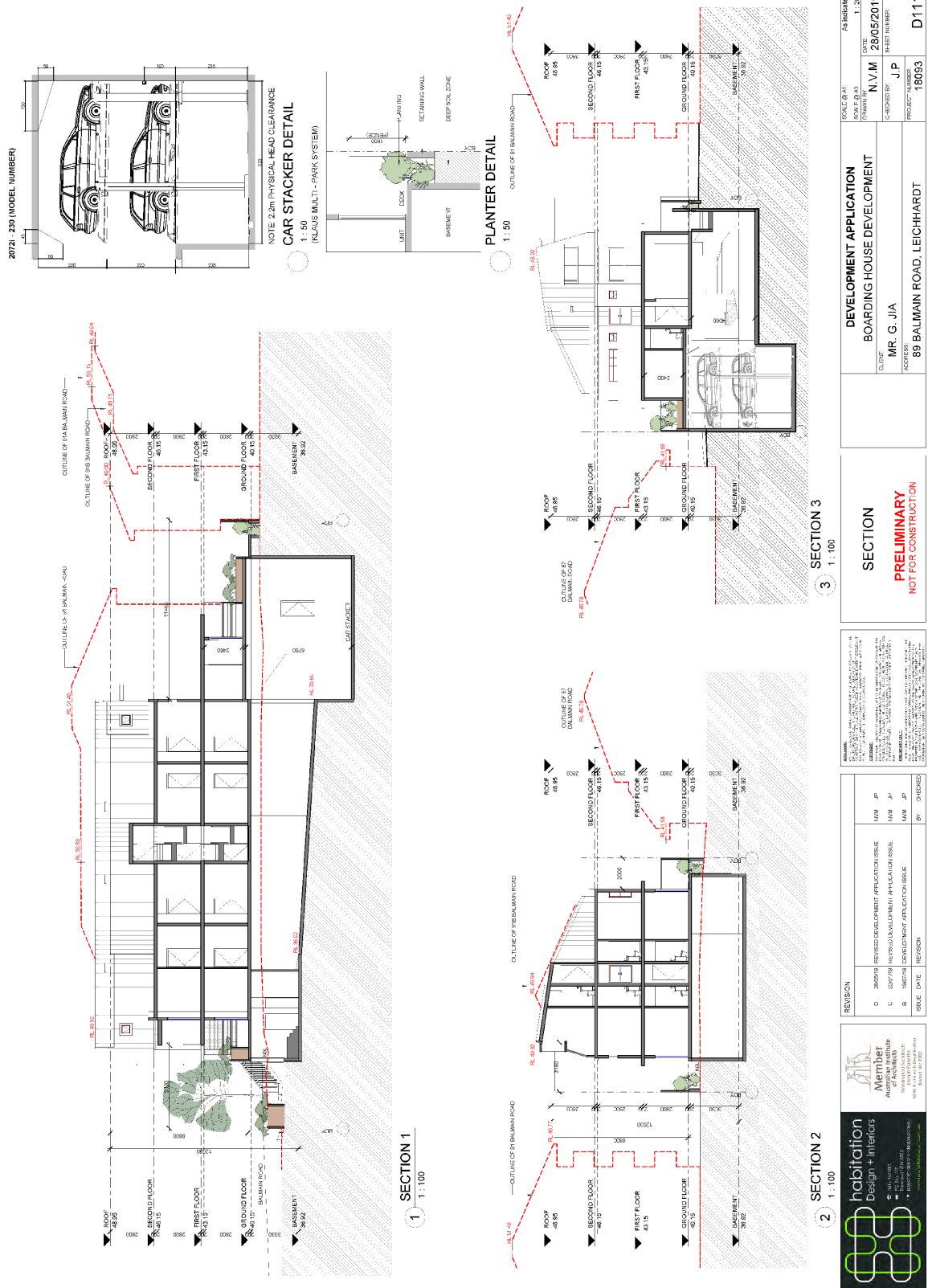
ROOF PLAN

[illegible]

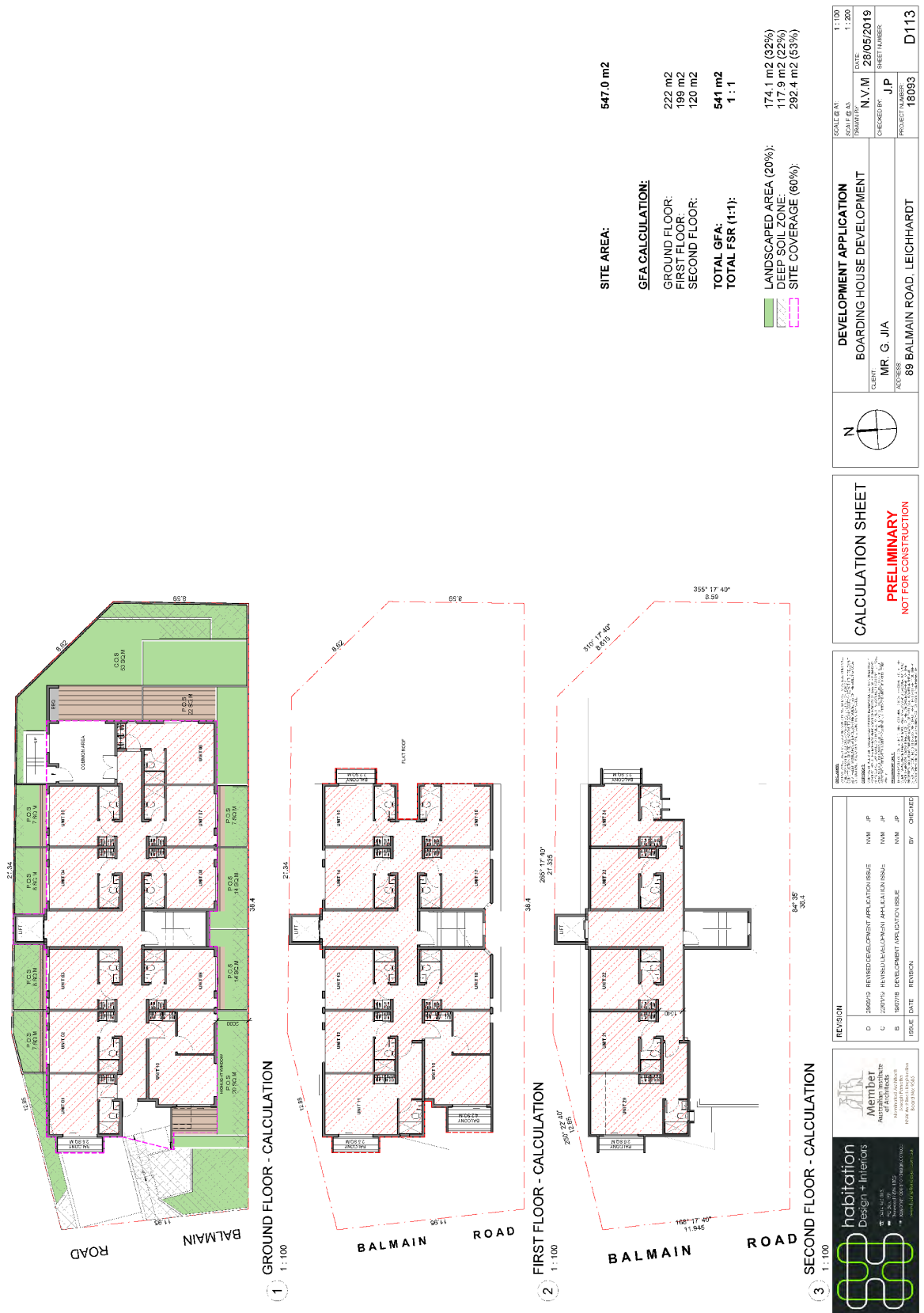
| REVISION | | | |
|------------|----------|---------------------------------------|------------|
| D | 260019 | REVISED DEVELOPMENT APPLICATION ISSUE | NM JP |
| C | 200719 | REVISED DEVELOPMENT APPLICATION ISSUE | NM JP |
| B | 180718 | REVISED DEVELOPMENT APPLICATION ISSUE | NM JP |
| ISSUE DATE | REVISION | | BY CHECKED |

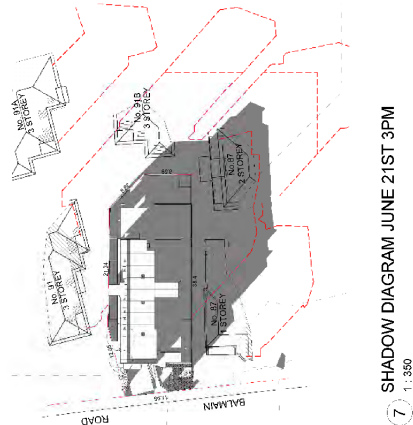
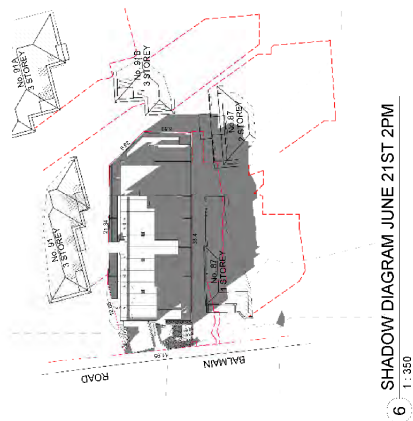
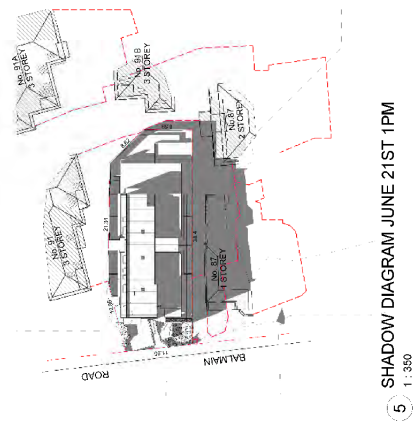
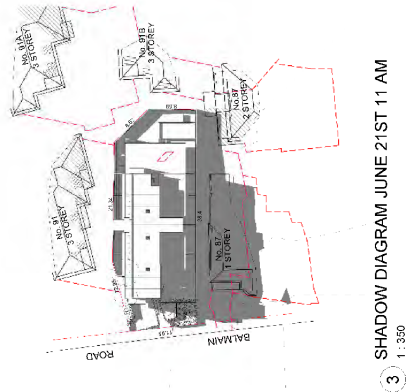
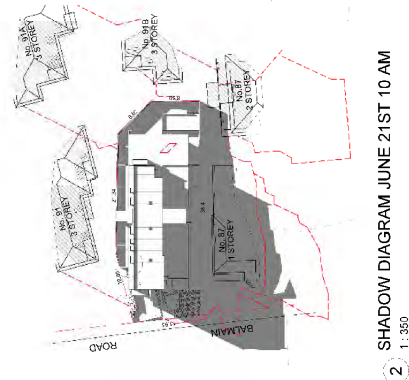
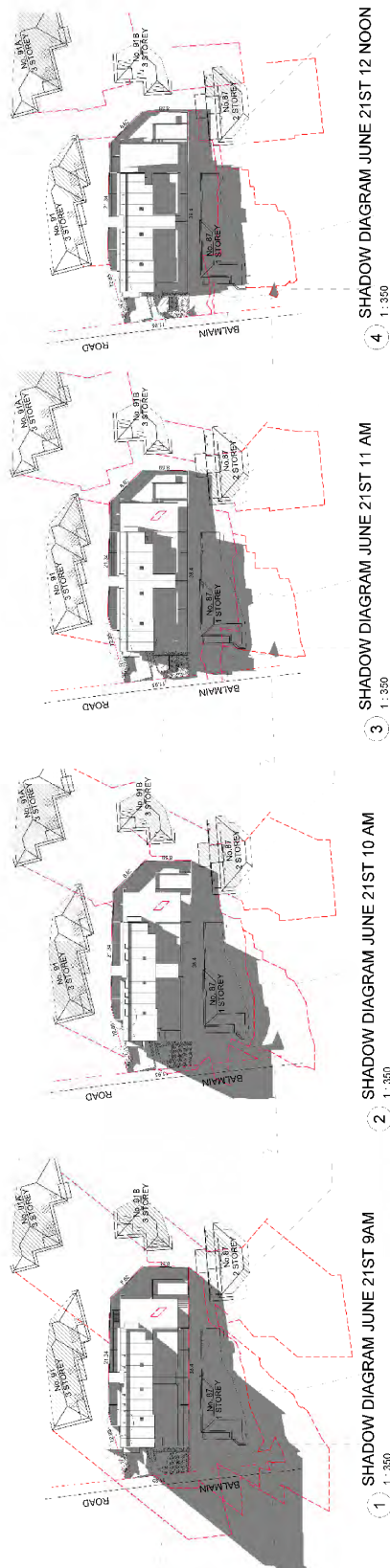


[illegible]









| SHADOW LEGEND |
|-----------------|
| EXISTING SHADOW |
| PROPOSED SHADOW |



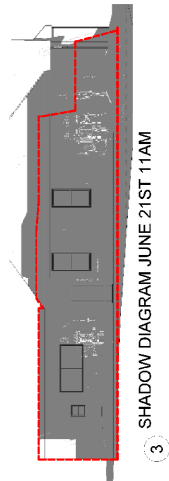
| REVISION | DATE | BY | CHECKED |
|----------|------------|--------|---------|
| D | 28/05/2019 | N.V.M. | J.P. |
| C | 22/07/2019 | N.V.M. | J.P. |
| B | 18/07/2019 | N.V.M. | J.P. |
| A | 18/07/2019 | N.V.M. | J.P. |

| |
|---|
| REVISIONS: |
| 1. 28/05/2019: Initial design and shadow study. |
| 2. 22/07/2019: Revised design and shadow study. |
| 3. 18/07/2019: Revised design and shadow study. |
| 4. 18/07/2019: Revised design and shadow study. |

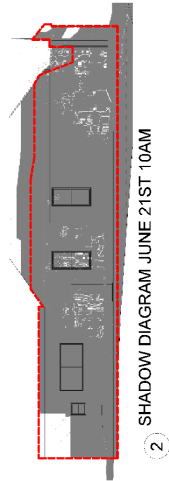
WINTER SHADOW
DIAGRAM
PRELIMINARY
NOT FOR CONSTRUCTION

| |
|---|
| DEVELOPMENT APPLICATION BOARDING HOUSE DEVELOPMENT |
| CLIENT MR. G. JIA |
| ADDRESS 89 BALMAIN ROAD, LEICHHARDT |

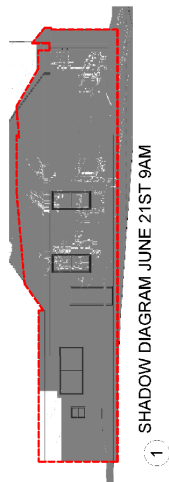
| |
|-------------------------|
| LOCAL GOVT BALMAIN |
| DATE 28/05/2019 |
| CHECKED BY J.P. |
| PROJECT NUMBER 18093 |
| D114 |



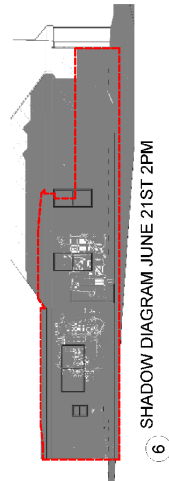
SHADOW DIAGRAM JUNE 21ST 9AM



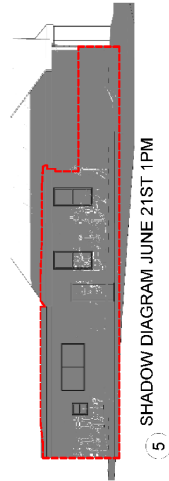
SHADOW DIAGRAM JUNE 21ST 10AM



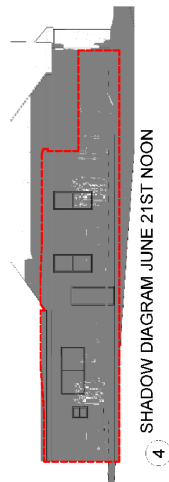
SHADOW DIAGRAM JUNE 21ST 11AM



SHADOW DIAGRAM JUNE 21ST 12PM



SHADOW DIAGRAM JUNE 21ST 1PM



SHADOW DIAGRAM JUNE 21ST 3PM



habitation
design + interiors

10/100 ST GEORGE'S STREET
SYDNEY NSW 2000
T: 02 9231 1234
F: 02 9231 1235
WWW.HABITATIONDESIGN.COM.AU

Member of Architects

10/100 ST GEORGE'S STREET
SYDNEY NSW 2000
T: 02 9231 1234
F: 02 9231 1235
WWW.HABITATIONDESIGN.COM.AU

| REVISION | | ISSUE | | BY | | CHECKED | |
|----------|----------|---------------------------------------|------|-------------|------|---------|------|
| NO | DATE | DESCRIPTION | DATE | DESCRIPTION | NAME | NAME | NAME |
| D | 20/05/19 | REVISED DEVELOPMENT APPLICATION ISSUE | | | N.M. | J.P. | |
| C | 22/07/19 | INTERNAL LOCALITY APPLICATION ISSUE | | | N.M. | J.P. | |
| B | 19/07/19 | DEVELOPMENT APPLICATION ISSUE | | | N.M. | J.P. | |

DEVELOPMENT APPLICATION

BOARDING HOUSE DEVELOPMENT

CLIENT: MR. G. J/A

ADDRESS: 89 BALMAIN ROAD, LEICHHARDT

SCALE: 1/100

DATE: 28/05/2019

CHECKED BY: J.P.

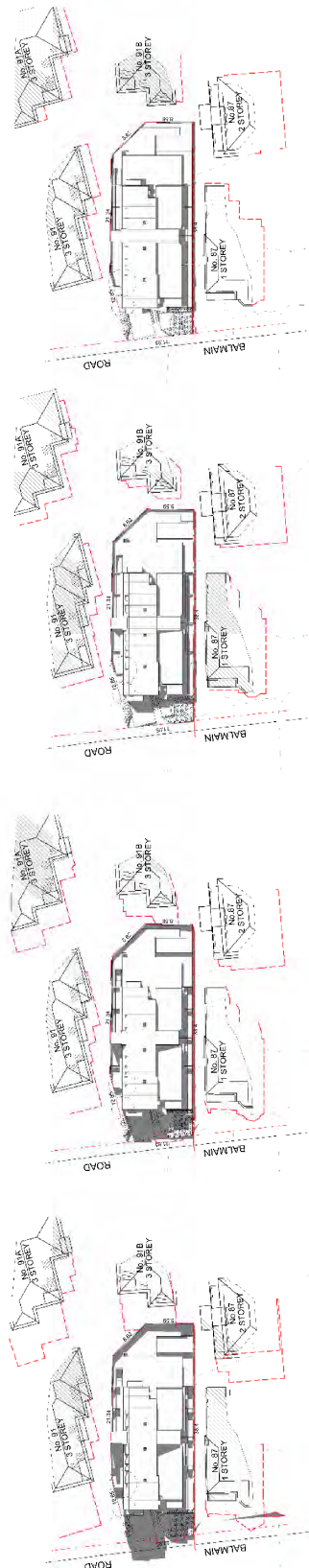
PROJECT NUMBER: 18093

SHEET NUMBER: D115

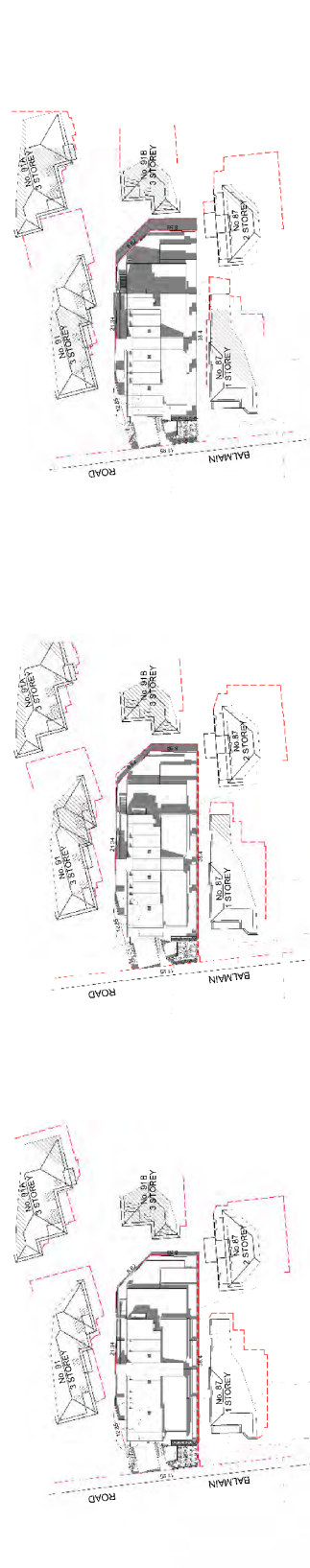
ELEVATION WINTER SHADOWS DIAGRAM

PRELIMINARY

NOT FOR CONSTRUCTION



1 SHADOW DIAGRAM DECEMBER 22ND 9AM 1:350 2 SHADOW DIAGRAM DECEMBER 22ND 10AM 1:350 3 SHADOW DIAGRAM DECEMBER 22ND 11AM 1:350 4 SHADOW DIAGRAM DECEMBER 22ND 12 NOON 1:350




5 SHADOW DIAGRAM DECEMBER 22ND 1 PM 1:350 6 SHADOW DIAGRAM DECEMBER 22ND 2 PM 1:350 7 SHADOW DIAGRAM DECEMBER 22ND 3PM 1:350

| SHADOW LEGEND |
|-----------------|
| EXISTING SHADOW |
| PROPOSED SHADOW |

| <p>habitation Design + Interiors</p> <p>10/100-100/1000 PO BOX 999 SYDNEY NSW 1585 TEL: 02 9550 1000 WWW.HABITATIONDESIGN.COM.AU</p> | <p>Member AUSTRALIAN INSTITUTE OF PLANNERS</p> <p>MEMBERSHIP NUMBER: 18093 NAME: MR. G. JIA</p> | <p>REVISION</p> <table border="1"> <tr> <th>NO</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td>D</td> <td>28/05/2019</td> <td>REVISED DEVELOPMENT APPLICATION ISSUE</td> </tr> <tr> <td>C</td> <td>22/07/18</td> <td>REVISED DEVELOPMENT APPLICATION ISSUE</td> </tr> <tr> <td>B</td> <td>18/07/18</td> <td>REVISED DEVELOPMENT APPLICATION ISSUE</td> </tr> </table> | NO | DATE | REVISION | D | 28/05/2019 | REVISED DEVELOPMENT APPLICATION ISSUE | C | 22/07/18 | REVISED DEVELOPMENT APPLICATION ISSUE | B | 18/07/18 | REVISED DEVELOPMENT APPLICATION ISSUE | <p>DEVELOPMENT APPLICATION BOARDING HOUSE DEVELOPMENT</p> <p>CLIENT: MR. G. JIA</p> <p>ADDRESS: 89 BALMAIN ROAD, LEICHHARDT</p> | <p>SUMMER SHADOW DIAGRAM PRELIMINARY NOT FOR CONSTRUCTION</p> | <p>SCALE: 1:400 DATE: 28/05/2019 DRAWN BY: J.P. CHECKED BY: J.P. PROJECT NUMBER: 18093 D116</p> |
|--|---|---|----|------|----------|---|------------|---------------------------------------|---|----------|---------------------------------------|---|----------|---------------------------------------|---|--|---|
| | | | NO | DATE | REVISION | | | | | | | | | | | | |
| D | 28/05/2019 | REVISED DEVELOPMENT APPLICATION ISSUE | | | | | | | | | | | | | | | |
| C | 22/07/18 | REVISED DEVELOPMENT APPLICATION ISSUE | | | | | | | | | | | | | | | |
| B | 18/07/18 | REVISED DEVELOPMENT APPLICATION ISSUE | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

| PLANT SCHEDULE | | | |
|----------------|--|-----|--------------|
| | Latin Name (Common Name/Mature Height) | Qty | Size / Stake |
| Trees | PC <i>Pyrus calleryana</i> (Callery Pear - 4m) | 09 | 100 L yes |
| | SA <i>Styragium Smithii</i> - (LV FW) | 05 | 100 L yes |
| | | | |
| Shrubs | <i>Agave attenuata</i> (Fossil Agave - 1m) | 21 | nil no |
| | <i>Azalea Smithii</i> (Minor Azalea Plant) | 173 | nil yes |
| | <i>Cedreline Australis</i> (Cedreline) | 42 | 20 L no |
| | <i>Sheelaia Jirooca</i> (Bird of Paradise) | 41 | 20 L no |
| | | | |
| Groundcovers | <i>Opionopsis plantasiaca</i> (Ironco grass) | 06 | nil no |
| | <i>Chusella Nevadensis</i> (Chusella grass) | 20 | nil no |
| | | | |

[illegible]

| | | | | |
|---|---|--------------------------------|-----------------------|--------------|
|  | DEVELOPMENT APPLICATION BOARDING HOUSE DEVELOPMENT | | COLECAT 1150 | |
| | | | As indicated 1 150 | |
| CLIENT MR. G. JIA | DATE 28/05/2019 | N.V.M TRANSIT | | SHEET NUMBER |
| | | CHECKED BY J.P | | |
| ADDRESS 89 BALMAIN ROAD, LEICHHARDT | | PROJECT NUMBER 16093 | | D117 |

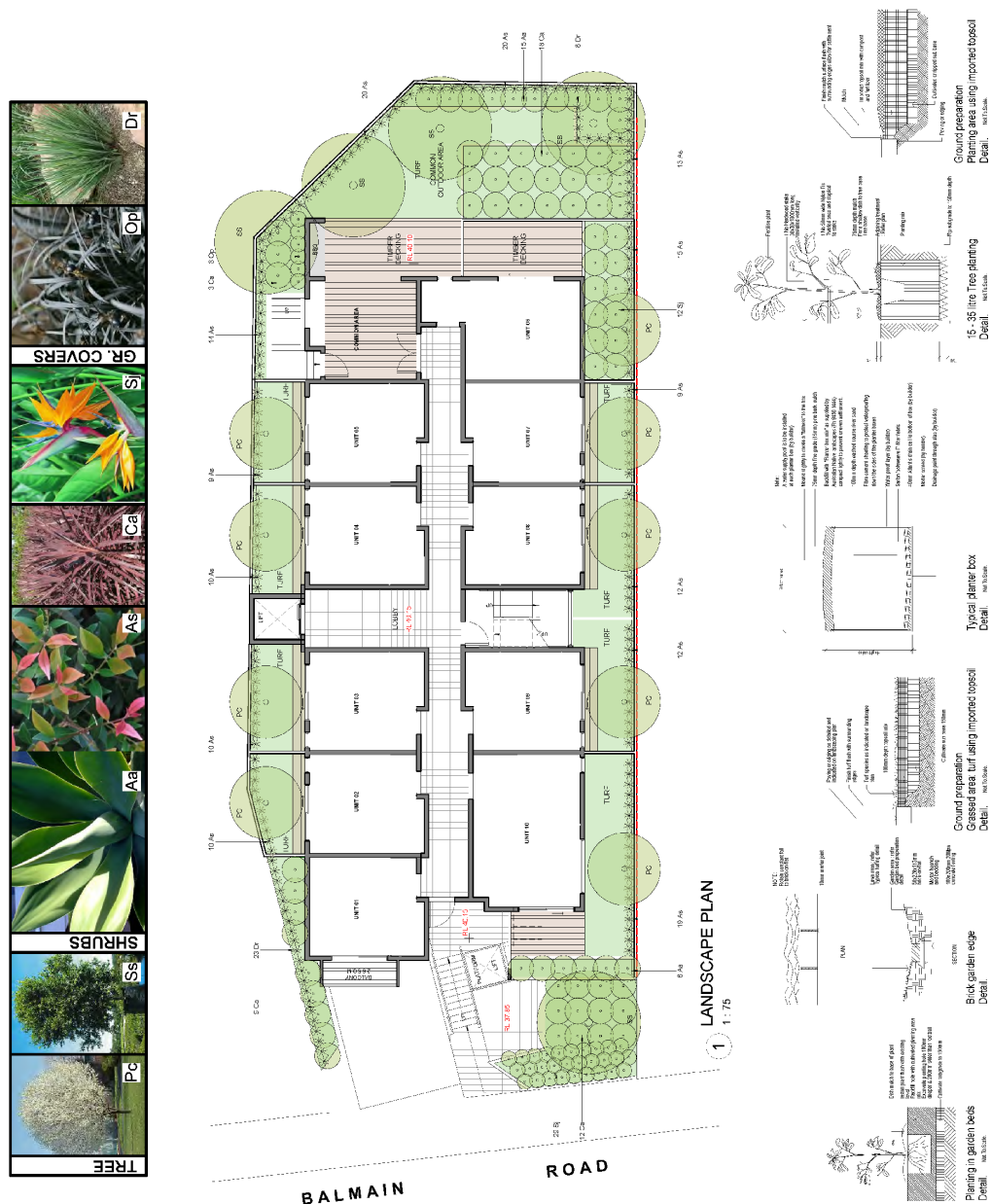
LANDSCAPE PLAN
PRELIMINARY
NOT FOR CONSTRUCTION

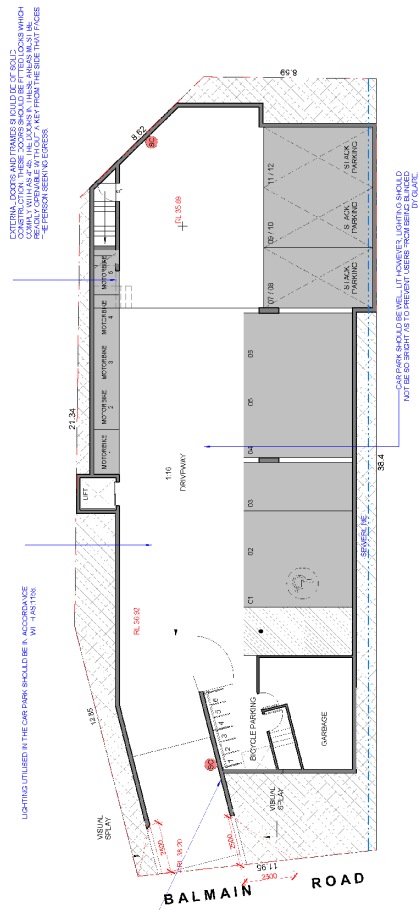
[illegible]

| REVISION | | DATE | REVISION | BY | CHECKED |
|----------|---------|------|---------------------------------------|-----|---------|
| D | 2800419 | | REVISED DEVELOPMENT APPLICATION ISSUE | NWM | JP |
| C | 2200718 | | REVISED DEVELOPMENT APPLICATION ISSUE | NWM | JP |
| B | 1900718 | | DEVELOPMENT APPLICATION ISSUE | NWM | JP |

habitation
Design + Interiors

• 541-541-0485
• PO Box 30
Beverly Hills, CA 90209
• www.habitationdesign.com





1 CPTD_BASEMENT 1:100




2 CPTED_GROUND FLOOR 1 : 100

[illegible]

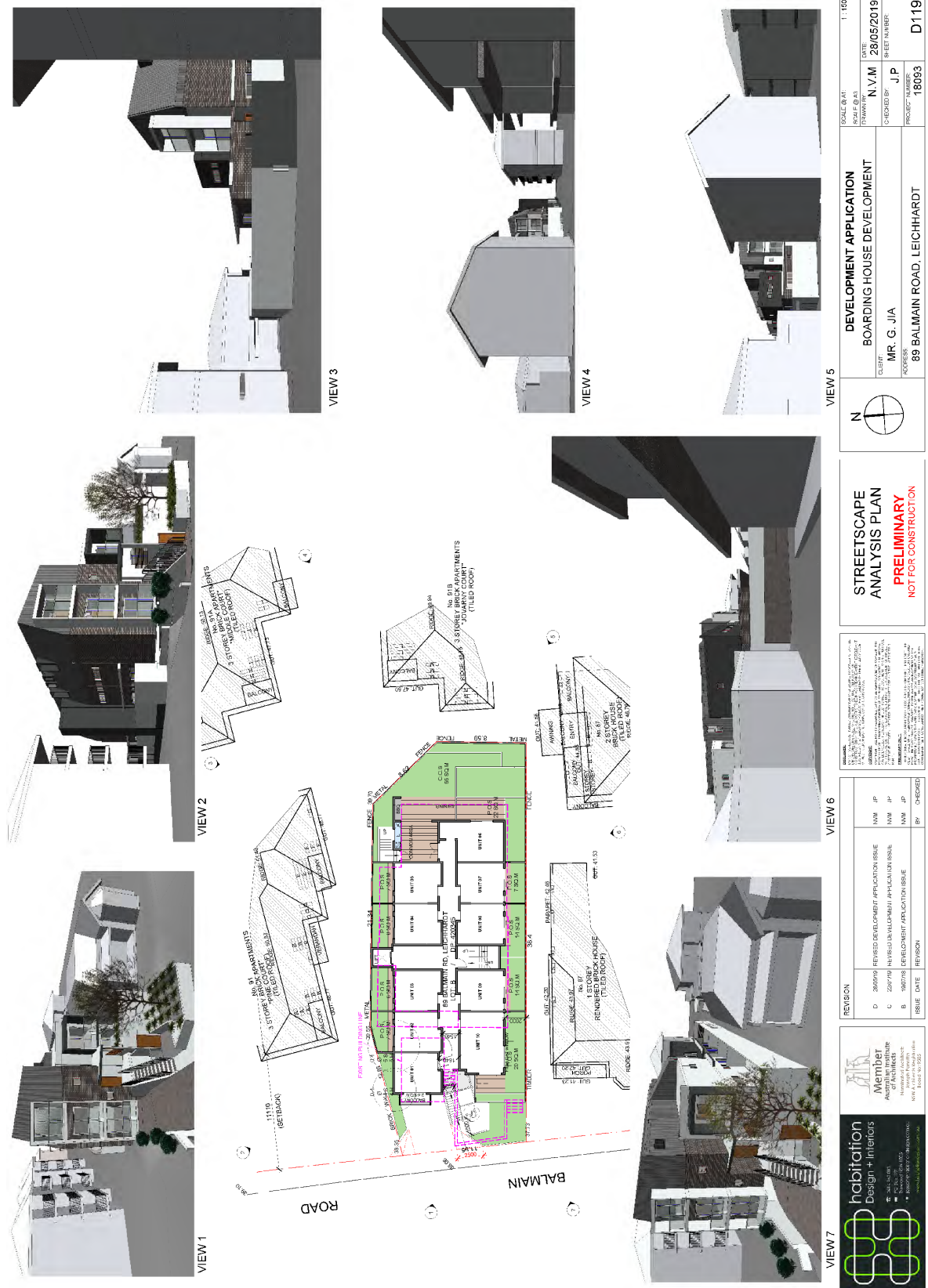
| REVISION | | | |
|----------|------------|---------------------------------------|------------|
| D | 260619 | REVISED DEVELOPMENT APPLICATION ISSUE | NM JP |
| C | 220719 | REVISED DEVELOPMENT APPLICATION ISSUE | NM JP |
| B | 180718 | DEVELOPMENT APPLICATION ISSUE | NM JP |
| | ISSUE DATE | REVISION | BY CHECKED |

[illegible]

PRELIMINARY
NOT FOR CONSTRUCTION

| | | |
|---|---|-----------------------------|
|  | DEVELOPMENT APPLICATION BOARDING HOUSE DEVELOPMENT | |
| | CLIENT | MR. G. JIA |
| | ADDRESS | 89 BALMAIN ROAD, LEICHHARDT |

| | | |
|------------|-------------|--------------------------|
| SCALE: 80M | DATE: | SHEET NUMBER: |
| 80M F @ A3 | N.V.M | D118 |
| DRAWN BY: | CHECKED BY: | |
| | J.P | |
| | | PROJECT NUMBER: 18093 |



Attachment C – Plan of Management

PLAN OF MANAGEMENT



Boarding House Development

89 Balmain Road, Leichhardt

28th August, 2018

Plan of Management for Boarding House

CONTENTS

| | page |
|---|------|
| 1. Introduction | 1 |
| 2. Definitions | 2 |
| 3. Duties of the Manager | 2 |
| 4. Maximum number of Lodgers | 3 |
| 5. Minimising impacts on Residents | 3 |
| 6. Display of House Rules | 3 |
| 7. Fire safety | 4 |
| 8. Cleaning and maintenance | 4 |
| 9. Boarder/Lodger information | 4 |
| 10. Boarding House furniture and facilities | 5 |
| 11. Waste management and recycling | 5 |
| 12. Safety and security | 6 |

- Annexure A: Architectural Plans
- Annexure B: Emergency and Evacuation Plan
- Annexure C: Fire Mitigation Plan

Plan of Management for Boarding House

1. INTRODUCTION

- 1.1 This Plan of Management provides directions and controls on the use and management of the premises as a Boarding House. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements both for occupants and surrounding residents.
- 1.2 This Plan of Management refers to the plans prepared Habitation Design – revision B Dated 18th July, 2018.
- 1.3 This Plan of Management has been prepared for a Boarding Housing at : 89 Balmain Road, Leichhardt. The Boarding House development has been lodged as a Development Application and is currently before council.
- 1.4 The Boarding House is to be managed by an On-site Manager, who will be familiar with the content of the Plan of Management:

Plan of Management for Boarding House

2. DEFINITIONS

In this Plan of Management:

Building means the building known as 89 Bamain Road, Leichhardt.

Business means the operation of the building as a Boarding House.

Common Room means the room identified as the common room on the approved plans.

Common Areas means the common room, hallways, lift and stairs as identified on the approved plans.

Common Open Space Area means the external communal area including the common open space deck and rear yard areas.

Council means "Inner West Council".

Boarder or Lodger means a person having the benefit of the use of a nominated bedroom and the common rooms and areas within the building.

Manager means the Manager engaged by the business proprietor.

Owner means the registered proprietor/s of the building.

Room means that part of the building occupied and used by a Lodger.

3. DUTIES OF THE MANAGER

- 3.1 The Proprietor must engage a Manager who, without limitation on his or her other responsibilities, must –
- a. Be contactable between the hours of 8.00 am to 6.00pm Monday to Saturday inclusive.
 - b. Oversee all residential concerns.
 - c. Enforce the minimum occupancy period.
 - d. Organise the cleaning and maintenance of the common areas and common open space areas.
 - e. Enforce the maximum occupancy levels.
 - f. Provide Lodgers with appropriate information prior to the commencement of occupation.
 - g. Carry out inspections on a regular basis at a minimum of once every 3 months to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
 - h. Record all inspections in a log book, which must be made available to Council upon request.
 - i. Organise the waste collection and facility needs for the site, the ongoing storage and collection of waste on-site, the transfer of waste to and from collection points for the waste collection service as required and regular cleaning of bins/waste storage areas.
 - j. Maintain an incident register.
 - k. Maintain the electrical circuits to a safe standard.
 - l. Notify the Council in writing within 1 month of any change in the management and provide contact details for the new management.

4. MAXIMUM NUMBER OF LODGERS

- 4.1 The maximum number of Lodgers in the building is twenty-four (24). The maximum number of persons per bedroom is two [2].
- 4.2 It is the Manager's responsibility to ensure that these numbers are not exceed

5. MINIMISING IMPACTS ON RESIDENTS

- 5.1 To minimise adverse impacts upon the residents of adjoining premises as well as residents of the building, the following rules are to apply:
- a. No loud music or television noise is permitted after 10.00pm.
 - b. No parties or gatherings are permitted upon the premises after 10.00pm.
 - c. No visitors other than residents of the property are permitted after 10.00pm.
 - d. No use of the outdoor areas is permitted after 10.00pm.

Plan of Management for Boarding House

- e. No smoking is permitted in areas that may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.

6. DISPLAY OF HOUSE RULES

- 6.1 The House Rules, which are to be clearly displayed throughout the premises, must include details of the following:
 - a. Behaviour of Lodgers, including prohibited activities, use of communal areas and facilities, noise and quiet enjoyment
 - b. No smoking is permitted in rooms.
 - c. Policy on visitors
 - d. Hours of use of outdoor common areas
 - e. Emergency contact details
 - f. Advice about the responsible consumption of alcohol
 - g. A zero tolerance policy on illegal drugs
 - h. Keeping shared facilities clean and tidy
 - i. Keeping of pets
 - j. Use of parking spaces for cars, bicycles and motorcycles

7. FIRE SAFETY

- 7.1 The attached Emergency Management and Evacuation Plan and Fire Mitigation Plan form part of this Plan of Management.
- 7.2 All fire safety features within the building are to be regularly maintained in accordance with any statutory requirements.
- 7.3 A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area.
- 7.4 A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- 7.5 All Lodgers are to be made aware of the fire safety features of the building and what to do in the event of an emergency.
- 7.6 All staff must be trained in the operation of the approved Emergency Management and Evacuation Plan.

Plan of Management for Boarding House

8. CLEANING AND MAINTENANCE

- 8.1 The premises, including fixtures and fittings, are to be maintained in a safe, healthy and operative condition at all times. All common areas, including fixtures and
- 8.2 All Lodgers are to be made aware, upon their entering into an agreement to occupy, of their responsibilities for maintenance and cleaning of the premises.
- 8.3 The common open space areas are to be maintained in a neat and orderly manner. This will require garden maintenance twice per month during spring and summer and once per month during autumn and winter.

9. BOARDER/LODGER INFORMATION

- 9.1 All Lodgers are to be made aware of the contents of the approved Plan of Management and their obligations under it.
- 9.2 A full copy of the approved Plan of Management is to be permanently displayed in each boarding room and in each common area.
- 9.3 A copy of the approved Plan of Management is to be made available upon request.

10. BOARDING HOUSE FURNITURE AND FACILITIES

- 10.1 Each boarding room is to be provided with:
 - a. One (1) double bed, mattress and bedding
 - b. One (1) student desk, chair and desk lamp
 - c. Clothes storage of capacity 1 Cubic metre
 - d. Window furnishing/curtain/blind
 - e. Kitchenette with a bench, sink, under bench refrigerator and microwave oven
 - f. Bathroom facilities with a shower, washbasin and toilet
 - g. Washing machine and dryer
- 10.2 The common room is to be provided with seating for 6 persons and should also include a kitchenette with a benchtop, sink, underbench refrigerator and microwave oven and storage for broom, bucket and mop for use by Lodgers.
- 10.3 Entry doors to the building and to each boarding room and doors from boarding rooms to decks are to be fitted with a dead-bolt classroom latch able to be opened from the inside by a single-handed motion.

11. WASTE MANAGEMENT AND RECYCLING

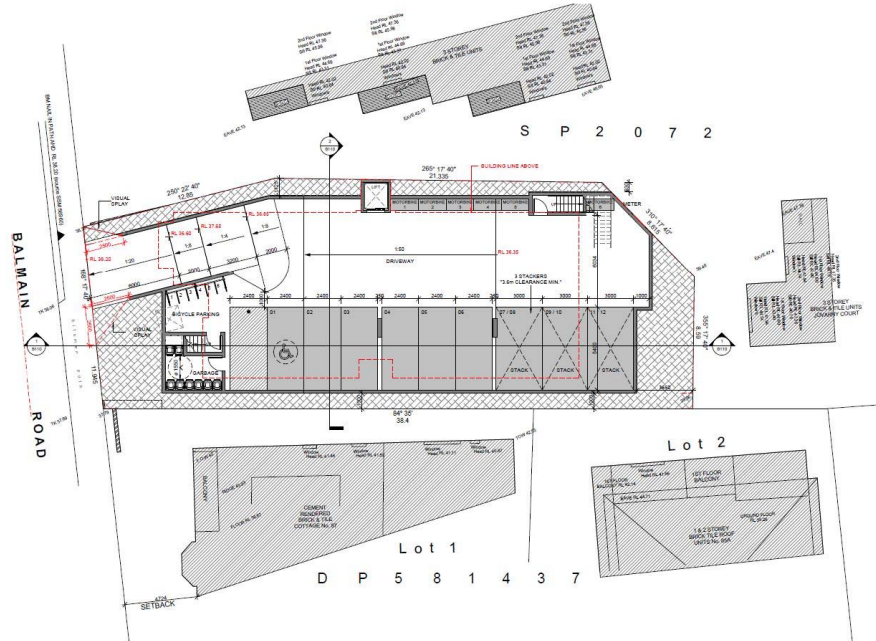
- 11.1 Residents of the facility are to be encouraged to take advantage of Council's waste and recycling facilities. It is the responsibility of each Lodger to sort garbage and place it in the appropriate receptacle.
- 11.2 A fully servicing Garbage Room is located within the basement area of the Development. This Room is to be safely accessed by all lodgers and the Manager. A hot water and cold water tap are to be provided in the Garbage Room for cleaning and maintenance.
- 11.3 The Manager is responsible for waste collection arrangements, including making sure that the waste containers are placed adjacent to the kerb on the day of collection and replaced within the property promptly after collection, as well as the servicing of special waste such as "sharps" and sanitary napkin receptacles. Where receptacles are provided for the disposal of sanitary napkins, these are to be serviced and professionally cleaned on a regular basis.
- 11.4 Collection responsibilities of the Manager include all regular garbage, recycling and green waste collection services, as well as household cleanup collection, ensuring goods for collection are managed in accordance with Council's collection requirements.

(information available on Council's website at: www.innerwest.nsw.gov.au or via Council's Customer Service Centre phone: 9367 9222)

12. SAFETY AND SECURITY

- 12.1 The following items are to be provided within the property:
 - a. Internal signage indicating the Manager's name and contact numbers
 - b. Emergency contact numbers for emergency services (Fire and Rescue, Ambulance, Police) and utility services such as gas, electricity and plumbing
 - c. Perimeter lighting
 - d. Individual room keys (a master key is to be held by the Manager and made available to emergency services)
 - e. Landline telephone within a common area available for use by Lodgers in the event of an emergency

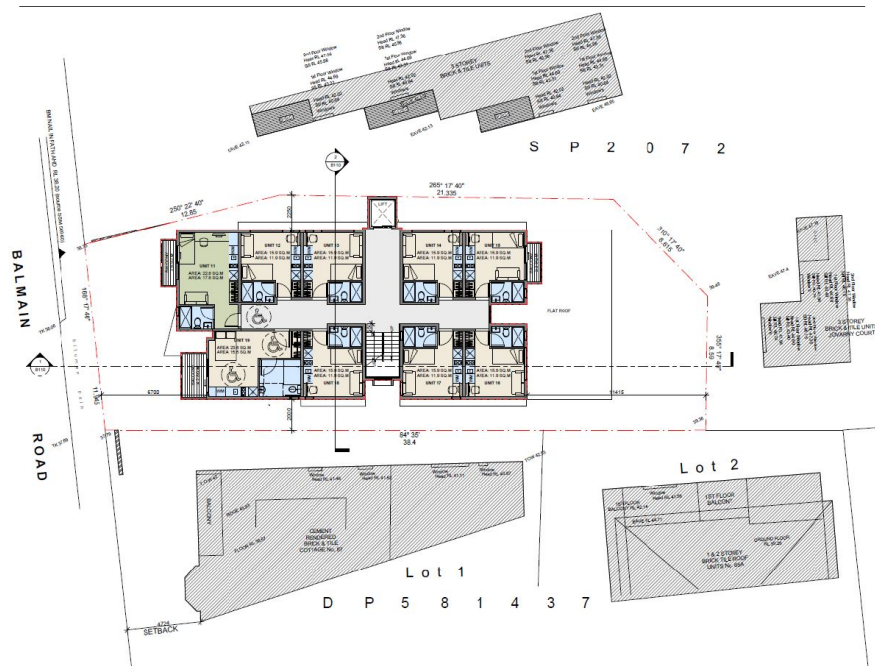
Annexure A



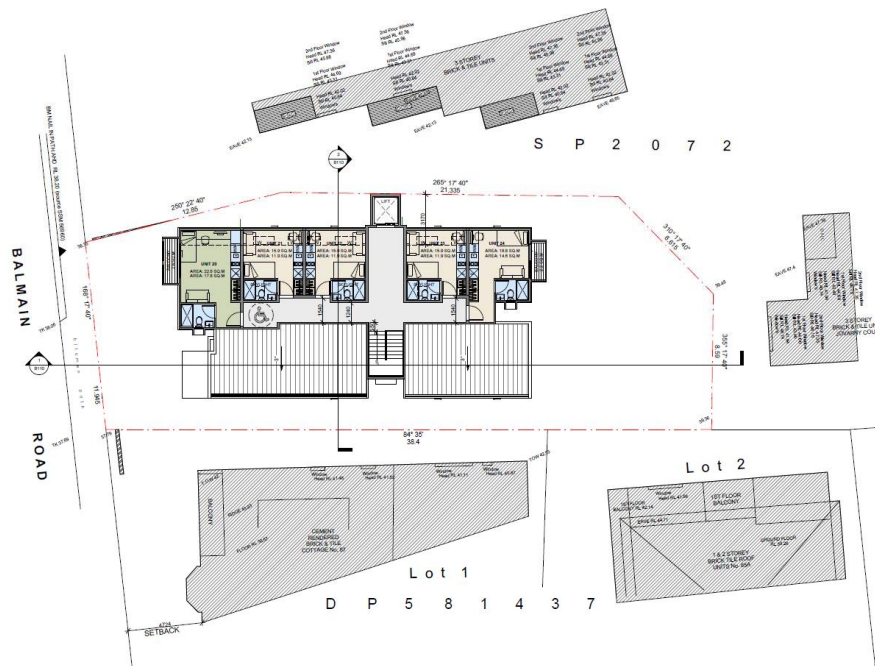
Basement Plan



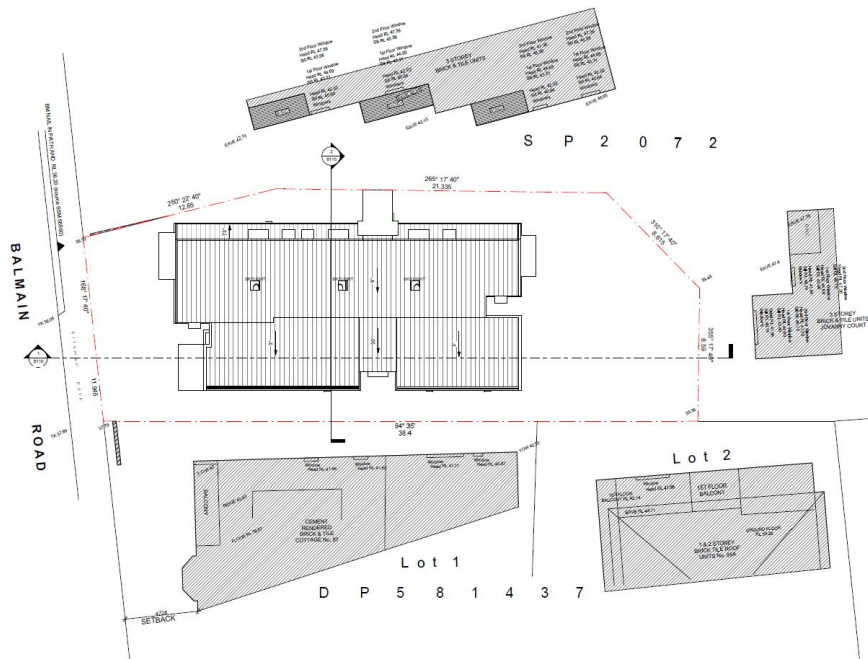
Ground Floor Plan



First Floor Plan



Second Floor Plan



Roof Plan

Annexure B**Emergency Management and Evacuation Plan****Boarding House at 89 Balmain Road, Leichhardt**

1. The Manager of the Boarding House must be trained in the following procedures. All Lodgers of the Boarding House must be made aware of the following procedures.
 2. Any Lodger, on becoming aware of an emergency, must contact the Manager.
 3. The Manager is responsible for implementing this Plan.
 4. The Manager, on becoming aware of an emergency, must take the following action:
 - 4.1 Ascertain the nature of the emergency and determine appropriate action
 - 4.2 Notify the relevant emergency service agency (Fire & Rescue, Police, Ambulance) as appropriate by telephoning 000
 - 4.3 If necessary, implement evacuation procedure:
 - Ensure all occupants turn off operating appliances, close doors and exit the building
 - Ensure orderly flow of occupants via protected areas (eg: stairwells) to designated assembly area on the Marion Street footpath in front of the building
 - Act as leader of occupants moving to designated assembly area
 - Assist occupants with impaired mobility
 - Carry out head count in designated assembly area and if necessary search all floors to ensure all occupants are accounted for
 - 4.4 If appropriate, operate first-attack fire-fighting equipment (portable fire extinguishers, hose reels and/or fire blankets) in accordance with training
 - 4.5 On arrival of the emergency service personnel, brief them on the type, location and scope of the emergency and the status of the evacuation (if any); subsequently act on the instructions of the incident commander
 - 4.6 Notify the incident commander of any people unaccounted for
 5. If the Manager is not on site when a Lodger becomes aware of an emergency, the Lodger should notify the relevant emergency service agency by telephoning 000 and should follow any instructions given by the agency.
-

Annexure C**Fire Mitigation Plan****Boarding House at 89 Balmain Road, Leichhardt**

1. The Manager of the Boarding House is responsible for implementing this Plan.
2. Cooking is permitted in the Common Room and in individual Boarding Rooms.
3. Smoking is permitted on decks, balconies and open spaces but is prohibited indoors.
4. The use of candles and other naked flames is prohibited.
5. No combustible material is to be placed within one metre (1m) of any space heater.
6. The Manager is to ensure the proper maintenance and safe operation of all electrical equipment and wiring.
7. No material is to be placed where it would obstruct a passageway, a pathway or the operation of a door.
8. Fire Certification is to take place by a qualified Fire Consultant / Engineer at regular intervals as per Council's requirements to ensure all Fire Safety equipment is up to date, and in proper working order.