






# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2018.201
<b>Address</b>	12 Gower Street, Summer Hill
<b>Proposal</b>	Demolition of existing boarding house and construction of a three (3) storey plus attic level boarding house with a maximum of 53 lodgers within 30 rooms and 15 basement car parking spaces.
<b>Date of Lodgement</b>	22 November 2018
<b>Applicant</b>	Peak Architecture
<b>Owner</b>	Mr J & Mrs J El-Alam
<b>Number of Submissions</b>	12
<b>Value of works</b>	\$2,362,125
<b>Reason for determination at Planning Panel</b>	More than 10 submissions
<b>Main Issues</b>	Landscaping, management
<b>Recommendation</b>	Approved with conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area				

Note: Due to scale of map, not all objectors could be shown.

## 1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of the existing 12 room boarding house and construction of a three storey plus attic level boarding house with a maximum of 53 lodgers within 30 rooms and 15 basement car parking spaces at 12 Gower Street, Summer Hill.

The proposed boarding house is to be operated by a registered social housing provider. The proposal will therefore add an addition 18 affordable rental housing units on the site.

The proposal complies with the relevant controls for boarding houses in the SEPP ARH.

The proposal complies with the Building Height and Floor Space Ratio development standards in the LEP.

The proposal generally complies with the relevant requirements in the DCP.

The application was notified to surrounding properties and 12 submissions were received. The main issues that have arisen from the notification include:

- Traffic and parking impacts;
- Social impact;
- Amenity impacts.

The proposal is considered acceptable and is recommended for conditional approval.

## 2. Proposal

The revised proposal includes the demolition of all existing improvements on the site and construction of a three (3) storey plus attic level boarding house. The applicant has stated that the boarding house will be operated by a social housing provider, a condition of consent confirming this arrangement has been recommended.

The boarding house contains 23 double lodger rooms and 7 single lodger rooms (including a managers room) which will facilitate a maximum of 53 lodgers (including manager).

The proposal also includes;

- A basement level which is accessed from Gower Street and includes car parking and a waste storage area;
- Landscaping; and
- Excavation to lower the existing ground level.

## 3. Site Description

The site is located on the southern side of Gower Street and is rectangular in shape with an area of approximately 603sqm. It has a primary street frontage to Gower Street.

Currently the site is occupied by a single storey detached boarding house which contains 12 boarding rooms. To the east, it is adjoined by a two (2) storey detached terrace which is identified as a heritage item (I501) and is used as a single dwelling. To the west, it is adjoined by a two (2) storey detached terrace which is identified as a heritage item (I502) and is used as a boarding house.

The immediate area is largely characterised by either three (3) storey mid-20<sup>th</sup> century residential flat buildings, two (2) storey early 20<sup>th</sup> century walk-up flats, and late 19<sup>th</sup> century two-storey detached terrace houses. On the opposite (northern) side of Gower Street is a park known as ‘Underwood Reserve’.

The site is not identified as containing a heritage item and is not located in a heritage conservation area however as discussed it is adjoined by heritage items on either side.

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
09.2018.13 (Pre-development application advice)	Demolition of the existing structures and construction of a boarding housing containing 30 rooms and a basement car park.	The scale of the development is largely similar to that proposed in the subject application. At Council’s request, notable changes were made to the design and form of the building to ensure it did not adopt as a ‘copyist’ approach and rather seek to interpret or distil the key characteristics of the neighbouring heritage items.

### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
19 February 2019	Concerns were raised about the following key matters: <ul style="list-style-type: none"> <li>- Height of the proposal and its relationship to neighbouring heritage items;</li> <li>- Landscaped front setback not consistent with area;</li> <li>- Concerns regarding internal amenity of attic level rooms relying on skylights;</li> <li>- Heritage / urban design issues largely relating to the façade;</li> <li>- Inadequate of access to private open space at rear;</li> <li>- No Parking and Traffic Impact Statement provided; and</li> <li>- Concerns with basement garage configuration.</li> </ul>
29 March, 12 April and 24 March 2019	The applicant provided amended drawings and additional information which adequately addressed all of Council’s concerns. The key amendments / additional information included: <ul style="list-style-type: none"> <li>- Height of building reduced by approximately 1.5 metres;</li> <li>- Landscaping increased in front setback and ‘clutter’ (such as motorcycle parking and waste storage area) relocated or reduced;</li> <li>- Inset balconies instead of skylights servicing attic level rooms;</li> </ul>

	<ul style="list-style-type: none"> <li>- Presentation and materials of façade changed;</li> <li>- Internal communal access provided to private open space;</li> <li>- Parking and Traffic Impact Statement prepared;</li> <li>- Further details and minor changes regarding basement garage.</li> </ul>
29 May 2019	<p>The applicant was advised that as the proposal involved the demolition of the existing 12 room boarding house, contributions for the reduction in availability of affordable housing would apply in accordance with Clause 51 of the SEPP ARH.</p> <p>The applicant subsequently confirmed that the boarding house will be operated by a social housing provider, thus ensuring there is no loss of affordable housing on the site.</p> <p>The communal private open space in the rear yard was also revised/relocated to ensure it achieve 20sqm with minimum dimension of 3m as per the SEPP ARH.</p>

## 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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

#### 5(a)(i) ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

A BASIX Certificate was submitted with the application, however the certificate is out of date as the proposal was modified during its assessment by Council.

A condition of consent is recommended that the proposal comply with the requirements in an updated BASIX Certificate.

#### 5(a)(ii) ***State Environmental Planning Policy (Affordable Rental Housing) 2009***

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP ARH) provides guidance for design and assessment of boarding house developments. The SEPP, which commenced operation on 31 July 2009, provides controls relating to various matters including height, floor space ratio, landscaped area, solar access and private open space requirements. The main design parameters are addressed below:

(i) Standards that cannot be used to refuse consent (Clause 29)

Clause 29 of the ARH SEPP prescribes that a consent authority must not refuse consent to a development application for a boarding house development if the development satisfies the following numerical controls:

(a) Density - Floor Space Ratio (Clause 29(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:*

- (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or*
- (b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or*
- (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) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
  - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.”*

Under the interpretation provisions in Clause 4 of the SEPP existing maximum floor space ratio means as follows:

***“existing maximum floor space ratio means the maximum floor space ratio permitted on the land under an environmental planning instrument or development control plan applying to the relevant land, other than this Policy or State Environmental Planning Policy No 1 - Development Standards.”***

The site is zoned R3 – Medium Density Residential under the LEP. A boarding house is permissible within the zone with the consent from Council.

Under the LEP, the maximum floor space ratio (FSR) permitted on the land is 0.7:1. Whilst the site does not contain a heritage item that is identified in an Environmental Planning Instrument, interim heritage order, or the State Heritage Register, residential flat buildings are permitted on the land so an additional FSR of 0.5:1 under Clause 29(1)(c)(i) would apply to the development. Consequently the maximum allowable FSR for the site for a boarding house development under the Affordable Rental Housing SEPP would be 1.2:1.

The development has a gross floor area (GFA) of 674sqm which represent a FSR of 1.1:1.

| The proposal complies with the floor space ratio requirements of the SEPP.

(b) Building Height (Clause 29(2)(a))

*“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.”*

A maximum building height of 12.5 metres applies to the site as indicated on the Height of Buildings Map that accompanies the LEP.

The drawings indicate that the proposal has a maximum height of 11.5 metres above existing ground level.

(c) Landscaped Area (Clause 29(2)(b))

*"If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located."*

The proposal includes approximately 90sqm of landscaping in the front setback, with a depth of 8m and a width of 10m. The balance of the length of the front setback (approximately 5m) is occupied by the proposed driveway and pedestrian entrance. The landscape treatment and proportion of the front setback dedicated to pedestrian/vehicle access is compatible with the typical front setbacks in the streetscape.

(d) Solar Access (Clause 29(2)(c))

*"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 9.00am and 3.00pm in mid-winter."*

The communal living room on the ground floor has north-east and north-west facing windows which will receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.

(e) Private Open Space (Clause 29(2)(d))

*"If at least the following private open space areas are provided (other than the front setback area):*

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers;*
- (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."*

21.26sqm of communal private open space with adequate dimensions is provided on the ground floor at the rear of the site. A compliant area for the Manager is provided.

(f) Parking (Clause 29(2)(e))

*"If:*

- (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*
- (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*
- (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*
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,*

The development is carried out on behalf of a social housing provider, as such at least 0.2 parking spaces are required for each boarding room. The development has 30 boarding rooms (including one managers room) and therefore generates the requirement of 6 parking spaces. 15 parking spaces are provided in the basement level.

- (g) Accommodation Size (Clause 29(2)(f))  
“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) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
  - (ii) 16 square metres in any other case.”

All rooms within the boarding house comply with the minimum accommodation size requirements.

- (ii) Standards for Boarding Houses (Clause 30)

Clause 30 of the ARH SEPP prescribes that a consent authority must not consent to a development to which this division applies unless it is satisfied of each of the following:

- (a) *a boarding house has 5 or more boarding rooms, at least one communal living room will be provided.*

A communal living room has been provided on the ground floor.

- (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.*

No room exceeds 25sqm (excluding private kitchens and bathrooms).

- (c) *no boarding room will be occupied by more than 2 adult lodgers.*

All rooms are for either one or two lodgers.

It is noted that the supporting documentation states that there are 7 single lodger rooms and 23 double lodger rooms, however the supplied drawings appear to indicate only 6 rooms with a single bed.

Nevertheless, it is a recommended condition of consent that (as proposed) 7 rooms be restricted to a maximum of one lodger. It is also a recommended condition of consent that the supplied Plan of Management be updated to provide a schedule maximum occupation of each room.

- (d) *adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.*

Adequate bathroom and kitchen facilities are provided within each boarding room.

- (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.*

One boarding room has been provided for a boarding house manager on the ground floor.

- (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.*

N/A

- (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.*

6 motorcycle and 8 bicycle spaces are provided for 30 boarding rooms which complies with the standard.

(iii) Character of Local Area (Clause 30A)

Under the provisions of Clause 30A of the ARH SEPP, applications for new boarding houses must satisfy a local character test which seeks to ensure developments proposed under the ARH SEPP are consistent with the design of the area.

The immediate area is largely characterised by three (3) storey residential flat buildings and two (2) storey detached dwelling houses. The subject site is located between two, two (2) storey detached dwelling houses which are identified as local heritage items. The proposal has been designed to respond to the neighbouring heritage listed buildings.

The proposal adopts significant architectural characteristics of the neighbouring heritage items including a hipped roof, inset balconies with metal balustrades, and vertically proportioned sash windows, and also adopts a sympathetic materials and finishes palette of light coloured face brick on the upper levels and red roof tiles.

Although the proposal is three (3) storeys (plus habitable attic space) in height, the built form is sympathetic to the neighbouring two (2) storey heritage items. This is due to the fact that the neighbouring dwellings have ground floor FFL approximately 950mm above the natural ground level, generous floor to floor heights of approximately 4-5 meters, and steeply pitched ~3.5m high roof forms.

In order to facilitate three (3) storeys plus attic and adequate internal floor to ceiling heights of 2.7m, the proposed ridge extends 695mm above the neighbouring heritage items. It is considered that as the proposed ridge height is acceptable as it is setback approximately 4.3m from the façade and as such the difference in height will not be readily discernible from the public domain or unreasonably impact on the significance of the neighbouring heritage items.

The three (3) storey plus attic built form is consistent with the numerous existing three (3) storey residential flat buildings in the area. It is also noted that the proposal is 1 metre below the maximum allowable building height of 12.5m for the site prescribed in the LEP.

As discussed elsewhere in this report, the proposal has a substantial front setback landscaped area which is consistent with the prevailing pattern in the street.

The proposal is considered consistent with the character of the area.

Part 3 – Retention of existing affordable rental housing

The proposal involves the demolition of the existing 12 room boarding house on the site. The proposal involves 30 boarding rooms which the applicant has stated will be operated by a social housing provider. The proposed boarding house is therefore defined as 'affordable housing' in accordance with the definition in Clause 6 of the SEPP ARH and as such there will be no reduction in 'affordable rental housing' on the site.

A condition of consent is recommended requiring that the boarding house be operated by a social housing provider in accordance with the definition in Clause 4 of the SEPP ARH. A further condition of consent is recommended requiring the creation of a covenant on the site ensuring the building is retained as an affordable boarding house in perpetuity.



*Ashfield Local Environment Plan 2013 (ALEP 2013)*

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2011*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation

(iv) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R3 – Medium Density Residential under the ALEP 2013. The *ALEP 2013* defines the development as:

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The development is permitted with consent within the zone. The development is consistent with the objectives of the zone.

The following table provides an assessment against the LEP development standards:

Standard	Proposal	non compliance	Complies
<b>Height of Building</b> Maximum permissible: 12.5m	11.5m	n/a	Yes
<b>Floor Space Ratio</b> Maximum permissible: 1.2:1 (0.7:1 under the LEP + 0.5:1 'bonus' under Clause 29(1) of ARH SEPP).	1.1:1 (674sqm)	n/a	Yes

Clause 5.10 Heritage conservation

The site is not identified as containing a heritage item and is not located in a heritage conservation area however as discussed it is adjoined by heritage items on either side.

Subject to the imposition of conditions, the proposal complies with the relevant aims and objectives of this part of the plan.

## 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes
<b>Section 2 – General Guidelines</b>	
<b>A – Miscellaneous</b>	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
4 – Solar Access and Overshadowing	Yes (see discussion below)
5 - Landscaping	Yes (see discussion below)
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	Yes (see discussion below)
11 - Fencing	Yes
15 - Stormwater Management	Yes
<b>C – Sustainability</b>	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	Yes (see discussion below)
<b>F – Development Category Guidelines</b>	
6 – Boarding Houses and Student Accommodation	Partial compliance (see discussion below)

The following provides discussion of the relevant issues:

#### Solar Access

##### *PC 1 Where for residential flat buildings*

Although there are no specific requirements for neighbouring solar access for boarding house developments, the controls in part of the plan which relate to residential flat building developments is useful given the scale of the development is similar to that of a residential flat building which is permitted on the site.

The proposal will maintain at least 2 hours of direct sunlight to the private open space and principal living rooms between 9.00am and 3.00pm during the winter solstice in accordance with this part of the plan.

#### Landscaping

There are a number of inconsistencies between the supplied landscape plan and the revised architectural plans, most notably the location of the communal private open space. It is a recommended condition of consent that the landscape plan be updated to reflect the revised architectural plans.

## Parking

### *PC3 Parking rates for specific land uses*

This part of the DCP states the following:

*'1 space per staff member. Parking rate for residents to be assessed on merit of application.'*

The SEPP ARH recommends a minimum of 0.2 spaces for boarding houses provided on behalf of a social housing provider and 0.5 spaces for all other boarding houses.

The proposed car parking rate of 0.5 spaces per boarding room is considered suitable and will reduce the proposals impact on on-street car parking, and therefore reduce the proposals environmental impacts.

As the requirement of car parking is at the discretion of the consent authority, and because the proposed car parking rate of 0.5 spaces per boarding room is considered suitable in this instance, no car parking has been included in the floor space ratio calculations as the definition of 'gross floor area' in the LEP excludes:

*(g) car parking to meet any requirements of the consent authority (including access to that car parking), and*

One car parking space has been designated for the boarding house manager in accordance with this part of the DCP.

## Boarding Houses and Student Accommodation

### *PC6 Plan of Management*

The supplied Plan of Management (POM) does not include a schedule providing detailing the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities. It is a recommended condition of consent that the POM be updated to include this information.

## Tree Preservation

The revised location of the communal private open space may adversely impact upon the proposed 'Glochidion ferdinandi' tree in the south-eastern corner of the site as shown on the landscape plan. It is a recommended condition of consent that a qualified arborist must confirm that the tree will not be adversely impacted by the location of the proposed adjoining communal private open space. The private open space/location of the tree may need to be amended to ensure this.

## 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

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 Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 41 days to surrounding properties between 19 December 2018 and 29 January 2019. The application was re-notified for 24 days between 16 April and 10 May 2019 due to revised drawings being lodged. A total of 12 submissions were received, 10 during the original notification period and 2 additional submissions during the re-notification period.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: The rooms will not be 'affordable'.  
Comment: The boarding house will be operated by a social housing provider and as such the rooms will be rent controlled and a condition will be imposed requiring the perpetual use of the building for affordable housing.

Issue: Requesting ongoing monitoring of building condition.  
Comment: Other than the requirement of annual fire safety checks, monitoring and maintenance of the building itself is the responsibility of the land owner.

Issue: Overdevelopment.  
Comment: As discussed in this report, the proposal complies with the primary relevant density control provisions including floor space ratio, building height and car parking requirements.

Issue: 'Undesirable' future lodgers and negative impact on locality.  
Comment: The personal background of future lodgers is not a planning consideration in the assessment of a boarding house.

Issue: Additional impact/stress on traffic network and car parking.  
Comment: As discussed elsewhere in this report, the proposal provides car parking in accordance with the requirements of the SEPP ARH (0.5 spaces/room). The proposal is supported by a Traffic and Parking Impact Assessment which concludes that the proposal is a moderate trip generator and that the additional trips from the proposed development can be accommodated at the nearby intersections and road network without noticeably affecting intersection performance, delays or queues.

Issue: Height not in keeping with neighbouring heritage items.  
Comment: As discussed elsewhere in this report, the proposed height (as revised) is considered acceptable and is 1 metre below the applicable maximum building height of 12.5m.

Issue: Cumulative impact of this development in conjunction with other boarding houses/RFBs in the area.

Comment: The cumulative impact of the development is not a planning consideration relevant for the assessment of this application. As discussed elsewhere in this section, the proposal is not considered 'overdevelopment' of the site.

Issue: Demolition/construction nuisances.

Comment: Suitable conditions of consent have been recommended regarding demolition and construction.

Issue: Loss of view/outlook from neighbouring RFB at the rear.

Comment: Expecting to maintain the view/outlook over a single storey building is considered unreasonable as it would quarantine any future development on the subject site to single storey within the R3 – Medium Density Residential zone and has a permissible building height of 12.5m.

Issue: Loss of value of nearby properties.

Comment: This is not a planning consideration relevant to the assessment of the subject proposal.

### 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 and issues raised in those referrals have been discussed in section 5 above.

- Engineers
  - o Council's Engineer raised a number of concerns with the original scheme largely relating to the configuration of the basement car park, the lack of any on-site stormwater detention (OSD) on the site, and that no Traffic Impact Statement had been provided. In response the applicant revised the configuration of the basement, added OSD at the front of the site and provided a Traffic Impact Statement, all of which are considered to adequately address the concerns raised by Council's Engineer.
- Heritage
  - o Council's Heritage Specialist raised objections largely in relation to the built form and façade of the original scheme. A revised scheme was prepared by the applicant in response to Council's Heritage Specialists comments. No objections were raised to the revised scheme.
- Social Planning
  - o Council's Community and Cultural Planning Coordinator raised a number of concerns with boarding houses generally. Where relevant suitable conditions of consent have been imposed.
- Tree

- Council's Tree Officer raised no objections subject to the imposition of recommended conditions of consent relating to tree preservation.
- Resource recovery
  - Council's Waste Recovery Officer raised no objections subject to the imposition of recommended conditions of consent relating to waste storage, transfer and collection.

## 6(b) External

Nil.

## 7. Section 7.11 Contributions

Section 7.11 are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area.

Based on a 'credit' of 12 existing boarding rooms, the proposed 30 bed boarding house generates a contribution of \$18,816.81 would be required for the development under Ashfield Section 94 Contributions Plan 2014. 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 *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

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. 10.2018.201 for demolition of existing boarding house and construction of a three storey plus attic level boarding house with a maximum of 53 lodgers within 30 rooms and 15 basement car parking spaces at 12 Gower Street, Summer Hill subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS

**DA 2018.201.1**  
12 Gower Street SUMMER HILL 2130

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

Demolition of existing structures and construction of a three (3) storey plus attic level, 30 room boarding house with basement car park.

#### **A** General Conditions

##### (1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers

Dwg. No.	Title	Prepared by	Date
3G	Roof	Peak Architecture	29 March 2019
4G	Basement	Peak Architecture	29 March 2019
5K	Ground Floor	Peak Architecture	29 May 2019
-	First Floor	Peak Architecture	29 March 2019
6G	Second Floor	Peak Architecture	29 March 2019
7G	Loft	Peak Architecture	29 March 2019
8E	East/Street elevation, north elevation	Peak Architecture	29 March 2019
9E	Rear elevation, side elevation	Peak Architecture	29 March 2019
10E	Section	Peak Architecture	29 March 2019
-	Section	Peak Architecture	29 March 2019
-	Materials & finishes	Peak Architecture	-
2017722 H01 '1'	Hydraulic Details	AnAcivil Pty Ltd	2 April 2019
2017722 '2'	Hydraulic Details	AnAcivil Pty Ltd	2 April 2019
18-3768 LO1 'B'	Landscape Plan	Zenith Landscape Design Pty Ltd	17 April 2019

and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

##### (2) Compliance with BCA

All works are to comply with the Building Code of Australia and relevant Australian Standard requirements. Should the existing building not comply, it must be upgraded to comply with the Building Code of Australia and relevant Australian Standard requirements.

##### (3) Boarding House Requirements

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

- a) A copy of the Plan of Management and House Rules must be annexed to each and

- every tenancy/occupation agreement for a room;
- b) 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;
  - c) The Plan of Management must not be amended without prior consent of Council;
  - d) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
  - e) The premises must be used exclusively as a boarding containing a maximum total of 29 lodger's room and 1 on-site manager's rooms with not more than 52 adult lodgers and 1 adult on-site manager residing in the premises at any one time;
  - f) Not more than 2 lodgers must occupy each boarding room;
  - g) Seven (7) rooms are restricted to no more than one lodger;
  - h) The premises must not be adapted for use as a backpacker's accommodation, serviced apartments or a residential 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.

**(4) Hot Water Systems**

Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room only.

**(5) Adaptable Housing**

A minimum of 3 adaptable boarding rooms must be provided in accordance with the Universal Accessible Design requirements and Section 2, Chapter A, Part 7 of Comprehensive Inner West Development Control Plan 2016.

**(6) Bicycle and Motorbike Parking**

The 8 off-street bicycle and 6 off-street motorbike parking spaces are to be provided, paved and maintained at all times. All spaces must be provided in accordance with the design requirements set out in Section 2, Chapter A, Part 8 of the Comprehensive Inner West Development Control Plan 2016 and must be used exclusively for parking and not for storage or any other purpose.

**(7) Air Conditioning**

No air conditioning units are to be installed in any position visible from the public domain without the prior approval of Council.

**(8) Parking Permits**

Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any prospective tenant of this condition.

**(9) Electrical Substation**

Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

**(10) Materials and colour schemes**



Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

**(11) Trees**

- a) Pruning of the following tree from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

Tree
<i>Melaleuca styphelioides</i> (Prickly – Leaved Paperbark) Prune north western side of canopy

Pruning approval of the above trees is subject to all pruning works being undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Pruning is limited to those branches that will come into direct contact with construction machinery entering and exiting the site and where branch diameter (at its point of attachment) does not exceed 40 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—*Pruning of amenity trees*.

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

Tree/location	Approved works
<i>Chamaecyparis obtusa</i> "Crippsii" (Golden Hinoki Cypress).	Remove tree

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

- c) The trees identified below are to be retained:

Tree/location
<i>Melaleuca styphelioides</i> (Prickly – Leaved Paperbark) street
<i>Callistemon viminalis</i> (Weeping Bottlebrush) street

Details of the trees to be retained must be included on the Construction Certificate plans

**(12) Waste**

- a) As a minimum requirement, enough space for the storage of 1x240L landfill and 1x 240L recycling per 6 rooms is to be provided. Extra room for a green waste bin should be considered.
- b) The storage area is to meet the requirements of the DCP Section 2, DS2.1 and 3.1
- c) Potential site for composting or worm-farming in the communal landscaped area is to be shown on the architectural drawings
- d) A dedicated area of minimum 4 square metres is required for a building of up to 20 dwellings
- e) The applicant is required to submit a completed Waste Management Plan (WMP) that addresses management of waste created during the demolition and construction phases of this project
- f) The applicant is required to submit a completed WMP that nominates a person who will be responsible for managing all aspects of landfill and recycling on this property

including but not limited to presenting bins and bringing them back in, cleaning them, notifying Council of wear and tear. This person should also be responsible for providing education and information to residents regarding source separation of waste and recycling.

**B** *Design Changes*

**(1) Tree**

It must be confirmed by a suitably qualified arborist that the proposed 'Glochidion ferdinandi' tree in the south-eastern corner of the site will not be adversely impacted by the location of the proposed adjoining communal private open space. The private open space/location of the tree may need to be amended to ensure this.

Confirmation and (if required) any amended drawings detailing compliance with this condition must be approved by the Council prior to the issue of a Construction Certificate.

**(2) Landscape plan**

The landscape plan must be amended in the following way:

- The landscape plan must be updated to reflect the ground floor plan (Dwg. No. 5K) referred to in Condition A1 of this consent including;
- In accordance with Condition B1 of this consent, the landscape plan must show the retention of the proposed 'Glochidion ferdinandi' in the south-eastern corner of the site and any subsequent changes to the adjoining communal private open space;
- Removal of the 'steppers' along the northern and southern side setbacks and replace with landscaping; and
- Removal of the steppers in the rear yard adjoining the rear wall.

Amended drawings detailing compliance with this condition must be approved by the Council prior to the issue of a construction certificate.

**(3) Clothes drying**

The ground floor plan must show adequate clothes drying facilities in the communal private open space at the rear of the site.

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

**(1) Waste Management Plan**

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Inner West Comprehensive Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.

- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

**(2) Erosion & sedimentation control-management plan**

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

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

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

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

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

Further information may be obtained from:

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

**(3) Permits – General**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction

Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(4) Dilapidation – minor**

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

**(5) Alignment Levels**

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

Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.

**(6) Security Deposit**

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$7,860.00
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(7) Public Liability Insurance**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

**(8) Long service levy**

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

**(9) Section 7.12 Contributions**

A Section 7.12 Contribution fee of \$18,816.81 is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*. The fee has been calculated based upon the construction of 30 boarding house rooms.

<b>Community Infrastructure Type</b>	<b>Contribution</b>
Local Roads	\$2,114.53
Local Public Transport Facilities	\$6,310.96
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$0.00
Local Community Facilities	\$5,348.82
Plan Preparation and Administration	\$5,042.50
<b>TOTAL</b>	<b>\$18,816.81</b>

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

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

Where:

$\$ C_C$  is the amount of the contribution for the current financial quarter

$\$ C_P$  is the amount of the original contribution as set out in this development consent

$CPI_C$  is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

$CPI_P$  is the Consumer Price Index for the financial quarter at the time of the original consent.

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

Council's Development Contributions Plan may be viewed at [www.ashfield.nsw.gov.au](http://www.ashfield.nsw.gov.au) or a copy may be inspected at Council's Administration Centre.

**(10) Services and infrastructure adjustment/relocation**

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the "Dial before you Dig" service on 1100.) Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

**(11) Home Building Act 1989 Insurance**

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

**(12) Energy Efficiency**

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Contact the Sustainable Energy Development Authority, telephone 9291 5260 for general design and construction information relating to energy efficiency. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate.

**(13) Footpath/laneway – photographs to be submitted**

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard.

**(14) Footpath, kerb and gutter protection**

The applicant shall take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath shall be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

**(15) Erosion, dust, topsoil and sediment control**

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted and approved by Council/certifier prior to the release of the Construction Certificate.

**(16) Payment of any Additional Fees**

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

**(17) Lighting Details**

Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction prior to the release of the Construction Certificate. External lighting must be provided, including, at a minimum, at the main pedestrian entry to a building and all communal areas and should be directed towards access or egress routes. To avoid creating a nuisance by light spillage onto neighbouring properties, outdoor lighting must comply with Australian Standard *AS4281-1997-Control of the obtrusive effects of outdoor lighting for details.*

**(18) General Acoustic**

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $L_{A90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assess as an  $L_{Aeq, 15min}$  and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

**(19) Air Conditioning**

Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
  - i) 10:00pm to 7:00am on Monday to Saturday: and

- ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $L_{A90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an  $L_{Aeq, 15min}$  and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

#### **(20) Mechanical Ventilation**

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

The ventilation systems are to be designed, constructed and operated in accordance with the:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- Australian Standard 3666.3 - 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council (the consent authority).

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

#### **(21) Plant and Equipment Location**

All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and provided prior to the issue of a Construction Certificate.

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

#### **(22) Plan of Management**

Prior to the issue of any Construction Certificate, the Plan of Management is to be amended for the premises to the satisfaction of Council. The amended plan shall include further detail to manage the following requirements:

1. The maximum number of boarders and lodgers
  - a) The building is to contain a maximum of 53 persons (not including children under the ages of 5 years)



- b) A schedule of which rooms are for single lodgers and which rooms are for two (2) lodgers. Seven (7) rooms must be for single lodgers only
  - c) 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*
- 2. Notices
    - a) 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.
    - b) 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.
    - c) 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.
  - 3. Light and ventilation
    - a) Adequate light and ventilation must be maintained at all times in the premises.
    - b) All partitions forming cubicles in a dormitory must be adequately constructed and provide adequate ventilation.
  - 4. Kitchen facilities
    - a) 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.
    - b) The floor of any kitchen must have an approved impervious surface and be kept in a clean and health condition, in good repair
  - 5. General cleanliness
    - a) 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.
    - b) 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.

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

#### (23) Trees

- a) 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.

- b) The following trees indicated on the Landscape Plan must be planted:

A minimum of 2 x 100 litre size replacement trees, which will each attain a minimum mature height of 10 metres, shall be planted in suitable locations within the property at

a minimum of 1.5m from any boundary or structure. The trees are to conform to AS2303—Tree stock for landscape use.

If the replacement 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.

- c) Tree protection shall be provided for the two street trees, *Melaleuca styphelioides* (Prickly – Leaved Paperbark) and *Callistemon viminalis* (Weeping Bottlebrush) in front of the site. The tree protection measures shall be in accordance with the Australian Standard Protection of trees on development sites AS 4970-2009. Details of the tree protection measures shall be submitted to and approved by Council before work commences.

No work shall commence until a Protection Zone is fenced off as per the Tree Protection Recommendations (Paragraphs 4.4 and 4.6) of the Ents Tree Impact Assessment Report, 11 July 2018, at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

- d) Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form (lettering should comply with AS 1319-Safety signs for the occupational environment), the following information:
- i. Tree protection zone;
  - ii. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
  - iii. Any encroachment not previously approved within the tree protection zone shall be the subject to advice from the Project Arborist in report form and must include the following:
    1. Proof shall be provided that no other alternative is available;
    2. On completion, the Project Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council;
  - iv. The name, address and telephone number of the builder and Project Arborist.
  - v. Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(24) Acoustic – General Acoustic**

Noise attenuation measures being incorporated into the development generally in accordance with the recommendations contained in the Acoustic Report for Proposed Boarding House at No. 12 Gower Street, Summer Hill, prepared by Acoustic Noise & Vibration Solutions P/L (Ref

No. 2017-722), dated 18 January 2018 and complying with requirements contained in the Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

**D Conditions that must be complied with before work commences**

**(1) Notice of Commencement – Notification of Works**

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

**(2) Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

*Note:* If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

**(3) Inspections required by Principal Certifying Authority**

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

**(4) Building location - check survey certificate**

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);

- (iii) site coverage of the buildings on the site.

**(5) Sanitary facilities - demolition/construction sites**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

**(6) Site fencing/security**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

**(7) Support for neighbouring buildings and notice to adjoining owners**

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must 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.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

**(8) Demolition work plan**

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

**(9) Asbestos sheeting removal - EPA/SafeWork NSW**

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and SafeWork NSW requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos

so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the SafeWork NSW. Note: There are substantial penalties for non-compliance with the above requirements.

**(10) Asbestos and/or lead removal certification**

The existing structures/land on the site potentially contain asbestos and/or lead. Following removal of any asbestos/lead located on site a clearance must be provided to the Principal Certifying Authority certifying that no such asbestos/lead remains on site from a suitably qualified person.

A copy of the clearance Certificate must be forwarded to Council before any other demolition work is commenced.

**(11) Structural engineer's certificate - superimposed loads**

A practising structural engineer's certificate to be submitted to the Principal Certifying Authority with the Construction Certificate application certifying that the existing dwelling is structurally capable of supporting the superimposed loads of the addition prior to commencement of any building work.

**(12) Roof trusses - structural engineer certification**

Details of roof trusses to be submitted to the Principal Certifying Authority and approval obtained prior to erection - for this purpose structural engineer certified truss plans will suffice and computation data is not required.

**(13) Structural Engineering Details**

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

**(14) Garbage Bay**

To ensure that waste water from washing bin is treated in an acceptable manner the garbage bay shall be designed and constructed to ensure that waste water is discharged to the sewer in accordance with the requirements of Sydney Water.

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

***E Conditions that must be complied with during construction or demolition***

**(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

**(2) Locate structures within boundaries**

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

**(3) Spoil and building materials on road and footpath**

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

**(4) Signs to be erected on building and demolition sites**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

**(5) Demolition/excavation/construction - hours of work**

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

- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

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

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

**(6) Demolition requirements/standards**

Demolition is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the SafeWork NSW.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the SafeWork NSW.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
  - (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
  - (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
  - (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with SafeWork Requirements (in particular the SafeWork standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
  - (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
  - (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
  - (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
  - (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
  - (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.

- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

**(7) Footpath, kerb and gutter protection**

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

**(8) Road opening permit – Council controlled lands**

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

**(9) Roof guttering and drainage system/disposal of stormwater**

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

**(10) Surface run-off**

Allowance shall be made for surface run-off from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

**(11) Termite treatment**

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

**(12) Waterproofing materials/installation – BCA/Australian Standards**

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC



compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

**(13) Safety Glazing - BCA**

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

**(14) Fire Detection/Alarm System installation and certification**

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
  - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

**(15) BASIX Requirements**

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained from the Department of Infrastructure, Planning and Natural Resources. For more information visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

All commitments listed in the BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

**(16) New Contamination Evidence**

Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

**(17) Vibration Criteria – Excavation or Construction**

Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

**(18) Acoustic Report**

A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval.

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.

**(19) Letterboxes**

Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

**(20) Trees**

- a) No activities, storage or disposal of materials taking place beneath the canopy of any STREET TREE protected under Council's Tree Management Controls at any time.
- b) No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

**(21) Waste**

Documentation (including receipts) regarding the destination and disposal methods of materials leaving the site must be retained by the applicant. Council may wish to audit such documentation so as to monitor compliance with the Recycling and Waste Management Plan.

**F Conditions that must be complied with prior to installation of services**

nil

**G Conditions that must be complied with before the building is occupied**

**(1) Social housing provider**

a) All of the dwellings provided in the development scheme must be used for the purpose of 'affordable housing' as defined in Part 1 Clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009; and

All accommodation that is used for affordable housing shall be managed by a registered 'social housing provider' as defined in Part 1 Clause 4(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009. Details of the registered community housing provider agreement shall be provided to Council before to occupation of the premises.

b) A positive covenant being created under Section 88E of the Conveyancing Act, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of the Inner West Council. The covenant shall be registered before the issue of an Occupation Certificate.

**(2) Compliance with submitted ridge height**

A survey report to be submitted upon completion of the works and prior to occupation verifying compliance with the approved ridge height details.

**(3) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

**(4) Public Domain works**

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

**(5) Kerb and gutter reconstruction**

The existing kerb and gutter in Liverpool Road, adjacent to the site and including the kerb return into Gower Street, shall be reconstructed in accordance with Council's Standard Plan R1 (150mm high kerb and in concrete) and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate. The new lip level shall match the existing road pavement level and have a smooth longitudinal profile. Any affected concrete footpath shall be adjusted to suit, to Council's satisfaction.

**(6) House Stormwater Disposal**

The existing site stormwater system shall be tested by a qualified plumber to ensure it functions satisfactory in discharging water to the street gutter and if it does not, repaired accordingly.

**(7) House Number**

A House Number that is clearly visible to motorists and a minimum lettering height of 100mm, shall be displayed, facing Gower Street.

**(8) Waste Collection**

Before the issue of an Occupation Certificate (interim or final) the person acting on this consent must contact Council's Coordinator, Resource Recovery to arrange the following number of bins in relation to the residential component of the approved development:

- 5 x 240L litre bins for general waste streams;
- 5 x 240L litre for recycling waste streams; and
- Up to 3 x 240L green waste bins.

**(9) Landscaping**

Before the issue of an Occupation Certificate (interim or final), the Certifying Authority must be satisfied that all landscape works have been undertaken in accordance with the approved plan and conditions of consent and must be maintained at all times to Council's satisfaction.

**(10) Mechanical Ventilation**

At the completion of the installation of the mechanical exhaust system, a certificate from the installer shall be submitted to Council or the Principal Certifying Authority indicating the following:

- a) inspection, testing and commissioning details,
- b) date of inspection testing and commissioning,
- c) the name and address of the individual who carried out the test, and
- d) a statement that the service has been designed, installed and is capable of operating to their accordance with AS 1668.2-1991/2012 – Mechanical ventilation for acceptable indoor-air quality above standard.

Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property. The system must be in accordance with the approved plans. Any requirement for the system to be visible from the public domain or adjoining properties and is not consistent with the approved plans will require further consent from Council.

Noise and vibration from the use of the mechanical exhaust and/or ventilation system shall not exceed the background noise level by more than 5dB(A) and shall not be audible in any premises of a neighbouring occupancy.

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

**(11) Heavy Duty Vehicle Crossing**

A heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access in Prospect Street before the issue of the Occupation Certificate and at no cost to Council.

**(12) Stormwater Systems (OSD)**

a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin 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 Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter

- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

b) Engineer's Certificate

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- \* the soundness of the storage structure;
- \* the capacity of the detention storage;
- \* the emergency overflow system being in place;
- \* the works being constructed in accordance with the Council approved plans; and
- \* 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 Code.
- \* basement car park pumps are class one zone two.

c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

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

**(13) Positive Covenant (OSD)**

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

**(14) Boarding House Registration**

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

Boarding House - Boarding Houses Act 2012.  
Public Health Act 2010 and the Local Government (General) Regulation 2005.

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.

**(15) Trees**

- a) Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape management plan/contract for the maintenance of the landscaping for a period of not less than two years after the installation is to be provided prior to the issue of the Occupation Certificate.
- b) 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.

**H Conditions that are ongoing requirements of development consents****(1) Boarding House Use**

Each boarding house room must be used exclusively as such and not be adapted for use as backpackers' accommodation, serviced apartments and not be used for any industrial or commercial purpose.

**(2) New Vehicular Crossing**

The vehicular crossing, kerb & gutter, and footpath works shall be constructed by your own contractor. You or your contractor shall complete an application for 'Construction of Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

**(3) Neighbourhood Amenity**

No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

The use of the boarding house, including any plant and equipment, must not give rise to:

- a) transmission of unacceptable vibration to any place of different occupancy;
- b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

**(4) Waste Collection**

Domestic waste bins from the boarding house must be stored in the 'temporary bin holding area for collection area' for collection.

The domestic waste bins are not to be placed in this area until after 7.00pm on the day prior to collection and are to be returned to their on-site storage location in the basement level within two (2) hours of the bins being collected by Council.

**(5) Boarding House Registration/Inspection**

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.

**I Advisory Notes**

**(1) Modifications to your consent - prior approval required**

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 4.55 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 4.55 modification is required.

**Warning:** There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

**(2) Occupational health and safety**

All site works must comply with the occupational health and safety requirements of the SafeWork NSW.

**Reason for the imposition of conditions**

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

**Compliance with Building Code of Australia**

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

**NOTES**

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.

- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

**SECTIONS 8.2, 8.7 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

You are advised that:

- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.



Attachment B – Plans of proposed development

The image contains several architectural drawings of a proposed development. On the left side, there are three views: an aerial view from the north, a street view from the east, and a street view from the north. On the right side, there are two street views from the north, one showing a different perspective of the building facade. The drawings are detailed line art showing building facades, windows, balconies, and surrounding context.

**Aerial view from north**

**Street view from north**

**Street view from east**

**Street view from north east**

**Street view from north east**

**Elevated view from street**

1/10/2019	Concept DA Revision
1/12/2018	Concept DA Submission
1/30/18	Pre DA 2
1/16/17	Pre DA 1
1/30/17	Sketch Design

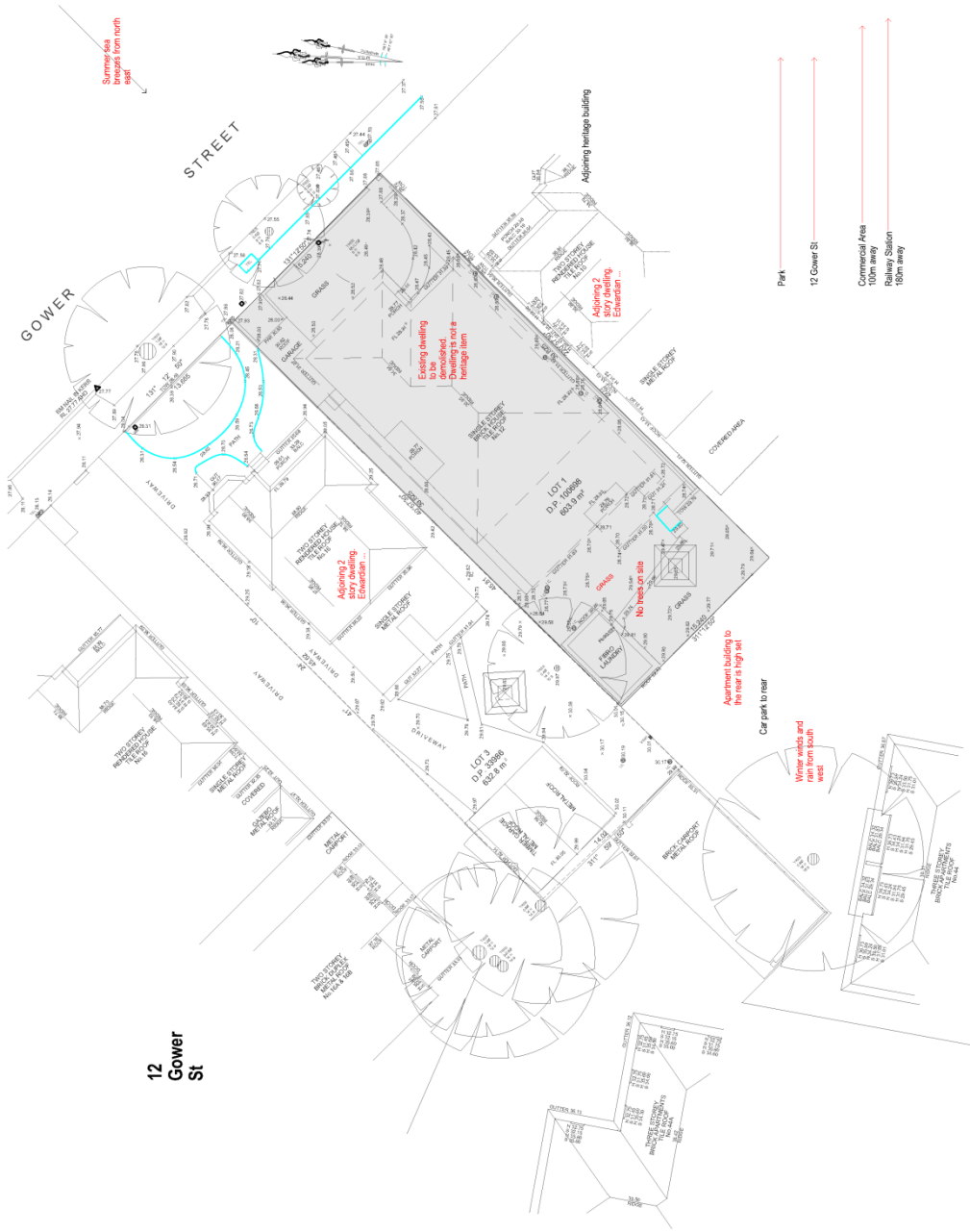
Donat Muehler Architects Reg 6225  
 NSW 02 93 915 970  
 Email: pmuehler@donatm.com  
 1/10/2019: Concept DA Revision A  
 All dimensions & heights to be checked & verified on site prior to starting construction.

**Development Application**  
 Not to be used for construction  
**Boarding House**  
 12 Gower St Summer Hill NSW

Scale: 1/100 (not on this sheet)  
 To be used for construction

Date: 1/10/2019  
 Drawn: [Name]  
 Checked: [Name]

No: 2803/19



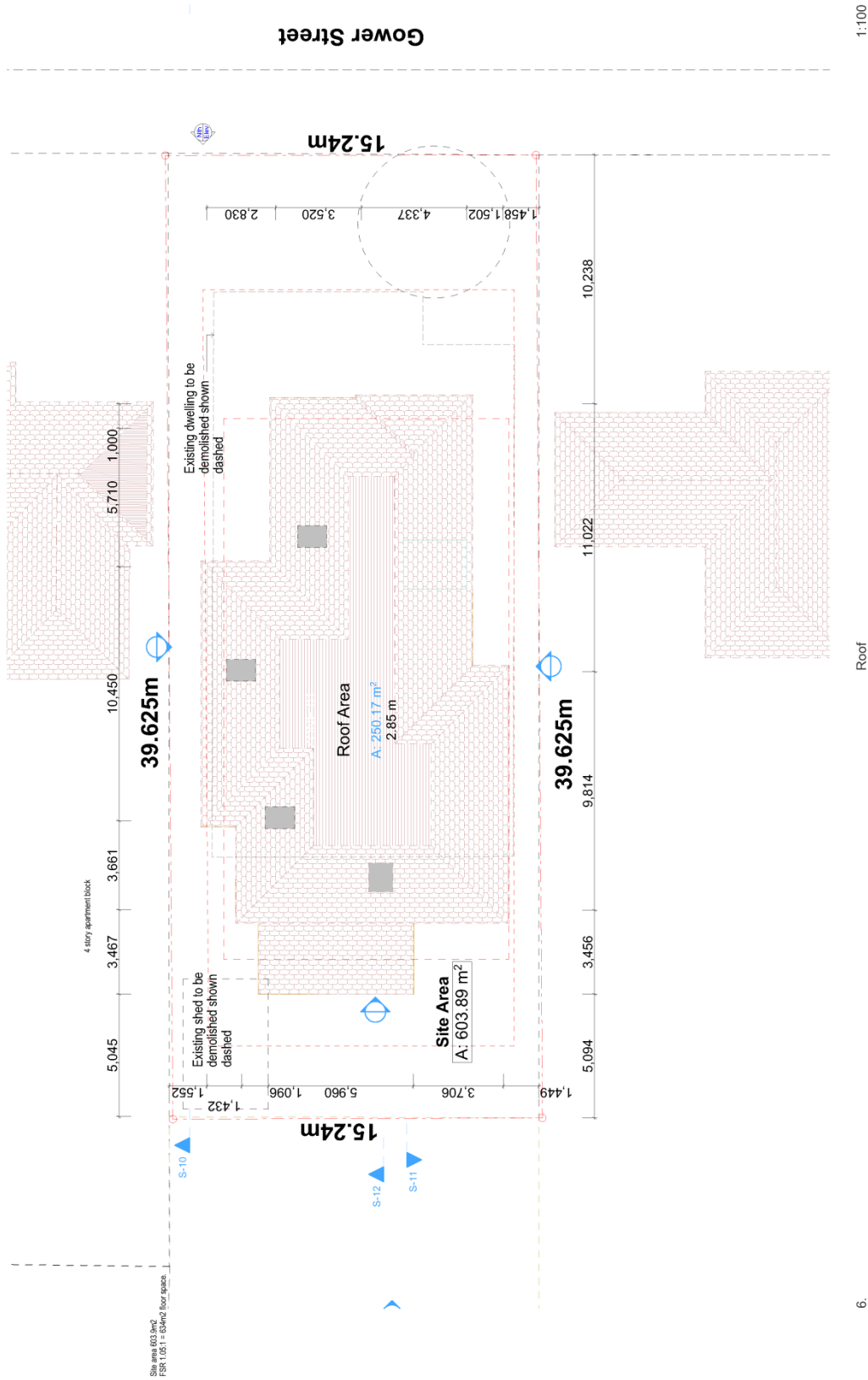
Drawn	2E
Date	29/03/19

**Development Application**  
 Not to be used for construction  
**Boarding house**  
 12 Gower St Summer Hill NSW

Scale 1:100 - 1m bar on A3 sheet  
 All dimensions & layout to be checked & verified on the prior to issuing & construction.

Peak Architecture  
 12 Gower St Summer Hill NSW 2153  
 Email: peakarch@peakarch.com.au  
 Phone: 02 9519 8750  
 www.peakarch.com.au

14/01/19	Council DA received
14/02/19	Council DA variation
16/01/19	Prn DA 2
11/05/17	Prn DA 1
10/01/17	Sketch Design



Drawn	3G
Date	29/03/19

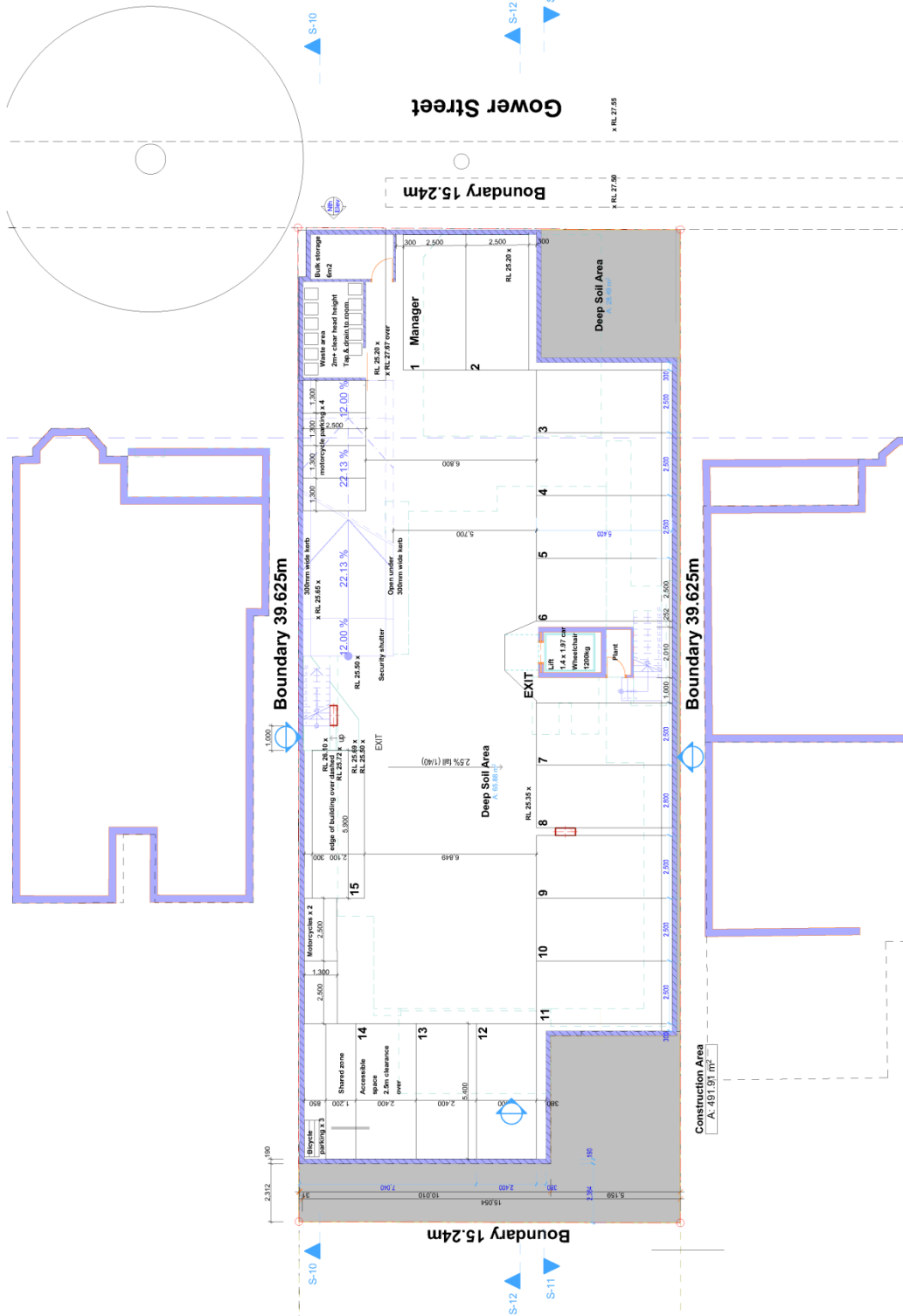
**Development Application**  
Not to be used for construction

**Boarding house**  
12 Gower St Summer Hill NSW

Scale 1:100 - 1m bar on A3 sheet  
This drawing is to be used for construction purposes only. It is not to be used for any other purpose without the prior approval of the architect.

Peak ARCHITECTURE  
177 Coniston Street, Summer Hill NSW 1585  
Email: peakarch@peakarch.com.au  
Phone: (02) 9550 6700  
Peak Architecture, Reg. 6255

A	10/17	Sketch Design
B	11/5/17	Pre DA 1
C	16/18	Pre DA 2
D	16/21/18	Concept DA Submission
E	14/2/19	Concept DA Refinement
F	14/2/19	Concept DA Refinement



Basement  
1:100

Drawn	4G
Date	29/03/19

**Development Application**  
Boarding house  
12 Gower St Summer Hill NSW

Scale 1:100. 1mm bar on A3 sheet.  
Not to be used for construction.

Peak ARCHITECTURE  
12 Gower Street Summer Hill NSW 2153  
Tel: (02) 955 6700  
Email: peakarch@peakarch.com.au  
Web: www.peakarch.com.au

F	14/5/19	Concept DA	Prep
D	16/2/18	Concept DA	Submission
C	18/8/18	Prep DA 2	
E	11/5/17	Prep DA 1	
A	10/1/17	Sketch Design	

1. -







Drawn	6G
Date	29/03/19

**Development Application**  
 Not to be used for construction  
**Boarding house**  
 12 Gowder St Summer Hill NSW

Scale 1:100. 1mm bar on A1 sheet  
 This drawing is to be used for construction purposes only. It is not to be used for any other purpose without the prior approval of the architect.



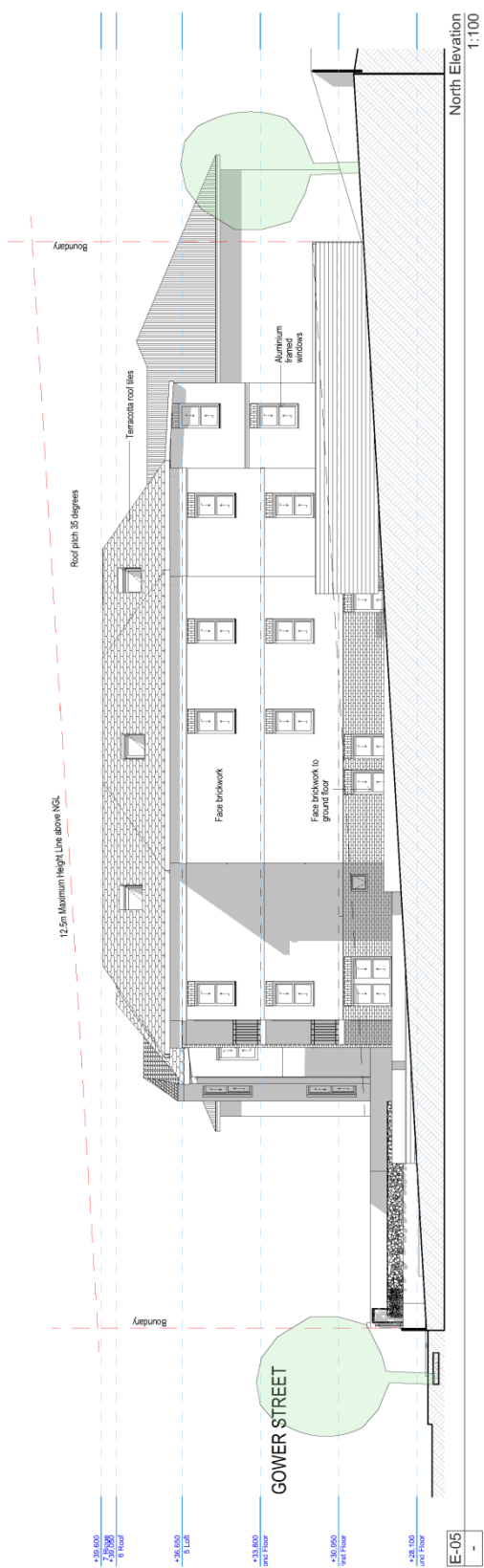
Peak ARCHITECTURE  
 Peak Architects  
 127 Conington Street, Summer Hill NSW 2128  
 Email: peakarch@peakarch.com.au  
 Phone: (02) 9518 6700

F	14/01/19	Concept DA	Architects
D	16/02/19	Concept DA	Submission
C	18/03/19	Final DA	2
E	11/05/17	Final DA	1
A	10/01/17	Sketch Design	







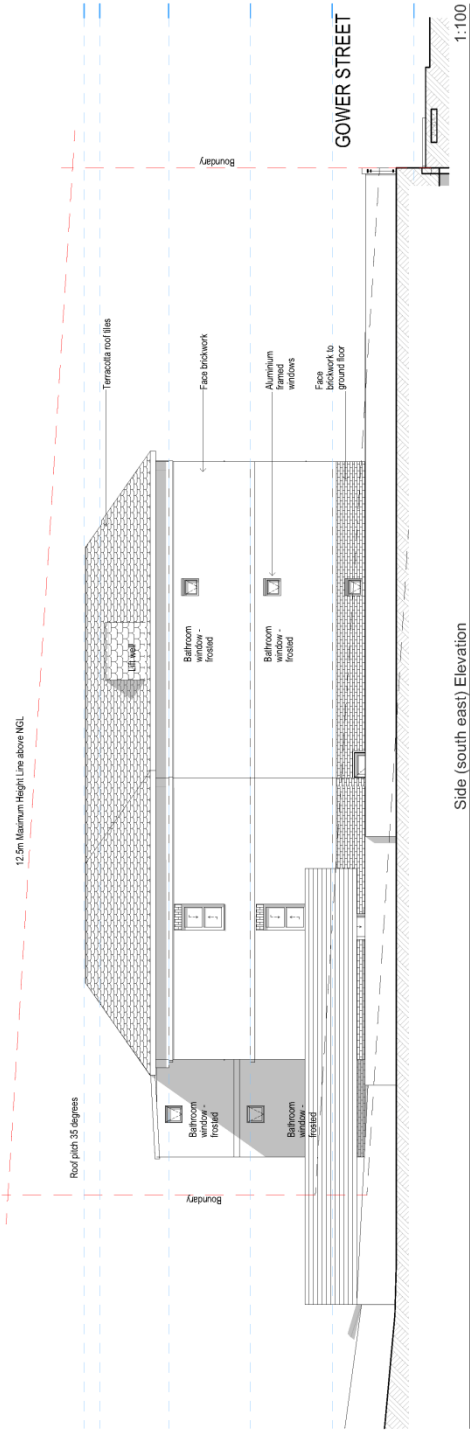
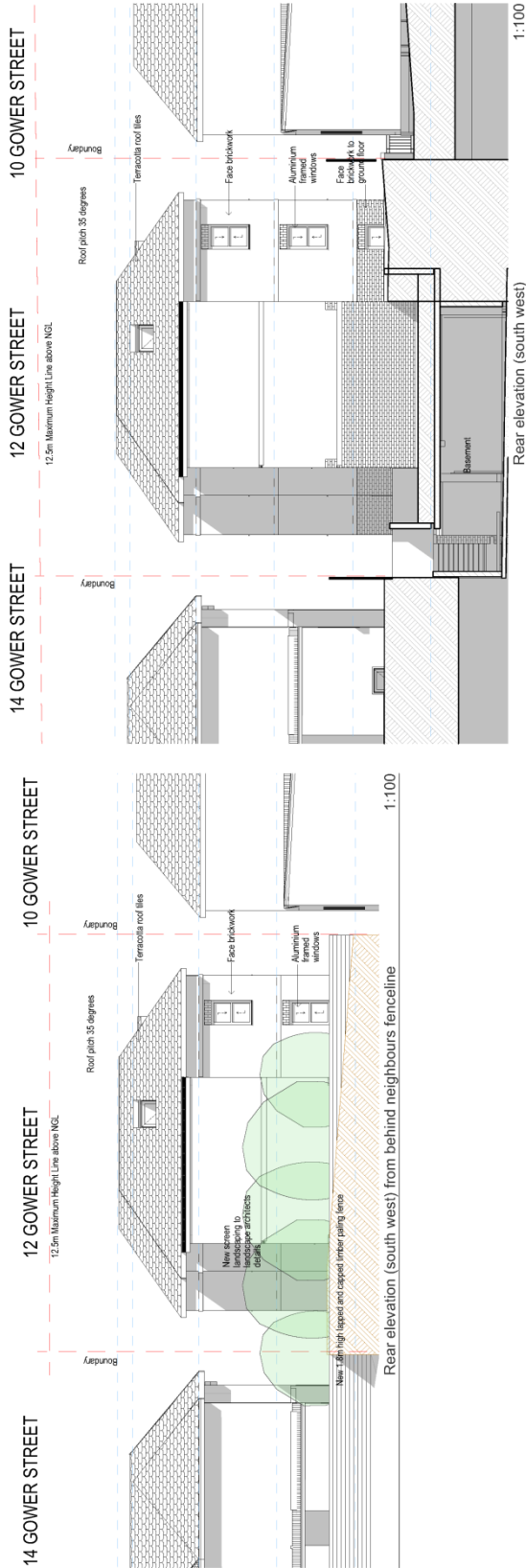


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Peak ARCHITECTURE  
 17 Conington Street, Summer Hill NSW 2143  
 Email: peakarch@peakarch.com.au  
 Phone: (02) 951 8750

1	14/01/17	Control DA Residents
2	16/02/18	Control DA Submission
3	16/01/18	Prn DA 2
4	11/01/17	Prn DA 1
5	10/01/17	Sketch Design

Development Application  
 Boarding house  
 12 Gower St Summer Hill NSW  
 Drawn by: 8E  
 Date: 29/03/19



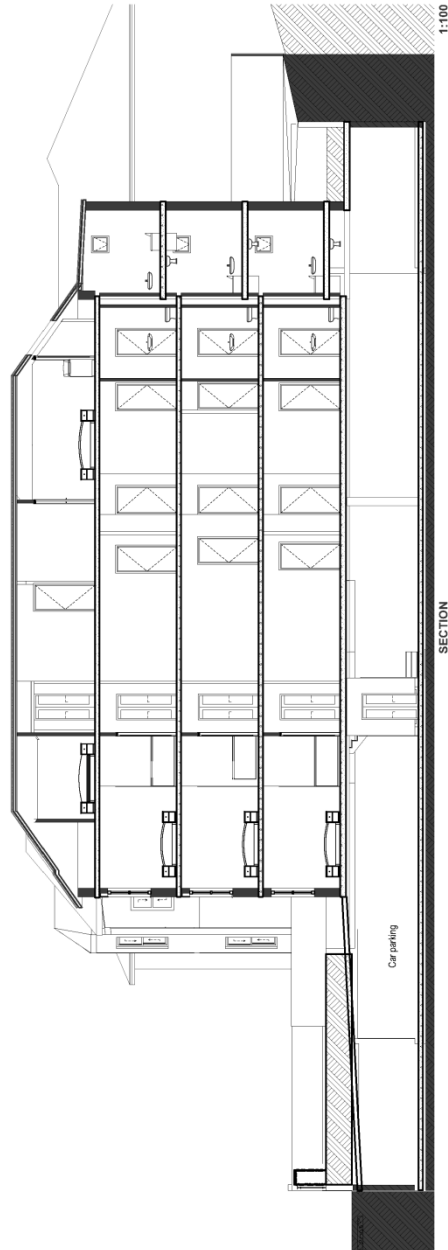
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Development Application  
Boarding house  
12 Gower St Summer Hill NSW

29/03/19

Peak ARCHITECTURE  
Peak Architecture Pty Ltd, Reg. 6265  
No. 14/20 876 670  
Email: peakarch@bigpond.com  
177 Condon St, Summer Hill NSW 2128

F	14/01/17	Concept DA	Revisions
D	14/02/18	Concept DA	Submission
C	18/01/18	Prn DA.2	
E	11/01/17	Prn DA.1	
K	10/01/17	Sketch Design	



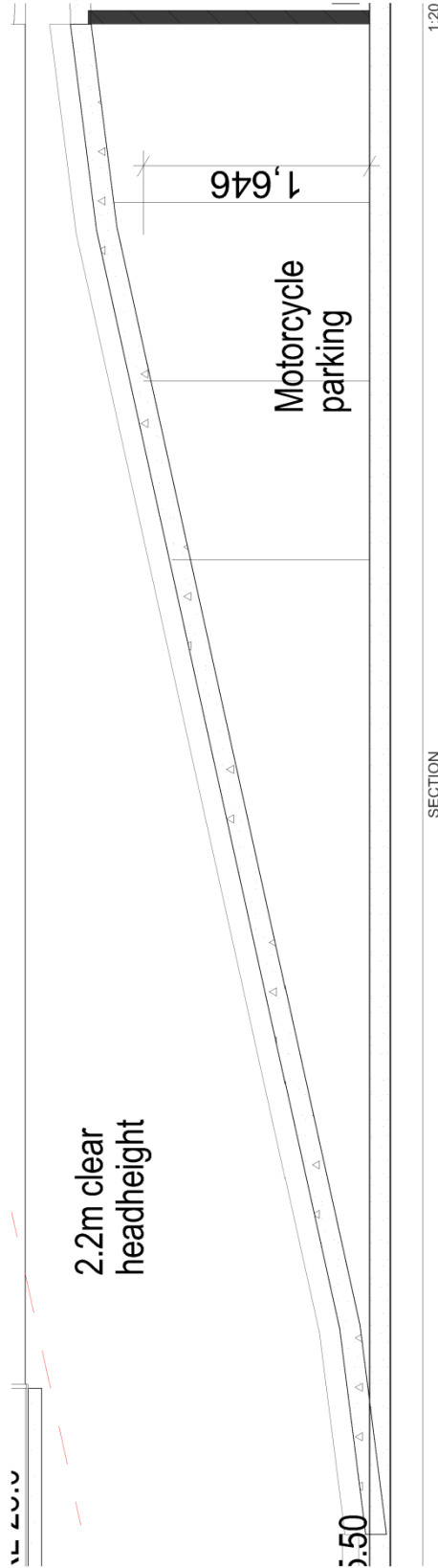
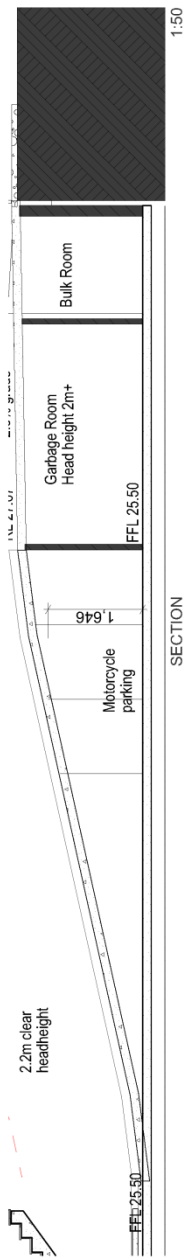
Drawn  
10E  
29/03/19

Development Application  
Not to be used for construction  
Boarding house  
12 Cowper St Summer Hill NSW

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Peak Architecture  
177 Coniston Road, Sydney NSW 1585  
Email: peakarch@peakarch.com.au  
Tel: (02) 9550 7500  
Peak ARCHITECTURE

F	14/01/18	Concept DA	Architects
G	16/02/18	Concept DA	Submission
H	18/03/18	Prn DA.2	
I	11/05/17	Prn DA.1	
K	10/01/17	Sketch Design	



F	14/01/18	Council DA	Resubmits
G	14/02/18	Council DA	Submission
C	18/01/18	Prn DA	2
E	11/05/17	Prn DA	1
A	10/01/17	Sketch Design	

Peak Architecture  
 10/01/17 - 10/01/17  
 Email: peakarch@peakarch.com  
 127 Condamine Street, Summer Hill NSW 2143  
**Peak ARCHITECTURE**

Scale 1:100 - 1m bar on A3 sheet  
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 Checked & worked on the prior  
 drawing & construction.  
**Development Application**  
**Boarding house**  
**12 Cower St Summer Hill NSW**  
 29/03/19

12 Gower St SUMMER HILL  
Boarding House  
Materials & finishes

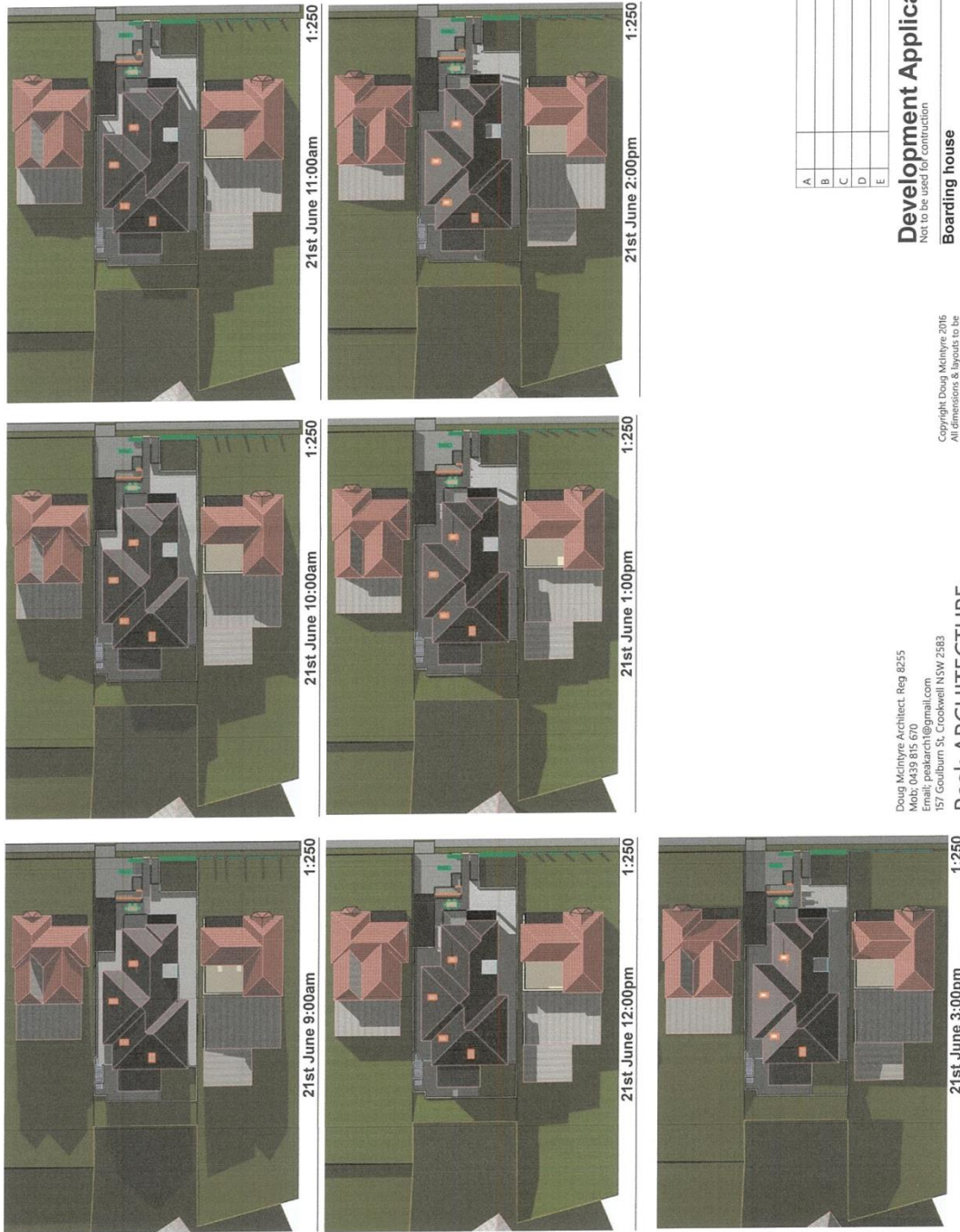


Doug McIntyre Architect. Reg 8255  
Mob; 0439 815 670  
Email; peakarch1@gmail.com  
157 Goulburn St, Crookwell NSW 2583

Peak ARCHITECTURE





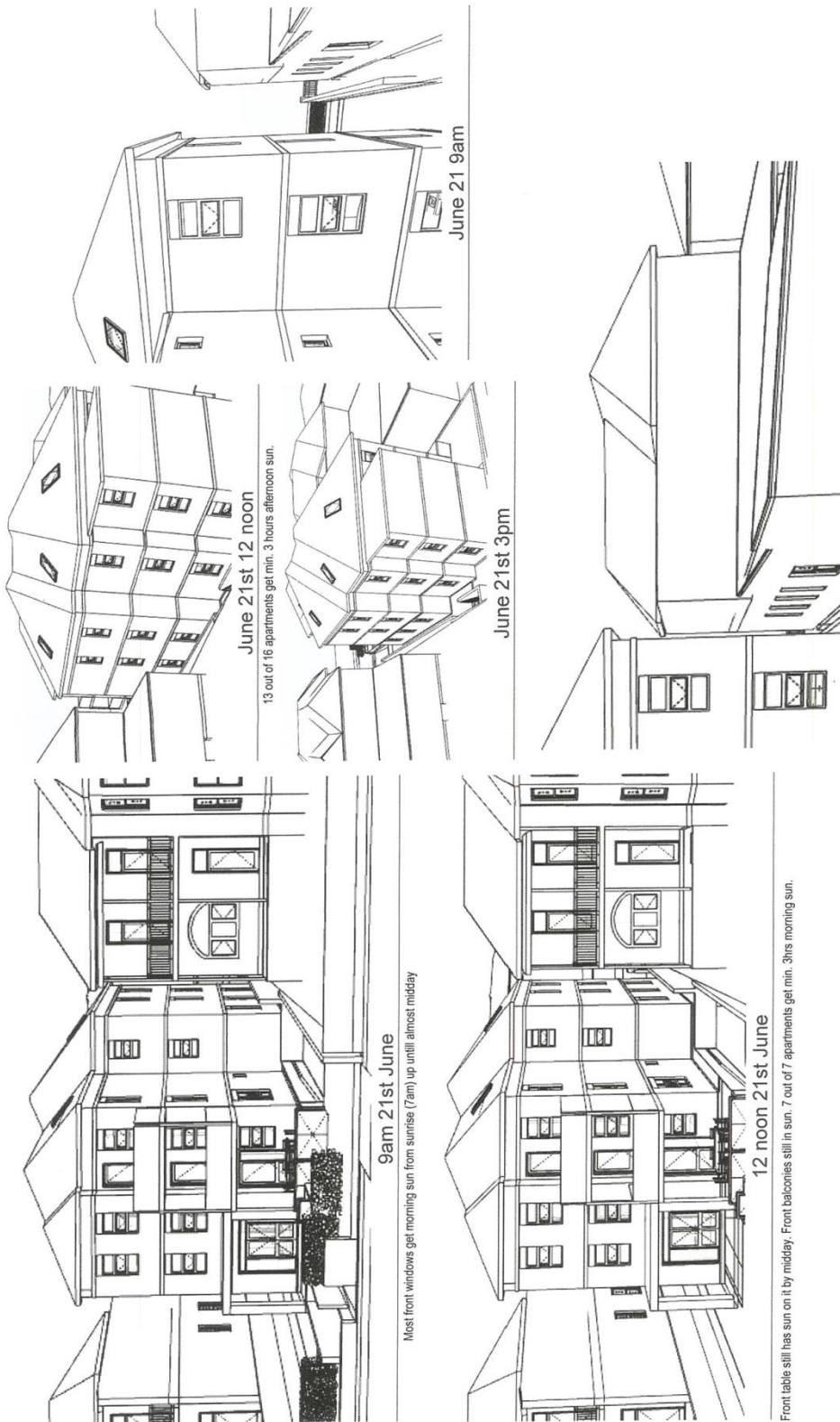


A
B
C
D
E

**Development Application**  
 Not to be used for construction  
**Boarding house**  
 12 Gower St Summer Hill NSW  
 Dwg  
 31/10/18

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Doug McInyre Architect, Reg 8255  
 Mob: 0439 815 670  
 Email: peakarchi@gmail.com  
 157 Goulburn St, Crockwell NSW 2583  
**Peak ARCHITECTURE**



Neighbours windows in full sun from sunrise at 7am till around 10am when the windows are progressively shaded. Neighbours nback yard not shaded by the proposal.

June 21 12 noon

A	
B	
C	
D	
E	

Doug McInyre Architect, Reg 8255  
 Mob: 0439 815 670  
 Email: peakarch@iemail.com  
 157 Goulburn St, Goulburn NSW 2583

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<b>Boarding house</b>	<b>12 Gower St Summer Hill NSW</b>	<b>31/10/18</b>