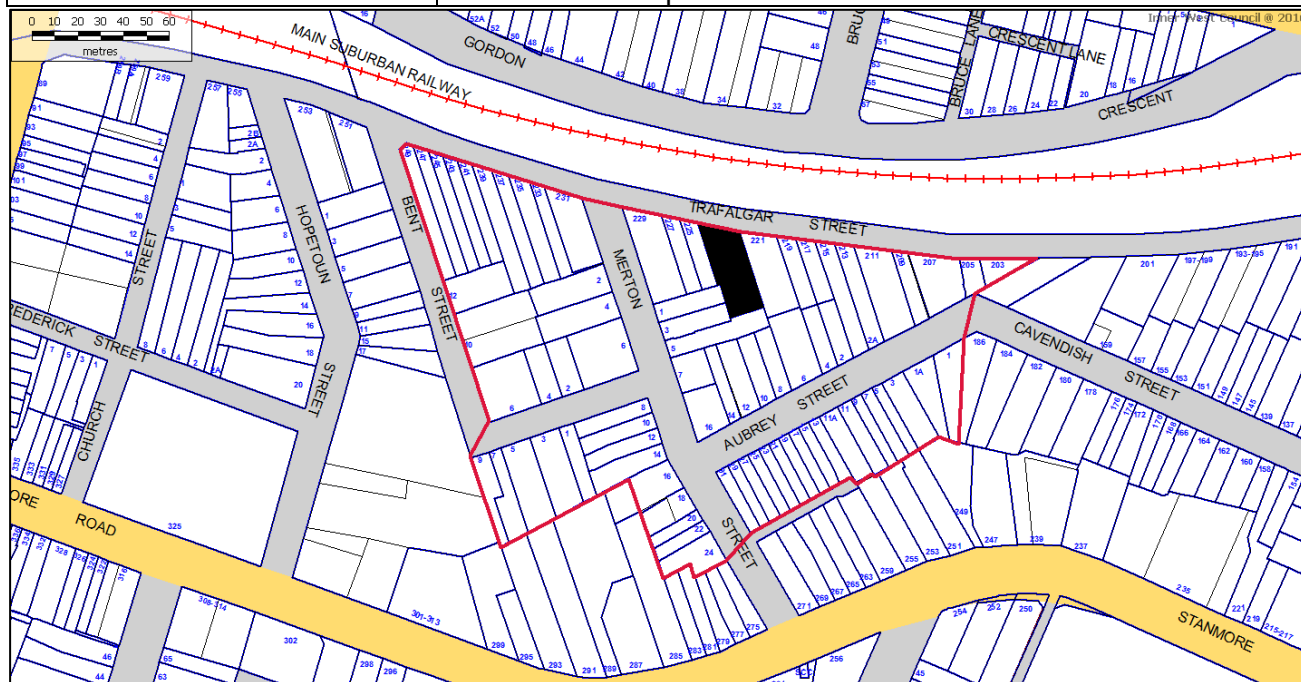




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application No.</b>                            | 201800163  |
| <b>Address</b>                                    | 223 Trafalgar Street, Stanmore   |
| <b>Proposal</b>                                   | To demolish part of the premises and carry out ground and first floor alterations and additions to a building and to use the premises as a transitional group home for a drug and alcohol rehabilitation facility. |
| <b>Date of Lodgement</b>                          | 9 April 2018   |
| <b>Applicant</b>                                  | Steps Retreats (Australia) Ltd C/- ADW Johnson   |
| <b>Owner</b>                                      | Steps Retreats (Australia) Ltd   |
| <b>Number of Submissions</b>                      | 110 submissions and a petition containing 27 signatures  |
| <b>Value of works</b>                             | \$896,687  |
| <b>Reason for determination at Planning Panel</b> | The number of submissions received exceeds officers' delegation and some demolition works are proposed to a heritage item.   |
| <b>Main Issues</b>                                | Public interest (number of submissions)  |
| <b>Recommendation</b>                             | Deferred Commencement consent  |
| <b>Attachment A</b>                               | Conditions of consent  |
| <b>Attachment B</b>                               | Plans of proposed development  |
| <b>Attachment C</b>                               | Plan of Management   |
| <b>Attachment D</b>                               | Statement of Significance  |
| <b>Attachment E</b>                               | Arboricultural Impact Assessment   |



|   |  |
|---|--|
| <b>Subject Site:</b>   | <b>*Objectors:</b>  |
| <b>Notified Area:</b>  | <b>*Too many objectors to identify on map</b>  |

## 1. Executive Summary

This report concerns an application to demolish part of the premises and carry out ground and first floor alterations and additions to a building and to use the premises as a transitional group home for a drug and alcohol rehabilitation facility.

The application was notified in accordance with Council's notification policy. A total of 110 unique submissions were received, with 103 in objection and 7 in support. A petition containing 27 signatures in objection was also received.

During the assessment process the proposal was amended to address a number of concerns raised by Council officers relating to heritage conservation and tree management. The amended proposal would not result in increased impacts to neighbouring properties and thus the amended proposal was not required to be notified in accordance with Council's Notification Policy.

The proposal generally complies with the provisions of State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The development generally complies with the aims, objectives and design parameters of Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan (MDCP 2011). The proposal would not result in any significant impacts on the streetscape or amenity of adjoining premises.

Notwithstanding, there are a number of unresolved matters regarding heritage conservation, emergency management, tree management, visual privacy and car parking. Satisfactory amended plans are required to address those outstanding matters.

Accordingly, the application is suitable for the issue of a Deferred Commencement consent subject to the imposition of appropriate terms and conditions.

## 2. Proposal

Approval is sought to demolish part of the premises and carry out ground and first floor alterations and additions to a building and to use the premises as a transitional group home for a drug and alcohol rehabilitation facility.

The works include alterations and additions to the site to provide:

### *Ground floor*

- Retention of front portion of the existing heritage building and demolition of rear portion of the heritage building and portion of a rear outbuilding;
- New reception, 2 x meeting rooms, communal dining/recreation room, laundry and accessible toilet and commercial kitchen;
- 2 accessible bedrooms with common accessible toilet and 2 regular shared bedrooms with common toilet;
- 2 x accessible car parking spaces, new accessible ramps, communal drying area and bin store, substantial landscaping of the site and outdoor alfresco area.

#### *First Floor:*

- Retention of front portion of the existing heritage building;
- A total of 6 x new shared bedrooms, 4 x new bathrooms, 2 x new offices and refurbishment of existing balconies and new first floor circulation spaces.

The following operational details were outlined in the Statement of Environmental Effects submitted with the application:

- Accommodation of up to 20 participants;
- Participation in the program is voluntary;
- All participants undergo detoxification prior to arrival on site;
- If a participant elects for any reason to leave the program at any time, they are able to do so. This will typically involve the participant being taken to an agreed pick up point where they will be met by family or friends; or to a transport hub;
- Participants can be referred by their General Practitioner, Specialist or Psychologist; or may enter the program upon application and subsequent screening / assessment;
- Suitability of admission will be discussed by the intake staff;
- The program is abstinence based, and accordingly, does not involve any drug treatments such as methadone;
- Participants will be regularly breath tested, and will provide urine samples on a random basis for testing. A positive result of these tests may result in the person being removed from the program;
- Visitation times are by appointment only limited to Sundays.
- Staff will be present at the facility 24 hours a day/7 days a week providing a supportive role where required. Staff will include the following:
  - One (1) CEO;
  - One (1) Program director;
  - Three (3) Retreat assistants (permanent);
  - Three (3) Retreat assistants (casual);
  - One (1) Cook (permanent);
  - One (1) Cook (casual);
  - One (1) Bookkeeper (casual);
- The CEO and program director will be on site Monday-Friday 9am-5pm, and will also be on call outside of these hours.
- All meals will be prepared by staff, with the exception of breakfast, which is prepared by the individuals;
- Participants will engage in a number of indoor and outdoor activities.
- The facility is not a psychiatric facility. No people will be admitted to the program under a Mental Health Order. This proposal is not a suitable (or designated) facility under the Mental Health Act, for people who require that type of care.

### **3. Site Description**

The site is known as 223 Trafalgar Street, Stanmore and is located on the southern side of Trafalgar Street approximately 35 metres east of the intersection with Merton Street. The site encompasses the lots legally described as Lot 10 in Section 1 in Deposited Plan 220 and Lot 1 in Deposited Plan 131860. The site has a 15.24 metre frontage to Trafalgar Street and a depth ranging from 34.98 metres to 43.89 metres. The site has a total area of 607sqm.

The site is listed as a heritage item under MLEP 2011, being part of 'Group of four Victorian villas (including interiors)' (Item I268). The site contains a significantly intact 2 storey Victorian villa and rear outbuilding which is currently utilised as a workshop and studio.

Vehicular access to the site is obtained from Trafalgar Street at the front of the site.

The site is located within the Stanmore South Precinct, which is predominately residential in character and the surrounding built form generally consists of single and 2 storey dwellings houses.

The following trees are located on the site and within the vicinity.

- several *Magnolia* spp. (magnolia)
- several palms of different species
- *Callistemon* spp. (bottlebrush)
- *Backhousia citrriodora* (lemon myrtle)
- *Jacaranda mimosifolia* (Jacaranda)
- *Plumeria* sp. (frangipani) - neighbouring property at 221 Trafalgar Street:

## 4. Background

### 4(a) Site history

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

#### Subject Site

Pre-DA201700214 – Proposal to use the existing dwelling as a transitional group home for up to 20 people on the land. Written advice was provided to the applicant on 29 January 2018.

#### Surrounding properties

Nil recent development history on surrounding properties

### 4(b) Application history

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

| Date             | Discussion / Letter/ Additional Information   |
|------------------|---|
| 9 April 2018     | Application lodged with Council.  |
| 19 April 2018    | Application placed on public exhibition as per Council's Notification Policy.   |
| 8 May 2018       | Notification period extended up to and including 23 May 2018 and extent of notification area expanded.                  |
| 28 May 2018      | Referral received from NSW Police.  |
| 2 October 2018   | Request for additional information provided to application regarding heritage conservation and tree management matters. |
| 16 October 2018  | Amended plans submitted to Council addressing heritage conservation matters.  |
| 15 November 2018 | Amended Arboricultural Impact Assessment submitted to Council addressing tree management matters.                       |



## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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 (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Marrickville Local Environmental Plan 2011
- Draft Marrickville Local Environmental Plan 2011 (Amendment 4)
- Marrickville Development Control Plan 2011

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 concerns the protection/removal of vegetation identified under Marrickville Development Control Plan 2011 (MDCP 2011). The proposed development includes tree removal subject to the provisions of this SEPP. The matter of tree management is discussed later in this report under the provisions of MDCP 2011.

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

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP) provides matters for consideration in the assessment of group home developments. State Environmental Planning Policy (Affordable Rental Housing) Amendment (Group Homes) 2012 was gazetted in 2012. The relevant provisions of the ARH SEPP are discussed below:

### Division 7 – Group Homes

#### (i) Definitions (Clause 42)

Clause 42 of the ARH SEPP prescribes the following definition for a *transitional group home*:

*“Transitional group home means a dwelling:*

- (a) that is occupied by persons as single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,*

*but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.”*

The development proposed as part of this application is occupied by persons as a single household with paid supervision and care and payment for lodging is required. The development is also used to provide temporary accommodation for drug or alcohol rehabilitation purposes. The development is therefore defined as for the purpose of a transitional group home under the ARH SEPP.

(ii) Development in prescribed zones (Clause 43)

Clause 43 of the ARH SEPP prescribes that development for the purpose of a transitional group home on land in a prescribed zone may be carried out with consent. In this circumstance the prescribed zone is R2 Low Density Residential. As such, the development is permissible in the zone with consent. (?)

(iii) Determination of development applications (Clause 46)

Clause 46 of the ARH SEPP prescribes the following in relation to group homes:

- (i) *A consent authority must not:*
  - (a) *refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or*
  - (b) *impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.*
- (ii) *This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.*

The development is permissible with consent under MLEP 2011 and therefore Clause 46 applies.

A Social Impact Comment (SIC) was submitted with the application which provides an assessment and concludes that there is a community need for group homes. The application was reviewed by Council's Social Impact Planner who concurs with the opinion presented in the SIC and considers that there is a community need for group homes.

Council has undertaken an assessment of the community need for the group home and therefore has met its obligations under Clause 46 of the ARH SEPP.

## **Schedule 2 – Complying Development group homes**

Schedule 2 of the ARH SEPP provides development standards for complying development applications for group homes. The development standards for complying development referred to in Schedule 2 do not apply to the development as consent is sought by way of a development application.

Notwithstanding, the development standards for complying development have been used as a guide in this report to enable a merit assessment of the subject application where there are no relevant or specific controls contained in MLEP 2011 and/or MDCP 2011 relating to the proposed development type.

It is noted that Clause 45(1)(a) prescribes that complying development may be carried out for a group home up to 10 bedrooms. The development provides 10 bedrooms and therefore

the numerical development standards prescribed in Schedule 2 would be applicable for a comparably sized development.

(iv) Site requirements (Clause 2)

The site has an area of 620sqm, has a boundary with and access to a public road, is not a battle axe lot, and has at least one area on the site that measures at least 12 metres by 12 metres and therefore is acceptable with regard to site requirements.

The development relates to an R2 Low Density Residential zone and therefore development consent has been sought.

(v) Maximum site coverage of all development (Clause 3)

Clause 3 prescribes that the group home and all ancillary development must not cover more than 70 per cent of the site area.

The development has a site coverage of 41% which is acceptable. The matter of site coverage is discussed in more detail later in this report under the provisions of MDCP 2011.

(vi) Building height (Clause 4)

Clause 4 prescribes that any building used for the purposes of a group home must not have a building height of more than 8.5 metres above ground level (existing).

The development has a height of 9.47 metres and therefore cannot be approved as complying development. Notwithstanding, the development complies with the maximum height of buildings development standard prescribed by Clause 4.3 of MLEP 2011 and the matter of height is discussed in more detail later in this report under the provisions of MLEP 2011.

(vii) Building setbacks, articulation and separation (Clauses 5-12)

Clauses 5-12 of Schedule 2 provide controls for building setbacks, articulation and separation. Part 4.1 of MDCP 2011 prescribes controls for residential development which have been used for the purpose of assessment of the subject application. The matter of building setbacks is discussed in more detail later in this report under the provisions of Part 4.1 of MDCP 2011.

(viii) Privacy (Clause 13)

Clause 13 specifies the following in relation to privacy:

- (1) *A window in a new group home, or a new window in any alteration or addition to an existing group home, must have a privacy screen for any part of the window that is less than 1.5 metres above the finished floor level if:*
  - (a) *the window:*
    - (i) *is in a habitable room that has a finished floor level that is more than 1 metre above ground level (existing), and*
    - (ii) *has a sill height that is less than 1.5 metres above that floor level, and*
    - (iii) *faces a side or rear boundary and is less than 3 metres from that boundary, or*
  - (b) *the window:*

- (i) *is in a habitable room that has a finished floor level that is more than 3 metres above ground level (existing), and*
  - (ii) *has a sill height that is less than 1.5 metres above that floor level, and*
  - (iii) *faces a side or rear boundary and is at least 3 metres, but no more than 6 metres, from that boundary.*
- (3) *A new balcony, deck, patio, terrace or verandah for the purpose of a new group home and any alteration to an existing balcony, deck, patio, terrace or verandah of a group home that has a floor area of more than 3 square metres must have a privacy screen if the balcony, deck, patio, terrace or verandah is:*
- (a) *within 3 metres of a side or rear boundary and has a floor level that is more than 1 metre above ground level (existing), or*
  - (b) *between 3 metres and 6 metres of a side or rear boundary and has a floor level that is more than 2 metres above ground level (existing).*

The development does not contain any windows or decks that meet the criteria specified in Clause 13(1) or 13(3) respectively and therefore is acceptable. The matter of privacy is discussed in more detail later in this report under the provisions of Part 2.6 of MDCP 2011.

(ix) Landscaped area (Clause 14)

Clause 14 specifies that at least 20 percent of the site must be a landscaped area with minimum dimensions of 2.5 metres and at least 50% of that area must be located behind the front building line.

The site has a central common landscaped area measuring 156sqm with no dimension less than 2.5 metres which equates to 25% of the total site area and is acceptable. It is noted that the proposal includes extensive landscaping in the front setback and throughout the site which does not meet the 2.5 metres minimum width requirement but contributes to the landscape setting of the group home.

(x) Principal private open space (Clause 15)

Clause 14 specifies that the site must have more than 24 square metres of principal private open space that:

- (a) *has an area at ground level (existing) that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and*
- (b) *is at least 4 metres wide, and*
- (c) *has a gradient that is no steeper than 1:50.*

The site provides an area of private open space that meets the above criteria and is acceptable.

(xi) Requirement to provide car parking (Clause 16)

Clause 16 prescribes that at least 2 car parking spaces must be provided on site. The development provides 2 car parking spaces in a stacked configuration which is acceptable for staff. The matter of car parking is discussed in more detail later in this report under the provisions of Part 2.10 of MDCP 2011.

(xii) Garage, carport and parking spaces (Clause 17)

The development provides car parking spaces that measure a minimum of 2.6 metres wide by 5.4 metres long and are not located more than 1 metre forward of the front building setback and are acceptable.

(xiii) Vehicle access (Clause 18)

The design and construction of the vehicular access to the site complies with Australian Standard AS 2890.1—1993, Parking facilities—Off-street car parking and is acceptable.

### **5(a)(iii) State Environmental Planning Policy (Infrastructure) 2007**

(i) Development Adjacent to Rail Corridors (Clauses 85, 86 and 87)

The site is located adjacent to a rail corridor. Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for residential developments, requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

The site is located on the southern side of Trafalgar Street and faces the 2 storey RailCorp Training Facility (located on the northern side of Trafalgar Street) rather than the rail line which is located approximately 20 metres to the north of the development. An Acoustic Report was submitted with the application which concludes that the development achieves compliance with the requirements of Clause 87 of the Infrastructure SEPP:

### **5(a)(iv) Marrickville Local Environment Plan 2011 (MLEP 2011)**

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

- (i) Clause 2.3 - Land Use Table and Zone Objectives
- (ii) Clause 2.7 - Demolition
- (iii) Clause 4.3 - Height
- (iv) Clause 4.4 - Floor Space Ratio
- (v) Clause 5.10 – Heritage Conservation
- (vi) Clause 6.5 - Development in areas subject to Aircraft Noise

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

| <b>Standard (maximum)</b>                          | <b>Proposal</b> | <b>% of non-compliance</b> | <b>Complies</b> |
|--|-----------------|----------------------------|-----------------|
| <b>Floor Space Ratio</b><br>Permitted: 0.6:1       | 0.57:1          | N/A                        | Yes             |
| <b>Height of Building</b><br>Permitted: 9.8 metres | 9.47 metres     | N/A                        | Yes             |

The following provides further discussion of the relevant issues:

(i) Land Use Table and Zone Objectives (Clause 2.3)

The site is zoned R2 - Low Density Residential under the provisions of MLEP 2011. The development is permissible with consent under the zoning provisions applying to the land.

The development is considered acceptable having regard to the objectives of the R2 - General Residential zone.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Height (Clause 4.3)

A maximum building height of 9.5 metres applies to the site as indicated on the Height of Buildings Map that accompanies MLEP 2011. The development has a maximum building height of 9.47 metres above ground level (existing) as per the definition of building height which complies with the height development standard.

(iv) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.6:1 applies to the site as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has a gross floor area (GFA) of 355.08sqm which equates to a FSR of 0.57:1 on the 620.30sqm site which complies with the FSR development standard.

(v) Heritage Conservation (Clause 5.10)

The site is listed as a heritage item under MLEP 2011, namely 'Group of four Victorian villas (including interiors' (Item I268). The site contains a significantly intact Victorian villa.

**Statement of Significance:**

The houses were built in 1880's as part of the Annandale Estate. The villas display the late Victorian delight in applied ornament to their buildings. They are sited prominently overlooking the railway line adjacent to Stanmore station and form an unusual and distinctive group.

**Physical Description:**

Four late Victorian villas, Nos. 223 and 229 Trafalgar Street are identical two-storey free standing terraces whilst Nos. 225 and 227 Trafalgar Street are mirror image two-storey asymmetrically fronted villas. No. 229 displays its original palisade fence and rendered piers and slate roof. The houses display Italianate detailing.

Clause 5.10(4) prescribes that the consent authority must, before granting consent under this clause in respect of a heritage item, consider the effect of the proposed development on the heritage significance of the item or area concerned.



A Heritage Impact Statement was submitted with the application under Clause 5.10(5) which assesses the extent to which the carrying out of the development would affect the heritage significance of the heritage item. The HIS was reviewed by Council's Heritage Advisor and is discussed in more detail later in this report under the provisions of Part 8 of MDCP 2011.

The development satisfies the requirements of Clause 5.10 of MLEP 2011.

(vi) Development in areas subject to Aircraft Noise (Clause 6.5)

Clause 6.5 applies to development on that that (in part) is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.

The site is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour and as such the development is likely to be affected by aircraft noise. The carrying out of development would result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2015. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2015. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

## 5(b) Draft Environmental Planning Instruments

### 5(b)(ii) Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

## 5(c) Development Control Plans

### 5(c)(i) Marrickville Development Control Plan 2011

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

| Part  | Compliance                  |
|---|-----------------------------|
| Part A.2 Information to be submitted with a development application | <b>Yes – see discussion</b> |
| Part 2.1 Urban Design   | <b>Yes</b>                  |
| Part 2.5 Equity of Access and Mobility                              | <b>Yes – see discussion</b> |
| Part 2.6 Visual and Acoustic Privacy                                | <b>Yes – see discussion</b> |

|  |                             |
|--|-----------------------------|
| Part 2.7 Solar Access and Overshadowing        | <b>Yes – see discussion</b> |
| Part 2.8 Social impact Assessment              | <b>Yes – see discussion</b> |
| Part 2.9 Community Safety                      | <b>Yes – see discussion</b> |
| Part 2.10 Parking                              | <b>Yes – see discussion</b> |
| Part 2.11 Fencing                              | <b>Yes – see discussion</b> |
| Part 2.16 Energy Efficiency                    | <b>Yes</b>                  |
| Part 2.18 Landscaping and Open Spaces          | <b>Yes – see discussion</b> |
| Part 2.20 Tree Management                      | <b>Yes – see discussion</b> |
| Part 2.21 Site Facilities and Waste Management | <b>Yes – see discussion</b> |
| Part 2.25 Stormwater Management                | <b>Yes</b>                  |
| Part 4.1 Low Density Residential Development   | <b>Yes – see discussion</b> |
| Part 8 Heritage                                | <b>Yes – see discussion</b> |
| Part 9 Strategic Context                       | <b>Yes – see discussion</b> |

The following provides discussion of the relevant issues:

### **PART A.2 - INFORMATION TO BE SUBMITTED WITH A DEVELOPMENT APPLICATION**

#### **(i) Plan of Management (Part A.1.6)**

Part A.1.6 of MDCP 2011 requires a Plan of Management to be submitted with applications for a group home describing how the ongoing operation of the premises would be managed in the most efficient manner and to reduce any adverse impacts upon the amenity of surrounding properties.

A Plan of Management was submitted with the application which provided details regarding the following matters:

- Purpose of the Plan
- Amenity of the neighbourhood
- Use of external areas
- Transport arrangements
- Admission procedures
- Participant numbers
- Staff numbers
- Details of daily activities
- Services
- Safety and security
- Complaints handling
- Visitors
- Emergency control plan
- Waste management

A number of submissions were received in response to Council's notification of the proposal, including objections to the development on the grounds that the POM is deficient. Council must consider whether the POM can be relied upon to provide some certainty in the operation of residential accommodation.

In Land and Environment Court proceedings *Renaldo Plus 3 Pty Limited v Hurstville City Council* [2005] NSWLEC 315, Commissioner Brown established a planning principle for the assessment of the adequacy or appropriateness of a POM to the particular use and situation. The 'Plan of Management' Planning Principle developed as a result of that judgement is used hereunder to assess the adequacy and appropriateness of the POM submitted with the application, specifically paragraphs 53-55 which are reproduced below:

- 53 *Management Plans (or similarly named documents) provide further details on the operation of a particular use that may not necessarily be appropriate as conditions of consent. Management Plans are a well-known concept in environmental law... Often, and is the case in this application, the contents of a Management Plan are critical to the decision of whether a development application should be approved or refused.*
- 54 *In considering whether a Management Plan is appropriate for a particular use and situation, the following questions should be considered:*
- 1 *Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval?*
  - 2 *Do the requirements in the Management Plan require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case?*
  - 3 *Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action?*
  - 4 *Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?*
  - 5 *Can the people the subject of the Management Plan be reasonably expected to know of its requirements?*
  - 6 *Is the Management Plan to be enforced as a condition of consent?*
  - 7 *Does the Management Plan contain complaint management procedures?*
  - 8 *Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?*
- 55 *It is appropriate that each of these questions are addressed individually.*

***Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval?***

There is nothing in the POM that is inconsistent with, or does not complement the proposed use. The terms of the POM seek to provide operating guidelines for the premises, including admission criteria, staffing details, security procedures and the like.

***Do the requirements in the Management Plan require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case?***

The POM specifies a number of restrictions on participants. These include the use of common areas to cease at sunset, that no participants be permitted to have their own vehicles on site, and that all admitted participants must be sober and chemical free for a period of 72 hours prior to admission to the facility.

As discussed in the Statement of Environmental Effects, the program carried out on site is entirely voluntary, and any person is free to leave the program at any time and if that is the case, will not be readmitted to the clinic.

The program is voluntary and therefore it would be considered reasonable that all admissions are provided with a copy of the POM and agree to abide by the contents of the POM at all times.

The POM also places an obligation on staff to ensure that the admissions and discharge process is carried out in accordance with the prescribed criteria identified in the POM. Staff members are employed voluntarily and have an interest in the business operating in the most efficient manner.

Considering the above, the POM would not require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case.

***Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action?***

The POM outlines a robust complaint handling system including the following procedures:

- A contact phone line shall be established for the registering of complaints in relation to the use of the site. The phone number will be notified by letter drop to nearby residents in Trafalgar Street, and shall be displayed at the entry to the site. The phone line will be monitored 24 hours a day, seven (7) days a week by onsite staff who will be instructed in the requirements of this plan.
- The facility will establish and maintain a complaints register in which all complaints shall be recorded. An opportunity shall be provided to the complainant to meet with the onsite manager to explain the nature of the complaint, who shall use their best endeavours to resolve any reasonable complaint.
- The onsite manager is to take reasonable steps to advise the person making the complaint of action carried out in respect of the matter.

Despite the complaint handling procedure prescribed in the POM, and if deemed necessary, any breaches of the plan of management would constitute a breach of development consent, and breaches of the consent can be enforced through the ordinary process.

Compliance with the requirements of the POM ultimately rests with the operator of the premises and/or the person acting on the consent. If any action needs to be instigated for breaches of the POM, it is likely that the person responsible for the breach can be identified either through visual observations or through records associated with the complaints handling process.

***Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?***

For a POM to be effective, a single breach or small number of breaches should not create a situation where there is unacceptable impact. In this case, the submissions received in response to notification of the proposal raise concerns that primarily relate to the operation of the premises causing amenity impacts to the neighbourhood.

The development is a type of residential accommodation, and therefore the potential impacts are domestic in nature. A single breach in the operating procedure or small number of

breaches is not expected to create a situation where there is unacceptable impact for a prolonged period on the amenity of neighbouring development.

Single incidents such as the use of the common open space in a noisy manner could be expected from any residential environment and is not unique to the subject use. Indeed the subject use is subject to stricter requirements under the POM than other residential accommodation generally, such as participants not using available on street car parking.

A number of submissions raised concern with regard to the potential criminal behaviour of participants in the program. This claim is not substantiated and relies on the perception of participants involved in drug and alcohol rehabilitation programs as being unsafe or having a criminal record. The application was referred to the Crime Prevention Officer at Inner West Police Area Command of NSW Police who raised no concern over the development. The assumption that occupants will engage in criminal activity is unwarranted.

As such, it is considered that absolute compliance with the requirements of the POM is not necessary to achieve an acceptable noise environment for local residents and isolated events would not cause significant impact on the amenity of the nearby residential accommodation.

***Can the people the subject of the Management Plan be reasonably expected to know of its requirements?***

The people the subject of the POM are staff employed in association with the use and participants. A condition is included in the recommendation requiring that all staff and participants be made aware of the POM and agree to abide by the procedures in the POM at all times as a condition of employment/admission.

The implementation of the above would ensure that all persons the subject of the POM would be expected to know of its requirements.

***Is the Management Plan to be enforced as a condition of consent?***

A condition is included in the recommendation requiring compliance with the POM at all times.

***Does the Management Plan contain complaint management procedures?***

Yes.

***Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?***

The POM does not contain any procedure for updating or changing its requirements. A condition is included in the recommendation requiring that no change to the POM be executed without the prior approval of Council.

In conclusion, an assessment of the adequacy or appropriateness of a POM to the particular use and situation the subject of this application has been carried out in accordance with the 'Plan of Management' Planning Principle specified in *Renaldo Plus 3 Pty Limited v Hurstville City Council [2005] NSWLEC 315*. Council considers that the POM is acceptable and will have the effect of minimising any potential impact on the surrounding residential accommodation and ensuring that the ongoing operation of the premises would be managed in the most efficient manner. Should any issues arise, a complaint handling process is in place to ensure those complaints are dealt with appropriately.

## **PART 2 - GENERIC PROVISIONS**

### **(ii) Equity of Access and Mobility (Part 2.5)**

Part 2.5 of MDCP 2011 requires consideration to be given to equity of access and mobility before granting development consent. The table below summarises the minimum access requirements with regard to accessible facilities, accessible rooms and parking requirements as prescribed by Part 2.5.10 of MDCP 2011 and the proposal's compliance with those requirements:

| <b>Control</b>         | <b>Standard</b>  | <b>Required</b>   | <b>Proposed</b>   | <b>Complies?</b> |
|------------------------|--|---|---|------------------|
| Accessible Rooms       | 1 accessible bedroom for every 5 guest rooms or part thereof   | 2 accessible rooms  | 2 accessible rooms  | Yes              |
| Access and Mobility    | Access for all persons through the principal entrance and access to any shared laundries, kitchens, sanitary and other common facilities | All areas of the proposed development accessible by persons with a disability | All areas and shared facilities accessible by persons with a disability | Yes              |
| Accessible Car Parking | 1 accessible parking space for every 10 bedrooms   | 1 spaces for 10 rooms   | 2 accessible car parking spaces   | Yes              |

*Table 1: Equity of Access and Mobility Compliance Table*

The development complies with the above requirements.

It is noted that whilst Part 2.5 does not prescribe controls relating specifically to group home accommodation, the development is classified by the BCA as a Class 3 and 5 building, and therefore the requirements for other similar Class 3 uses have been used for assessment purposes.

Accessible car parking has been allocated to staff members only, as no car parking is allocated to residents.

### **(iii) Visual and Acoustic Privacy (Part 2.6)**

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy. To ensure the development maintains acoustic and visual privacy for the surrounding residential properties and for future occupants of the development, the following aspects are discussed:

#### **Visual Privacy**

- The principal area of common and private open space for the group home is located on the ground floor level and therefore no concern is raised in relation to overlooking.
- The development includes retention of all existing windows, doors and balconies on the ground and first floor level of the existing heritage building which was designed, constructed and most recently used for residential accommodation. All upper level external windows and doors of the existing portion of the building will continue to be used for a residential purpose and servicing bedrooms and bathrooms. These are not considered to result in significant adverse impacts on the amenity of adjoining residential accommodation with regard to visual privacy and are therefore acceptable;



- The new portion of the building contains first floor external circulation including stairs and a corridor, and 2 x new offices on the first floor level. The external circulation and windows servicing the offices have been provided with fixed external timber batten privacy screens covering the full height of the first floor level. The privacy screens are considered sufficient to protect the amenity of the adjoining dwellings to the east at No. 221 Trafalgar Street and mitigate any potential visual privacy impacts;
- The development includes a single rear facing window on the first floor level servicing shared bedroom 8. The window has a sill height of 2.1 metres and therefore would not afford any occupant views towards the rear of the site or to any adjoining residential accommodation to the east, south or west and is acceptable.

The proposal is considered to comply with the visual and acoustic privacy controls under MDCP 2011. The layout and design of the development would ensure that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties is protected. The development maintains a high level of acoustic and visual privacy for the surrounding residential properties and would ensure a high level of acoustic and visual privacy for future occupants of the development itself. Windows have been appropriately placed and screened within the development to ensure the potential for adverse visual privacy impacts are mitigated.

Notwithstanding the above, the eastern end of the first floor corridor is located in close proximity to the eastern boundary and has not been screened. A condition is included in the recommendation requiring that the first floor level timber screening or the external wall cladding be extended to cover that part of the eastern end of the first floor corridor adjacent to Window W104.

### **Acoustic Privacy**

An Acoustic Assessment was submitted with the application. The report provided recommendations for materials and finishes at the construction stage. These recommendations are designed to ensure that any adverse acoustic impacts onto neighbouring properties are alleviated and also ensure adequate acoustic amenity is also achieved for occupants of the development.

A number of submissions raised concern regarding noise and exhaust emissions from mechanical plant and air conditioning units. The Acoustic report was reviewed by Council's Environmental Health Officer who raised no concern with the proposal having regard to acoustic privacy subject to the imposition of a number of conditions of consent, including the following:

- There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- 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*.
- 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*.

A number of submissions also raised concern over the location of the common open space, and potential noise impacts on surrounding residential accommodation. The location of the common open space has been informed by the location of existing building structures in

addition to the optimal location for solar access and visual privacy. The POM submitted with the application provides the following in relation to the use of external areas:

*“The use of all external areas (predominately the internal courtyard) for activities will only occur between the hours of 9:00am and sunset. Emphasis will be laid upon maintaining peace and tranquillity at all times for the wider enjoyment and therapeutic benefit of individual participants, as well as not to cause unreasonable impact upon the amenity of surrounding properties.”*

Clause 46(b) of the ARH SEPP precludes Council from imposing a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home. There are a number of large residential flat buildings located in the vicinity of the site which would have the capacity for in excess of 20 occupants, and the hours that those occupants are entitled to use common or private open space areas is not restricted by any condition of consent. Therefore, it is considered that restricting the hours of operation of the common open space would be a condition imposed only due to the nature of the use, being a transitional group home.

The POM restricts use of the external areas for organised activities to between the hours of 9:00am and sunset, and the use by individual participants outside of those hours is not expected to cause unreasonable acoustic privacy impacts on neighboring residential accommodation.

A concern was also raised regarding *“Auditory nuisance to adjoining properties due to the need to call Emergency Services”*. The subject use is not a medical facility and is a form of residential accommodation. The concern raised regarding the need to call emergency services is not warranted, and it is considered that any residential accommodation could trigger the same noise concerns.

Given the above the development is reasonable having regard to the objectives and controls relating to visual and acoustic privacy as contained in MDCP 2011.

(iv) Solar Access and Overshadowing (Part 2.7)

*Overshadowing*

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties between 9:00am and 3:00pm in mid-winter and March/September. The proposal will result in minimal increased overshadowing of some of the adjoining sites at Nos. 3 and 5 Merton Street at 9:00am and 3:00pm respectively in mid-winter, however the increase is minimal in extent and would fall on areas of those sites which contain rear outbuilding structures only.

The development is acceptable having regard to Council’s overshadowing controls.

(v) Social Impact Assessment (Part 2.8)

Part 2.8 of MDCP 2011 requires that development for the purpose of a group home is required to submit a Social Impact Comment (SIC) with the application.

A SIC was submitted with the application prepared by Aigis Group. The application was referred to Council’s Social Planner who made the following comments, in part:

*“The Social Impact Comment and Plan of Management together offer a comprehensive account of the drug and alcohol rehabilitation program to be*

*delivered by Steps Retreats (Australia). These documents also satisfactorily address the substantive concerns expressed by residents in relation to the potential impacts of the site's redevelopment and program's future operation.*

*... The SIC supplies ample evidence for the social need and benefits of such a facility and convincingly addresses the substantive concerns expressed by residents in relation to the potential impacts of the site's re-development and program's future operation.*

*With respect to the broader social impact of the proposal, the SIC claims that "the operation of the retreat and the services it provides are likely to be beneficial, as they address a public health issue which imposes tangible and intangible costs on a range of individuals and the public generally."*

*It is the view of this assessment that this broader claim is also justifiable.*

*It is recommended that Council supports the application for The Sydney Retreat."*

The SIC submitted with the application satisfies the provisions of Part 2.8 of MDCP 2011.

(vi) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. Those controls are based on the Crime Prevention Through Environmental Design principles including Surveillance, Access Control, Territorial Reinforcement and Space Management and Maintenance.

The development is reasonable having regard to community safety for the following reasons:

- The principal entrance to the group home will continue to be visible from the street;
- The group home has been designed to overlook the street, with windows providing casual surveillance across the public domain at the front of the site;
- A condition is included in the recommendation requiring the entrance to the group home to be well lit;
- A condition is included in the recommendation requiring a street number to be displayed at the front of the site;
- A condition is included requiring the high masonry fence at the front of the site be replaced with an open-style palisade fence to promote passive surveillance; and
- A Plan of Management has been submitted with the application detailing security arrangements in place.

Given the above the development is reasonable having regard to the objectives and controls relating to community safety as contained in MDCP 2011.

(vii) Parking (Part 2.10)

**Car Parking**

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. Parking Area 2 is described as being moderately constrained with good access to public transport.

Part 2.10 does not prescribe controls relating specifically to group home accommodation. It is noted that Clause 45(1)(a) of the ARH SEPP prescribes that complying development may

be carried out for a group home up to 10 bedrooms. The development provides 10 bedrooms and therefore the numerical development standards prescribed in Schedule 2 would be applicable for a comparably sized development.

Clause 16 of Schedule 2 of the ARH SEPP prescribes that at least 2 car parking spaces must be provided on site. The development provides 2 car parking spaces in a stacked configuration which is acceptable for staff. A merit assessment of the proposal given the proposed use and operational details, the provisions of the ARH SEPP, heritage and landscaping considerations and Council's controls has been carried out and the development is considered acceptable in relation to car parking.

Concern has been raised in submissions regarding a lack of car parking on site being provided for participants, visitors and emergency services.

The POM submitted with the application states the following regarding participant parking:

*"All transport to and from the facility for the participants will be provided by staff or by family and friends. No participants will have their own vehicles on site."*

No car parking is provided on site for participants and the POM precludes any participant from parking on site. A condition is included in the recommendation requiring that all participants be made aware of the absence of car parking on site as part of admission procedure.

The POM states that visitation times are by appointment only and scheduled only between 10:00am and 2:00pm on Sundays in blocks of one (1) hour each. Given that visitation is restricted to only 4 hours a week on a Sunday, and not every participant will have a visitor, there is not expected to be a significant impact on the availability of car parking in the vicinity of the site.

The concern raised regarding the need to for a parking space for Emergency Services is not warranted as the proposed use is not a medical facility and is a form of residential accommodation.

### **Vehicle Service and Delivery areas**

Part 2.10.16 of MDCP 2011 prescribes the type of developments required to provide a vehicle service and delivery area. The development does not meet any of the triggers prescribed and therefore the need for a delivery area is considered on merit.

The activities carried out on site that may require a delivery area include the loading/unloading of laundry and food for the kitchen.

The loading/unloading of laundry and food products for 20 people is not expected to result in significant impacts on the amenity of neighbouring residential accommodation, and could be carried out by van or utility vehicle parking in the vehicular crossing area on Trafalgar Street or from the hard stand area on site.

The development is acceptable having regard to the provisions of Part 2.10 of MDCP 2011.

(viii) Fencing (Part 2.11)

Part 2.11.1 of MDCP 2011 contains objectives relating to residential fencing, including for heritage items. The objectives include the following:

- O2** *To encourage the reinstatement of lost original fences.*
- O3** *To ensure new fences are sympathetic to heritage items, period buildings and HCAs and complement and conserve the visual character of the streetscape.*

The site is identified as a heritage item under MLEP 2011. The application was referred to Council's Heritage Advisor who made the following comments regarding the front fence:

*"Restoration works will also enhance the heritage significance of the item and the group of four Victorian villas at 223 to 229 Trafalgar Street and improve the quality of the streetscape. Restoration works should include the following:*

*... The unoriginal front masonry wall should be demolished and replaced with cast-iron palisade fencing on stone base and rendered piers to match the original fencing at 229 Trafalgar Street."*

It is considered that the unsympathetic high masonry wall currently defining the northern boundary of the site fronting Trafalgar Street should be demolished and replaced with a sympathetic open-style fence. Given the above advice, a condition is included in Part A of the recommendation requiring that the unoriginal front masonry wall should be demolished and replaced with cast-iron palisade fencing on stone base and rendered piers to match the design, detailing, height and appearance of the original fencing at 229 Trafalgar Street.

Furthermore, Control C1 of Part 2.11.2 of MDCP 2011 prescribes that fencing must be consistent with the provisions of 'Crime Prevention through Environmental Design' (CPTED). The provision of an open-style fence would improve passive surveillance of the street and entrance to the group home and would result in a positive contribution to the safety of the street.

Subject to compliance with the abovementioned condition, the application is acceptable having regard to Part 2.11 of MDCP 2011.

(ix) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.4 of MDCP 2011 does not prescribe landscaped area and common open space controls for group homes. The relevant objectives of Part 2.18 of MDCP 2011 are reproduced below:

- O1** *To promote site landscaping that conforms and complements the character of the individual building and the character of the area.*
- O2** *To retain and enhance any existing significant trees and established planting found on site.*
- O3** *To provide dwellings with outdoor recreation space.*
- O4** *To minimise the extent of hard paved areas and facilitate rainwater infiltration.*
- O5** *To improve the appearance, amenity and energy efficiency of development through integrated landscape design.*
- O7** *To provide private open space areas which act as an extension of the living area of a dwelling and, where practicable, receive adequate sunlight.*

The development has been assessed on merit having consideration to the objectives of Part 2.18 of MDCP 2011 and is acceptable for the following reasons:

- The development provides site landscaping that conforms and complements the character of the existing heritage building and the character of the area;
- Subject to the imposition of a deferred commencement condition in Part A of the recommendation as recommended by Council's Tree Management Officer, the proposal will provide for adequate landscaping and compensatory planting.
- The development provides a central common landscaped area measuring 156sqm with no dimension less than 2.5 metres which equates to 25% of the total site area. The proposal also includes extensive landscaping in the front setback and throughout the site.
- The development removes extensive areas of hard paving and replaces it with soft landscaping to allow for stormwater filtration.
- The common open space provided on site is directly accessible from all circulation areas and the communal dining/recreation area and provides a high level of amenity and usability.
- The common open space receives substantial direct solar access.

### **Landscape Plan and Maintenance**

A landscape plan and maintenance details was submitted with the application and is acceptable.

#### **(x) Tree Management (Part 2.20)**

The subject site and neighbouring sites contains a number of trees that would potentially be affected by the carrying out of the development. The applicant submitted a Construction Impact Assessment and Management Plan that identifies 6 trees that would be affected by the works including the following:

#### **Subject site**

- several *Magnolia* spp. (magnolia)
- several palms of different species
- *Callistemon* spp. bottlebrush)
- *Backhousia citriodora* (lemon myrtle)
- *Jacaranda mimosifolia* (Jacaranda)

#### **Neighbouring property – 221 Trafalgar Street**

- *Plumeria* sp. (frangipani)

The report was reviewed by Council's Tree Management Officer who provided the following comments, in part:

- *It is recommended that the applicant is advised that the submitted Construction Impact Assessment & Management Plan by Tree Wise People (March 2018) does not satisfy the requirements requested by Council in the pre-DA advice nor the requirements of Appendix 1 of Part 2.20 of Marrickville Development Control Plan 2011. Consequently, the impact of the proposed development on the trees cannot be assessed.*
- *It is recommended that the applicant is requested to submit a new Arboricultural Impact Assessment (AIA) report that addresses the matters identified in the pre-*



*DA advice and satisfies the requirements of Appendix 1 of Clause 2.20 of Marrickville Development Control Plan 2011.*

- *It is also recommended that the Landscape Plan is reviewed and amended to*
  - *ensure that proposed new tree planting adequately compensates for the trees proposed for removal; and*
  - *locate new trees a minimum of 2 metres from any building, a minimum of 1.5 metres from any property boundary and an appropriate distance from other trees to avoid over-crowding.*

A request for additional information was sent to the applicant regarding the above matters on 2 October 2018. An amended Arboricultural Impact Assessment was submitted to Council on 14 October 2018.

The amended AIA report recommends removal of a total of 5 trees, with 3 of those trees identified as being of high retention value, including a jacaranda and two white bottlebrush (identified as Trees 4, 10 and 11). Council's Tree Management Officer has reviewed the amended documentation and does not support the removal of the high retention trees.

Verbal advice has subsequently been provided by the application stating that the all three high retention value trees can be retained. As such, a condition is included in Part A of the recommendation requiring the following:

1. Amended plans that incorporate retention of Tree 4 the *Jacaranda mimosifolia* (jacaranda) and Trees 10 and 11 *Callistmon salignus* (white bottlebrush) in the south-eastern corner of the subject property shall be submitted to Council's satisfaction. An Arboricultural Impact Assessment (AIA) report by an arborist with a minimum AQF level 5 qualification in arboriculture who doesn't prune or remove trees in the Inner West local government area that demonstrates that the impact upon the trees will be acceptable and recommends methods and measures that ensure the trees are appropriately managed and protected shall be submitted and approved also; and
2. An amended landscape plan that provides adequate and appropriate compensatory tree planting for prescribed trees that will be removed shall be submitted to Council's satisfaction.

Subject to compliance with the abovementioned condition, the application is acceptable having regard to Part 2.20 of MDCP 2011.

(xi) Site Facilities and Waste Management (Part 2.21)

*2.21.2.1 Recycling and Waste Management Plan*

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application and is considered to be adequate.

*2.21.2.5 Residential Waste*

Part 2.21 of MDCP 2011 does not provide specific waste generation rates for group home developments. Given that the premises does not contain multiple self-contained dwellings, it is most relevant to apply the rates prescribes by Part 2.21 for boarding houses, hostels, residential care facilities and tourist and visitor accommodation.

Part 2.21.2.5 prescribes 1 x 240L bin per 6 rooms or part thereof. As such, a total of 2 x 240L general waste bins, 4 x 240L recycling bins and an appropriate number of green waste bins would be required. The ground floor plan submitted with the application illustrates an

external waste storage area with the capacity to accommodate a total of 5 x 240L waste bins. A condition is included in the recommendation requiring that an appropriately sized waste storage area with the capacity to accommodate a minimum of 7 x 240L waste bins be provided.

The RWMP submitted with the application indicates that waste collection will occur in the same fashion as all residential waste; being collected by Council from the street. Given the amount of bins is comparable to that of a residential flat building or multi-dwelling development, no particular concerns are raised regarding this process.

#### **PART 4 - RESIDENTIAL DEVELOPMENT**

The property is located on land in an R2 Low Density Residential zone and as such is hereafter assessed in accordance with the relevant controls in Part 4.1 of this DCP relating to Low Density Residential.

##### **Part 4.1 - Low Density Residential Development**

###### **(xii) Good Urban Design Practice (Part 4.1.4)**

The height, bulk and scale of the development complement existing developments in the street and the architectural style of the proposal is in keeping with the character of the area.

Given the above the development is reasonable having regard to the objectives and controls relating to good urban design contained in MDCP 2011.

###### **(xiii) Streetscape and Design (Part 4.1.5)**

The development makes minimal alterations to the streetscape presentation of the existing heritage building and the development compliments the character of the area. The new additions are well integrated with the existing built form and enable a landscaped setting in the front setback area to be retained. The proposal satisfies Part 4.1.5 of MDCP 2011.

###### **(xiv) Built Form and Character (Part 4.1.6)**

###### ***4.1.6.1 Floor Space Ratio and Height***

The development satisfies the floor space ratio and height controls outlined in MDCP 2011 in that:

- The FSR complies with the FSR development standard under MLEP 2011;
- The height complies with the height standard under MLEP 2011;
- The bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of overshadowing and privacy, streetscape (bulk and scale), building setbacks, parking and landscape requirements, significant trees on site and lot size, shape and topography;
- The development does not unreasonably impact on the existing views of adjacent properties and maintains a reasonable level of view sharing;
- The development is of a scale and form that enhances the character and quality of the streetscape;
- The development allows adequate provision to be made on site for infiltration of stormwater and deep soil tree planting, landscaping and areas of common open space for outdoor recreation.

#### 4.1.6.2 *Building Setbacks*

##### **Front setback**

The development maintains the existing front boundary setback with all new works located behind the existing building alignment. The development satisfies the front setback controls outlined in MDCP 2011 in that:

- The front setback is consistent with the setback of adjoining development and the dominant setback found along the street.

##### **Side setbacks**

The site has a frontage of 18.3 metres to Trafalgar Street. The development retains the existing western side boundary walls of the heritage building on the ground and first floor level and integrates the new development/additions by maintaining the existing building alignment resulting in a nil setback for the new addition along the western boundary. No changes are proposed to the eastern boundary. Whilst not complying with the numerical controls which prescribe a setback of 900mm for ground floor additions and a 1.5 metre setback for 2 storey additions on lots greater than 8 metres in width, the proposal is acceptable having regard to the objectives and controls contained in Part 4.1.6.2 in that:

- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation;
- The proposal integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks;
- The proposal does not create an unreasonable impact upon adjoining properties in relation to overshadowing and visual bulk; and
- The proposal is satisfactory in relation to the street context.

##### **Rear setback**

The development maintains the nil rear boundary setback on the ground floor level set by the existing outbuilding on the site. The rear boundary setback is reasonable for the following reasons:

- The proposal will not create adverse impacts on the amenity of adjoining properties in relation to overshadowing and visual bulk;
- The proposal maintains adequate open space;
- The proposal ensures adequate separation between buildings for visual and acoustic privacy, solar access and air circulation; and
- The proposal integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks.

#### 4.1.6.3 *Site Coverage*

The table below demonstrates that the proposal complies with the numerical requirement contained within MLEP 2011.

| Site Area   | Site Coverage Permitted (max.) | Site Coverage Proposed | Compliance |
|-------------|--------------------------------|------------------------|------------|
| >500-700sqm | 45%                            | 41%                    | Yes        |

The proposal:

- Results in a site coverage that is not inconsistent with the existing character of neighbouring dwellings; and
- Allows adequate provision for uses such as outdoor recreation, deep soil tree planting, other landscaping, off-street parking, waste management, clothes drying and stormwater management.

The development is reasonable having regard to the objectives and controls relating to site coverage contained in MDCP 2011.

(xv) Car Parking (Part 4.1.7)

Section 4.1.7 of the MDCP 2011 outlines design parameters for the location and design of car parking structures. The development proposes a hardstand area only accommodating 2 car parking spaces and located in the front setback of the site. The car parking is acceptable for the following reasons:

- The hardstand space does not dominate or detract from the appearance of the existing dwelling;
- The hardstand utilises an existing vehicular crossing and therefore does not reduce the availability of kerbside parking; and
- The hardstand has minimal impact on existing fences and garden areas that contribute to the setting of the associated building and the character of the streetscape.

Notwithstanding the above, the design of the two accessible car parking spaces to not comply with the minimum width requirements. As such, a condition is included in Part A of the recommendation requiring that amended plans be submitted to Council's satisfaction indicating the 2 accessible car parking spaces being increased in width in accordance with AS2890.6-2009. (I think there might be issues with them being stacked as well under 2890 but if our assessment is that they are otherwise OK we can leave that to the applicant)

Subject to the above, the development is acceptable having regard to part 4.1.7 of MDCP 2011.

**PART 8 - HERITAGE**

(xvi) Heritage Items (Part 8.1.7)

The site is listed as a heritage item under MLEP 2011, namely 'Group of four Victorian villas (including interiors' (Item I268). The site contains a significantly intact Victorian villa.

A Heritage Impact Statement was submitted with the application under Clause 5.10(5) of MLEP 2011 which assesses the extent to which the carrying out of the development would affect the heritage significance of the heritage item.

The HIS was reviewed by Council's Heritage Advisor in respect of Council's controls for heritage items prescribed by Part 8.1.7 of MDCP 2011. The following heritage controls relate to the development:

**8.1.7.1**     *General controls common to all development*

- C1**     *Heritage items must be conserved and new development must not diminish the significance of the item.*

- C2** *An experienced heritage architect or conservation specialist must be engaged for works to a heritage item.*
- C3** *Significant internal and external features of heritage items must be maintained in their original form.*

#### **8.1.7.3** *Alterations and additions*

- C6** *Alterations and additions must not adversely impact the significant features of the heritage item.*
- C7** *Changes must maintain the significant form, proportion, scale, details and materials of the item.*
- C12** *Alterations to alleviate aircraft, rail or road noise must not detract from the streetscape values of individual buildings by removing or covering significant building fabric or details.*

#### **8.1.7.4** *Building materials and details*

- C15** *Development must seek to reconstruct missing architectural detailing, such as bargeboards, finial trim, window awnings and front verandahs or balconies.*
- C16** *Re-painting of timber detailing and facades must use original period colours. Avoid the use of single colour solutions and attempt a complementary colour combination. Contemporary colours are not discouraged, but must be combined in a complementary way.*
- C19** *When new windows are to be inserted into the existing fabric, the proportion of those windows must respect the form and scale of the architectural style period.*

Council's Heritage Advisor reviewed the proposal and provided the following comments and recommendations:

1. *The alterations to the rear wing have increased when compared with the previous Pre-DA applications to accommodate the desired number of rooms and bathrooms. There has been no mitigation measures proposed to reduce the adverse heritage impact of the proposal as a result of the conversion of a residential building into a rehabilitation facility. Whilst it is believed that the long-term use of the site as a retreat could offer a viable opportunity to restore and conserve the heritage significance of the item, the absence of adequate mitigation measures (e.g. restoration works) are not acceptable.*
2. *Contrary to what is stated in the HIS, the proposal does not follow the Burra Charter principle for 'cautious approach of changing as much as necessary but as little as possible'. The proposal demolishes all internal fabric to the rear wing, adds openings to the external side wall of the primary building and rear wing including an intrusive door to the rear wing (D.01), alters an internal wall to the primary building at Level 1 to accommodate a toilet and sink, removes all ceilings to the primary building to fire-proof the rooms on each level, adds significant bulk at the rear of the property and proposes noise abatement works to the windows in the front rooms of the primary building (works have not been clearly specified).*
3. *The HIS justifies some of these changes as 'not being visible from the street'. It is important to note that heritage items are not assessed on the basis of being visible from the street. Please note that objective 1(b) of MLEP 2011 Clause 5.10 is to 'conserve the heritage significance of heritage items, including associated fabric, settings and views.'*
4. *The HIS also states that the property is not significantly intact, which is a point of contention between Council and the heritage consultant. The HIS states that the building is partly intact and uses that to justify further adverse changes to the building to a degree where little extant internal fabric will remain, without*

*proposing any restoration works to the item. The justification of lack of financial resources to argue for no restoration works cannot be considered from a heritage perspective. It is noted that works to the building for residential purposes in 2001 made a much greater contribution to the significance of the item and demolition of fabric was not as extensive as the current proposal.*

- 5. Detailed demolition plan and demolition elevations have not been provided.*
- 6. Several recommendations for restoration and preservation works provided at Pre-DA stages and discussed with the applicant have not been incorporated in the proposed DA.*

## **Recommendations**

- 1. Detailed demolition plan and demolition elevations are to be submitted as part of the application.*
- 2. An investigation of the ceiling of all rooms located on the primary building is to be undertaken to determine whether it contains original fabric with the aim of retention of the maximum extent of historic fabric. A heritage consultant with experience in heritage fabric should be engaged to conduct a site inspection and conduct (ideally) a non-destructive testing of the ceiling, potentially from the floor at Level 1. The outcomes of the investigation should be submitted to Council for assessment, including a brief statement and photographs of the inspection. Measures for fire protection to the rooms in the primary building will be assessed based on heritage impacts once the inspection is carried out and adequate information is provided.*
- 3. Notes should be included in the drawings about the specific method proposed for noise abatement works to the windows in the front rooms, including an identification of all the windows and/or doors required to be noise attenuated. Attenuation is to be achieved by providing a*
- 4. Notes should be included in the roof plan (drawing A-04) that the existing slate tiles to the primary roof (cross-gable) are to be preserved.*
- 5. Please replace the notes 'Retain and restore existing timber staircase. Any alterations to comply with BCA requirements. To be approved by council's heritage office' with 'alterations and/or additions to the original stairwell and timber railing to comply with BCA are not permitted. Alternative solution for fire egress is to be achieved'.*
- 6. A detailed drawing of the proposed window W.01 is to be provided at 1:50 or 1:20 at A3, including specification of materials and colours, detailing of stone window sills and moldings, dimensions, and a close-up photograph of the existing window, window sill and moulding of the window at Level 1 with a note stating that window opening, framing, sill and moulding are to be a replica of the one at Level 1 directly above.*
- 7. New D.01 to the rear wing is to be redesigned and located so that it is a replica of and matches the proportions, detailing and finishes of the existing door, fanlight and stained glass of the existing door/window to room 6 at Level 1. A photograph of the existing door is to be included in the schedule of finishes or on a new sheet outlining conservation works, with a note stating that D.01 will be a replica of the existing door and fanlight of room 6.*
- 8. The proportions of windows W.02 and W03 to the side wall of the new rear wing should match the proportions of the existing windows to the access rooms 1 and 2 and should be timber frame, not clear anodized windows.*
- 9. Clarification is required about the proposed material 'E' (render with paint finish) in the schedule of finishes proposed on the Ground Level walls of the new rear wing (rooms 7 and 8). Is this timber studs with rendered/painted cladding or masonry wall? Rendered and painted masonry is recommended.*



10. *Restoration works to the building are to be proposed and clearly illustrated and outlined in a new A3 sheet to mitigate the negative impacts caused by [1] the proposed changes to building fabric; [2] change of use (from residential to institutional/rehabilitation retreat); and [3] the addition of significant bulk to the rear of the site. Restoration works will also enhance the heritage significance of the item and the group of four Victorian villas at 223 to 229 Trafalgar Street and improve the quality of the streetscape. Restoration works should include the following:*
  - a) *The unoriginal front masonry wall should be demolished and replaced with cast-iron palisade fencing on stone base and rendered piers to match the original fencing at 229 Trafalgar Street.*
  - b) *Timber floor in the front hallway of the main building at Ground Level should be reinstated to original detail.*
  - c) *The red glass of the central section of the fan light above the front door to the main building is unoriginal and should be replaced with stained glass to match the side panels.*
  - d) *New painting will be required to the side wall of the primary building (East Elevation) as a result of the construction of a new window at Ground Level. The detailed colour scheme of the wall, window, sill and moulding is to be included in the conservation works sheet or schedule of finishes.*
  - e) *The existing timber posts and timber balustrade to the side verandah to the rear wing are unoriginal fabric and detract from the significance of the item. It is noted the buildings at 223 and 229 Trafalgar Street are identical and were constructed in the late-Victorian period – this provides enough evidence to support the restoration of the verandah in the late-Victorian style. Thus, the side veranda should be reinstated based on its matching pair at 229 Trafalgar Street.*
11. *The HIS is not conclusive with regard to rising damp on the walls of the kitchen located on the rear wing. The applicant could investigate the condition of the walls and provide a report as part of the DA or a condition of consent be included so that further investigation is undertaken by a suitably qualified professional and submitted and approved by Council's heritage and urban design advisor prior to the issuing of a construction certificate.*

Amended Plans and details were submitted to Council on 16 October 2018 addressing the heritage concerns raised above. Recommendation Nos. 1, 4, 5, 6, 7, 9 and 10D have been satisfactorily addressed by the amended plans submitted on 16 October 2018.

With regard to recommendation 2, the documentation submitted to Council states that the ceilings may be reconstructions rather than original fabric, although this is not stated definitively. As such Council cannot advise of the preferred method of fire treatment to the ceilings, and a deferred commencement condition is included in the recommendation requiring further investigation of the ceilings to inform Council of the most appropriate method of fire treatment as per the following;

- If they are original ceilings (including cornices and ceiling roses), then ideally they would remain in-situ as original fabric should be retained where possible. The reports suggest that this may be possible by using intumescent paint.
- If they are reconstructions of ceilings based on the original detailing, then any new ceilings should re-instate the same detail of cornices and ceiling roses etc. below the new fire-rated plasterboard.

In accordance with the above, a condition has been included in the recommendation requiring that an investigation of the ceiling of all rooms located on the primary building is to be undertaken to determine whether it contains original fabric with the aim of retention of the

maximum extent of historic fabric. A heritage consultant with experience in heritage fabric should be engaged to conduct a site inspection and conduct non-destructive testing of the ceiling. The outcomes of the investigation should be submitted to Council's satisfaction and measures for fire protection will be assessed based on heritage impacts.

With regard to recommendation 3, a condition has been included in the recommendation requiring details of the specific method proposed for noise abatement works to the windows and doors of the main building to be submitted to Councils' satisfaction at CC stage to ensure compliance with Control C12 in Part 8.1.7.3 of MDCP 2011.

With regard to recommendation 8, Council accepts the applicant's response relating to the proportions of new windows W02 and W03 and the plans are acceptable.

With regard to recommendations 10A, 10B and 10C, conditions are included in the recommendation requiring the works to replace the front fence, reinstate the timber floor in the entry hallway and the replacement of the red glass fan light be carried out as part of this consent to ensure compliance with Control C15 in Part 8.1.7.4 of MDCP 2011.

With regard to recommendation 11, a condition is included in the recommendation requiring that further investigation of rising damp on the wall of the existing kitchen located on the rear wing is to be undertaken by a suitably qualified professional and submitted to Councils' satisfaction at CC stage

Subject to the imposition of appropriate conditions of consent, the development is acceptable having regard to the provisions of Part 8 of MDCP 2011.

## **PART 9 - STRATEGIC CONTEXT**

The site is located in the Stanmore South Planning Precinct (Precinct 7) under Marrickville Development Control Local Plan 2011. The development demonstrates consistency with the following desired future character statements contained in Part 9.7.2 of MDCP 2011:

1. *To protect and preserve contributory and period buildings within the precinct and require their sympathetic alteration or restoration.*
2. *To protect the identified Heritage Items within the precinct.*
6. *To preserve the mixed density residential character of the precinct.*
8. *To ensure that the provision and location of off-street car parking does not adversely impact the amenity of the precinct.*

The development is not inconsistent with any of the desired future character statements or precinct-specific planning controls for the Stanmore South Planning Precinct and is acceptable in this regard.

### **5(d) The Likely Impacts**

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

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

The site is zoned R2 Low Density Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

## 5(f) Any submissions

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's Notification Policy. Subsequent to the initial notification of the proposal, the notification period and notification area were extended and the proposal was placed on public exhibition for a total of five (5) weeks from 19 April 2018 to 23 May 2018. A total of 110 unique submissions were received, with 103 in objection and 7 in support and a petition containing 27 signatures was also received.

During the assessment process the proposal was amended to address a number of concerns raised by Council officers relating to heritage conservation and tree management. The amended proposal would not result in increased impacts to neighbouring properties and thus the amended proposal was not required to be notified in accordance with Council's Notification Policy.

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

- Demonstration of community need for the development – See Section 5(a)(ii);
- Lack of car parking and loading/unloading area provided on site, compliance with Australian Standards in relation to accessible car parking – See Section 5(c)(viii);
- Solar access to neighbouring dwellings – See Section 5(c)(viii);
- Inadequate waste management processes – See Section 5(c)(xi);
- Visual privacy – See Section 5(c)(vii);
- Acoustic privacy for neighbours and occupants - See Section 5(c)(vii);
- Suitability of conversion of heritage item – See Section 5(c)(xvi); and
- Insufficient details provided in Plan of Management - 5(c)(i).

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: *“The Development is being assessed under SEPP (ARH) 2009, its proposed fees (\$6,000 for 30 days) ‘makes a mockery’ of the legislation as it does not provide affordable housing”*

Comment: The development is classified as a transitional group home under the ARH SEPP however there are no provisions within the ARH SEPP that require the development to be affordable.

Issue: Concern is raised that the development is too dense and too small for 25 people

Comment: The development complies with the maximum floor space ratio development standard prescribed by Clause 4.4 of MLEP 2011, Council's controls in relation to site coverage and landscaping and is considered to be an appropriate built form. The ARH SEPP does not prescribe maximum number of people allowed to occupy a transitional group home and thus the development is considered acceptable on merit in relation to density.

Issue: *“Inadequate outdoor/recreation space provided which would promote the use of existing parks by the participants.”*

Comment: The provision of private open space for the group home has been assessed against the provisions of Clause 15 of Schedule 2 of the ARH SEPP and Part 2.18 of MDCP 2011 and is consistent with those requirements. Should the

participants of the group home wish to use public parks in the vicinity of the site, they have the same ordinary right to do so as any local resident or visitor. Notwithstanding, it is the policy of Sydney Retreat that no participant is to leave the site at any time whilst admitted into the program, unless under the supervision of a staff member.

Issue: *"Increase in criminal activity from residents of the group home (especially those affected by Amphetamines) and external parties e.g. drug dealers"*

Comment: This claim is not substantiated and relies on the perception of participants involved in drug and alcohol rehabilitation programs as being unsafe. The application was referred to the Crime Prevention Officer at Inner West Police Area Command of NSW Police who raised no concern over the development. The assumption that occupants will engage in criminal activity is unwarranted.

Issue: Concern is raised over the safety of children and the elderly as a result of the development.

Comment: This claim is not substantiated and relies upon the perception of participants involved in drug and alcohol rehabilitation programs as being unsafe. The application was referred to the Crime Prevention Officer at Inner West Police Area Command of NSW Police who raised no concern over the development. Notwithstanding, it is the policy of Sydney Retreat that no participant is to leave the site at any time whilst admitted into the program, unless under the supervision of a staff member.

Issue: Abandonment of drug paraphernalia in public areas including local parks.

Comment: As stated in the Plan of Management, all participants of the program need to be free of substance abuse for a period of 72 hours and are voluntarily admitted into the program. The suggestion that drug use will continue on site or in the vicinity of the site demonstrates a misunderstanding of the proposed use as a post-detox facility which is clearly documented in the Social Impact Comment provided by the applicant.

Issue: Concern raised over the qualifications of the author of the Social Impact Comment submitted with the application and subsequent *"doubts over the author's knowledge of Stanmore"*.

Comment: The Social Impact Comment was prepared by Dr Mark Sargent who is the Principal of Aegis Group and is a member of the Planning Institute of Australia. The SIC was based on statistical data in accordance with the requirements of the ARHSEPP and Part 2.8 of MDCP 2011.

Issue: *"The development is not a 'Transitional Group Home' as presented but a 'Commercial Retreat Operation'"* and the claim that the use is not permissible in the R2 Low Density residential zone. Claims that the proposed use is similar to a boarding house and should be categorised as such.

Comment: The application is appropriately categorised as a Transitional Group Home as per the definition prescribed by Clause 42 of the ARH SEPP and the use is specifically permissible with consent in the R2 Low Density Residential zone.

Issue: *"The business is not a not-for-profit but a commercial enterprise"*

Comment: This is not a relevant matter for consideration. The development is a form of residential accommodation permissible under the zoning provisions applying to the land.

Issue: *"The issue of smoking has not been addressed. Will it be a smoke free residence? Will residents be able to smoke out the front of the property? Will my children and I find them smoking out the front of my property... and have to suffer the consequence of second hand cigarette smoke? Will they smoke at the local parks if they are not permitted to smoke at the residence?"*

Comment: The matter of smoking on private property is not addressed in the application. Notwithstanding, participants in the program are entitled to the same civil liberties as any other resident with the exception of alcohol use as this is the requirement of the facility. Where smoking is prohibited in public areas, all citizens must obey these laws. Notwithstanding, it is the policy of Sydney Retreat that no participant is to leave the site at any time whilst admitted into the program, unless under the supervision of a staff member.

Issue: *"Inability (of Council) to enforce future modifications to the development's business model"*

Comment: A condition has been included in the recommendation requiring that no changes be made to the Plan of Management without the approval of Council.

Issue: Concern is raised with regard to compliance with BCA, specifically fire safety and accessibility.

Comment: A Building Code of Australia Assessment Report was submitted with the application which demonstrates that subject to the recommendations of the report the building can comply with the relevant provisions of the BCA including matters in relation to fire safety and access for persons with a disability. The application was referred to Council's Building Surveyor who raised no concern with the proposals' ability to comply with the BCA requirements subject to the imposition of appropriate conditions. Those conditions are included in the recommendation.

Issue: *"Inappropriate location: proximity to residential homes and proximity to enabling facilities e.g. bottle shops, methadone pharmacies"*

Comment: Transitional group homes are permissible with consent in the R2 Low Density Residential zone.

Issue: Concern is raised that persons with criminal convictions may be admitted into the program.

Comment: Details submitted with the application indicate that persons with a criminal conviction may be admitted into the program. It is noted that the group home is operated as residential accommodation and that persons with criminal convictions are permitted to live freely in any residential accommodation, including neighbouring dwellings, boarding houses, residential flat buildings, etc. The application has been reviewed by NSW Police who raised no concern.

Issue: *"Estimated cost of works is too low"*

Comment: Council has reviewed the cost of works and raise no concern in this regard. It is noted that this documentation is only relevant for the calculation of development assessment fees and S7.12 levies and makes no difference to the nature of the application or use.

Issue: Concern that laundry space is insufficient for size of group home.

Comment: It is noted in the Statement of Environmental Effects submitted with the application, the laundry is only to be used intermittently and an external laundry contractor will be employed.

Issue: Concern raised that Trafalgar Street is unsuitable for regular walking thoroughfare as it is a narrow, busy street.

Comment: Trafalgar Street provides an adequate footpath and is suitable for pedestrian and vehicular traffic.

Issue: Concerns the facility does not comply with industry standards, specifically in reference to *NSW Health, Drug and alcohol treatment guidelines for residential settings, February 2007*).

Comment: This claim is unsubstantiated and without evidence.

Issue: *"Inadequate security procedures and controls"*

Comment: The proposed development is not a medical facility and does not offer detoxification services. The security procedures and controls are relevant to the facility's operations. It is noted that protocols relating to the screening of applicants and visitors will contribute to reduced impacts both on the community, participants and employees.

Issue: *"Insufficient details in Emergency Control Plan"*

Comment: The Plan of Management submitted with the application states that an Emergency Control Plan shall be prepared and submitted to Council for endorsement prior to commencement of operations. A condition is included in part A of the recommendation requiring that an Emergency Management Plan be submitted to Council for review.

Issue: *"No medical facilities or staff with knowledge of mental health and poor staff to participant ratio."*

Comment: The proposed development is not a medical facility and does not offer detoxification services. The Plan of Management stipulates that participants will enter the program fully aware that the Sydney Retreat is not a substitute for psychotherapy, medical therapy or detoxification. To be eligible, participants must not have any current physical or mental health problems that would take precedence over program participation. With respect to client issues that do arise, the Plan of Management indicates that protocols will be place for such situations and that the Program Director and other staff will be appropriately trained and experienced in caring for participants.

Issue: *"No mention of duty of care in submission"*

Comment: While no Duty of Care plan was submitted to Council, the Plan of Management does refer to a range of measures associated with Duty of Care identified within the NSW Health, *Drug and alcohol treatment guidelines for residential settings*, February 2007 design guide, such as limitation to participant numbers, admission and discharge procedures, staff numbers, staff supervision, provision of services and safety and security.

Issue: *"Frequency of turnover of participants is too often"*

Comment: This claim is unsubstantiated. No more 20 than participants can reside in the facility at any time while the duration of each course is 30 days. The administration and supervision of the activities to be undertaken has been designed accordingly. The length of the program for participants has been determined on the experience of the centre/operator and their program is tailored to suit the needs of participants, notwithstanding this concern is not a planning consideration under s4.15 of the EP and A Act 1979.

Issue: Uncertainty of the proposal's consistency with Inner West Council Strategic Plan

Comment: This claim is unsubstantiated. The program is consistent with a number of strategies in the IWC Strategic Plan, including the following outcomes:

***Strategic direction 4: Caring, happy, healthy communities***

***4.1 Everyone feels welcome and connected to the community.***

***4.3 The community is healthy and people have a sense of wellbeing.***

***4.4 People have access to the services and facilities they need at all stages of life***

Issue: *"Inadequate participant admission controls. Facility may allow persons with a criminal history"*

Comment: The POM details an admission and discharge procedures. Persons unable to present medical evidence of their detoxification and mental health status will not be admitted. The screening process will consider the relevance of prior convictions in the light of the nature of conviction, time elapsed and other considerations.

Issue: Concern that Stanmore area including the retail precinct which has limited evening trade is already 'not safe', and has little surveillance and claim that participants will contribute to unsafe feel.

Comment: This claim is not substantiated and relies upon a certain perception of participants involved in drug and alcohol rehab programs as being unsafe. It is noted that the proposed Sydney Retreat is not a medical facility and does not offer detoxification services. The application was referred to NSW Police who raised no concerns regarding public safety. Notwithstanding, it is the policy of Sydney retreat that no participants are to leave the site at any time whilst admitted into the program, unless under the supervision of a staff member.

Issue: Concern is raised that since the facility is designed to support people living in the wider Sydney region, it is not imperative for it to be located in a residential area or Stanmore.

Comment: According to Social Impact Comment (SIC) data from NSW Health Sydney Local Health District Drug Health Services (SLHD) and other sources indicates an existing and projected demand for drug and alcohol rehabilitation services in the

Inner West. The SIC also notes that the proposed drug and alcohol program will benefit both participants and family and friends associated with them. Family members and friends could be local residents or residents located in the wider community.

Issue: Concern raised that there are no restrictions for occupants to come and go.

Comment: The Plan of Management includes provisions to limit and/or monitor the movement of program participants. It is the policy of Sydney Retreat that no participant is to leave the site at any time whilst admitted into the program, unless under the supervision of a staff member. A condition requiring the POM to be updated to this effect is included in the recommendation. Similarly visitors will only be admitted by appointment and scheduled only between 10.00am and 2.00pm on Sundays in blocks of one hour each.

Issue: Concern raised over inadequate details within the POM regarding:

- a) The transition of participants back into the community;
- b) Whether participants may leave the premises while admitted
- c) The number of staff per shift/group outing transport/group activities; and
- d) Whether participants can be released early.

Comment: See comments below:

- a) The Sydney Retreat's discharge process is outlined including sponsorship i.e. arrangements to be in place for a temporary sponsor to support the transition into the community and for transport and lodgings to be organised before departure from the facility.
- b) It has been confirmed with the applicant that it is the policy of Sydney retreat that participants are not permitted to leave the premises at any time, unless under the supervision of a staff member. A condition requiring the POM to be updated to this effect is included in the recommendation.
- c) Number of staff per shift/group outings and activities will depend on the number of participants present.
- d) The POM details that participants can voluntarily leave the program early.

Issue: Concern raised over uncertainty over who to contact in the instance of a complaint and how that complaint will be managed.

Comment: The Plan of Management has a complaints handling procedure (3.7 Complaints Handling p. 5). It states that a *"contact phone line shall be established for the registering of complaints in relation to the use of the site. The phone number will be notified by letter drop to nearby residents in Trafalgar Street, and shall be displayed at the entry to the site. The phone line will be monitored 24 hours a day, seven (7) days a week by onsite staff who will be instructed in the requirements of this plan. The facility will establish and maintain a complaints register in which all complaints shall be recorded. An opportunity shall be provided to the complainant to meet with the onsite manager to explain the nature of the complaint, who shall use their best endeavours to resolve any reasonable complaint."*

All relevant matters raised in the submissions able to be considered under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been discussed in the report.



The following matters which were raised as a result of Council's notification of the proposal are not relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*:

- Development may negatively affect the ability of landlords to lease their property in the future;
- The development could result in reduced rental returns of nearby properties;
- The development could reduce property values in the area;
- Increased demand/ pressure for Community and Health Services in the Area;
- Concern that facility is not a licensed Rehabilitation Centre;
- *"The rehabilitation program will not be successful"*;
- Concern over motivations and qualifications of investors.

### 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 generally complies with the provisions of State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan and other relevant Environmental Planning Instruments. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape and thus the development is considered to be in 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 various sections of the report above.

- Development Engineer
- Social Impact Planner
- Tree Management Officer
- Waste Management
- Heritage Advisor
- Environmental Health Officer
- Building Surveyor

### 6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in various sections of the report above.

- Marrickville Heritage Society
- NSW Police

## 7. Marrickville Section 94/94A Contributions Plan 2014

A Section 7.12 levy of \$8,966.87 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014 and a condition requiring the above levy to be paid has been included in the recommendation.

## **8. Conclusion**

The proposal generally complies with the provisions of State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan and other relevant Environmental Planning Instruments. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape.

The application is suitable for the issue of a deferred commencement consent subject to appropriate terms and 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 deferred commencement consent to Development Application No: 201800163 to demolish part of the premises and carry out ground and first floor alterations and additions to a building and to use the premises as a transitional group home for a drug and alcohol rehabilitation facility at 223 Trafalgar Street, Stanmore subject to the conditions listed in Attachment A below.

## Attachment A – Conditions of consent

### Attachment A – Recommended conditions of consent

- A. **THAT** the development application to demolish part of the premises and carry out ground and first floor alterations and additions to a building and to use the premises as a transitional group home for a drug and alcohol rehabilitation facility be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

#### PART A - DEFERRED COMMENCEMENT CONSENT

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. The Plan of Management must be updated in the following manner:
  - a) Part 3 being updated to identify that no participant is permitted to leave the site at any time whilst undertaking rehabilitation, unless under the supervision of a staff member.
  - b) Procedures being put in place to ensure that visitors and participants are notified of the absence of car parking on site prior to admissions/visitation.
  - c) Procedures be put in place to ensure that all participants understand and accept the terms of the Plan of Management and agree to abide by the operational procedures of the plan at all times whilst participating in the program.
2. An Emergency Management Plan must be submitted to Council's satisfaction.
3. The following additional information must be submitted in relation to heritage:
  - a) Amended plans illustrating the unoriginal front masonry wall being demolished and replaced with cast-iron palisade fencing on stone base and rendered piers to match the design, detailing, height and appearance of the original fencing at No. 229 Trafalgar Street. Detailed floor plan, cross-section and elevation at a suitable scale and complete schedule of finishes of the front fencing are to be submitted to the satisfaction of Council's Heritage and Urban Design Team Leader
  - b) Investigation of the ceiling of all rooms located on the primary building is to be undertaken to determine whether it contains original fabric with the aim of retention of the maximum extent of historic fabric. A heritage consultant with experience in heritage fabric should be engaged to conduct a site inspection and conduct non-destructive testing of the ceiling. The outcomes of the investigation should be submitted to and approved by Council's Heritage and Urban Design Team Leader and measures for fire protection will be considered based on heritage impacts. Amended plans illustrating the required works must then be submitted to Council's Satisfaction.
4. Amended Plans being submitted to Council's satisfaction illustrating the 2 accessible car parking spaces being increased in width in accordance with AS2890.6-2009.
5. Amended plans to be submitted to Council's satisfaction illustrating the first floor level timber screening or the external wall cladding being extended to cover that part of the eastern end of the first floor corridor adjacent to Window W104 which is open.
6. The following additional information must be submitted in relation to tree management:
  - a) Amended plans being submitted to Council's satisfaction that incorporates retention of Tree 4 the *Jacaranda mimosifolia* (jacaranda) and Trees 10 and 11 *Callistmon salignus* (white bottlebrush) in the south-eastern corner of the subject property. An Arboricultural Impact Assessment (AIA) report by an arborist with a minimum AQF level 5 qualification in arboriculture who doesn't prune or remove trees in the Inner West local government area that demonstrates that the impact upon the trees will be acceptable and recommends methods and measures that

ensure the trees are appropriately managed and protected shall be submitted to Council's satisfaction.

- b) An amended landscape plan shall be submitted to Council's satisfaction that provides adequate and appropriate compensatory tree planting for prescribed trees that will be removed

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this Determination otherwise the Consent will lapse.

## **PART B - CONDITIONS OF CONSENT**

Once operative the consent is subject to the following conditions:

### **GENERAL**

1. The development must be carried out in accordance with plans and details listed below:

| <b>Plan and Issue No.</b> | <b>Plan Name</b>                                     | <b>Date Issued</b> | <b>Prepared by</b>        | <b>Date Submitted</b> |
|---------------------------|--|--------------------|---------------------------|-----------------------|
| A-00A                     | Coversheet   | 16 October 2018    | BTB Architecture          | 16 October 2018       |
| A-01A                     | Site Plan  | 16 October 2018    | BTB Architecture          | 16 October 2018       |
| A-02                      | Ground Floor Plan                                    | 28 March 2018      | BTB Architecture          | 5 April 2018          |
| A-03                      | First Floor Plan                                     | 28 March 2018      | BTB Architecture          | 5 April 2018          |
| A-04A                     | Roof Plan  | 16 October 2018    | BTB Architecture          | 16 October 2018       |
| A-05A                     | Elevations   | 16 October 2018    | BTB Architecture          | 16 October 2018       |
| A-06                      | Elevations   | 28 March 2018      | BTB Architecture          | 5 April 2018          |
| A-07                      | Elevation & Section                                  | 28 March 2018      | BTB Architecture          | 5 April 2018          |
| A-08A                     | Long Sections  | 16 October 2018    | BTB Architecture          | 16 October 2018       |
| A-09A                     | Materials & Finishes                                 | 16 October 2018    | BTB Architecture          | 16 October 2018       |
| A-10                      | Erosion & Sediment Plan, Stormwater Management Plan  | 28 March 2018      | BTB Architecture          | 5 April 2018          |
| A-13                      | GFA Diagrams   | 28 March 2018      | BTB Architecture          | 5 April 2018          |
| A-14                      | Site Coverage Diagrams                               | 28 March 2018      | BTB Architecture          | 5 April 2018          |
| A-15                      | Conservation Works                                   | 16 October 2018    | BTB Architecture          | 16 October 2018       |
| DAL01A                    | Landscape Plan                                       | 23 March 2018      | Jane Britt Design         | 5 April 2018          |
| DAL02A                    | Tree Protection & Paving Plan                        | 23 March 2018      | Jane Britt Design         | 5 April 2018          |
| DAL03A                    | Landscape Plant Schedule, Specifications and Details | 23 March 2018      | Jane Britt Design         | 5 April 2018          |
| -                         | Arboricultural Impact Assessment                     | 2 November 2018    | The Ents Tree Consultancy | 15 November 2018      |

|                            |                      |                  |                |              |
|----------------------------|----------------------|------------------|----------------|--------------|
| 20180397.1/28<br>03A/R0/MF | Acoustic Assessment  | 28 March<br>2018 | Acoustic Logic | 5 April 2018 |
| Issue B                    | Plan of Management   | April 2018       | ADW Johnson    | 5 April 2018 |
| -                          | Social Impact Report | December<br>2018 | Aigis Group    | 5 April 2018 |

and details submitted to Council on 5 April, 16 October 2018 and 15 November 2018 with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

2. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:
  - a) the plans and/or information approved under this consent; or
  - b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.
3. In order to ensure the architectural and urban design excellence of the development is retained:
  - i) The design architect is to have direct involvement in the design documentation, contract documentation and construction strategies of the project;
  - ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
  - iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the construction certificate.
  - iv) The design architect of the project is not to be changed without prior notice and approval of the Council.
4. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in Condition 1 of this Determination. No changes may be made to these drawings except by way of an application under section 4.55 of the *Environmental Planning and Assessment Act 1979*.
5. The use of the premises must comply at all times with the Plan of Management referred to in Condition 1 above and as amended by the matters referred to in part A of this consent and the following conditions. A copy of the Plan of Management must be annexed to each contract of admission and a copy of the approved Plan of Management must be clearly displayed within every common room in the building at all times. The Plan of Management must not to be amended without the prior approval of Council.
6. All common rooms, recreation rooms, dining area and communal open space must be maintained at all times for the use of the participants. The use of the communal open space for formal, organised activities must only take place between 9:00am and sunset daily.
7. A total of 2 accessible off-street car parking spaces must be provided, paved, line marked and must be maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking prior to the commencement of the use. The car parking spaces must be allocated to staff only, with no participants or visitors being allowed to occupy the spaces.

All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose. A sign legible from the street must be permanently displayed to indicate that visitor parking is not available on site.

8. A minimum of 2 accessible bedrooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
9. 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 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).

10. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.
11. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises as defined in the Environment Protection Authority's Technical Guidelines for Assessing Vibration
12. It may be necessary for the installation of a suitable electrical sub-station for the distribution of electrical power in this area to be located on the land, and that an area of land suitable for Ausgrid to provide such an installation be set aside for this purpose. Before proceeding with your development further, you are directed to contact the General Manager of Ausgrid, George Street, Sydney, with respect to the possible need for such an installation immediately or in the future.
13. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.
14. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
15. All prescribed trees shall be retained and protected in accordance with these conditions and with the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 unless their removal, pruning or other works is explicitly approved under the terms of this consent.
16. All reasonable directions in writing by the project arborist in relation to tree management and tree protection shall be complied with. All directions by the project arborist shall be confirmed in writing to the project manager.

## **BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

17. No work must commence until:
- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
  - b) A minimum of 2 days written notice must be given to Council of the intention to commence work.
18. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
19. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.
- Facilities must be located so that they will not cause a nuisance.
20. All demolition work must:
- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
  - b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
21. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
22. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
23. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
24. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
25. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.
26. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
- a) The name, address and telephone number of the PCA;
  - b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
27. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy

of this document must be submitted to and accepted by PCA before work commences. The plan must indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

- 28. The person acting on this consent is responsible for arranging and meeting the cost of dilapidation reports prepared by a suitably qualified person. The reports are to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a copy being provided to Council and the respective property owner(s) of the identified properties, before work commences, on the buildings on the adjoining properties at Nos. 1, 3 and 5 Merton Street, Petersham, if the consent of the adjoining property owner(s) can be obtained. In the event that the consent of the adjoining property owner(s) cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.
- 29. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
- 30. 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

- 31. 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.
- 32. 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.



33. A project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Inner West local government area shall be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.
34. The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within 7 days.
35. The project arborist shall update the tree protection measures recommended in the Arboricultural Impact Assessment (AIA) report (The Ents Tree Consultancy, (2/11/2018) to incorporate Trees 4, 10 and 11. The amended Tree Protection Plan shall be submitted to and approved by Council before work commences.
36. The tree protection measures detailed in the Arboricultural Impact Assessment (AIA) report (The Ents Tree Consultancy, (2/11/2018), as updated and approved by Council shall be established before work commences.
37. The project arborist shall inspect tree protection measures, including the location of tree protection fencing and signage, and certify in writing to the Principal Certifying Authority the measures comply with the council-approved tree protection plan before work commences.
38. Tree protection measures detailed in the Arboricultural Impact Assessment (AIA) report (The Ents Tree Consultancy, (2/11/2018), as updated and approved, and in Section 4 of Australian Standard *Protection of Trees on Development Sites* AS 4970—2009 shall be implemented and complied with for the duration of works including site preparation, demolition, construction and landscaping (except where these conditions permit otherwise). Any reasonable directions in writing by the Project Arborist relating to tree protection shall be complied with.

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

39. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.  
Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:
  - Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
  - Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissionsor telephone 13 20 92.  
The stamped plans must be submitted to Certifying Authority satisfaction before the issue of a Construction Certificate.
40. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.
41. 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.
42. Amended plans must be submitted to the Certifying Authority's satisfaction indicating an appropriately sized waste storage area with the capacity to accommodate a minimum of 7 x 240L waste bins before the issue of a Construction Certificate.

43. Adequate outdoor clothes drying areas must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
44. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
45. Fixtures for bathroom and kitchen taps, showerheads, dishwashers and toilet cisterns must have a minimum 3 Star WELS rating.  
**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).
46. New or replacement toilets must have a minimum 3 Star WELS rating and be 6/3 litre dual flush or more efficient.  
**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).
47. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and 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 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
48. A levy of \$8,966.87 has been assessed as the contribution for the development under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 7.12 Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 7.12 levy (as adjusted) must be paid to the Council in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 7.12 levies **CANNOT** be made by Personal Cheque or Company Cheque.

\*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT REFERENCE NO. DC002467)

**NOTE:** Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

49. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

50. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NOTE:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.  
[www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au)

51. The premises are to be designed, constructed and operated in accordance with the:

- Food Act 2003
- Food Regulation 2010
- Australia and New Zealand Food Standards Code
- Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- Australian Standard AS 1668 Part 1 – 1998
- Australian Standard AS 1668 Part 2 – 2012; and
- Building Code of Australia

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

52. 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 before the issue 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 before the issue of any Construction Certificate.

53. There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

Emission control equipment shall be provided in the mechanical exhaust system serving the appliances, to effectively minimise the emission of odours, vapours and oils. Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the Construction Certificate for the subject works.

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

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

54. 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 before the issue of any Construction Certificate.

55. The following additional information is to be provided before the issue of a Construction Certificate:

- a) Further investigation of rising damp on the wall of the existing kitchen located on the rear wing is to be undertaken by a suitably qualified professional and submitted to the satisfaction of Council's Heritage and Urban Design Team Leader.
- b) The specific method proposed for noise abatement works to the windows and doors of the main building is to be submitted to the satisfaction of Council's Heritage and Urban Design Team Leader. The information should include the identification of all windows and/or doors required to be noise attenuated. Attenuation is to be achieved by providing a reversible/low impact system (e.g. magnetite's retrofit system that sits on the internal face of the building or by providing a door sealing system such as Raven products).
- c) Amended Plans being submitted to the satisfaction of Council's Heritage and Urban Design Team Leader indicating no alterations and/or additions to the existing original stairwell and timber railing of the main building being proposed.

56. 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 | Min \$2,152.50 |
| Inspection fee   | \$230.65       |

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

The inspection fee is required for 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.

57. The vehicular access opening in the fence shall be increased in width to match the width of the existing vehicular crossing. Amended plans must be submitted to and approved by Council's Development Engineer before the issue of a Construction Certificate.

#### **SITE WORKS**

58. 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.

59. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
60. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires

Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.

61. All demolition work must be carried out in accordance with the following:

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

62. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

- a) At the commencement of the building work;
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

63. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and

- c) at least 7 days' notice must be given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

- 64. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
- 65. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.
- 66. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary.
- 67. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code and in accordance with the following:
  - a) The stormwater system shall exclude charged lines;
  - b) A grated strip drain shall be included at the boundary to collect surface flows within the property; and
  - c) Any stormwater outlets through sandstone kerbs must be carefully core drilled.
- 68. Trees to be removed shall be removed by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with the Safe Work Australia *Guide to Managing Risks of Tree Trimming and Removal Work*, July 2016.
- 69. Trees to be pruned shall be pruned by a practicing arborist who has a minimum qualification of Certificate 3 in arboriculture, in accordance with
  - a) a pruning specification prepared by the project arborist, which has been submitted to and approved by council, and
  - b) the Australian Standard *Pruning of Amenity Trees* AS 4373—2007.
- 70. Landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan and must be maintained at all times to Council's satisfaction. Specified tree protection measures shall be complied with for all landscaping works, except where these conditions permit otherwise.
- 71. Following completion of construction and prior to the issue of the Occupation Certificate, new trees shown on the approved amended landscape plan shall be planted. The new trees shall be planted in accordance with the following criteria:
  - a) The new trees shall be located in accordance with the approved amended landscape plan.
  - b) The species of trees and planting stock size shall be as detailed in the approved amended landscape plan.
  - c) The planting stock size shall be at least 75 litres.

- d) The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.
- e) The new trees shall be planted in accordance with the tree planting detail included in the Marrickville Street Tree Master Plan 2014. Note that planting holes for trees shall not be excavated deeper than the root ball and that new trees shall not be staked.
- f) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
- g) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by MDCP 2011.
- h) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

#### **BEFORE OCCUPATION OF THE BUILDING**

72. All restoration works to the building are to be completed before any interim or final Occupation Certificate is issued. This includes:

- a) Painting of the building in accordance with the Proposed Conservation Works in Drawing Nos. A-15 of this consent
- b) Reinstatement of the timber floor in the front entry hallway of the main building at Ground Level to original detail
- c) Removal of the unoriginal red glass of the central section of the fan light above the front entry door to the main building and replacement with stained glass to match the side panels

73. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;
- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and
- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

74. Occupation of the building must not be permitted until such time as:

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

75. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule.



The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

76. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
  - b) Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneypwater.com.au](http://www.sydneypwater.com.au) > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
77. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2015, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.
78. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of council before being displayed.
79. 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 before the issue of any Occupation Certificate.

80. Prior to the commencement of business operations/issue of an Occupation Certificate the owner of the business is to complete and submit Council's food business registration form which can be obtained from Council's website at [www.innerwest.nsw.gov.au](http://www.innerwest.nsw.gov.au). Evidence of registration must be submitted to the Principal Certifying Authority.

Should Council be the nominated Principal Certifying Authority, then the applicant shall notify Council not less than forty-eight (48) hours prior to the proposed occupation of the premises to arrange for a final compliance inspection.

The applicant shall not operate the food premises until an Occupation Certificate has been issued.

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

81. 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 before the issue of any Occupation Certificate.

82. 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".
83. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
84. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
85. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.
86. The project arborist shall certify in writing to the Principal Certifying Authority (PCA) before the issue of the Occupation Certificate that the conditions of consent relating to tree removal, tree pruning, tree protection and tree planting have been complied with and that the protected trees have not been damaged or, if the recommendations have not been complied

with, detail the extent and nature of the departure from the conditions. The Principal Certifying Authority shall report breaches of the conditions to Inner West Council.

#### **ADVISORY NOTES**

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Any natural light or ventilation gained by windows within 900mm of the boundary will not be taken into consideration in the event that the adjoining property owner makes application to Council to carry out building works on their property. The window has been consented to on the basis that alternative sources of light and ventilation are available to the room.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

|                                   |  |
|-----------------------------------|--|
| BASIX Information                 | ☎ 1300 650 908 weekdays 2:00pm - 5:00pm<br><a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>  |
| Department of Fair Trading        | ☎ 13 32 20<br><a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a><br>Enquiries relating to Owner Builder Permits and Home Warranty Insurance. |
| Dial Before You Dig               | ☎ 1100<br><a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>   |
| Landcom                           | ☎ 9841 8660<br>To purchase copies of Volume One of "Soils and Construction"  |
| Long Service Payments Corporation | ☎ 131441<br><a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>   |

|   |  |
|---|--|
| NSW Food Authority                              | ☎ 1300 552 406<br><a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>   |
| NSW Government                                  | <a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a><br><a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a><br>Information on asbestos and safe work practices. |
| NSW Office of Environment and Heritage          | ☎ 131 555<br><a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>  |
| Sydney Water                                    | ☎ 13 20 92<br><a href="http://www.sydneypwater.com.au">www.sydneypwater.com.au</a>   |
| Waste Service - SITA<br>Environmental Solutions | ☎ 1300 651 116<br><a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>   |
| Water Efficiency Labelling and Standards (WELS) | <a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>   |
| WorkCover Authority of NSW                      | ☎ 13 10 50<br><a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a><br>Enquiries relating to work safety and asbestos removal and disposal.                             |

223 TRAFALGAR STREET

LOCATION PLAN - NTS

THE SYDNEY RETREAT  
223 TRAFALGAR STREET, STANMORE

ALTERATIONS + ADDITIONS

WALL KEY

EXISTING TO BE RETAINED

TO BE DEMOLISHED

PROPOSED MASONRY WALL

PROPOSED TIMBER STUD WALL

PROPOSED VIEW FROM TRAFALGAR STREET

ARTIST'S IMPRESSION INDICATIVE ONLY

PROPOSED VIEW FROM INNER COURTYARD

ARTIST'S IMPRESSION INDICATIVE ONLY

DRAWING LIST

ARCHITECTURAL

A-00A COVERSHEET

A-01A PROPOSED SITE PLAN

A-02A PROPOSED GROUND FLOOR PLAN

A-03A PROPOSED FIRST FLOOR PLAN

A-04A PROPOSED ROOF PLAN

A-05A PROPOSED ELEVATIONS

A-06A PROPOSED ELEVATIONS

A-07A PROPOSED ELEVATION + SECTION

A-08A PROPOSED ELEVATIONS

A-09A MATERIALS AND FINISHES

A-10A EROSION AND SEDIMENT CONTROL PLAN

A-11 SHADOW DIAGRAMS

A-12 SHADOW DIAGRAMS

A-13 GROSS FLOOR AREA DIAGRAMS

A-14 SITE COVERAGE DIAGRAMS

A-15 PROPOSED CONSERVATION WORKS

LANDSCAPE

DAL01 LANDSCAPE PLAN

DAL02 TREE PROTECTION + PAVING PLAN

DAL03 DETAILS AND SPECIFICATION

MEASURED DRAWINGS

MD-01 EXISTING SITE PLAN

MD-02 EXISTING GROUND FLOOR PLAN

MD-03 EXISTING FIRST FLOOR PLAN

MD-04 EXISTING ROOF PLAN

MD-05 EXISTING ELEVATIONS

MD-06 EXISTING ELEVATIONS

MD-07 EXISTING ELEVATION + SECTION

MD-08 EXISTING SECTIONS

DEMOLITION DRAWINGS

DD-01 DEMOLITION GROUND FLOOR PLAN

DD-02 DEMOLITION FIRST FLOOR PLAN

DD-03 DEMOLITION ROOF PLAN

DD-04 DEMOLITION ELEVATIONS

DD-05 DEMOLITION ELEVATIONS

Site Area 620.3 sqm

Existing - House Only

Floor Area 259.70m2

FSR Existing 0.413

Percentage 41.87%

Gross Floor Area

Existing - House + Workshop Building

Floor Area 330.59m2

FSR Existing 0.531

Percentage 53.29%

Proposed Scheme

FSR Proposed 0.571

Percentage 57.24%

Gross Floor Area 355.06 sqm

Site Coverage

Existing Site Coverage 36.78%

Proposed Site Coverage 40.93%

FOR DA PURPOSES ONLY

The Sydney Retreat

223 Trafalgar Street Stanmore NSW 2048

BTB ARCHITECTURE STUDIO

BRAMBLETON TERRACE 1 STANMORE

02 9551 1111 Fax: 02 9551 1111 Email: info@btbarchitect.com.au

75 MARY STREET, ST PETERS NSW 2044

m: 0427 546 006 e: jordan@btbarchitect.com.au

Project No 1716

Stage DA

Drawn SM + SP

Scale NTS

Drawing A-00A

Checked JB

Date OCTOBER 2018

Coversheet



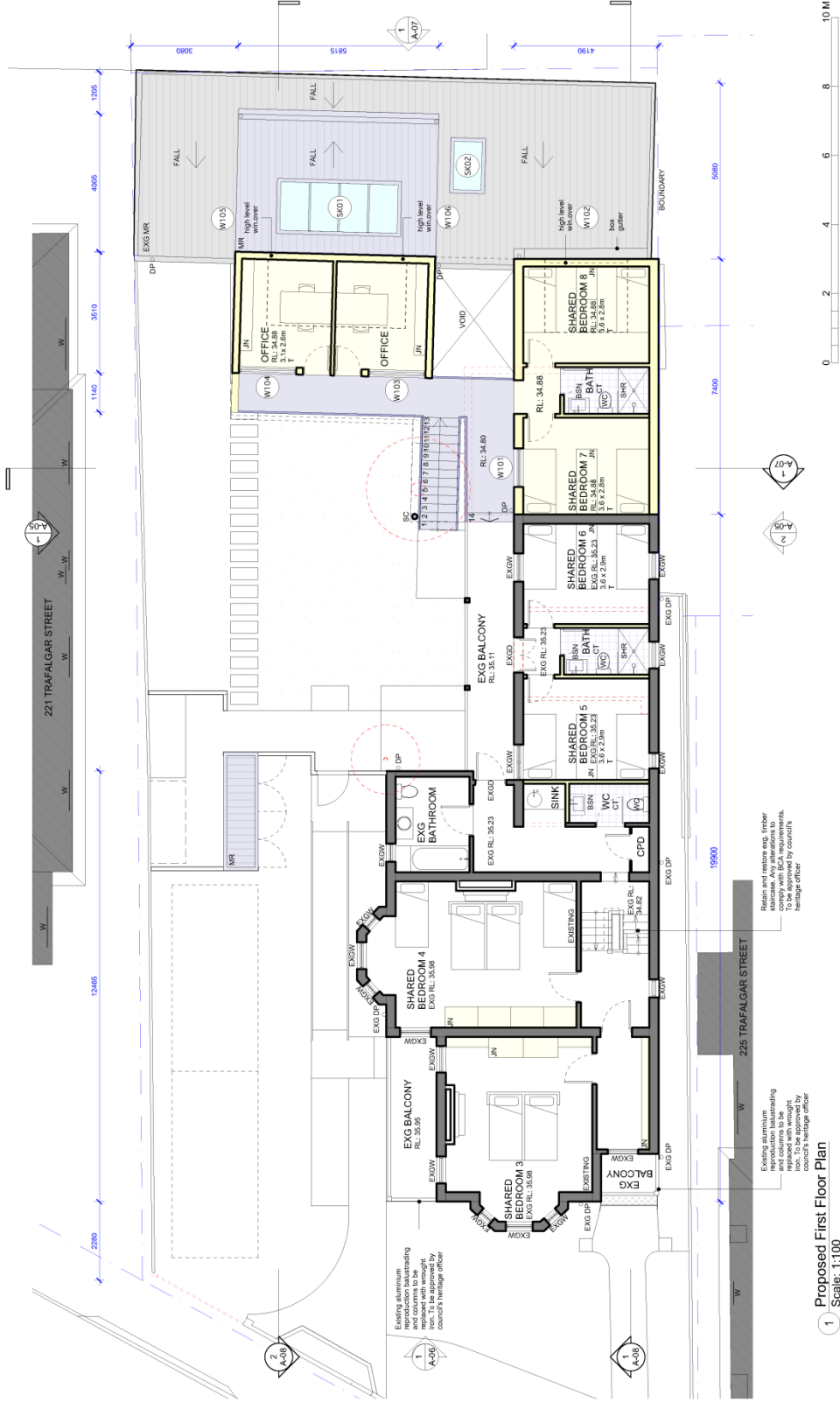


| LEGEND |                                 |
|--------|---------------------------------|
| ND     | near door                       |
| BOY    | boundary                        |
| BSN    | basin                           |
| CFC    | brickwork                       |
| CFC    | compressed fibre cement sheet   |
| REN    | cement render                   |
| RC     | reinforced concrete             |
| SC     | steel reinforcement             |
| SHR    | shower                          |
| TR     | downdrip                        |
| DP     | downpipe                        |
| EXG    | existing                        |
| GU     | gutter                          |
| JN     | joinery                         |
| MJ     | metal roofing                   |
| PMB    | performed metal balustrade      |
| PAV    | paving                          |
| REN    | cement render with paint finish |
| SC     | steel column                    |
| TS     | timber screen                   |
| T      | timber                          |
| WC     | water closet                    |
| VF     | viny flooring                   |

[illegible]

|                               |            |
|-------------------------------|------------|
| Project No                    | 1716       |
| Stage                         | DA         |
| Drawn                         | SM + SP    |
| Scale                         | 1:100      |
| Checked                       | JB         |
| Date                          | MARCH 2018 |
| Drawing                       | A-02       |
| Proposed<br>Ground Floor Plan |            |

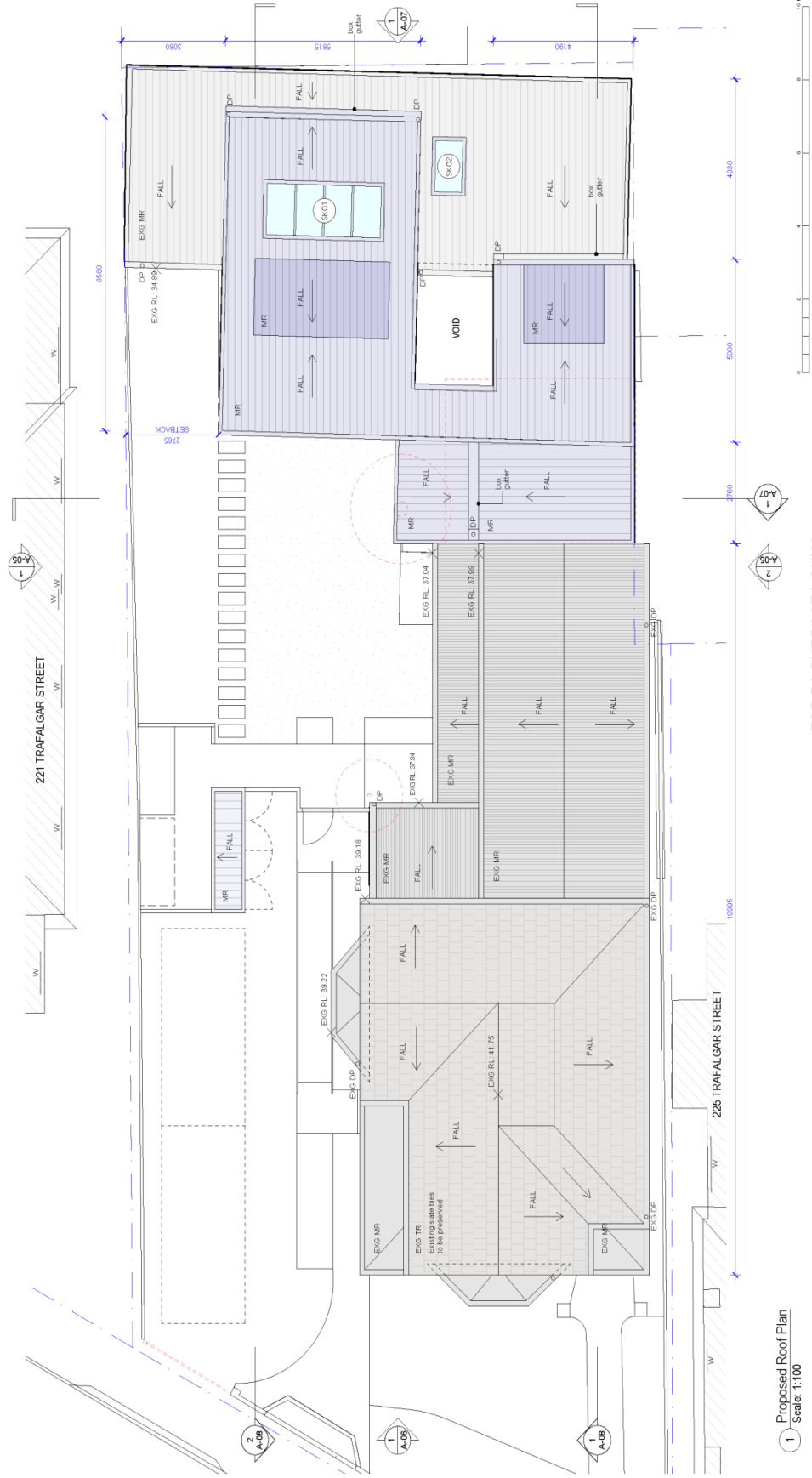




|  |  |            |                  |
|--|--|------------|------------------|
| FOR DA PURPOSES ONLY                           |  | Project No | 1716             |
| The Sydney Retreat                             |  | Stage      | DA               |
| 223 Trafalgar Street Sydney NSW 2048           |  | Drawn      | SM + SP          |
| BTB ARCHITECTURE STUDIO                        |  | Scale      | 1:100            |
| Scale 7:11 First Floor Building 7 PRELIMINARY  |  | Checked    | JB               |
| 79 Mary Street, St Peters NSW 2044             |  | Date       | MARCH 2018       |
| Ph: 0427 548 588 or btbtobias@btbstudio.com.au |  | Drawing    | A-03             |
| Northcote Avenue South 17000000 1716           |  | Proposed   | First Floor Plan |

| Rev      | Date          | Description | Drawn |
|----------|---------------|-------------|-------|
| 28.03.18 | DA Submission | SM + SP     |       |
| 29.03.18 | Draft DA      | SM + SP     |       |
| 14.12.17 | Pre-DA        | SM + CT     |       |





1 Proposed Roof Plan  
Scale: 1:100

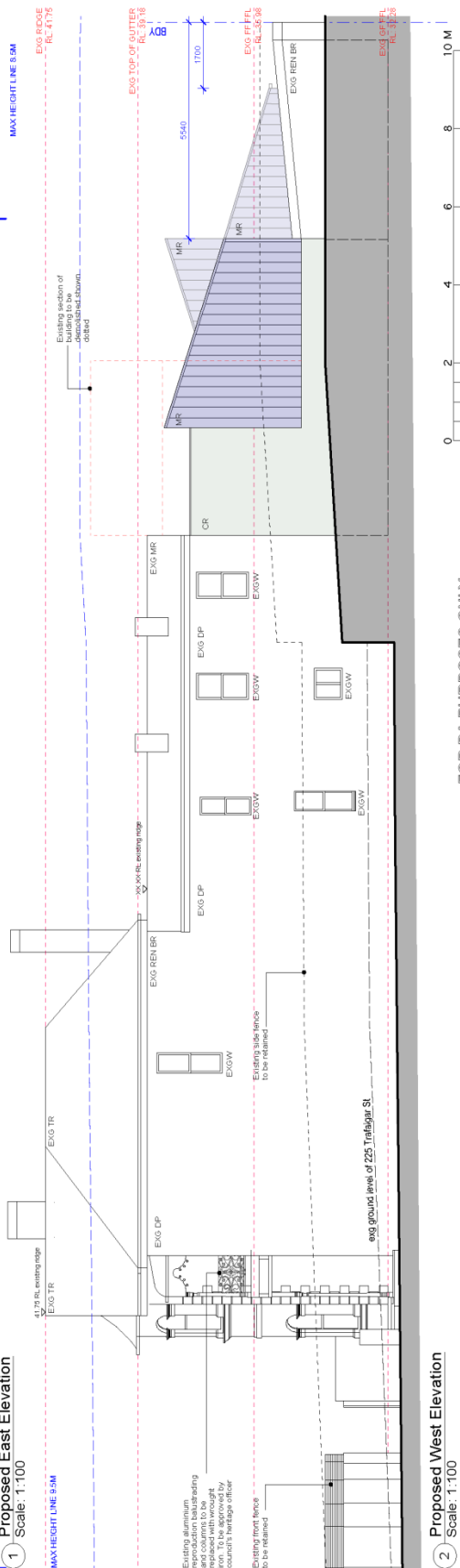
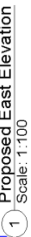
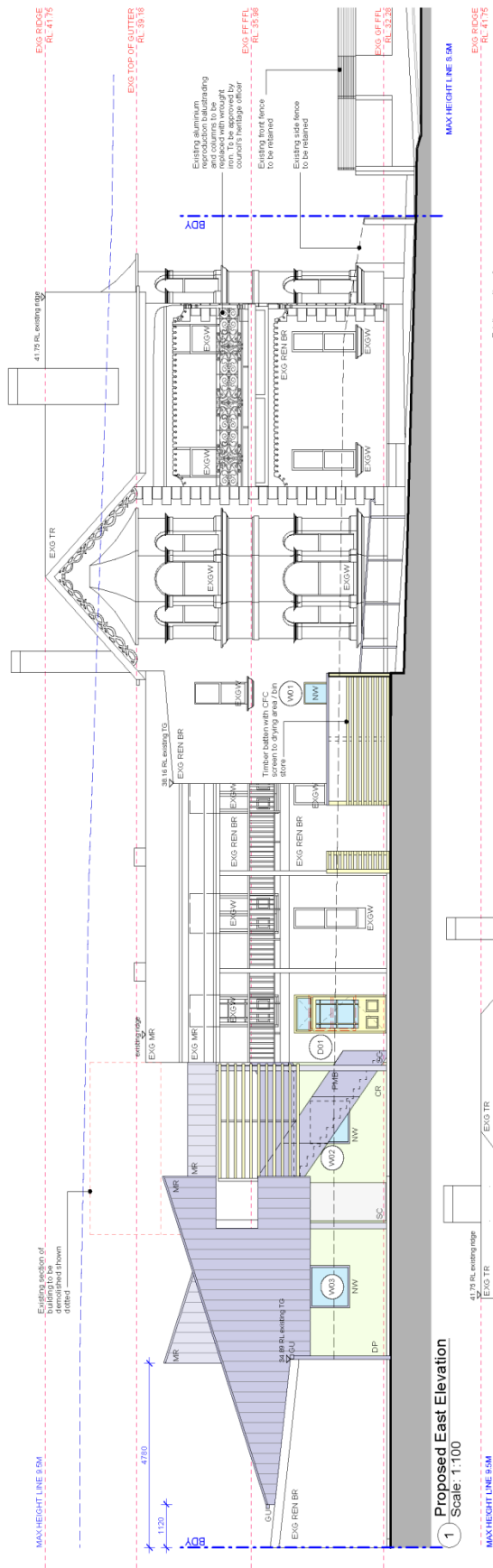
| LEGEND | DESCRIPTION   | REV | DATE  | DESCRIPTION   |
|--------|---------------|-----|-------|---------------|
| ND     | new door      | 1   | 17/16 | new door      |
| WB     | wooden board  | 1   | 17/16 | wooden board  |
| MB     | metal board   | 1   | 17/16 | metal board   |
| BN     | brickwork     | 1   | 17/16 | brickwork     |
| SC     | concrete slab | 1   | 17/16 | concrete slab |
| CR     | concrete roof | 1   | 17/16 | concrete roof |
| D      | downpipe      | 1   | 17/16 | downpipe      |
| BK     | brickwork     | 1   | 17/16 | brickwork     |
| FW     | floor waste   | 1   | 17/16 | floor waste   |
| JN     | joinery       | 1   | 17/16 | joinery       |
| MR     | metal roofing | 1   | 17/16 | metal roofing |
| WB     | wooden board  | 1   | 17/16 | wooden board  |
| MB     | metal board   | 1   | 17/16 | metal board   |
| BN     | brickwork     | 1   | 17/16 | brickwork     |
| SC     | concrete slab | 1   | 17/16 | concrete slab |
| CR     | concrete roof | 1   | 17/16 | concrete roof |
| D      | downpipe      | 1   | 17/16 | downpipe      |
| BK     | brickwork     | 1   | 17/16 | brickwork     |
| FW     | floor waste   | 1   | 17/16 | floor waste   |
| JN     | joinery       | 1   | 17/16 | joinery       |
| MR     | metal roofing | 1   | 17/16 | metal roofing |

FOR DA PURPOSES ONLY

**The Sydney Retreat**  
223 Trafalgar Street St Leonards NSW 1570  
**BTE ARCHITECTURE STUDIO**  
BTE ARCHITECTURE STUDIO  
8/11 King Street, St Leonards NSW 1570  
m: 0437 546 008 e: bte@btearchitecturastudio.com.au  
Nominated Architect Entry 17/16

| Rev | Date     | Description         | Drawn   |
|-----|----------|---------------------|---------|
| A   | 16.10.18 | Additional DA info. | JB      |
| -   | 28.03.18 | DA Submission       | SM + SP |
| -   | 26.03.18 | Draft DA            | SM + CT |
| -   | 14.12.17 | Pre-DA              | SM + CT |

| Project No | 1716         |
|------------|--------------|
| Stage      | DA           |
| Drawn      | SM + SP      |
| Scale      | 1:100        |
| Drawing    | A-04A        |
| Date       | OCTOBER 2018 |
| Checked    | JB           |
| Proposed   | Roof Plan    |

[illegible]

| Rev | Date     | Description         | Drawn   |
|-----|----------|---------------------|---------|
| A   | 16.10.18 | Additional DA Info. | JB      |
| -   | 28.03.18 | DA Submission       | SM + SP |
| -   | 26.03.18 | Draft DA            | SM + SP |
| -   | 14.12.17 | Pre-DA              | SM + CT |

FOR DA PURPOSES ONLY

## The Sydney Retreat

**The Sydney Retreat**  
223 Trafalgar Street Stanmore NSW 2048

BTB ARCHITECTURE STUDIO

Berkemeier | Trousdale | Border

Suite 7.11 First floor, Building 7, PRECINCT 75

Suite 7.11 First floor, Building 7, PRECINCT 75  
75 Mary Street, St Peters NSW 2044

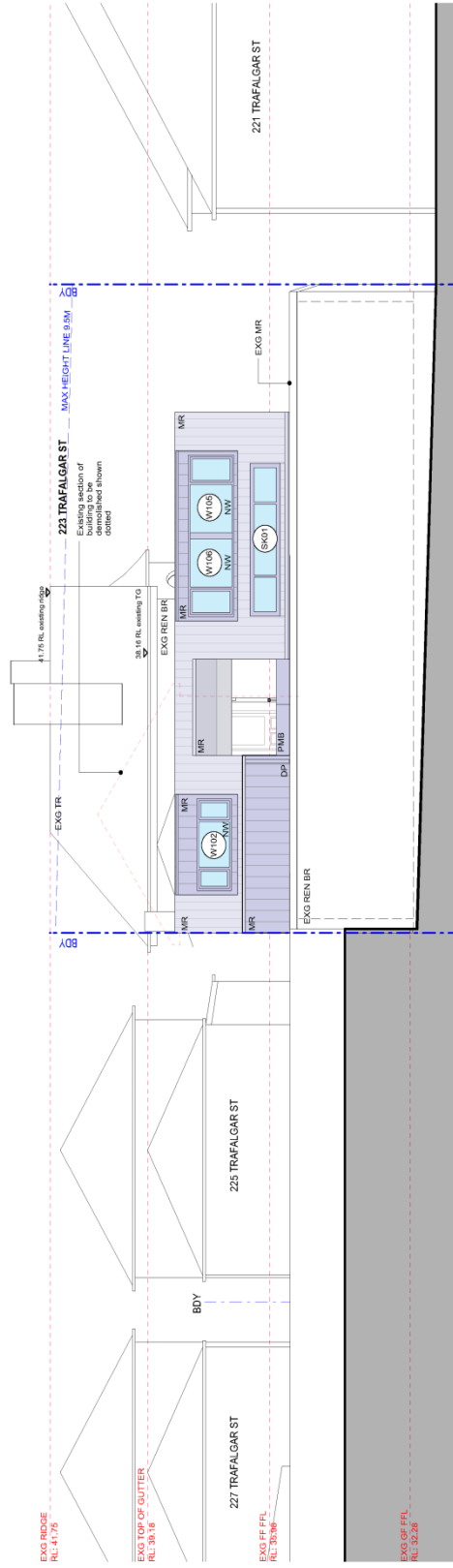
m : 0427 546 808 e : [brent@tbtarchitecturestudios.com](mailto:brent@tbtarchitecturestudios.com)  
Nominated Architect Brent Troughton A&PR 7718

Nominated Architect Brent Trousseau ARB 7718

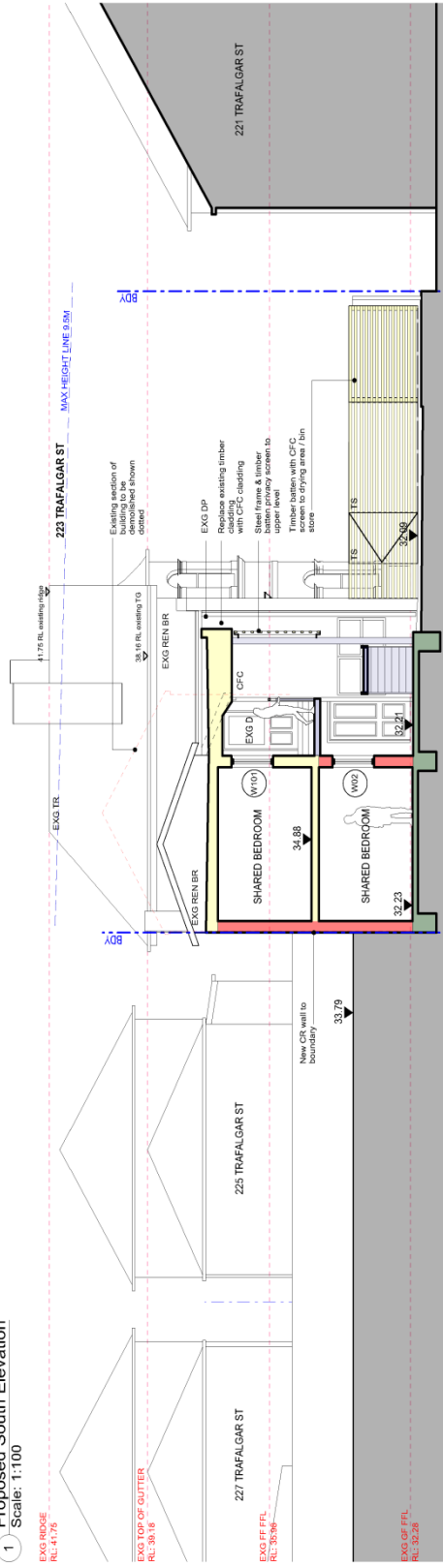
|            |  |
|------------|--|
| Project No | 1716   |
| Stage      | DA   |
| Drawn      | SM + SP  |
| Scale      | 1:100  |
| Drawing    | <div> <div> A-05A </div> <div> Proposed Elevations </div> </div> |
| Checked    | JB   |
| Date       | OCTOBER 2018   |

Proposed Elevations





1 Proposed South Elevation  
Scale: 1:100



2 Proposed Cross Section  
Scale: 1:100

| LEGEND |               |     |                            |  |
|--------|---------------|-----|----------------------------|--|
| BDY    | boundary      | NO  | new door                   |  |
| BSN    | basin         | PMB | performed metal balustrade |  |
| BSW    | brickwork     | REN | render with paint finish   |  |
| CC     | concrete      | SC  | steel column               |  |
| CR     | ceramic tile  | SH  | showel                     |  |
| DF     | dormer        | SHR | shower                     |  |
| DP     | dormer        | TR  | timber roofing             |  |
| FW     | floor waste   | T   | timber screen              |  |
| GL     | gutter        | W   | window                     |  |
| MR     | metal roofing | VL  | vinyl flooring             |  |

|     |          |               |         |
|-----|----------|---------------|---------|
| -   | 26.03.18 | DA Submission | SM + SF |
| -   | 26.03.18 | Draft DA      | SM + SF |
| -   | 14.12.17 | Pre-DA        | SM + C' |
| Rev | Date     | Description   | Drawn   |

FOR DA PURPOSES ONLY

**The Sydney Retreat**  
223 Trafalgar Street Stanmore NSW 2048

**BTB ARCHITECTURE STUDIO**  
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75 Mary Street, St Peters NSW 2044  
m: 0427 546 808 e: [brent@bbarbarchitectstudio.com.au](mailto:brent@bbarbarchitectstudio.com.au)  
Nominated Architect Brent Trousdale ARB 7718

|            |                                   |
|------------|-----------------------------------|
| Project No | 1716                              |
| Stage      | DA                                |
| Drawn      | SM + SP                           |
| Scale      | 1:100                             |
| Checked    | JB                                |
| Date       | MARCH 2018                        |
| Drawing    | A-07 Proposed Elevation + Section |

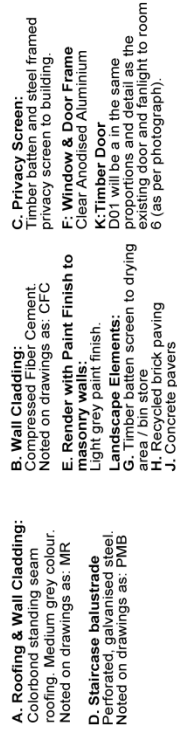


Architectural drawing of the Proposed East Elevation showing materials and finishes. The drawing includes a section of a building with a gabled roof and various wall and floor materials. Callouts A through F identify specific materials: A (G.U.), B (G.U.), C (MR), D (MR), E (MR), and F (MR). A legend at the bottom right lists the materials and finishes: 1. Proposed East Elevation - Materials + Finishes, Scale: 1:100.

Scale: 1:100

Scale: 1:100

|                                |                |
|--------------------------------|----------------|
| new door                       | ND             |
| new window                     | NW             |
| perforated metal balustrade    | PMB            |
| paving                         | PV             |
| paint render with paint finish | REN            |
| steel column                   | SC             |
| plastic tile                   | PT             |
| shower                         | SHR            |
| tiled roofing                  | TR             |
| timber screen                  | T <sub>S</sub> |
| waste                          | W              |
| water closet                   | WC             |
| vinyl flooring                 | VL             |



## FOR DA PURPOSES ONLY

223 Trafalgar Street Stanmore NSW 2048

Berkemeyer | Trousdale | Border

75 Mary Street, St Peters NSW 2044  
m : 0427 546 808 e : [brent@b1barchitecturstudio.com.au](mailto:brent@b1barchitecturstudio.com.au)

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|            |       |
|------------|-------|
| Project No | 1716  |
| Stage      | DA    |
| Drawn      | SM +  |
| Scale      | 1:100 |
| Drawing    | A-01  |

## Materials + Finishes





1 Proposed Erosion and Sediment Plan + Proposed Stormwater Plan  
Scale: 1:200



1 Proposed Ground Floor Plan  
Scale: 1:200

2 Proposed First Floor Plan  
Scale: 1:200

FOR DA PURPOSES ONLY

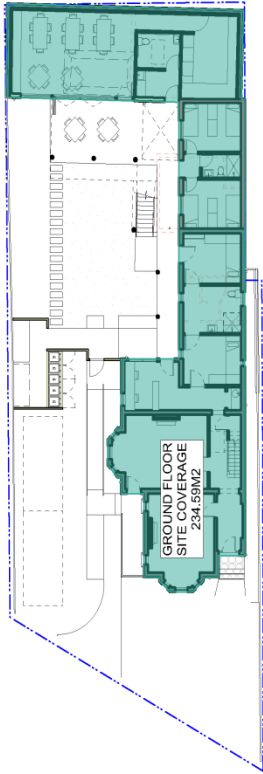
**The Sydney Retreat**  
223 Trafalgar Street Starmore NSW 2048

**BTB ARCHITECTURE STUDIO**  
Ben Kennedy 11005586 | Director  
Suite 7/1 First Floor, Building 7, Precinct 75  
1412/1777  
m: 0427 546 806 e: brett@btbarchitectstudio.com.au  
Nominated Architect Benn 11005586 A18 7718

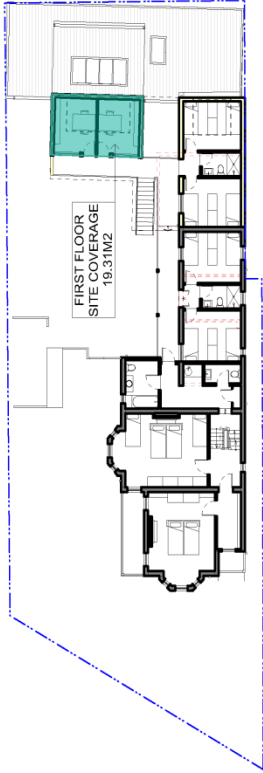
| Rev | Date     | Description   | Drawn   |
|-----|----------|---------------|---------|
| -   | 26.03.18 | DA Submission | SM + SP |
| -   | 26.03.18 | Draft DA      | SM + SP |
| -   | 14.12.17 | Pre-DA        | SM + CT |

|                  |            |
|------------------|------------|
| Project No       | 1716       |
| Stage            | DA         |
| Drawn            | SM + SP    |
| Scale            | 1:200      |
| Checked          | JB         |
| Date             | MARCH 2018 |
| Drawing          | A-13       |
| Gross Floor Area | Diagrams   |

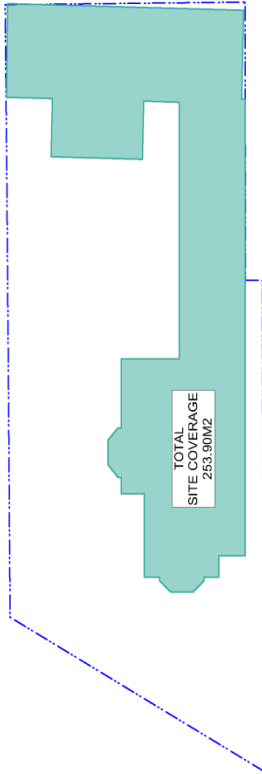




1 Proposed Ground Floor Site Coverage Diagram  
Scale: 1:250



2 Proposed First Floor Site Coverage Diagram  
Scale: 1:250



3 Total Site Coverage Diagram  
Scale: 1:250



SITE COVERAGE CALCULATIONS

|   |
|---|
| SITE AREA: 620.30M2                           |
| MAX SITE COVERAGE: 45% OF TOTAL SITE AREA     |
| GROUND FLOOR SITE COVERAGE: 234.59M2 - 37.82% |
| FIRST FLOOR SITE COVERAGE: 19.31M2 - 3.11 %   |
| TOTAL SITE COVERAGE: 253.90M2 - 40.93%        |

FOR DA PURPOSES ONLY

The Sydney Retreat  
223 Trafalgar Street Starmore NSW 2048

BTB ARCHITECTURE STUDIO

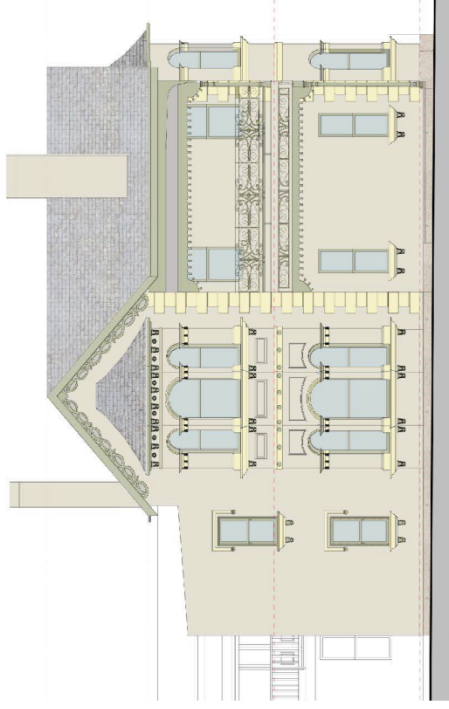
Berkemater | Trousdale | Border  
Suite 7/11 First floor, Building 7, PHECINCT 75  
75 Mary Street, St Peters NSW 2044  
Phone: 02 9550 1234  
Email: info@btbarchitectstudio.com.au  
Nominated Architect Brent Trousdale ARB 7718

|                 |  |                        |  |
|-----------------|--|------------------------|--|
| Project No 1716 |  | Stage DA               |  |
| Drawn SM + SP   |  | Checked JB             |  |
| Scale 1:200     |  | Date MARCH 2018        |  |
| Drawing A-14    |  | Site Coverage Diagrams |  |

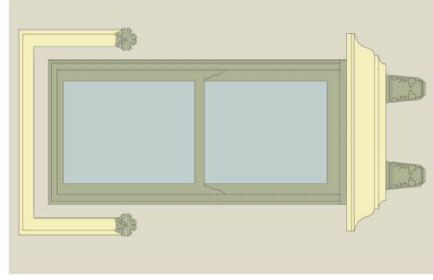
BS2680-9093  
Silver365  
VellumBS2660-5059  
Sky

**C. Steel and Timber Work**  
**Colour:**  
British Paints BS2660-5059  
Sky

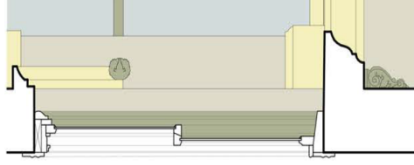
1 Primary Building - East Elevation  
Scale: 1:100



1 Primary Building - East Elevation  
Scale: 1:100



1 Proposed Window W0.1 Elevation  
Scale: 1:20



1 W.01 Section Detail  
Scale: 1:20



Existing Photograph

**The Sydney Retreat**  
223 Trafalgar Street Stanmore NSW 2048

Suite 7 11 First floor, Building 7, PRECINCT 75  
75 Mary Street, St Peters NSW 2044  
m : 0427 546 808 e : [brent@b7architecturestudio.com.au](mailto:brent@b7architecturestudio.com.au)  
Nominated Architect Brent Trausdale ARB 7718

[illegible]



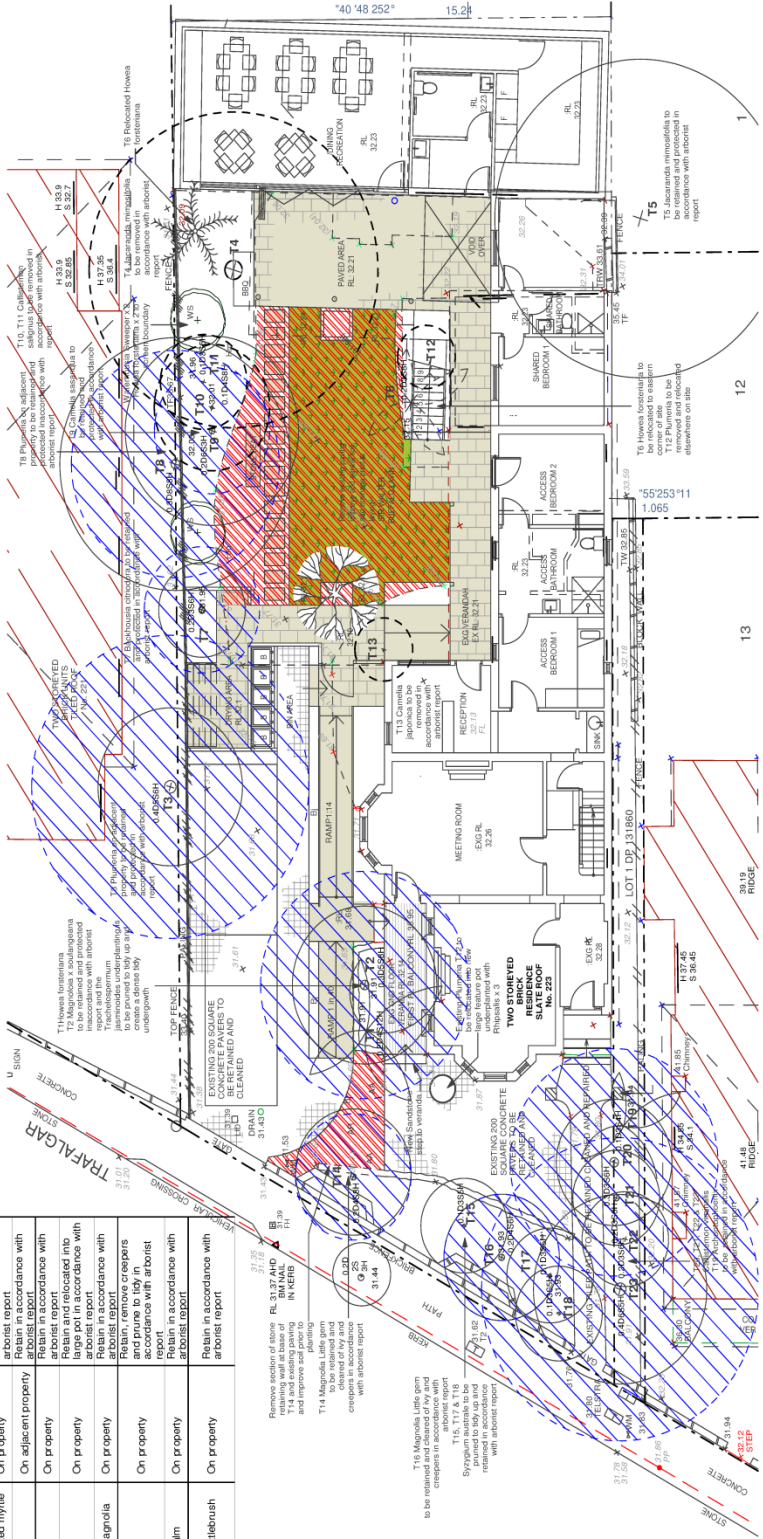
PLANTING SCHEDULE 223 Trafalgar St STANMORE 23/03/16

| Botanical Name                       | No  | Common Name           | Location             | Comment  |
|--------------------------------------|-----|-----------------------|----------------------|--|
| <b>Existing trees to be removed</b>  |     |                       |                      |  |
| Jacaranda mimosoides                 | T4  | Jacaranda             | On property          | Remove in accordance with arborist report                              |
| Callistemon salignus                 | T11 | Pink tips Bottlebrush | On property          |  |
| Camellia japonica                    | T13 | Camellia              | On property          |  |
| <b>Existing trees to be retained</b> |     |                       |                      |  |
| Hovea forsteriana                    | T1  | Hovea                 | On property          | Retain in accordance with arborist report                              |
| Magnolia x                           | T2  | Saucer Magnolia       | On property          |  |
| Plumiera                             | T3  | Frangipani            | On adjacent property | Retain in accordance with arborist report                              |
| Jacaranda mimosoides                 | T5  | Jacaranda             | On adjacent property | Relocate to SE corner of site in accordance with arborist report       |
| Hovea forsteriana                    | T6  | Kentia palm           | On property          | Retain in accordance with arborist report                              |
| Backhousia citrifolia                | T7  | Lemon scented myrtle  | On property          | Retain in accordance with arborist report                              |
| Plumiera                             | T8  | Frangipani            | On adjacent property | Retain in accordance with arborist report                              |
| Camellia sasanqua                    | T9  | Camellia              | On property          | Retain in accordance with arborist report                              |
| Plumiera                             | T12 | Frangipani            | On property          | Retain and relocated into large pot in accordance with arborist report |
| Magnolia Little Gem                  | T14 | Little Gem Magnolia   | On property          | Retain in accordance with arborist report                              |
| Strydom australe                     | T15 | Ullipally             | On property          | Retain, remove creepers in accordance with arborist report             |
| Archontophoenix                      | T16 | Bangalow palm         | On property          | Retain in accordance with arborist report                              |
| Callistemon viminalis                | T20 | Weeping Bottlebrush   | On property          | Retain in accordance with arborist report                              |



**DRAWING KEY**

- & CANOPY SUBCANOPY TREES
- DECIDUOUS TREES
- PROPOSED TURF AREAS
- TILED AREA TO ARCHITECT SPEC
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- TREE PROTECTION ZONES
- AREA OF EXISTING PAVING TO BE REMOVED AND REPLACED WITH TURF OR UNUSING



janebritten design  
No.39 Susan St Annandale NSW 2038 mbs: 0404 085840 email: jane@britt.com.au

The Sydney Retreat  
No 223 Trafalgar St STANMORE  
:project  
:drawing

MAR 2018  
date  
1:100  
scale  
at A2

Amendments  
A. Preliminary Issue 23/03/18

DAL02A





## Attachment C – Plan of Management

Planning

Working Beyond Expectations

### ADW JOHNSON PTY LIMITED

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Warners Bay NSW 2282  
02 4978 5100

hunter@adwjohnson.com.au

## Plan of Management

### For the Operation of 'The Sydney Retreat' Drug and Alcohol Rehabilitation Facility

#### Property:

223 Trafalgar Street, Stanmore  
Lot 10 Section 1 DP 220

#### Applicant:

Steps Retreats (Australia) Limited

#### Date:

April 2018

*"Our mission is to improve the quality of life for individuals, families, and communities affected by alcohol and drug dependency by providing affordable, effective educational services grounded in the Twelve Step principles of Alcoholics Anonymous". – The Retreat Mission Statement.*



Project Management • Town Planning • Engineering • Surveying  
Visualisation • Economic Analysis • Social Impact • Urban Planning

[www.adwjohnson.com.au](http://www.adwjohnson.com.au)

## Document Control Sheet

| Issue No. | Amendment | Date         | Prepared By | Checked By |
|-----------|-----------|--------------|-------------|------------|
| A         | Draft     | January 2018 | BWH         | AC         |
| B         | Final     | April 2018   | BWH         |            |
|           |           |              |             |            |
|           |           |              |             |            |

### Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

This document is solely for the use of the authorised recipient. It is not to be used or copied (either in whole or in part) for any other purpose other than that for which it has been prepared. ADW Johnson accepts no responsibility to any third party who may use or rely on this document or the information contained herein.

The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

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## 1.0 Introduction

---

### 1.1 PURPOSE OF THE PLAN

The purpose of this Plan of Management ("POM") is to establish performance criteria for various aspects of the operations of 'The Sydney Retreat' Drug and Alcohol Rehabilitation Facility, having regard to the relevant matters under the Environmental Planning and Assessment Act 1979, the various reports and supporting documentation submitted by the proponent as part of the development application to Inner West Council.

The facility is to provide drug and alcohol rehabilitation services utilising effective educational services grounded in the Twelve Step principles of Alcoholics Anonymous. The facility is aimed at promoting recovery, preventing relapse, instilling and enhancing coping strategies and living skills.

## **2.0 Key Management Policies**

---

### **2.1 AMENITY OF THE NEIGHBOURHOOD**

The activities of the rehabilitation facility shall be conducted in such a manner to ensure there is no unreasonable interference with, or material effect upon the amenity of the neighbourhood.

One (1) staff member within each shift is to be appointed as the onsite manager and as such, will be available to ensure the management of the site in accordance with the approved Plan of Management.

### **2.2 USE OF EXTERNAL AREAS**

The use of external areas (predominately the internal courtyard) for activities will only occur between 9:00am and sunset. Emphasis will be laid upon maintaining peace and tranquillity at all times for the wider enjoyment and therapeutic benefit of individual participants, as well as not to cause unreasonable impact upon the amenity of surrounding properties.

### **2.3 TRANSPORT ARRANGEMENTS**

All transport to and from the facility for the participants will be provided by staff or by family and friends. No participants will have their own vehicles onsite.

## 3.0 Operational Procedures

### 3.1 ADMISSION AND DISCHARGE TO THE FACILITY

#### 3.1.1 Admission and Discharge Times

Admissions and discharges are scheduled for weekdays, at prearranged times between the hours of 9:00am and 5:00pm. No admissions or discharges will occur outside these hours.

#### 3.1.2 Admission Criteria

- Age 18 years or older;
- Must know they have the primary problem of alcoholism and/or drug addiction;
- Must be willing and motivated to participate in the program;
- Must be in recovery, or seeking recovery, from chemical dependency;
- Must be sober and chemically free for a minimum of 72 hours;
- Must be free from communicable disease and have no current physical or mental health problems that would take precedence over program participation;
- Must be mentally and physically capable of meeting personal needs;
- Participants understand that The Sydney Retreat is not a substitute for psychotherapy, medical therapy or detoxification;
- Satisfactory financial arrangements.

#### 3.1.3 Pre-Admission Process

- Referred by General Practitioner, Specialist or Psychologist with referral letter, past discharge letters, account of previous treatments;
- Suitability of admission will be determined through extensive telephone assessment, with further assessment to be conducted by intake staff upon arrival;
- Patient's recent blood tests and physical examination report (within 48 hours prior to admission) from their General Practitioner.

#### 3.1.4 Admission Process

- Detailed admission assessment by intake staff on day of admission;
- Participant is not to be intoxicated at time of admission;
- Collateral information gathered from family / close friends;
- Admission review by staff and establishment of initial management plan.

#### 3.1.5 Course of Admission

- 30 days closely monitored by staff;
- Individual counselling;
- Group activities/therapy sessions.

#### 3.1.6 Discharge Process

- Confirm that participant has completed Steps 1-8 during their 30 day stay at The Sydney Retreat. Suggest additional readings to support progress toward an individual participants goals;

- Review by staff to ensure guest is aware of all local meetings of Alcoholics Anonymous and relevant websites;
- Physical and psychological health services are offered to guests through referral to community providers, as needed;
- Sponsorship – each participant will be discharged with a temporary sponsor to support the transition into the recovering community;
- Staff will confirm participant has transport and lodgings organised before leaving the premises.

### 3.2 PARTICIPANT NUMBERS

No more than 20 participants will stay within the facility at time. Each participant will stay for 30 days. Acceptance to the facility is strictly in accordance with the admission criteria listed above.

### 3.3 STAFF NUMBERS

Staff will be present at the facility 24 hours a day / seven (7) days a week, with stand up staff present during the night. Staff will include the following:

- One (1) CEO;
- One (1) Program director;
- Three (3) Retreat assistants (permanent);
- Three (3) Retreat assistants (casual);
- One (1) Cook (permanent);
- One (1) Cook (casual);
- One (1) Bookkeeper (casual).

The CEO and program director will be onsite Monday-Friday 9am-5pm, and will also be on call outside of these hours. Retreat assistants will rotate between three (3) shifts seven (7) days a week being:

- 7am-3pm;
- 3pm-11pm;
- 11pm-7am.

### 3.4 DAILY ACTIVITIES

Participants will take part in a range of group activities. All activities are supervised by staff.

Indoor activities will occur between 8:00am and 10:00pm and will include:

- Big Book study;
- Chores;
- Speaker meeting;
- Daily reflections;
- Big book worksheets;
- Living sober study;
- Meditation discussion;
- Meditation;
- Community meetings;

- In-house AA meetings;
- Three (3) Legacies AA meetings;
- 12x12 study;
- 4<sup>th</sup> and 10<sup>th</sup> Step workshop;
- Spiritual presentation;
- Al-Anon speaker meeting;
- Movie night.

Outdoor activities will occur between 9:00am and sunset and will include outside AA meetings. Some group outings like beach days or bushwalk days will be offered to participants.

### 3.5 SERVICES

The retreat includes a kitchen and laundry. All meals will be prepared in the kitchen by staff, with the exception being breakfast, where participants will help themselves. The laundry is not designed to provide full laundry services for 20 participants. As such, linen and the bulk of laundry will be undertaken by an offsite commercial laundry contractor.

The onsite laundry will act as a basic utility for small and infrequent use.

### 3.6 SAFETY AND SECURITY

- Security will be provided to the facility in a manner similar to a standard residential home, to secure the premises, staff and clients from theft, burglary, vandalism and unauthorised access;
- Medications will not be stored or dispensed in this facility. This includes Schedule 8 medications (e.g. Methadone);
- Site orientations to the facility and its emergency plans will be provided to patients on admission.

### 3.7 COMPLAINTS HANDLING

In regards to managing any stakeholder issues that may arise, consultation mechanisms will be established in accordance with the recommendation contained within the Social Impact Comment dated December 2017 prepared by AIGIS Group.

A contact phone line shall be established for the registering of complaints in relation to the use of the site. The phone number will be notified by letter drop to nearby residents in Trafalgar Street, and shall be displayed at the entry to the site. The phone line will be monitored 24 hours a day, seven (7) days a week by onsite staff who will be instructed in the requirements of this plan.

The facility will establish and maintain a complaints register in which all complaints shall be recorded. An opportunity shall be provided to the complainant to meet with the onsite manager to explain the nature of the complaint, who shall use their best endeavours to resolve any reasonable complaint.

The onsite manager is to take reasonable steps to advise the person making the complaint of action carried out in respect of the matter.

### 3.8 VISITORS

Visitation times are by appointment only and scheduled only between 10:00am and 2:00pm on Sundays in blocks of one (1) hour each.

### 3.9 PARKING

Two (2) parking spaces are available onsite. No parking is required for participants, as they will not have a vehicle onsite. On street parking also available; however it is considered that most staff will rely on public transport, given the close proximity of the site to Stanmore Train Station.

### 3.10 EMERGENCY CONTROL PLAN

An Emergency Control Plan shall be prepared and submitted to Council for endorsement prior to commencement of operations. The main objective of the Emergency Control Plan is to provide a controlled method for the evacuation or relocation of all occupants of the facility as quickly and as safely as possible having regard for the type of incident and prevailing conditions.

The Emergency Control Plan ensures that there are always adequate designated persons available to allow the plan to be fully implemented. The roles of those designated persons should be clear and understood to facilitate a controlled response.

A key objective is to ensure persons associated with the use of site are aware of procedures in the event of an emergency.

To enable the Emergency Plan to be satisfactorily implemented, the following systems shall be in place:

- The designated persons shall be trained to allow an effective response in an emergency;
- Posted emergency and evacuation procedures shall be provided;
- New participants will have the emergency procedures explained to them as part of their site induction.

### 3.11 WASTE MANAGEMENT PLAN

Waste Management is to be undertaken in the following manner:

- All waste is to be stored in sealed bags in a clearly marked rubbish storage area;
- Waste is to be collected on a weekly basis and conveyed to the central waste container, in preparation for collection by Council;
- Waste will be collected by Council on a weekly basis.

# Attachment D – Statement of heritage Significance

Group of 4 Victorian Villas, including interiors | NSW Environment & Heritage

Page 1 of 4



[Home](#) > [Topics](#) > [Heritage places and items](#) > [Search for heritage](#)

## Group of 4 Victorian Villas, including interiors

### Item details

|                          |   |
|--------------------------|---|
| <b>Name of item:</b>     | Group of 4 Victorian Villas, including interiors  |
| <b>Other name/s:</b>     | Victorian villas (four)                           |
| <b>Type of item:</b>     | Built   |
| <b>Group/Collection:</b> | Residential buildings (private)                   |
| <b>Category:</b>         | Villa   |
| <b>Primary address:</b>  | 223 - 229 Trafalgar Street,<br>Stanmore, NSW 2048 |
| <b>Local govt. area:</b> | Marrickville                                      |

### All addresses

| Street Address                   | Suburb/town | LGA          | Parish | County | Type                 |
|----------------------------------|-------------|--------------|--------|--------|----------------------|
| 223 - 229<br>Trafalgar<br>Street | Stanmore    | Marrickville |        |        | Primary<br>Address   |
| Merton<br>Street                 | Stanmore    | Marrickville |        |        | Alternate<br>Address |

### Statement of significance:

The villas, display the late Victorian delight in applied ornament to their buildings. They are sited prominently overlooking the railway line adjacent to Stanmore station and form an unusual and distinctive group.

**Date**  
**significance updated:** 11 Jan 12

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the **OEHS copyright and disclaimer**.*

### Description

**Physical description:** Four late Victorian villas, Nos. 223 - 229 Trafalgar Street are identical two-storey free standing terraces, whilst Nos. 225 -227 Trafalgar Street, are mirror image two storey asymmetrically fronted villas. No. 229 displays its original rendered pallsade fence and pillars and slate roof. The houses display Italinatate detailing.

**Physical condition and/or Archaeological potential:** Fair - Good

**Date condition updated:**19 Jan 99

**Modifications and dates:** No. 227 has its upper verandah enclosed. Security grilles added to most windows and doors.

**Current use:** Residences

## History

**Historical notes:** The houses were built in 1880's as part of the Annandale Estate.


## Assessment of significance

**SHR Criteria a)** Local  
[Historical significance]

**SHR Criteria c)** Local  
[Aesthetic significance]

**SHR Criteria g)** Local  
[Representativeness]

**Integrity/Intactness:** The buildings are generally intact and retain their integrity.

**Assessment criteria:** Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

## Recommended management:

General  
maintenance

## Listings

| Heritage Listing | Listing Title | Listing Number | Gazette Date | Gazette Number | Gazette Page |
|------------------|---------------|----------------|--------------|----------------|--------------|
|                  |               |                |              |                |              |



|                                      |   |      |           |          |  |
|--------------------------------------|---|------|-----------|----------|--|
| Local Environmental Plan             | Marrickville LEP 2011                         | 1268 | 12 Dec 11 | 2011/645 |  |
| Local Environmental Plan             | Marrickville Local Environmental Plan 2001    |      | 18 May 01 | 86       |  |
| Within a conservation area on an LEP | within draft cons. area Marrickville LEP 2001 |      |           |          |  |
| Heritage study                       |   |      |           |          |  |

### Study details

| Title                              | Year | Number  | Author                       | Inspected by  | Guidelines used |
|------------------------------------|------|---------|------------------------------|---------------|-----------------|
| Marrickville Heritage Study        | 1986 | 2.62/1  | Fox and Associates           | December 1987 | No              |
| Marrickville Heritage Study Review | 1997 | 2030104 | Tropman & Tropman Architects | 1997-1999     | Yes             |

### References, internet links & images

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

### Data source

The information for this entry comes from the following source:

**Name:** Local Government

**Database number:** 2030104

**File number:** 2.62/1

[Return to previous page](#)

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the [Database Manager](#).

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## Attachment E – Arboricultural Impact Assessment

The Ents Tree Consultancy  
ABN 95 598 933 136  
[theents@bigpond.net.au](mailto:theents@bigpond.net.au)  
P.O Box 6019 Marrickville NSW 2042  
ph. 0422 265 128

|               |                                  |
|---------------|----------------------------------|
| Client        | The client c/o Mr John Malone    |
| Location      | 223 Trafalgar Street Stanmore    |
| Document Type | Arboricultural Impact Assessment |
| Date          | 2 <sup>nd</sup> November 2018    |



# The Ents Tree Consultancy

Development Reports | Hazard Assessments | Tree Management





|                      |                                  |
|----------------------|----------------------------------|
| <b>Client</b>        | The client c/o Mr John Malone    |
| <b>Location</b>      | 223 Trafalgar Street Stanmore    |
| <b>Document Type</b> | Arboricultural Impact Assessment |
| <b>Date</b>          | 2 <sup>nd</sup> November 2018    |

| <b>1. Contents</b>                            |    |
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| 3. Methodology                                | 3  |
| 4. Discussion                                 | 4  |
| 5. Recommendations                            | 5  |
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| 2. Assessment of trees                        | 7  |
| 3. Tree Images                                | 9  |
| 4. Site Plan (existing)                       | 11 |
| (A) Proposed Site Plan & Tree Protection Plan | 12 |
| 5. IACA STARS Rating System                   | 13 |
| 6. References                                 | 15 |
| 7. Glossary of Terms                          | 16 |
| 8. Tree Protection Guidelines                 | 17 |
| 9. Curriculum Vitae                           | 18 |



## 2. Introduction

2.1 On 31<sup>st</sup> October 2018 Mr Malone engaged The Ents Tree Consultancy on behalf of his client to complete an Arboricultural Impact Assessment for 223 Trafalgar Street Stanmore. This report will assess the nominated trees that are on and adjoining the site which may be impacted upon by the works or the associated activities. The client stated that the trees have been nominated to be inspected in relation to a proposed development, which involves the alterations and additions to the existing building, as well as some landscape works.

2.2 Consultation was sought with the client about the number and position of trees to be inspected prior to a survey being completed. The landscape plans issued by janebrittondesign 23/03/18 were reviewed to prepare this report. The Architectural drawings issued by BTB Architecture Studio, March 2018 were also reviewed to prepare this Arboricultural impact assessment.

2.3 The site inspection of the nominated trees occurred on the 2<sup>nd</sup> November 2018. This tree report will detail the condition of the nominated trees, observe the proposed works and recommend removal or retention of the trees on or adjoining the site. Recommendations for removal or retention will be based on the proposed works and compatibility of the trees with the works as well as the trees hazard potential or ULE Rating. The report will also assess any potential impacts for trees nominated to be retained and attempt to remove or minimise them where possible. Recommended tree protection measures as set out in the Australian Standard AS4970 Protection of Trees on development sites will be nominated as required.

2.4 The purpose of this report is to assess the proposed works as well as the health and suitability of the trees nominated at the time of the inspection. The report will also provide tree management options for trees on the site in regard to the proposed works. The Tree Protection Guidelines will be discussed for all trees nominated to be retained. The information in this report will be based on the information presented by the client at the time of the inspection as well as the site inspection. The Australian Standard AS4970 Protection of Trees on development sites will be used as a guide to manage the site. Additional Tree Protection measures are included in appendix 8.

2.5 To achieve the objectives of the report, the trees will be assessed noting the species, size, general condition. The trees will be assessed using the internationally recognised VTA assessment method for above ground parts only. The trees characteristics and eventual size will be taken into consideration as will the trees position in relation to structures and hard scapes. Recommendations will be outlined in section 5 of the report. A detailed list of the trees surveyed will be provided in Appendix 2 of the report and an existing numerical system has been used to identify them for this report and future reference on this job site.

## 3. Methodology

- 3.1 The trees were assessed using the standard Visual Tree Assessment technique (VTA). The trees were assessed from the ground for this report.
- 3.2 A Lufkin 6.5m diameter tape was used to obtain the Diameter at breast height (DBH) as recommended at 1.4 metres unless otherwise stated due to variations in the trees form.
- 3.3 The height of the trees was estimated and the spread of the trees canopy was paced out.
- 3.4 A Canon 5D Digital camera with a 24-105mm lens was used to take all photographs in this report.
- 3.5 The ULE rating system has been used as a guide to assist in determining the Useful Life Expectancy of the trees surveyed. Refer to Appendices 1.



#### 4. Discussion

4.1 The trees nominated to be assessed are located on and adjoining the property at 223 Trafalgar Street Stanmore. Some of the trees are significant in the immediate landscape and some are likely to be considered important in the local areas landscape in terms of amenity and function. The trees are located on partially sheltered site with some protection from surrounding structures, trees and topography from most aspects. The soil on site appears to be a sandy loam that has been disturbed previously when the existing building and hardscapes were built and the site was cleared.

4.2 Based on the information provided by the client, the works involve the renovation of the existing house, additions to the house and some landscape works. To achieve the works, some of the trees on site are proposed to be removed and replaced, whilst others will be retained. All the trees adjoining the site are proposed to be retained and protected for the duration of the works. The trees nominated to be retained, will be retained using sympathetic building activities to allow the works to proceed. Options for the managing the trees nominated to be retained adjoining the proposed works site will be provided. Any tree that is nominated to be retained on or adjoining site will be kept in good condition for the duration of the works using the Australian Standard AS4970 2009 Protection of trees on development sites for the basis of all tree management practices.

4.3 **Trees 1 & 2** are mature trees that are located towards the front of the site. These trees are compatible with the works and are proposed to be retained within a new landscape plan. There are some small but acceptable impacts proposed for these trees in their projected structural root zones and tree protection zones. A ramp is proposed to be constructed close to the trees to the NE. To make the construction of the ramp possible, the ramp will need to be supported by a pier and beam footing. The footing to the north at the lowest end of the ramp will start at the level of the existing pavers and rise above ground level to the south bridging the root zones of trees 1 & 2. This will also reduce the requirement for root pruning and root loss.

4.4 The disturbance to the trees projected tree protection zones calculated at 25% for tree 1 and 35% for tree 2. This calculation should be reviewed as the area is already covered in paving and the slab making the ramp will be above ground, not requiring root pruning. To offset the loss of water an irrigation system should be installed to replicate the amount of annual rainfall or extend the existing irrigations systems operation. It should also be noted that the area to the north of tree 1 is being returned to garden. This will ensure that the trees will not decline. With these considerations, the disturbance to the tree protection zone of tree 1 should be 10% and for tree 2 it should be 20%.

4.5 **Tree Protection for Trees 1 & 2.** To protect the trees roots and vascular tissue, a 1.8m chain mesh tree protection fence will need to be installed at the edge of the existing garden bed to isolate the trees from the works. This will protect the tree whilst allowing for the works to be completed. No machinery access is permitted within the tree protection zone. The tree protection fencing must be installed prior to the works and signed off by the AQF level 5 Arborist. Refer to the tree protection plan in appendix 4a.

4.6 **Tree 3** is a small tree located in the adjoining property to the front of the site, 1.25m over the boundary fence. There are some small disturbances planned for the trees projected structural root zone. The new drying area will be above grade and there are already pavers in place in this area. If there are no excavations planned, the proposed design should remain unchanged. If there are excavations required, the new structure should be moved to 2m from the centre of the tree. The disturbance calculated for the projected tree protection zone (TPZ) is less than 10%, which is acceptable for this species at this age. The reason the disturbance is so low is that the majority of the works is within the existing building footprint of the paving.

4.7 **Tree Protection for Tree 3.** The existing paver and boundary fence will protect the trees vascular tissue and roots from being damaged. If the fence is removed, a 1.8m chain mesh tree protection fence will need to be installed at the boundary of the two properties. This tree has a large branch to the west of the tree over the client's property. This branch will need to be protected by a tree protection fence as indicated in appendix 4a. This will protect the tree whilst allowing for the works to be completed. No machinery access is permitted within the tree protection zone. The tree protection fencing must be installed prior to the works and signed off by the AQF level 5 Arborist. Refer to the tree protection plan in appendix 4a.

4.8 **Tree 4** is a mature tree located to the rear of the site. This tree is not compatible with retention as the paving is to be renewed .75m to the SW of the tree. The second-floor building extension to the west and the south of the tree is also an issue and is not compatible with tree retention as the tree is too close with a significant growth potential. The footing for the paving will require excavations and presence of roots can be seen under the existing pavers. This tree is proposed to be removed and replaced within a new landscape plan. **Trees 10 & 11** are trees located to the rear of the site, close to the Jacaranda. These trees are proposed to be removed and replaced within a new landscape plan. The client has stated that the trees do not provide the amenity and function required for the site. The two trees do not provide a suitable screen and the Jacaranda prevents solar access in winter.

4.9 **Tree 5** is a mature tree located to the rear of the site on the adjoining property. The trees is 1.5m from the boundary and is 1.5m above the existing ground level. The works are within the site boundary and disturbances to the vertical soil profile are not required to construct the building. There are no disturbances planned for the ground and some of them will cover the trees projected structural root zone. The disturbance to the structural root zone will be removed by bridging the area. The disturbance calculated for the projected tree protection zone (TPZ) is 12%, which is acceptable for this species at this age. The reason the disturbance is so low is that the majority of the works is within the existing building footprints and there will only be a small section excavated within the trees projected tree protection zone.



4.10 The design of the building appears to have considered the existing branches minimising the need for branch pruning. Some minor pruning may be required to achieve building clearance. The branches that require pruning are to the east and are 50mm in diameter.

4.11 **Tree Protection for Tree 5.** The existing fence will protect the trees roots and vascular tissue. If the fence is proposed to be removed, a 1.8m chain mesh tree protection fence will need to be installed at the along the boundary for the duration of the works. This will protect the tree whilst allowing for the works to be completed. No machinery access is permitted within the tree protection zone. The tree protection fencing must be installed prior to the works and signed off by the AQF level 5 Arborist. Refer to the tree protection plan in appendix 4a.

4.12 **Tree 6** is a mature palm tree that is not compatible with retention in its present position. This tree is proposed to be transplanted to the south eastern section of the site close to the boundary. The tree should be transplanted by an experienced arborist in accordance with industry standards. The transplanting of the tree should be completed at the start of the works and will need to be supervised by the AQF Level 5 Site Arborist. **Trees 12 & 13** are a young tree and a mature shrub that are not compatible with the works. Both of these trees are proposed to be removed and replaced.

4.13 **Trees 7, 8 & 9** are trees located in an existing garden bed surrounded by paving. Trees 8 & 9 will have no measurable disturbances to their structural root zone and a minor disturbance to their projected tree protection zone to remove the paving and increase the garden bed. This will increase the favourable root area of the tree and improve the trees long term viability. Tree 7 will have a small increase in paving closer to the tree. The paving will not require excavations but the addition of a small amount of subbase and pavers. The disturbance will result in a root disturbance of 15%. This tree will tolerate the small disturbance and will not be impacted by the proposed works,

4.14 To protect the trees roots and vascular tissue, a 1.8m chain mesh tree protection fence will need to be installed at the along edge of the proposed stepping stones for the duration of the works. This will protect the tree whilst allowing for the works to be completed. No machinery access is permitted within the tree protection zone. The tree protection fencing must be installed prior to the works and signed off by the AQF level 5 Arborist. Refer to the tree protection plan in appendix 4a

4.15 **Tree 14** is a semi mature located at the edge of an existing garden bed to the front of the site. This tree is away from the majority of the works, with a small amount of landscaping works occurring to remove paving and enlarge the existing garden bed. The proposed works will enlarge the garden area by approximately 25%. This will improve the trees access to water and nutrients, improving its viability for the long term.

4.16 **Tree Protection for Tree 14.** To protect the trees roots and vascular tissue, a 1.8m chain mesh tree protection fence will need to be installed at the along edge of the garden bed for the duration of the works. The existing paving will protect the roots until the landscape phase. When the landscape phase starts the fence will need to be relocated to a suitable position separating the tree from the works. This will protect the tree whilst allowing for the works to be completed. No machinery access is permitted within the tree protection zone. The tree protection fencing must be installed prior to the works and signed off by the AQF level 5 Arborist. Refer to the tree protection plan in appendix 4a

4.17 **Trees 15-23** are located away from the proposed works. There are no disturbances proposed to these trees for the renovation of the building. A small amount of landscaping works will be occurring to remove paving and enlarge the existing garden bed. The proposed works will enlarge the garden area. This will improve the trees access to water and nutrients, improving its viability for the long term.

4.18 **Tree Protection for Trees 15-23.** To protect the trees roots and vascular tissue, a 1.8m chain mesh tree protection fence will need to be installed at the along edge of the garden bed that contains trees 15-18 for the duration of the works. A separate fence will be installed for trees 19-23 to allow for pedestrian access to the front door if required. The existing paving will protect the roots until the landscape phase commences. When the landscape phase starts the fence may need to be relocated to a suitable position separating the tree from the works. This will protect the tree whilst allowing for the works to be completed. No machinery access is permitted within the tree protection zone. The tree protection fencing must be installed prior to the works and signed off by the AQF level 5 Arborist. Refer to the tree protection plan in appendix 4a

## 5. Recommendations

5.1 After reviewing the site and the information provided by the client, the works are proposed to proceed with the following actions,

5.2 To allow the works to proceed, trees 4, 10, 11, 12 and 13 are proposed to be removed. Trees 1 to 3, 5, 7-9 and trees 14-23 are proposed to be retained and protected for the duration of the works. Tree 6 is proposed to be transplanted into the corner of the south-east corner of the site. The transplanting of the palm tree must be completed by a suitably qualified arborist with experience in transplanting trees in accordance with industry standards at the start of the works.

5.3 The installation of the tree protection measures in section 4 of the report will assist in reducing the disturbance to the trees nominated to be retained. It is recommended that all tree protection measures are in place as described in section 4 of the report prior to the commencement of any works. The AQF level 5 site Arborist will need to sign off on the tree protection measures prior to works commencing.



5.4 All works within or at the edge of any structural root zone of any tree will need to be supervised and recorded by the AQF level 5 site Arborist. Excavation works within the structural root zone of any tree will need to be supervised by the AQF level 5 site Arborist. Permission to sever the roots 100mm within the structural root zone of trees will require written consent from the local council prior to cutting. It is the client's responsibility to arrange site inspections and co-ordinate the works with the AQF level 5 site Arborist.

5.5 Monthly inspections and reporting is required to ensure the trees are adequately protected. At the end of the works period the tree will be inspected by an AQF 5 Arborist to determine if the tree has been maintained adequately. If this is done the compliance certificate will be issued. If trees have been damaged or breaches of the Australian Standards have occurred council will be contacted for further advice.

5.6 It is recommended that construction proceeds using the Australian Standard AS4970 2009 Protection of trees on development sites as a basis for tree protection on the site as well as the site-specific instructions listed in section 5 of this report. Additional Tree Protection measures are listed in Appendix 7 of the report to assist in the care of the trees on site.

Please do not hesitate to call 0422 265 128 if you have any questions regarding the contents of this report.

Regards

Hayden Coulter  
AQF Level 5 Consulting Arborist  
AQF Level 4 Advanced Certificate in Urban Horticulture



#### Disclaimer

All trees have been assessed based on the information and facts of the site and as presented by the client or relevant parties at the time of inspection. No responsibility can be taken for incorrect or misleading information provided by the client or other parties. The nominated tree/s are assessed for biological requirements and hazard potential with reasonable care. The trees are assessed from the ground and by visual means only unless otherwise stated. All tree protection and tree preservation measures are designed to minimise the damage to the tree/s or to reduce the hazard potential of the tree/s. No responsibility can be taken by the author of this report for future damage to structures by the existing trees or planted trees. Trees are inherently dangerous, therefore will always have a hazard potential. Trees fail in ways that are not predictable or fully understood. There is no guarantee expressed or implied that failure or deficiencies may not arise of the subject trees in the future. No responsibility is accepted for damage to property or injury/death caused by the nominated tree/s.

The Ents Tree Consultancy. ABN: 95 598 933136 [theents@bigpond.net.au](mailto:theents@bigpond.net.au)

#### Appendix 1 ULE Rating

**Useful Life Expectancy (ULE):** Useful life expectancy refers to an expected period of time the tree can be retained within the landscape before its amenity value declines to a point where it may detract from the appearance of the landscape and/or becomes potentially hazardous to people and/or property. ULE values consider tree species, current age, health, structure and location. ULE values are based on the tree at the time of assessment and do not consider future changes to the tree's location and environment which may influence the ULE value.

| Category rating: | Category definition in years: | Category rating: |
|------------------|-------------------------------|------------------|
| 1                | > 40 Years                    | High             |
| 2                | 15 to 40 Years                | Medium           |
| 3                | 10-20 Years                   | Low              |
| 4                | 0 Years                       | Dead             |





Appendix 2 Assessment of Trees

| Tree No | Species   | Height (m) | DBH* & DAC**        | Canopy Spread (m) | TPZ ***         | Health # | Structure # | ULE Rating **** | Landscape Rating + | Stars Rating + | Observations and comments                                      |
|---------|---|------------|---------------------|-------------------|-----------------|----------|-------------|-----------------|--------------------|----------------|--|
| 1       | <i>Howea forsteriana</i><br>Lord Howe Island palm | 12         | .20<br>DAC .25      | 6                 | 2.4<br>SRZ 1.85 | A        | A           | 1               | M                  | M              |  |
| 2       | <i>Michelia champaca</i><br>Magnolia              | 10         | .21<br>DAC .30      | 7                 | 2.4<br>SRZ 2    | A        | A           | 2               | M                  | M              |  |
| 3       | <i>Plumeria actinophylla</i><br>Frangipani        | 6          | .15, .20<br>DAC .30 | 6                 | 3.5<br>SRZ 2    | A        | Ba          | 1               | M                  | M              | Adjacent property by 1.25m                                     |
| 4       | <i>Jacaranda mimosifolia</i><br>Jacaranda         | 17         | .40 x 2<br>DAC .60  | 12                | 7.2<br>SRZ 2.7  | A        | Ba          | 1               | M                  | M              | This tree has dual leaders off base and has a minor inclusion. |
| 5       | <i>Jacaranda mimosifolia</i><br>Jacaranda         | 16         | .50<br>DAC .60      | 10                | 6<br>SRZ 2.7    | A        | A           | 1               | M                  | M              | Adjacent 1.5m over boundary                                    |
| 6       | <i>Howea forsteriana</i><br>Lord Howe Island Palm | 12         | .20<br>DAC .25      | 6                 | 2.4<br>SRZ 1.85 | A        | A           | 1               | M                  | M              |  |
| 7       | <i>Backhousia citrifolia</i><br>Lemon Myrtle      | 8          | .15<br>DAC .20      | 5                 | 2<br>SRZ 1.7    | A        | A           | 2               | M                  | M              |  |
| 8       | <i>Plumeria actinophylla</i><br>Frangipani        | 10         | .30<br>DAC .35      | 6                 | 3.6<br>SRZ 2.15 | A        | Ba          | 1               | M                  | M              | Partially suppressed, located on the adjacent property by .8m. |
| 9       | <i>Camellia sasanqua</i><br>Camellia              | 4          | .20<br>DAC .25      | 4                 | 2.4<br>SRZ 1.85 | A        | A           | 2               | M                  | M              | Partially suppressed   |
| 10      | <i>Callistemon salignus</i><br>White bottlebrush  | 12         | .15<br>DAC .20      | 5                 | 2<br>SRZ 1.7    | A        | A           | 1               | M                  | M              |  |
| 11      | <i>Callistemon salignus</i><br>White bottlebrush  | 10         | .10<br>DAC .15      | 4                 | 2<br>SRZ 1.5    | A        | Ba          | 1               | M                  | M              |  |
| 12      | <i>Plumeria actinophylla</i><br>Frangipani        | 3          | 2 x .05<br>DAC .10  | 3                 | 2<br>SRZ 1.5    | A        | A           | 1               | L                  | L              |  |
| 13      | <i>Camellia japonica</i><br>Camellia              | 3          | 2 x .05<br>DAC .10  | 4                 | 2<br>SRZ 1.5    | A        | A           | 2               | L                  | L              |  |
| 14      | <i>Magnolia grandiflora</i><br>Magnolia           | 8          | .20<br>DAC .30      | 6                 | 2.4<br>SRZ 2    | Ba       | Ba          | 2               | L                  | L              |  |

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| Tree No | Species  | Height (m) | DBH* & DAC**        | Canopy Spread (m) | TPZ ***         | Health # | Structure # | ULE Rating **** | Landscape Rating + | Stars Rating + | Observations and comments |
|---------|--|------------|---------------------|-------------------|-----------------|----------|-------------|-----------------|--------------------|----------------|---------------------------|
| 15      | <i>Syzygium paniculatum</i><br>Magenta Lilly Pilly   | 7          | .10<br>DAC .15      | 5                 | 2<br>SRZ 1.5    | A        | Ba          | 1               | L                  | L              | Partially suppressed      |
| 16      | <i>Magnolia grandiflora</i><br>Magnolia              | 9          | .25<br>DAC .35      | 5                 | 3<br>SRZ 2.15   | A        | A           | 1               | M                  | M              |                           |
| 17      | <i>Syzygium paniculatum</i><br>Magenta Lilly Pilly   | 7          | .15<br>DAC .20      | 6                 | 2<br>SRZ 1.7    | A        | A           | 1               | L                  | L              |                           |
| 18      | <i>Syzygium paniculatum</i><br>Magenta Lilly Pilly   | 8          | .20<br>DAC .25      | 6                 | 2.4<br>SRZ 1.85 | A        | A           | 1               | L                  | L              |                           |
| 19      | <i>Archontophoenix cunninghamiana</i><br>Kentia palm | 7          | .10<br>DAC .15      | 4                 | 2<br>SRZ 1.5    | A        | A           | 1               | L                  | L              |                           |
| 20      | <i>Callistemon viminalis</i><br>Weeping bottlebrush  | 8          | 3 x .15<br>DAC .30  | 6                 | 3.5<br>SRZ 2    | A        | A           | 1               | M                  | M              |                           |
| 21      | <i>Callistemon viminalis</i><br>Weeping bottlebrush  | 8          | .25<br>DAC .35      | 5                 | 3<br>SRZ 2.15   | A        | A           | 1               | M                  | M              |                           |
| 22      | <i>Callistemon viminalis</i><br>Weeping bottlebrush  | 8          | .20<br>DAC .30      | 5                 | 2.4<br>SRZ 2    | A        | A           | 1               | M                  | M              |                           |
| 23      | <i>Callistemon viminalis</i><br>Weeping bottlebrush  | 8          | .20, .30<br>DAC .40 | 6                 | 5<br>SRZ 2.25   | A        | A           | 1               | M                  | M              |                           |

Explanatory Notes for Table

- \*Dbh = Diameter of trunk at breast height.
- \*\* DAC = Diameter above the root collar used to measure the Structural Root Zone (SRZ).
- \*\*\*TPZ is the recommended TPZ 12x the DBH at 1.4m. SRZ is the trees structural root zone. Refer to AS4970 for details.
- \*\*\*\* ULE Explanation can be found in Appendix 1.
- + IACA Landscape value and S.T.A.R.S Rating system. Refer to Appendix 5
- # Health and Structure values represented above are P = poor, BA = Below Average, A = Average, G = Good

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Appendix 3 Images of Tree



Image 1 above left shows trees 1 & 2 on site. Image 2 shows tree 3 to the rear of the site on the adjoining property. Image 3 above right centre shows tree 4 to the rear of the site. Image 4 above right shows tree 5 to the rear of the site on the adjoining property. Image 5 below left shows tree 5 and the two 50mm branches that may need to be pruned to achieve building clearance. Image 6 below left centre shows trees 6 & 12. Image 7 below right centre shows trees 7-11 on site. Image 8 below right shows tree 13 on site.

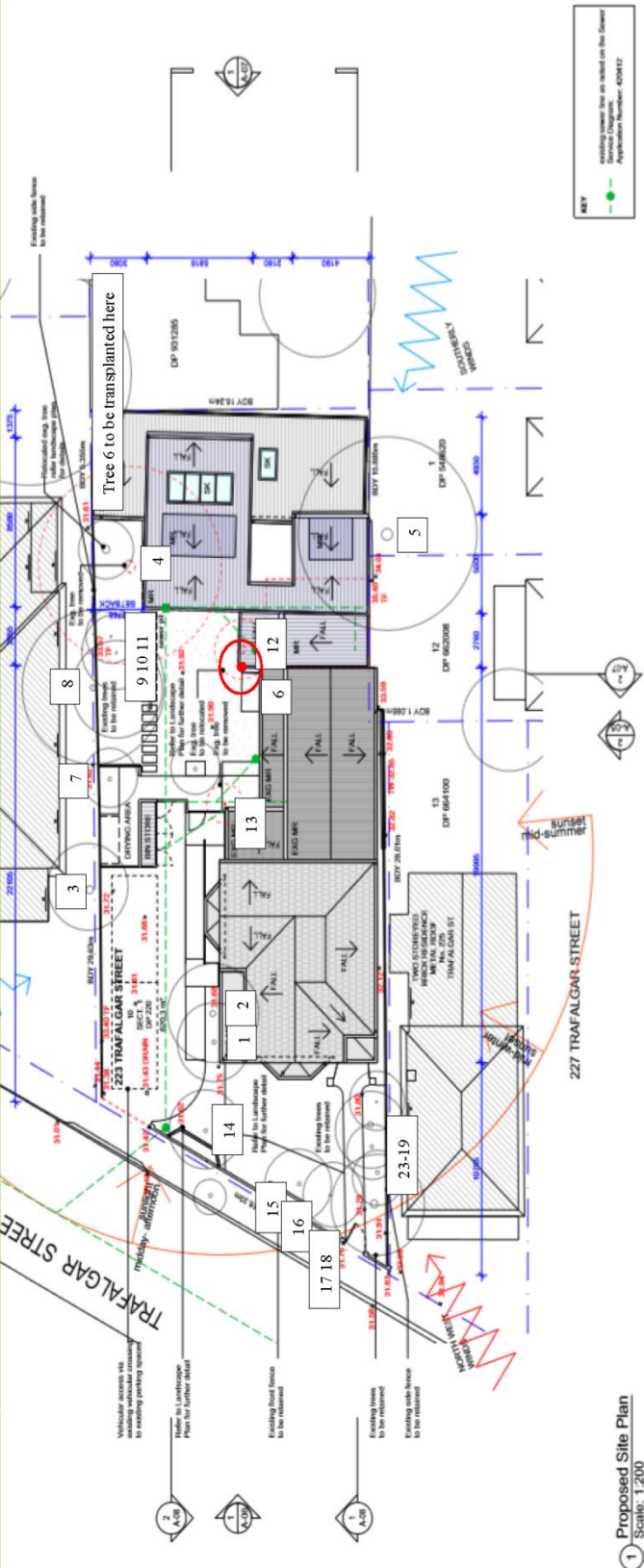


Image above left shows trees 14-18 on site, away from the works. Image above right shows trees 19-13 away from the works.



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## Appendix 4 Landscape Plan



1 Proposed Site Plan  
Scale: 1:200

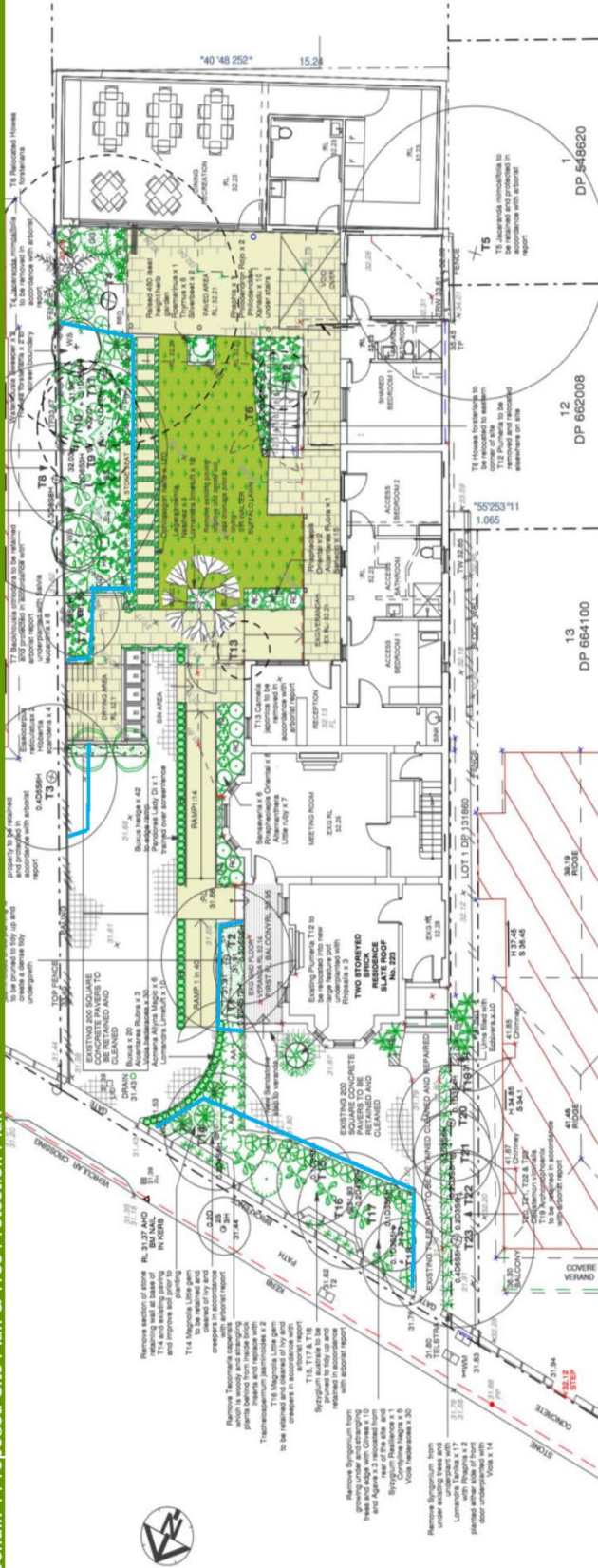
| FOR DA PURPOSES ONLY   |          |                    |            |
|--|----------|--------------------|------------|
| The Sydney Retreat<br>223 Trafalgar Street, Stanmore NSW 2048      |          | Project No         | 1716       |
| BTB ARCHITECTURE STUDIO<br>223 Trafalgar Street, Stanmore NSW 2048 |          | Stage              | DA         |
| Scale 7:11 First Rev, Drawing 7: PPECHMCT 75                       |          | Drawn              | SM + SP    |
| 75 Mary St, 2nd Floor, Sydney NSW 2000                             |          | Scale              | 1:200      |
| Nominated Architect Board Transferee ABB 7718                      |          | Date               | MARCH 2018 |
|  |          | Drawing            | A-01       |
|  |          | Proposed Site Plan |            |
| Rev  | Date     | Description        | Drawn      |
| -  | 28.03.18 | DA Submission      | SM + SP    |
| -  | 28.03.18 | Draft DA           | SM + SP    |
| -  | 14.12.17 | Pre-DA             | SM + CT    |





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## Appendix 4 Proposed Site Plan & Tree Protection Plan



The Sydney Retreat  
No 223 Trafalgar St STANMORE  
LANDSCAPE PLAN

MAR 2018  
date  
1:100  
scale  
at A2

DAL01A

Indicative Positions of Tree Protection Fencing

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## Appendix 5 Legend for S.T.A.R.S matrix assessment

### IACA Significance of a Tree, Assessment Rating System (STARS) © (IACA 2010) ©

In the development of this document IACA acknowledges the contribution and original concept of the Footprint Green Tree Significance & Retention Value Matrix, developed by Footprint Green Pty Ltd in June 2001.

The landscape significance of a tree is an essential criterion to establish the importance that a particular tree may have on a site. However, rating the significance of a tree becomes subjective and difficult to ascertain in a consistent and repetitive fashion due to assessor bias. It is therefore necessary to have a rating system utilising structured qualitative criteria to assist in determining the retention value for a tree. To assist this process all definitions for terms used in the *Tree Significance - Assessment Criteria* and *Tree Retention Value - Priority Matrix*, are taken from the IACA Dictionary for Managing Trees in Urban Environments 2009.

This rating system will assist in the planning processes for proposed works, above and below ground where trees are to be retained on or adjacent a development site. The system uses a scale of *High*, *Medium* and *Low* significance in the landscape. Once the landscape significance of an individual tree has been defined, the retention value can be determined.

#### Tree Significance - Assessment Criteria



##### **1. High Significance in landscape**

- The tree is in good condition and good vigour;
- The tree has a form typical for the species;
- The tree is a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age;
- The tree is listed as a Heritage Item, Threatened Species or part of an Endangered ecological community or listed on Councils significant Tree Register;
- The tree is visually prominent and visible from a considerable distance when viewed from most directions within the landscape due to its size and scale and makes a positive contribution to the local amenity;
- The tree supports social and cultural sentiments or spiritual associations, reflected by the broader population or community group or has commemorative values;
- The tree's growth is unrestricted by above and below ground influences, supporting its ability to reach dimensions typical for the taxa *in situ* - tree is appropriate to the site conditions.

##### **2. Medium Significance in landscape**

- The tree is in fair-good condition and good or low vigour;
- The tree has form typical or atypical of the species;
- The tree is a planted locally indigenous or a common species with its taxa commonly planted in the local area
- The tree is visible from surrounding properties, although not visually prominent as partially obstructed by other vegetation or buildings when viewed from the street,
- The tree provides a fair contribution to the visual character and amenity of the local area,
- The tree's growth is moderately restricted by above or below ground influences, reducing its ability to reach dimensions typical for the taxa *in situ*.

##### **3. Low Significance in landscape**

- The tree is in fair-poor condition and good or low vigour;
- The tree has form atypical of the species;
- The tree is not visible or is partly visible from surrounding properties as obstructed by other vegetation or buildings,
- The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area,
- The tree is a young specimen which may or may not have reached dimension to be protected by local Tree Preservation orders or similar protection mechanisms and can easily be replaced with a suitable specimen,
- The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa *in situ* - tree is inappropriate to the site conditions,
- The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms,
- The tree has a wound or defect that has potential to become structurally unsound.

#### Environmental Pest / Noxious Weed Species

- The tree is an Environmental Pest Species due to its invasiveness or poisonous/ allergenic properties,
- The tree is a declared noxious weed by legislation.

#### Hazardous/Irreversible Decline

- The tree is structurally unsound and/or unstable and is considered potentially dangerous,
- The tree is dead, or is in irreversible decline, or has the potential to fail or collapse in full or part in the immediate to short term.

**The tree is to have a minimum of three (3) criteria in a category to be classified in that group.**


Note: The assessment criteria are for individual trees only, however, can be applied to a monocultural stand in its entirety e.g. hedge.



Table 1.0 Tree Retention Value - Priority Matrix.

|                           |                          | Significance              |                           |                           |   |                                  |
|---------------------------|--------------------------|---------------------------|---------------------------|---------------------------|---|----------------------------------|
|                           |                          | 1. High                   | 2. Medium                 | 3. Low                    |   |                                  |
|                           |                          | Significance in Landscape | Significance in Landscape | Significance in Landscape | Environmental Pest / Noxious Weed Species | Hazardous / Irreversible Decline |
| Estimated Life Expectancy | 1. Long<br>>40 years     |                           |                           |                           |   |                                  |
|                           | 2. Medium<br>15-40 Years |                           |                           |                           |   |                                  |
|                           | 3. Short<br><1-15 Years  |                           |                           |                           |   |                                  |
|                           | Dead                     |                           |                           |                           |   |                                  |

Legend for Matrix Assessment



**Priority for Retention (High)** - These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 *Protection of trees on development sites*. Tree sensitive construction measures must be implemented e.g. pier and beam etc if works are to proceed within the Tree Protection Zone.

**Consider for Retention (Medium)** - These trees may be retained and protected. These are considered less critical; however their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.

**Consider for Removal (Low)** - These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.

**Priority for Removal** - These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of development.

## REFERENCES

Australia ICOMOS Inc. 1999, *The Burra Charter – The Australian ICOMOS Charter for Places of Cultural Significance*, International Council of Monuments and Sites, [www.icomos.org/australia](http://www.icomos.org/australia)

Draper BD and Richards PA 2009, *Dictionary for Managing Trees in Urban Environments*, Institute of Australian Consulting Arboriculturists (IACA), CSIRO Publishing, Collingwood, Victoria, Australia.

Footprint Green Pty Ltd 2001, *Footprint Green Tree Significance & Retention Value Matrix*, Avalon, NSW Australia, [www.footprintgreen.com.au](http://www.footprintgreen.com.au)



#### Appendix 6 References

- Australia ICOMOS Inc. 1999, *The Burra Charter – The Australian ICOMOS Charter for Places of Cultural Significance*, International Council of Monuments and Sites, [www.icomos.org/australia](http://www.icomos.org/australia)
- Draper BD and Richards PA 2009, *Dictionary for Managing Trees in Urban Environments*, Institute of Australian Consulting Arboriculturists (IACA), CSIRO Publishing, Collingwood, Victoria, Australia.
- Footprint Green Pty Ltd 2001, *Footprint Green Tree Significance & Retention Value Matrix*, Avalon, NSW Australia, [www.footprintgreen.com.au](http://www.footprintgreen.com.au)
- Harris, R. W; Clark, J.R; & Matheny, N.P (2004). *Arboriculture: Integrated Management of Landscape Trees, Shrubs & Vines* 4<sup>th</sup> Edition, Prentice Hall, New Jersey
- Shigo, A.L. (1986). *A New Tree Biology*. Shigo & Trees, Associates, Durham, New Hampshire
- Hadlington, P. & Johnston, J. (1988). *Australian Trees: Their Care & Repair*. University of NSW Press, Kensington
- Lonsdale, D. (1999). *Principles of Tree Hazard Assessment & Management*. Forestry Commission, The Stationery Office, London
- Mattheck, C. & Breloer, H. (1994). *The Body Language of Trees*. Research for Amenity Trees No.4. The Stationery Office, London



## Appendix 7 Glossary of Terms

|                      |  |
|----------------------|--|
| Abiotic              | Nonliving  |
| Anthrachnose         | a fungal disease causing dead areas on the leaves, buds, stems.  |
| Arboriculture        | The science and art of caring for trees, shrubs and other woody plants in landscape settings.  |
| Barrier Zone         | Protective boundary formed in new wood in response to wounding or other injury.  |
| Biotic               | Alive, pertaining to living organisms.   |
| Branch attachment    | The structural union of a lateral branch.  |
| Callus               | Undifferentiated tissue produced in response to wounding.  |
| Canker               | A dead spot or necrotic lesion that is caused by a bark inhabiting organism/pathogen.  |
| Cavity               | an open wound characterized by the presence of decay resulting in a hollow.  |
| Collar               | the ring of tissue that surrounds the lateral branch at its point of attachment.   |
| Compartmentalization | A physiological process that creates the chemical and physical boundaries that act to limit the spread of disease and decay organisms.                               |
| Compression wood     | A type of reaction wood that forms on the underside of branches which tends to maintain a branch angle of growth.  |
| Crown                | The above ground parts of the tree, including the trunk.   |
| DBH                  | The diameter of a trees trunk measured at 1.4m.  |
| Decay                | Process of degradation of woody tissues by fungi and bacteria through the decomposition of cellulose and lignin.   |
| Decline              | Progressive decrease in health of organs or the entire plant usually caused by a series of interacting factors.  |
| Drip line            | The width of the crown, as measured by the lateral extent of the foliage.  |
| Epicormic shoot      | a shoot that arises from latent or adventitious buds that occur on stems, branches or the bases of trees.  |
| Included bark        | Pattern of development at branch junctions where bark is turned inward, rather than pushed out; contrast with the branch bark ridge.                                 |
| Mortality Spiral     | The sequence of events describing a change in the trees health from vigorous to declining to death.  |
| Photosynthesis       | The transformation in the presence of chlorophyll and light, of carbon dioxide from (the air) and water (primarily from soil) into a simple carbohydrate and oxygen. |
| Pruning              | systematic removal of branches of a plant usually a woody perennial.   |
| Reaction wood        | Specialized secondary xylem that develops in response to a lean or similar mechanical stress to restore the stem to vertical.  |
| Taper                | The change in diameter over the length of trunks and branches. Important to mechanical support.  |
| Tension wood         | A type of reaction wood that trees form on the upper side of branches and stems and roots.   |
| VTA                  | Visual Tree Assessment is a method of evaluating structural defects and stability in trees.  |
| Wound                | Any injury that induces a compartmentalization response.   |





## Appendix 8, The Ents Tree Consultancy Tree Protection Guidelines

### Definitions

- a) **Tree Protection Zone (TPZ)**, The TPZ is divided into 2 areas. 1 The Structural Root Zone delineated by an area nominated in table section 4 of the report and is assumed to contain most structural roots. The Tree Protection Zone that is twelve times the diameter of the tree trunk which is used to gauge the amount of feeder roots. No machinery works are permitted in these areas unless specified in this report or without written approval from the Council or the Arborist employed for this job site.
- b) **Qualified Arborist**, for supervision of works and reports level 5. For carrying out tree works level 3 Levels are as recognised by the Australian training framework.

**Standards**, AS4970 2009, Protection of Trees on development sites. AS 4373: 1996, The pruning of amenity trees.

### Tree Protection Generally

1. Prior to works commencing erect a 1800mm chain mesh fence to protect the trees trunk at 12x Dbh or as specified in this report. The Tree Protection Zones as nominated should be marked with line marking paint and observed as an area free from machinery for the duration of the works unless stated otherwise in the accompanying report. Do not remove, alter or relocate without the approval of the Council or the Arborist employed for this site.
2. Trees to be protected in the works contract are items entrusted to the Contractor /owner by the Council for carrying out the work under the Contract. The Contractor/owner has obligations to protect these trees as part of the care of the work in the contract conditions.
3. Prior to commencing work on Site confirm with the Council all trees to be protected for the duration of the Works. Confirm also all access and haulage routes, storage areas, tree protection measures and work procedures. Ensure that the protection measures are in place prior to commencing work.
4. Use suitably qualified Arborist (level 5) to supervise earthworks or activities within the Structural Root Zone of tree, Do not sever roots 50mm or greater, which may cause damage to or affect the health of trees. Pruning of trees by the contractor is not permitted. If pruning works are required a suitably qualified (Minimum level 3) arborist will complete all works in the crown. All root pruning must be completed and documented by the level 5 site arborist.
5. Ensure construction trailers, vehicles and equipment do not come in contact with any tree at any time. Do not locate storage areas within the nominated Tree Protection Zone. Do not deposit or store materials, spoil, contaminants, and waste or washout water within Tree Protection Zones.
6. Take all reasonable precautions to protect trees to be retained on site from damage and decline, maintaining their health during the Contract. Implement recognised best practice industry standards to satisfy horticultural requirements for tree care.
7. Assess and monitor water stress in relation to trees on site. This is of particular importance if earthworks have occurred. Apply sufficient water to the trees on site as required to keep the trees healthy. Immediately report to the Council and site arborist, any trees on site that are injured, damaged or are in decline.

**NOTE:** Failure to comply with any part of these tree protection guidelines or the Australian standard AS4970 or AS4373 will result in the party breaching the Tree Protection Guidelines taking responsibility for all associated consequences.



## Appendix 9 Curriculum Vitae

### Education and Qualifications

- Arboriculture Australia 3 Day Tree Anatomy Workshop 2015
- QTRA basic certificate 2014, QTRA Advanced Certificate 2016
- TRAQ Qualification 2014
- 2005 Diploma of Arboriculture (AQF Cert 5), Ryde TAFE. Distinction Pass.
- Barrell Tree Care Workshop- Trees on Construction Sites (Brisbane 2005)
- Tree Logic seminar- Urban Tree Risk Management (Sydney 2005)
- Tree Pathology and Wood Decay Seminar Sydney (2004)
- Excelsior Training Claus Mattheck (Sydney 2001)
- 2000 Tree Climbing Course (AQF Cert 2), Ryde TAFE.
- 1999 Advanced Certificate in Urban Horticulture, (AQF Cert 4), Ryde TAFE. Distinction Pass.
- 1995 Greenkeepers Trade Certificate (AQF 3) Ryde TAFE. Credit Pass.
- 1991 Higher School Certificate.

### Conference Attendance/presentation of Scientific Papers

- Barrell Tree Care Workshop- Trees on Construction Sites (Brisbane 2005)
- Tree Logic seminar- Urban Tree Risk Management (Sydney 2005)
- Tree Pathology and Wood Decay Seminar Sydney (2004)
- Excelsior Training Claus Mattheck (Sydney 2001)
- Managing Mature Trees NAAA (Sydney 2000), Presented a Paper "Habitat Value of Mature Trees"

### Professional Membership Accreditation

- Institute of Australian Consulting Arborists ACM 0482014
- Arboriculture Australia Member number 2527

### Presentation of Scientific Papers

- Managing Mature Trees NAAA (Sydney 2000), Presented a Paper "Habitat Value of Mature Trees"

### Industry Experience

- **2004 to Date, Sole Trader, The Ents Tree Consultancy.** Writing of tree reports for development applications, master plans, hazard evaluations, tree management plans and expert witness reports. Hazard assessments, tree surveys and consultations. Clients include The Royal Botanic Gardens Sydney, UNSW Master Planning Works including SIF building, Tyree Building, DP sports field redevelopment, Sydney University Mays Green Precinct, Taronga Zoo Coastline Precinct, Capital Insight, Campbelltown Hospital Redevelopment, Parramatta Park Trust multiple jobs, Woollahra Council multiple jobs and many other jobs.
- **2003 to 2008, Arborist University of New South Wales.** Survey all trees on site, developed a Tree Management Database. Minimise hazard potential of all trees on site through evaluation and works. Generate and prioritise works and tree assessment-based areas usage, tree conditions and staff required. Development of UNSW Tree Protection Guidelines for master planning works. Acting Supervisor December 2006 to May 2007.
- **2003 Tree management Officer Randwick Council.** Liaise with public to explain and enforce the councils Tree Preservation order. Management of internal staff and contractors. Project management and co-ordination of street tree planting and maintenance.
- **1999 to 2003 Animal Food Production Manager and Arborist.** Management of Koala Food Plantation, Management of animal food supply registry for herbivores/omnivores. Coordination of staff contractors and volunteers. Maintain and manage tree management database, complete tree works within zoo grounds and at zoo owned plantations. Acting supervisor 6-month period 2002 for grounds dept and asset management trade team.
- **1998 to 1999 Sole Trader Techniques Lawn & Garden Consultancy.** Lawn, garden and Tree care. Garden design and maintenance. Tree works and tree removal. Installation of irrigation equipment.
- **1997 to 1998 Greenkeeper / Horticulturist Muirfield Golf Course.** General grounds duties, machinery maintenance, horticultural works, tree works
- **1992 to 1997 Greenkeeper / Horticulturist Ashlar Golf Course.** General grounds duties, machinery maintenance, horticultural works, tree works