







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201900034
Address	96 - 98 May Street, St Peters
Proposal	To demolish existing improvements and construct a four (4) storey boarding house with basement parking.
Date of Lodgement	7 February 2019
Applicant	Martin Bednarczyk
Owner	Bk Property Group Pty Ltd
Number of Submissions	23
Value of works	\$1,895,000
Reason for determination at Planning Panel	Number of submissions
Main Issues	Accessible car spaces Communal open space hours of use
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Plan of management



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

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

1. Executive Summary

This report is an assessment of the application submitted to Council to demolish existing improvements and construct a four (4) storey boarding house with basement parking at 96-98 May Street, St Peters.

The proposal as revised generally complies with the relevant provisions in the State Environmental Planning Policy (Affordable Rental Housing) 2009, Marrickville Local Environmental Plan 2011, and Marrickville Development Control Plan 2011. Where the proposal does not comply with the relevant provisions and have not addressed by conditions of consent, the non-compliances are considered acceptable on merit for the reasons explained within this report.

The proposal will not unreasonably affect neighbouring residential amenity and is of a form and scale consistent with the desired future character of the area.

The application was advertised and notified and 23 objections were submitted. The key concerns raised relate to amenity impacts on neighbouring residential properties, the proposed scale and bulk, traffic/car parking impacts and social impacts. The issues raised during notification are addressed within this report.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

2. Proposal

Demolition of all existing structures with the exception of the existing brick boundary fence located at the rear of the site (which is located approximately 500mm from the common boundary).

Construction of a four (4) storey boarding house including basement garage.

The proposed boarding house has 17 boarding rooms (including one managers room). 16 of the rooms are for a maximum of two (2) lodgers and 1 of the rooms is for a single lodger only, resulting in a total maximum proposed capacity of 33 lodgers.

The basement level includes five (5) car spaces (one of which is accessible), four (4) motorcycle spaces and a communal laundry.

The proposal includes landscaped communal open space within the rear setback.

3. Site Description

The site is rectangular in shape with an area of approximately 391sqm. It has a primary street frontage to May Street.

Currently the site is occupied by a single storey warehouse building which occupies most of the site. The site is adjoined by a semi-detached dwelling house to the east which forms part of a pair, a two (2) storey industrial building to the west, and three (3) single storey attached dwelling houses to the south (rear) that front Hutchinson Street.

The southern (subject) side of May Street is characterised by a mix of uses and building types, but most notably includes one (1) and two (2) storey dwelling houses as well as one (1), two (2) and three (3) storey industrial and commercial buildings. The northern (opposite)

side of May Street is occupied by Camdenville Oval as well as a group of eight (8) x two (2) storey terrace dwelling houses which are identified as a local heritage item.

The site is not identified as containing a heritage item and is not located in a heritage conservation area. The northern (opposite) side of May Street is located in the Goodsell Estate Heritage Conservation Area (C16) and the group of 8 x two (2) storey dwelling houses are identified as a local heritage item which is known as ‘Terrace housing, including interiors’ (I273) under Schedule 5 of Marrickville Local Environmental Plan 2011 .

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

Application	Proposal	Decision & Date
DA201700583	Alterations and additions to the existing building to facilitate a boarding house. This application retained the existing building and comprised a four storey addition, ground floor car parking, and landscaping. (See Figures 1 and 2 below).	Deemed refusal. The appeal was dismissed on 21 November 2018 most notably for the following reasons: <ul style="list-style-type: none"> - The development lacks responsiveness to the adjoining single storey developments fronting Hutchinson Street; - Excessive bulk at rear providing inadequate transition to the lower scale buildings; and - Inadequate zone interface. It is noted that the commissioner agrees ‘...that the relevant precinct is undergoing transition’ to multi-level residential developments.

It is noted that the subject proposal was designed to address the issues raised during the appeal.

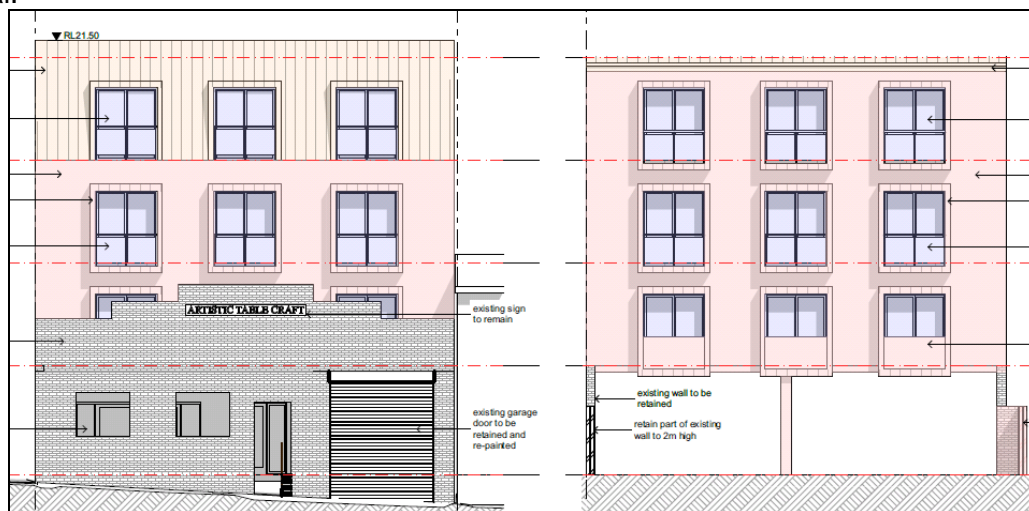


Figure 1: Proposed front and rear elevations of previous development application (DA201700583).

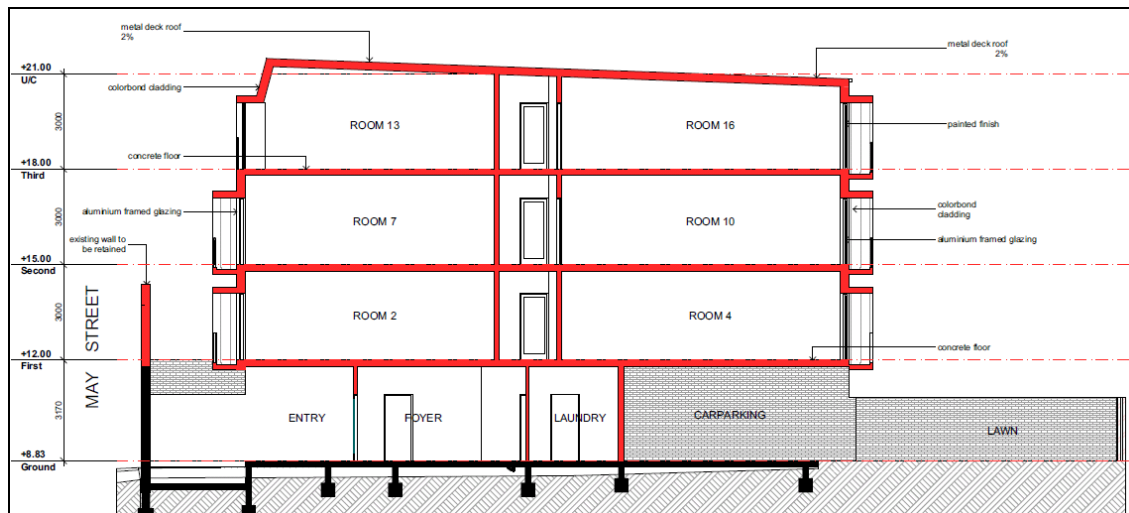


Figure 2: Proposed side section of previous development application (DA201700583).

4(b) Application history

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

Date	Discussion / Letter / Additional Information
15 April 2019	Council raised a number of concerns with the proposal including (but not limited to): <ul style="list-style-type: none"> - Inadequate internal amenity of some boarding rooms; - Visual privacy of neighbouring properties; - Waste storage, transfer and collection; and - Possible impacts on neighbouring tree.
23 May and 5 June 2019	The applicant provided amended drawings and additional information which adequately addressed the concerns raised by Council.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy No 55—Remediation of Land*

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and

guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has been used in the past for activities which could have potentially contaminated the site. A Detailed Site Investigation (DSI) was provided with the application which concluded the site can be made suitable for the proposed use subject to the preparation of further sampling and reports most notably an Acid Sulfate Soils Assessment Detailed Report. Subject to the imposition of recommended conditions of consent, Council’s Environmental Health Unit consider that the site can be made suitable for the proposed use subject to the recommendations in the DSI.

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

A BASIX Certificate was submitted with the application, however the certificate is out of date and as such the requirements of the SEPP have not been met. It is a recommended condition of consent that the BASIX Certificate be updated to reflect the revised design.

5(a)(iii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

Whilst the application does not seek the removal of vegetation from within the site, the proposed works are in proximity to a tree on a neighbouring site which is 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)(iv) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Development with frontage to classified road (Clause 101)

The site has a frontage to May Street, a classified road. Under Clause 101 (2) of *SEPP Infrastructure 2007*, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The development uses the existing driveway crossover and only includes five (5) off-street car spaces, representing a minor increase compared to the existing use.

The development is a type of development that is sensitive to traffic noise and the Noise Impact Assessment was submitted with the application. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts arising from the adjacent classified road. Conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

5(a)(v) State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) provides guidance for design and assessment of boarding house developments. The SEPP

ARH, which commenced operation on 31 July 2009, provides controls relating to various matters including height, floor space ratio, landscaped area, solar access and private open space requirements. The main design parameters are addressed below:

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

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

(a) Density - Floor Space Ratio (Clause 29(1))

“A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:

- (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or*
- (b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or*
- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*
 - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
 - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.”*

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

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

The site is zoned R1 – General Residential Zone under the LEP. A boarding house is permissible within the zone with the consent from Council.

Under the LEP, the maximum floor space ratio (FSR) permitted on the land is 1.2:1. Whilst the site does not contain a heritage item that is identified in an Environmental Planning Instrument, interim heritage order, or the State Heritage Register, residential flat buildings are permitted on the land so an additional FSR of 0.5:1 under Clause 29(1)(c)(i) would apply to the development. Consequently the maximum allowable FSR for the site for a boarding house development under the SEPP ARH would be 1.7:1.

The development has a gross floor area (GFA) of 633sqm which represents a FSR of 1.62:1. The proposal complies with the floor space ratio requirements of the SEPP ARH.

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

“If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.”

A maximum building height of 14 metres applies to the site as indicated on the Height of Buildings Map that accompanies the LEP.

The drawings indicate that the proposal has a maximum height of 12.6 metres above existing ground level.

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

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

The proposal includes no substantial landscaping in the front setback. The immediate area is largely characterised by either a nil front setback or a 2 metre front setback with little to no landscaping / permeable area. The landscape is compatible with the typical front setbacks in the streetscape.

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

“Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid-winter.”

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

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

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

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers;*
- (ii) if accommodation is provided on site for a boarding house manager - one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.”*

60sqm of communal private open space with adequate dimensions is provided on the ground floor at the rear of the site. A compliant area for the boarding house manager is also provided.

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

“If:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and*
- (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and*
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,*

The development is not carried out on behalf of a social housing provider, and as such at least 0.5 parking spaces are required for each boarding room. The development has 17 boarding rooms (including one managers room) and therefore generates the requirement of 9 parking spaces. 5 parking spaces are provided in the basement level.

The 5 proposed car parking spaces are considered acceptable in this instance given the close proximity to St Peters Train Station (~400m) as well as the major bus corridor of Princess Highway. It condition is included in the recommendation that future lodgers will not be eligible for Council's residential parking permit scheme.

(g) Accommodation Size (Clause 29(2)(f))

"If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or*
- (ii) 16 square metres in any other case."*

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

(v) Standards for Boarding Houses (Clause 30)

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

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

A communal living room of adequate area and amenity is been provided on the ground floor.

- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.*

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

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

No rooms will be occupied by more than 2 adult lodgers.

It is noted that the supporting documentation states that there are 3 single lodger rooms and 14 double lodger rooms, however the supplied drawings do not specify which rooms are single or double lodger rooms.

It is a recommended condition of consent that 16 boarding rooms have a maximum of two (2) lodgers and one (1) boarding room has a maximum capacity of one (1) lodger. The Plan of Management must also be updated to provide a schedule maximum occupation of each room accordingly.

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

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

- (e) *if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.*

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

- (g) *if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.*

The land is zoned R1 and therefore this clause does not apply to the subject site.

- (h) *at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

4 motorcycle and 6 bicycle spaces are provided for 17 boarding rooms which complies with the prescribed requirement.

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

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

The subject side of May Street is largely characterised by one, two and three storey commercial and residential buildings. The proposal is four (4) storeys in height, with a maximum height of 12.5m, below the 14m Building Height development standard prescribed by MLEP 2011 and generally consistent with the desired future character of the area (which is further discussed in the Strategic Context (Part 9.25) part of this report).

It is noted that the subject side of May Street is an area in transition given the prescribed Building Heights of 14m-17m and FSRs of 1.20:1 and 1.70:1 which facilitate significantly denser development than what currently exists on most sites.

The second and third floors are setback 9.5m from the rear boundary and the top level is setback 12.5m from the rear boundary, providing a suitable transition to the low-scale residential properties to the south. The upper levels are setback between 2.3m – 2.6m from the eastern (side) boundary and 1.5m from the western (side) boundary, adequately reducing the visual bulk and amenity impacts of the development to the neighbouring properties containing low-density residential dwellings.

The subject side of May Street area is generally characterised by nil front and side setbacks and small rear setbacks. It is noted that the neighbouring properties to the south fronting Hutchinson Street have approximately 8m-10m rear setbacks. The proposal has a 9.5m-12.5m rear setback which is reflective of the existing rear setbacks of the neighbouring dwellings fronting Hutchinson Street to the south.

The proposal is considered consistent with the character of the area, most notably the desired future character of the area.

Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table

- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.5 - Development in areas subject to aircraft noise
- Clause 6.6 - Airspace operations

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 14 m	12.6 m	N/A	Yes
Floor Space Ratio Maximum permissible: 1.7:1 (666sqm)	1.62:1 (633sqm)	N/A	Yes

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

The site is zoned R1 – General Residential Zone under the *MLEP 2011*. The *MLEP 2013* defines the development as:

boarding house means a building that:

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

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

(xxvi) Clause 5.10 Heritage conservation

The site is not identified as containing a heritage item and is not located in a heritage conservation area however as discussed it is opposite a heritage conservation area and in the vicinity of a local heritage item.

Having regard to the proximity of the proposal from the item, the overall form and materials ensures the proposal is sympathetic to the nearby item.

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

The land is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise. The carrying out of the development would not likely result in an increase in the number of people affected by aircraft noise.

The development would need to be noise attenuated in accordance with AS2021:2000. 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 AS2021:2000. Conditions are included in the recommendation to ensure that the requirements recommended within the acoustic Report are incorporated into the development.

5(b) Draft Environmental Planning Instruments

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

- 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

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

MDCP 2011 Part of MDCP 2011	Compliance
Part A.1.6 – Plan of Management (PoM)	Yes
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	No - see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.8 – Social Impact	Yes
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No - see discussion
Part 2.16 – Energy Efficiency	Yes - subject to a revised BASIX Certificate being provided.
Part 2.18 – Landscaping and Open Space	See discussion
Part 2.20 – Tree Management	Yes – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.3 – Boarding Houses	No - see discussion
Part 9 – Strategic Context	No - see discussion

The following provides discussion of the relevant issues:

PART 2 - GENERIC PROVISIONS

(xii) Urban Design (Part 2.1)

The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles.

(xiii) 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, dwelling and parking requirements as prescribed by Part 2.5.10 of MDCP 2011 and the proposal's compliance with those requirements:

Control	Standard	Required	Proposed	Complies?
Accessible Rooms	1 accessible bedroom for every 5 boarding rooms or part thereof.	17 boarding rooms = 4 accessible rooms.	4 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 common areas are accessible by persons with a disability.	Yes
Accessible Car Parking	1 accessible parking space for every 10 boarding rooms.	17 boarding rooms = 1.	1 accessible car parking space.	Yes

Table 1: Equity of Access and Mobility Compliance Table

As indicated above, the development complies with the requirements of Part 2.5 of MDCP 2011.

(xiv) Visual and Acoustic Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy.

The openings on the northern (front) elevation fronting May Street includes openings, balconies and metal balustrades. Insufficient detail has been provided regarding the balustrades to be certain that the visual privacy of the associated boarding rooms (which have 2m high glazing starting from the FFLs) will be adequate. It is a recommended condition of consent that further details of the balustrades are provided including baluster width, gap between balusters, material and colour. The balusters must substantially and adequately obscure views from the public domain.

The proposal includes first, second and third floor operable windows on the southern (rear) elevation. The windows are setback 9.5m at first and second floor and 12.5m at third floor from the rear boundary. The windows have obscured and fixed glazing up to a height of 1.4m above the FFLs which will significantly reduce opportunities for overlooking.

Although there are no prescribed setbacks in MDCP 2011 or SEPP ARH for boarding houses, the setback requirements for multi-dwelling housing in Part 4.2 of the MDCP 2011 are relevant given the similarities in built form and density. The MDCP 2011 prescribes a minimum rear setback of 4m. It is also noted that the proposal significantly exceeds the 6m setback requirement for residential flat buildings up to a height of 4-storeys in the Apartment Design Guide (ADG).

Given the proposal has a significant setback from the rear boundary and includes fixed and obscured glazing on all openings on the rear elevation, it is considered that the development will maintain adequate visual privacy for the neighbouring properties, particularly given the development potential for the subject site (prescribed by the land use zoning and development standards discussed elsewhere in this report). It is also noted that the existing mature tree at No. 65 Hutchinson Street and other significant vegetation on neighbouring properties will provide additional visual screening.

All side facing windows are of fixed glass brick which will not adversely affect the visual privacy of neighbouring properties.

The developments' primary communal open space is located within the rear setback. The supplied acoustic report recommends restricting use of the outdoor common areas to 7.00am – 10.00pm. Given that the boarding house has a number of rooms directly adjoining the rear common open space, and the rear of the property adjoins lots containing single dwelling houses, a condition is included in the recommendation requiring the Plan of Management (POM) to be updated to restrict access to the rear common open space to 8.00am – 8.00pm. The POM must also be updated to restrict access to the front common open space to 8.00am – 10.00pm in accordance with the acoustic report.

In light of the above, it is considered that subject to the imposition of recommended conditions of consent that the development would maintain an acceptable level of acoustic and visual privacy for the surrounding residential properties. The development is thus acceptable having regard to the provisions of Part 2.6 of MDCP 2011.

(xv) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The supplied shadow diagrams demonstrate that the proposal will largely increase solar access to neighbouring residential properties to the south between 9.00am and 3.00pm during the winter solstice. This increase is due to the demolition of the existing warehouse building which is setback approximately 350mm from the rear boundary and the proposed rear setback of the subject building from the rear boundary.

The most notable increases to solar access are between 10.00am and 1.00pm for Nos. 65-71 Hutchinson Street. There will be some increases to shadows falling on the properties to the south-east at 2.00pm, most notably No. 63 Hutchinson Street, however it is noted this property will still receive at least 50% of solar access to its private open space between 9.00am and 3.00pm during the winter solstice in accordance with Part 2.7.5 of the DCP.

Considering the above, it has been demonstrated that the development is acceptable having regard to the overshadowing controls contained within Part 2.7 of MDCP 2011.

Solar Access

Although the provisions of SEPP ARH include provisions relating to solar access requirements for communal living areas in boarding house developments, those provisions do not specify any solar access requirements for the individual rooms within a boarding house. In this regard, control C11 of MDCP 2011 requires that:

“C11 At least 65% of habitable rooms within a boarding house, a hostel or a residential care facility must provide a window positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight over minimum 50% of the glazed surface for at least two hours between 9.00am and 3.00pm on 21 June.”

The plans and shadow diagrams submitted with the application illustrate that 82% of habitable rooms have a window appropriately positioned and that 53% of the boarding rooms will receive direct solar access between 9:00am and 3:00pm by way of a window or balcony.

(xvi) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The site is located in Parking Area 1 under Part 2.10 of MDCP 2011. MDCP 2011 prescribes car, bicycle and motorcycle parking rates. However, the ARH SEPP also contains car parking, bicycle and motor cycle spaces parking rates for boarding house developments which prevail over the parking rates prescribed in MDCP 2011 and this is discussed in Section 5(a)(i) of this report.

Notwithstanding, the following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	1 per caretaker + 0.25 per boarding room for residents	17 rooms = 4 spaces + 1 for each caretaker		
	Total required:	5 spaces	5 spaces	Yes
Bicycle Parking				
Resident Bicycle Parking	1 per 2 boarding rooms for residents	17 rooms = 8 spaces		
Visitor Bicycle Parking	1 per 10 boarding rooms for visitors	17 rooms = 3 spaces		
	Total required:	11 spaces	6 spaces	No
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	8 car parking spaces required = 0.25 spaces		
	Total required:	0 spaces	4 spaces	Yes

Table 2: Assessment of proposal against Part 2.10 of MDCP 2011

The development is deficient 5 bicycle parking spaces. Notwithstanding, the SEPP ARH also contains bicycle parking rates for boarding house developments which prevail over the

parking rates prescribed in MDCP 2011. The development complies with the rates prescribed by the SEPP ARH.

Appropriate conditions have been included in the recommendation to ensure the proposed car parking complies with the requirements contained within Part 2.10 of MDCP 2011.

(xvii) Landscaping and Open Spaces (Part 2.18)

2.18.11.4 *Boarding Houses*

Landscaped area

Control C17 prescribes the following for boarding houses:

“C17 Landscaped area (Residential zones)

- ix. The entire front setback must be of a pervious landscape with the exception of driveways and pathways.*
- x. The greater of 4 metres or a prevailing rear setback must be kept as pervious landscaped area.*
- xi. In addition to the front setback, a minimum of 45% of the site area is to be landscaped area at ground level.*
- xii. A minimum of 50% open space must be pervious landscape.”*

The proposal includes 78sqm of landscaped area, equivalent to 20% of the site.

Although the proposal does not comply with Control C17 iii which requires 45% of the site to be landscaped at ground level, the non-compliance is considered acceptable in this instance given that the site is in a dense urban environment and that the proposal increases existing on-site landscape area from approximately 6sqm (1.5%) to 78sqm (20%).

The proposal provides for a small area of private open space attached to the communal room located at the front of the site. This area contains some landscaping on the boundary and serves as an extension of the communal room. Having regard to the site's location and its proposed front setback, the level of landscaping provided within the front setback is considered acceptable in the circumstances of the site.

At least 50% of the rear common open space is pervious landscaping.

A landscape plan and maintenance schedule was submitted with the application which is considered acceptable.

C18 of Part 2.18.11.4 prescribes common open space controls for boarding houses. The development is acceptable having regard to C18 in that:

- The proposal includes 14sqm of private open space adjoining the ground floor communal living room and 60sqm in the rear setback both in accordance with the required minimum dimension.
- The rear communal open space has been designed so that it can accommodate outdoor furniture such as chairs, tables and shade structures.

(xviii) Part 2.20 – Tree Management

There is a significant tree on the neighbouring site to the south close to the common boundary. An Arborist Report was supplied at the request of Council. The report was

reviewed by Council’s Tree Officer who has concluded that the proposal will not significantly impact upon the neighbouring tree subject to the imposition of conditions which are included in the recommendation of this report.

(xix) Boarding Houses (Part 4.3)

4.3.3.1 *Character and amenity of the local area*

As discussed in Section 5(a)(ii) of this report under the provisions of Clause 30A of the SEPP ARH, applications for new boarding houses must satisfy a local character test which seeks to ensure developments proposed under the SEPP are consistent with the built forms and desired future character of the area. The development is compatible with the desired future character of the local area and ensures there are no undue impacts on the amenity of the local area.

4.3.3.2 *Boarding house capacity*

All boarding rooms are at least 16sqm in area and as such the maximum capacity of each room is 2 lodgers, however one room (Room 16) has been nominated as a single lodger room. It is a recommended condition of consent that the boarding house be restricted to a maximum of 33 adult lodgers (including manager) as proposed.

4.3.3.3 *Location*

A site analysis plan outlining the services available to the site has been submitted with the development application and is acceptable.

4.3.3.4 *Management*

Control C3 of Part 4.3.3.4 specifies that if the boarding house has capacity to accommodate 20 lodgers but not more than 39 lodgers, one (1) boarding room or on site dwellings is required to be provided for a boarding house manager. One boarding room for a manager is proposed.

The proposed boarding house managers’ private open space has an area of 9.7qm with a minimum dimension of 2.5m in accordance with this part of the plan.

One (1) car space could be used by the boarding house manager in the proposed basement car park.

4.3.3.5 *Boarding Rooms*

Room type and facility	Minimum Requirement	Complies?
C9 Minimum area 1 person room	12sqm GFA*	Yes
C10 Minimum area 2 person room	16sqm GFA*	Yes
C11 Maximum room size	25sqm GFA*	Yes
C12 Calculation of room size	*The areas referred to in Controls C9 – C11 inclusive exclude kitchenettes (excluding circulation space), bathrooms and corridors.	Yes
C13 Minimum room ceiling height	2,700mm	Yes

C14 Occupation of share rooms – per room	One / two adult lodgers	Yes
C15 Fit out room only	Rooms must be able to accommodate: <ul style="list-style-type: none"> • Bed/s for the potential number of occupants, Enclosed and open storage for clothes, linen and personal items, • At least one easy chair and a desk with chair, • Plus safe and convenient circulation space. 	Yes
C16 Area of self-contained facilities	<ul style="list-style-type: none"> • Maximum of 5sqm for a kitchenette; • A kitchenette is not to be located along the wall of a corridor; and • Minimum 3sqm and maximum 4sqm for ensuite bathroom. 	No - a number of kitchenettes are located along the walls of corridors.
C17 Energy efficiency & internal climate	<ul style="list-style-type: none"> • All habitable rooms are to have access to natural ventilation through an external window; • Natural light is to be available from an external window or from a light well – not from a skylight; • Light and air from an internal courtyard is acceptable if the courtyard is an adequate size 	Yes Yes Yes
C18 Private open space	<ul style="list-style-type: none"> • Maximum area 6sqm; and • Minimum dimension 2 metres 	No – see discussion below

As indicated above, the development generally complies with the exception that the 2 kitchenettes are located in the corridors of rooms 10 and 15 and the provision of balconies does not comply with the prescribed size requirements.

The location of 2 of the kitchenettes in rooms 10 and 15 along the walls of corridors is considered acceptable given the generous size of the rooms and practical room configurations. The subject corridors are wide, and the kitchens are setback from the doorway.

Only the rooms fronting May Street provide for balconies. Whilst the balconies fronting May Street do not meet the dimension requirements prescribed, they are Juliett style and still afford a level of improved amenity for future occupants.

Whilst rooms facing the rear of the site do not provide for balconies, this is considered acceptable in seeking to mitigate any potential privacy impacts.

4.3.3.6 *Communal rooms and facilities*

The development accommodates 17 boarding rooms (including 1 manager room) and 1 communal living area with an area of 24.1sqm. Based on providing 2sqm per lodger, the communal living room has a capacity of 12 lodgers, representing 38% of the 31 lodger capacity of the boarding house. Although this does not comply with the 50% requirement,

the non-compliance is considered minor given the ample communal open space, private open space and size of the boarding rooms.

The communal living room has north-facing windows which will receive the required 3 hours of direct sunlight between 9.00am – 3.00pm during the winter solstice.

4.3.3.7 *Communal Laundry*

A communal laundry area is provided in the basement.

4.3.3.8 *Landscaped area and common open space*

The front communal open space area will receive the required 3 hours of direct sunlight between 9.00am – 3.00pm during the winter solstice.

(xx) Strategic Context (Part 9.25)

The proposal is consistent with the desired future character of the area namely that it protects and conserves nearby heritage items and conservation areas, demonstrates good design excellence and adequately protects the residential amenity of surrounding properties.

9.25.7 and 9.25.7.1 *Traffic and access*

The proposal has been designed in accordance with the relevant traffic and access guidelines in that it provides vehicular access from May Street, does not increase the number of vehicle crossings on May Street and will not significantly affect traffic volumes given the relatively small number of car spaces provided in the basement level. Future lodgers will not be eligible for Councils on-street parking scheme, minimising the proposals impact on on-street parking.

9.25.9 *Site amalgamation*

C15 requires the following amalgamation pattern on May Street (see Figure 3 below):

- i. Three to six properties for amalgamation;*
- ii. 25 metres to 30 metres of street frontage once amalgamated; and*
- iii. 1,000m² to 1,200m² in area*

The proposal does not amalgamate with any adjoining sites, has a frontage of 12.19m and an area of 391sqm contrary to this part of the plan.

In accordance with the Planning Principle established in *Karavellas v Sutherland Shire Council* [2004], the following two questions should be answered when dealing with site amalgamation and site isolation:

- Firstly, is amalgamation of the sites feasible?
- Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

To answer the first question, the principles set out by Brown C in *Melissa Grech v Auburn Council* [2004] are referred to.

Adequate attempts were made to acquire neighbouring sites to pursue site amalgamation. Documentation has been provided by the applicant showing that purchase offers were made to the owners of Nos. 94, 102, 102A May Street based on a valuation report dated 18 July

2018 prepared by Herron Todd White. Based on the information provided, none of the respective landowners accepted the offers and as such amalgamation was not possible at this time.

To answer the second question, the principles set out by Brown C in Cornerstone Property Group Pty Ltd v Warringah Council [2004] are referred to.

Council is satisfied that neighbouring sites can still achieve a development that is consistent with the planning controls (most notably height, setbacks and site coverage) and thus orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible

It is noted that to-date, no sites have been amalgamated on May Street in accordance with the requirements of this part of the plan.



Figure 3: Precinct site amalgamation requirements showing subject site (outlined red).

9.25.10 Built form

The proposal complies with the relevant Building Height and FSR development standards in the MLEP 2011 and SEPP ARH.

The site has a three (3) storey building height control. It is noted that the height in storey control is not wholly congruous with the 14m height control, which would comfortably facilitate a four (4) storey building.

It is noted that there is a disconnect between the height prescribed in MLEP 2011 and MDCP 2011. Notwithstanding this, the provision of MLEP 2011 prevails and therefore the proposed height is acceptable in the circumstances.

While exceeding the 3 storey height permitted under MDCP 2011, the development complies with the height of buildings development standard under MLEP 2011 and the FSR development standard under SEPP ARH.

The topmost level has a varying rear setback of 12.5m – 16m, providing substantial separation and a suitable transition to the low-scale residential dwellings to the south which generally complies with the street sections in Part 9.25.11 of the DCP (see Figure 4 below).

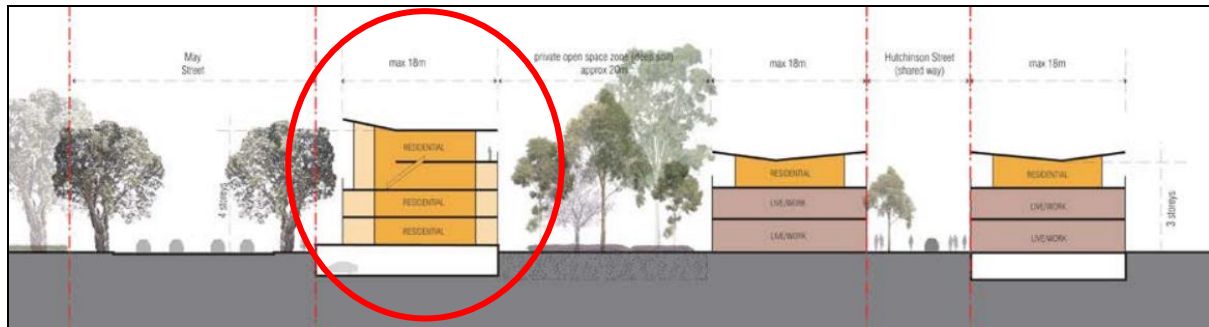


Figure 4: Desired built form and sections. Red circle indicates the form controls relevant to the subject site.

The nil side setbacks are consistent with the context of the site and are only confined to a 12m portion of the western elevation and a small portion of the northern elevation (the eastern side setback ranges from nil – 500mm is not at a 90-degree angle from the front boundary). The rear portion of the building is setback 2.3m-2.6m from the northern side boundary and 1.5m to the southern side boundary, suitably 'stepping in' the bulk of the building at the rear.

The proposal has a 3m front setback in accordance with Part 9.25.10.3 of the plan.

In order to achieve the desired aim of Part 9.25.10.3 of the plan of improving the public domain, a condition is included in the recommendation requiring that street tree plantings be included adjacent to the site on May Street.

Although the ground level has a building depth of 20m in excess of the 18m maximum, the upper levels have building depths ranging from 15m-18m, complying with the building depth / setback requirements in Part 9.25.10.4 of the DCP and minimising impacts on neighbouring properties in accordance with the intention of this part of the plan.

The proposed private open space and deep soil area in the rear setback generally comply with the diagram in this part of the plan (no numerical controls are provided).



Figure 5: Precinct built form requirements showing subject site (outlined red), number of storeys (3), setbacks and landscaped areas.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Marrickville Development Control Plan 2011 for a period of 26 days to surrounding properties. A total of 23 submissions were received.

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

- Built form not consistent with the area;
- Visual and acoustic privacy impacts on neighbouring properties;
- Solar access impacts;
- Inconsistent with 3-storey height control;
- No site amalgamation;
- Parking and traffic impacts;
- Impacts on neighbouring tree.

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

Issue: Inadequate Social Impact Statement (SIS).
Comment: A SIS has been supplied generally in accordance with the requirements of Part 2.8 of the MDCP 2011.

Issue: Photomontage does not accurately depict the sites context,

Comment: Photomontages do not form part of the consent, are not relied upon for assessment of the application and are generally only indicative.

Issue: The site history in the supplied Preliminary Site Investigation is not accurate.
Comment: The DSI has been reviewed by Council's Health Unit and subject to the recommendations recommended conditions of consent, the proposal can be made suitable for the use. One such condition is that any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council.

Issue: Rubbish bins stored on the street and associated smells.
Comment: The revised scheme includes an enclosed on-site waste storage at ground level.

Issue: Removal of existing rear brick boundary wall.
Comment: The existing rear brick boundary wall is being retained.

Issue: Concerns over content and accuracy of supplied Traffic Report
Comment: The supplied Traffic Report was reviewed by Council's Development Engineer who raised no objection to the proposals impact on on-street car parking or the additional traffic generation. It is a recommended condition of consent that future lodgers of the boarding house are not permitted to apply for on-street parking permits.

Issue: Increased fire risks.
Comment: It is a requirement that the development complies with all relevant current fire safety standards.

Issue: Negative social impacts from the character of future lodgers.
Comment: The character and background of future lodgers cannot be assumed, and is not a planning consideration.

Issue: The boarding house will not be 'affordable'.
Comment: There are currently no requirements in the SEPP ARH or local planning instruments for boarding houses to be rent controlled.

Issue: The façade of the existing warehouse should be retained.
Comment: The existing building is not identified as a Heritage item or Contributory Item. Although it is a 'period building', the quality of the building does not require retention.

Issue: The boarding house manager will not be qualified.
Comment: There are currently no requirements in the SEPP ARH or local planning instruments for boarding house managers to have relevant qualifications.

Issue: All the landscaped area is not deep soil.
Comment: There is no prescribed requirements for boarding houses to provide deep soil areas, nevertheless a deep soil area is provided in the rear setback.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in the sections above.

Tree Unit

- No objection subject to the imposition of recommended conditions of consent.

Engineers

- No objection subject to the imposition of recommended conditions of consent.

Environmental Health

- No objection subject to the imposition of recommended conditions of consent.

6(b) External

Nil.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$320,263.73 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. The contribution is based on 1 x single lodger room and 16 x double lodger rooms minus the 'credit' applied for the existing 336sqm warehouse building. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and *Marrickville Development Control Plan 2011*.

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

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA201900034 to demolish existing improvements and construct a 4 storey boarding house with basement parking at 96-98 May Street, St Peters subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

- A. THAT the development application to demolish existing improvements and construct a four (4) storey boarding house with basement parking be **APPROVED** subject to the following conditions:

GENERAL

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

Sheet	Drawing	Date	Drawn by
DA01 b	Site Analysis	23 May 2019	Archispectrum
DA02 b	Basement Plan	23 May 2019	Archispectrum
DA03 b	Ground Floor Plan	23 May 2019	Archispectrum
DA04 b	First Floor Plan	23 May 2019	Archispectrum
DA05 b	Second Floor Plan	23 May 2019	Archispectrum
DA06 b	Third Floor Plan	23 May 2019	Archispectrum
DA07 b	Site & Roof Plan	23 May 2019	Archispectrum
DA08 b	North & South Elevations	23 May 2019	Archispectrum
DA09 b	East Elevation	23 May 2019	Archispectrum
DA10 b	West Elevation	23 May 2019	Archispectrum
DA11 b	Section	23 May 2019	Archispectrum
DA13 b	External Finishes	23 May 2019	Archispectrum
DA14 a	Concept Stormwater Plan	22 November 2018	Archispectrum
18-3846 LO1	Landscape Plan	24 October 2018	Zenith Landscape Designs Pty Ltd
N/A	Plan of Management	December 2018	aSquare Planning
SRE/424/ SP/18/G EO/RIG	Geotechnical Site Investigation Report	22 November 2018	Soilsrock
2017-571 Rev 2	Acoustic Report	11 October 2017	Acoustic, Vibration & Noise Pty Ltd

with the application for development consent and as amended by the following conditions.

2. The use of the premises as a boarding house must comply at all times with the following:
- a) The use must comply at all times with the Plan of Management referred to in condition 1 above and the clauses within the Plan of Management shall be enforced as conditions of consent;
 - b) A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;

- c) A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
 - d) The Plan of Management must not be amended without the prior consent of Council;
 - e) All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
 - f) The premises must be used exclusively as a boarding house containing a maximum total of 16 lodger's rooms and 1 on-site manager's room with not more than 30 adult lodgers and 1 adult on-site managers residing in the premises at any one time;
 - g) Not more than 2 adult lodgers must occupy rooms 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and the managers room. Not more than 1 adult lodger must occupy room 16.
 - h) The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
 - i) All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
 - j) Each self-contained room must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times; and
3. 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 and subject to any changes required by conditions in this consent. 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*.
 4. Further details of the balustrades are required on the approved material and finishes schedule including baluster width, gap between balusters, material and colour. The balusters must substantially and adequately obscure views from the public domain to Council's satisfaction. Details to be submitted to Council prior to the issue of any Construction Certificate.
 5. The Plan of Management (POM) must be updated to restrict access to the rear common open space to 7.00am – 8.00pm. The POM must also be updated to restrict access to the front common open space to 7.00am – 10.00pm in accordance with the acoustic report.
 6. The Plan of Management (POM) must be updated to include a schedule of all boarding rooms and their maximum occupation. This must be consistent with the approval which is for 14 x 2 adult lodger boarding rooms, and 3 x single adult lodger boarding rooms.
 7. An updated BASIX Certificate reflecting the approved drawings in Condition 1 must be prepared. The works shall be constructed in accordance with, and comply with the undertakings given on the updated BASIX (Building Sustainability Index) Certificate as obtained from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au .

All commitments listed in the BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.
 8. Where boarding rooms are provided with separate individual hot water systems, these must be located within the internal area of the boarding room and not on any balcony or terrace.

9. A minimum of 4 adaptable boarding rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.

A total of 5 off-street car parking space and 4 off-street motorcycle parking spaces are to be provided, paved and maintained at all times. All parking spaces and turning area thereto being 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. 1 of the required car parking spaces must be dedicated as an accessible parking space for one of the adaptable units and marked and signposted appropriately.

10. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and NBN Co concerning the provision of water and sewerage, electricity, natural gas and telecommunications respectively to the property.
11. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
12. No air conditioning units are to be installed in any position visible from the public domain without the prior approval of Council.
13. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any prospective tenant of this condition.
14. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
15. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
16. Each boarding house room must be used exclusively as such and not be adapted for use as backpackers' accommodation, serviced apartments and not be used for any industrial or commercial purpose.
17. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
18. Domestic waste bins from the boarding house must be presented on the street for collection. The domestic waste bins are not to be placed in the road frontage until after 7.00pm on the day prior to collection and are to be returned to their on-site storage location within two (2) hours of the bins being collected by Council.

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

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

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

21. There is to be no entertainment in the form of amplified music on any part of the outdoor communal areas at any time.

The outdoor communal area in the rear setback shall not be used between 8:00pm and 8:00am 7 days per week.

The outdoor communal area in the front setback shall not be used between 10:00pm and 8:00am 7 days per week.

rear common open space to 7.00am – 8.00pm.

22. 14 boarding rooms are for a maximum of two (2) adult lodgers (of which 1 is a Manager's room), and three (3) boarding rooms are for a maximum of one (1) adult lodger.

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

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

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

24. 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.

25. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 5 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 1 month.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a certifier or principal certifier appointed under Section 6.5 of the Environmental Planning and Assessment Act 1979. Pursuant to Section 6.5 of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

26. No work must commence until:
- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). 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.
27. All services in the building being partially demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
28. 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

29. 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.
30. 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.
31. The person acting on this consent shall ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required from Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

32. Sanitary facilities are to 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 are to be located so that they will not cause a nuisance.
33. 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.
34. 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'.
35. 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 shall 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.

36. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.
37. A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to the Principal Certifying Authority prior to the commencement of demolition or issue of a Construction Certificate (whichever occurs first).
- a) Full width of May Street, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between 94 and 100 May Street.
- b) Any utility services that shall be impacted.

The dilapidation report is to be prepared by a practicing Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The liability of any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

38. The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.
39. 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.
40. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

A copy of any WorkCover approval documents is to be included as part of the documentation.

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

41. A Project Arborist shall be engaged before work commences for the duration of the site preparation, demolition, construction and landscaping.

Project Arborist - for the purpose of these conditions a Project Arborist is a suitably qualified professional who shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF) and who does not remove or prune trees in the Inner West local government area.

42. The contact details of the Project Arborist shall be advised to Council before work commences and maintained up to date for the duration of the works. If a new Project Arborist is appointed details of the new Project Arborist shall be notified to Council within 7 days.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

43. 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).

NB: 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.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

44. a) This condition is imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979.
- b) Before the issue of a Construction Certificate the Council must be paid a monetary contribution of \$320,263.73 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 15 July 2019.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC002654)

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

Community Facilities	\$34,634.66
Plan Administration	\$6,279.56
Recreation Facilities	\$269,221.19
Road/Access Dedication - St Peters	\$12,821.42
Traffic Facilities	\$-2,693.11

- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

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

45. 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	\$3561
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.

46. 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.
47. 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.
48. 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 in accordance with Part 2.9 of MDCP 2011.
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. 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.
51. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

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

52. The vehicular access and associated vehicle standing areas shall be designed in accordance with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2002 Parking Facilities: Off-street parking for people with disabilities so that:-
 - a) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:-
 - (i) car spaces adjacent to walls or fences are increased in width by an additional 300mm;
 - (ii) end spaces are provided with an additional 1m aisle extension; and
 - (iii) the location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
 - b) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road;

- c) The relative surface levels of the internal access from the road being controlled so that:-
 - (i) the surface levels at the property boundary match "alignment levels";
 - (ii) the change in grade for any 2m length of accessway does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - (iii) the maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - (iv) the maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- d) The vehicle egress is designed such that there are no obstructions to lines of sight, along the footpath and the roadway for drivers of egressing vehicles; and
- e) The curved section of the ramp is designed in accordance with AS/NZS 2890.1-2004 with grades measured along the inside radius.

Details of compliance with the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.

- 53. Plans, details and calculations of an on-site detention system in accordance with Marrickville Council Stormwater and On Site Detention Code must be submitted to Certifying Authority before the issue of a Construction Certificate. The design of the OSD system must comply with the following:-
 - a) The on-site detention system must be designed for all storm events from the 1 in 5 year to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 year ARI);
 - b) Storage for the 1 year storm event must be provided fully below ground;
 - c) Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement shall be fully "tanked" so as not to allow the ingress of seepage or groundwater;
 - e) Details of the Height v Storage and Height v Discharge relationships must be submitted;
 - f) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system; and
 - g) Details of the 1 in 100 year overflow route in case of failure\blockage of the drainage system must be provided.
- 54. 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".

55. An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.
56. The stormwater drainage plans D1 to D6 dated 26 October 2019 and prepared by Portes Civil and Structural Engineers shall be amended and/or additional information provided as follows;
- i. Detailed calculations for sizing of the OSD system to be provided for assessment. It is noted that there are two plans shown with drawing number D3 that are contradicting to each other.
 - ii. The minimum basement pumping tank volume shall be 3 cubic metres.
 - iii. Details of external catchments currently draining to the site shall be included on the plans; Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system;
 - iv. Details of the 1 in 100 year overflow route in case of failure\blockage of the drainage system shall be provided, This shall include any existing overland flow routes from upstream;
 - v. Connection of the rainwater tank to toilets, laundry and external taps for irrigation;
 - vi. The BASIX Certificate shall be amended to reflect the above water re-use measures;
 - vii. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the basement shall be fully "tanked" so as not to allow the ingress of seepage or groundwater.

The above additional information shall be shall be submitted to Certifying Authority before the issue of a Construction Certificate.

57. A *Pyrus ussuriensis* (Manchurian Pear) must be planted, at no cost to Council, in the nature strip in front the property along May Street. The tree must be in a minimum container size of 100 litres at the time of planting.

Details of the species and planting location must be included on the landscape and /or site plan prior to the issue of a Construction Certificate. The plans must also contain details of any site constraint such as the location of power poles and overhead power lines (including service wires), manholes, vehicular crossings, footpaths, subterranean services and the like.

The plans, details and specification must be in accordance with the relevant sections of the Marrickville Street Tree Master Plan (Section 6.4 – 6.6).

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

SITE WORKS

58. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
59. 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 material containing asbestos is to be carried out by suitably qualified persons 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 are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan - 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 are to 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 is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
60. Trees to be removed shall be removed in a safe and environmentally responsible manner by a practicing arborist who has a minimum qualification of Certificate 3 in Arboriculture, in compliance with WorkCover NSW Code of Practice: Amenity Tree Industry 1998.
61. 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 shall comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
62. 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) give the owners of the adjoining land at least seven (7) days notice 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 is to 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.

63. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
64. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
65. 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.

66. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.
67. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
68. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 150mm at both sides of the vehicle entry.

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

- 69. The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security bond and Council may recover any costs in excess of the security from the applicant.
- 70. 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. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
- 71. If tree roots (less than 30mm in diameter) are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

- 72. Canopy pruning of the following tree if necessary to accommodate the approved building works shall be undertaken by, or directly supervised by, the project Arborist – for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Schedule	
Tree/location	Approved works
<i>Eucalyptus nicholii</i> (Willow Peppermint) - on site at the rear	Minor pruning to clear the façade and roofline by 1 meter.

The person acting on this consent has approval under Council's Tree Management Controls to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 80 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—Pruning of amenity trees.

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the Access To Neighbouring Lands Act 2000 to seek access.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

73. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk of the following tree shall be severed or injured in the process of any works during the construction period.

Schedule	
Tree/location	Radius in metres
<i>Eucalyptus nicholii</i> (Willow Peppermint) – site at rear	6m

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

74. The excavation for the footings of the masonry fence on the north eastern rear and rear side boundary shall be undertaken as specified by, and under the direct supervision of, the Project Arborist to ensure that woody roots with a diameter greater than 30mm are not severed or damaged. Piers rather than strip footings may be required.

Schedule	
Tree/location	Radius in metres
<i>Eucalyptus nicholii</i> (Willow Peppermint) – site at rear	6m

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

75. No storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
76. Excavation for the installation of any services within the specified radius of the trunk of the following tree shall be undertaken as specified by, and under the direct supervision of, the Project Arborist to ensure that woody roots with a diameter greater than 30mm are not severed or damaged.

Schedule	
Tree/location	Radius in metres
<i>Eucalyptus nicholii</i> (Willow Peppermint) – site at rear	6m

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

BEFORE OCCUPATION OF THE BUILDING

77. You shall 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 two (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.
78. 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.
79. 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 shall be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.
80. 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.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.
81. Before the issue of an Occupation Certificate, the Certifying Authority must be satisfied that all landscape works have been undertaken in accordance with the approved plan and conditions of consent and must be maintained at all times to Council's satisfaction.
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 the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
83. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):
- State Environmental Planning Policy (Infrastructure) 2007

- ANEF - the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000
- conditions of development consent;
- recommendations of the acoustic report prepared by Acoustic, Vibration & Noise Pty Ltd dated 17 December 2018 and,
- recommendations of Plan of Management dated December 2018.

The report shall include post construction validation test results.

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

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. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and the Protection of the Environmental Operations Act 1997.

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 Occupation Certificate.

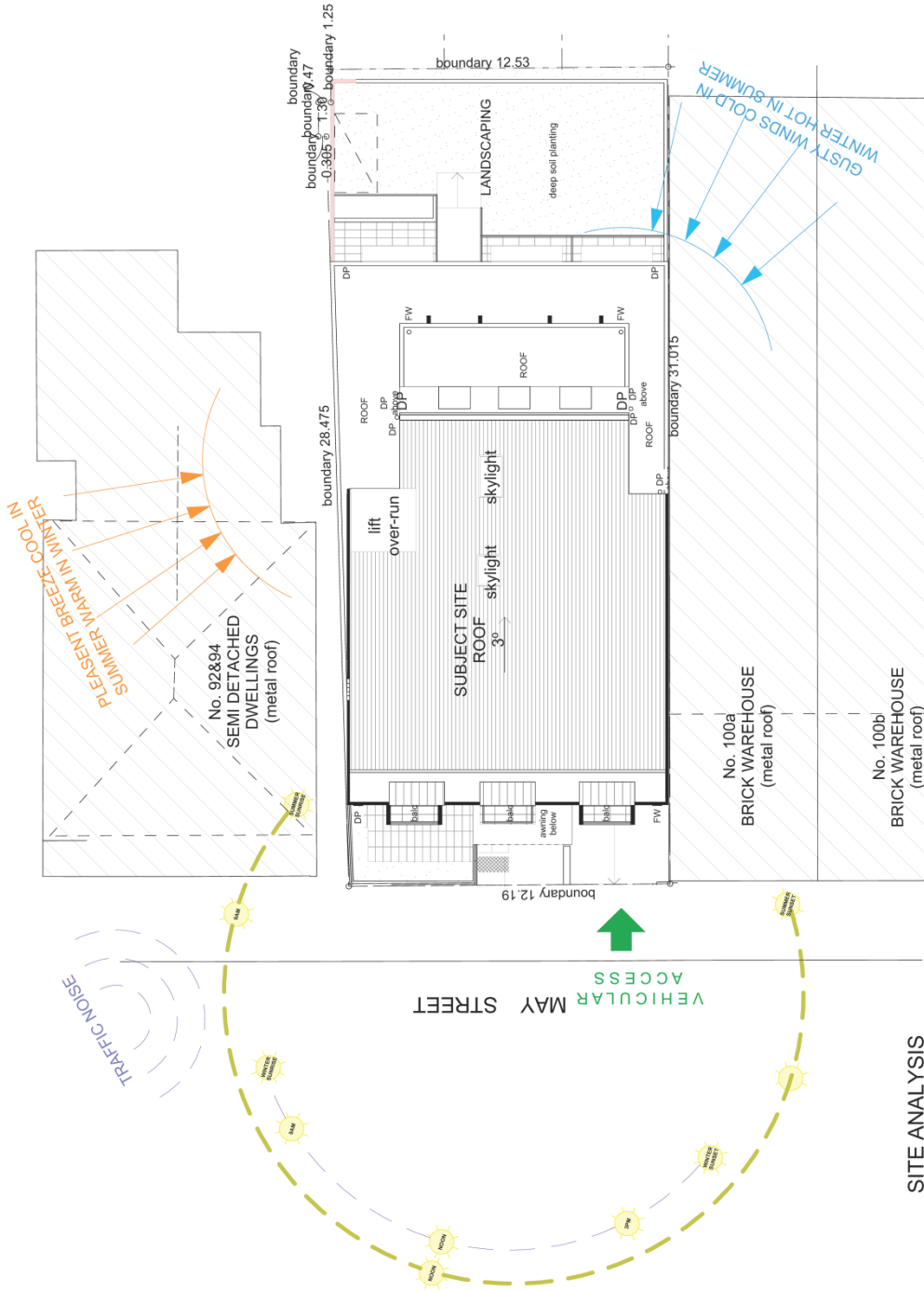
86. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
87. Heavy duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
88. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
89. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage and re-use measures have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. The Certificate shall also state that no dry-weather flows of seepage or groundwater have been connected to any kerb outlets. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.

90. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
91. Any 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.
92. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
93. The existing concrete footpath across the frontage of the site shall be reconstructed in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of an Occupation Certificate.
94. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater *drainage, re-use and quality measures* have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
95. With the regard to the On Site Detention System (OSD), a Positive Covenant in accordance with supplement 7 of Marrickville Council Stormwater and On Site Detention Code shall be placed on the Title in favour of Council before the issue of the Occupation Certificate.
96. All works required to be undertaken on public roads shall be designed and constructed in accordance with Council's standard plans and specifications. The works shall be supervised and certified by a qualified civil engineer who is listed under the Institution of Engineers, Australia "National Professional Engineers Register" (NPER) and shall state that the works have been constructed in accordance with the approved plans and specifications before the issue of the Occupation Certificate.
97. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
98. 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 Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

99. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent.
100. The planting of street trees (within the nature strip) required by this consent shall be carried out prior to the release of an Occupation Certificate. The planting must be in accordance with the approved plan and;
- a) The tree pits must be inspected by Council's Tree Management Officer before and after planting.
 - b) The street tree/s must be planted by a qualified Arborist or Horticulturist (minimum AQF Level 3) and maintained for a minimum period of 12 months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning and fertilising and pest and disease control.
 - c) At the completion of the 12 month maintenance period written approval must be obtained from Council's Tree Management Officer that the trees are healthy.
 - d) If the street tree requires replacement due to maintenance deficiencies during the 12 month maintenance period, the 12 month maintenance period will commence again from the date of the planting of the replacement tree.

Attachment B – Plans of proposed development

- Notchers Spaces:**
- Floor slabs: - Concrete.
 - R1.0 floor insulation to Manager's unit.
 - R0.5 ground floor insulation to units 3 & 4.
 - Exterior walls: - Wall system reaching a total R-value (R2.32). E.g. brick veneer wall with foil + R1.2 batts in cavity to plasterboard lining.
 - Wall system reaching a total R-value (R1.96). E.g. metal clad wall with foil + R1.2 batts cavity to plasterboard lining.
 - Assessed for thermal mass and thermal massing.
 - "Exterior walls" = All unit walls that are not party walls to other units.
 - Glazing: **Thermally broken double glazed - tinted glass:**
 - To units 1 & 2.
 - Type A (U-Value: 3.6, SHGC: 0.23).
 - Type B (U-Value: 3.6, SHGC: 0.30).
 - **Low solar gain Low-E glass:**
 - To unit 16.
 - Type A (U-Value: 5.6, SHGC: 0.41).
 - Type B (U-Value: 5.6, SHGC: 0.36).
 - To remaining units.
 - Type A (U-Value: 6.7, SHGC: 0.57).
 - Type B (U-Value: 6.7, SHGC: 0.70).
- U-Value & SHGC are combined glass and frame figures.**
- Ceiling & ceiling insulation to all roof areas.
 - Assessed with sealed downlights, and sealed wet area exhaust fans.
 - Metal roof (with foil under) modelled with default medium colour finishes, and as unventilated.



SITE ANALYSIS
SCALE: 1:150

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PROJECT: Proposed Boarding House Development
96-98 May Street, St Peters
CLIENT: Kent Geeves
96-98 May Street, St Peters

DESCRIPTION: DA Issue to Council
Revised DA Issue to Council

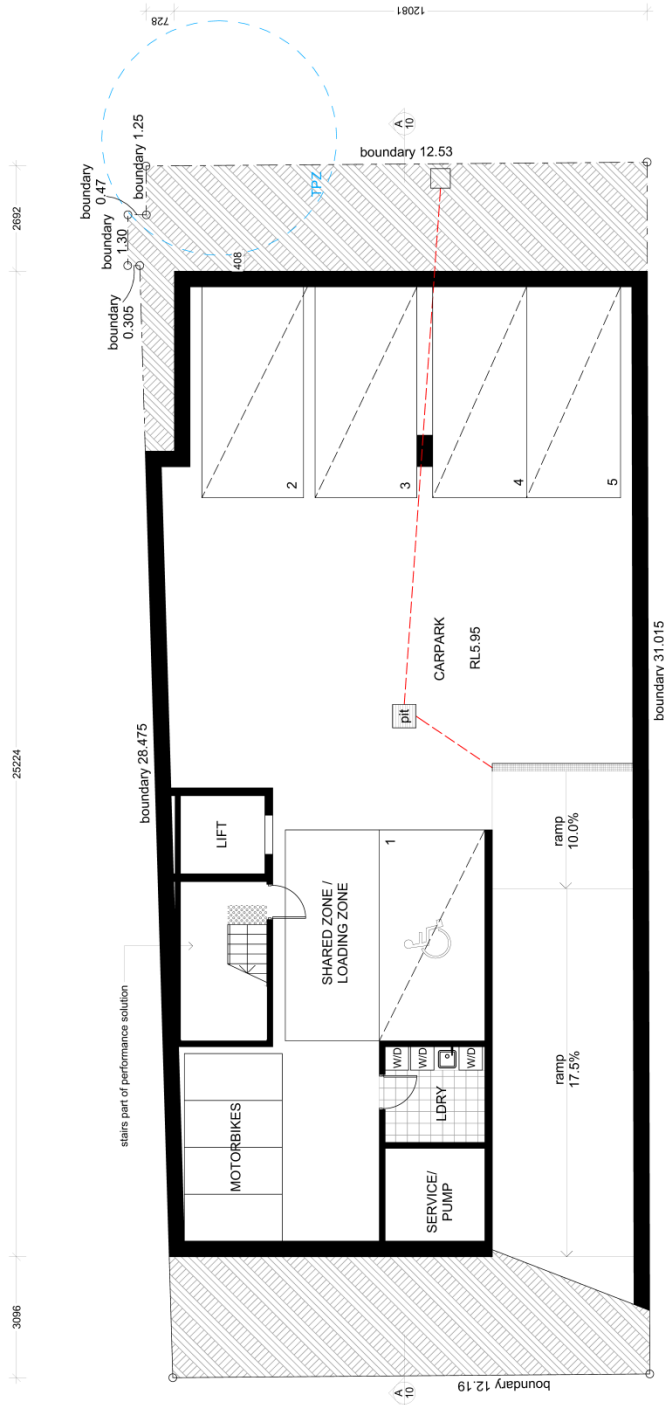
DATE: 22.11.2018
23.05.2019

ISSUE: A
B

SHEET TITLE: SITE ANALYSIS

SCALE: 1:150 @ A3
DRAWN: BA
SHEET SIZE: A3
DWG NO: DA01 b
REVISION:

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SPECTRUM ARCHITECTS



BASEMENT PLAN
SCALE:1:100

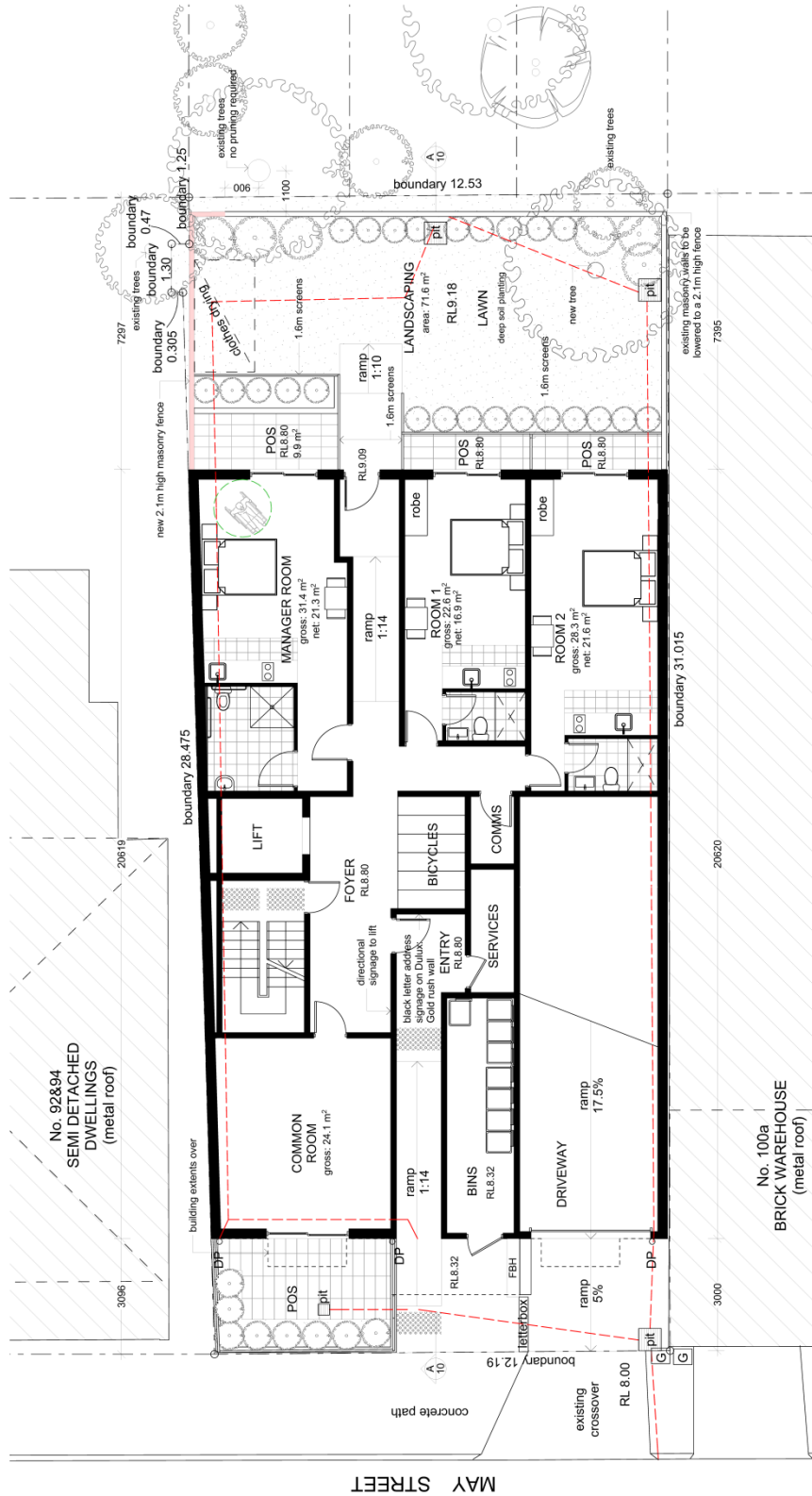
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ISSUE	DATE	DESCRIPTION
A	22.11.2018	DA Issue to Council
B	23.05.2019	Revised DA Issue to Council

PRODUCT: Proposed Boarding House Development
 CLIENT: 96-98 May Street, St Peters
 ARCHITECT: Kent Geeves
 96-98 May Street, St Peters

REVISION: A3 DA02 b
 SHEET SIZE: A3
 SCALE: 1:100 @ A3
 DRAWN: BA
 DWP NO: DA02 b



GROUND FLOOR PLAN
SCALE: 1:100

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PROJECT: Proposed Boarding House Development
 28-38 Willy Street, St Peters
 Kent Geeves
 28-38 Willy Street, St Peters

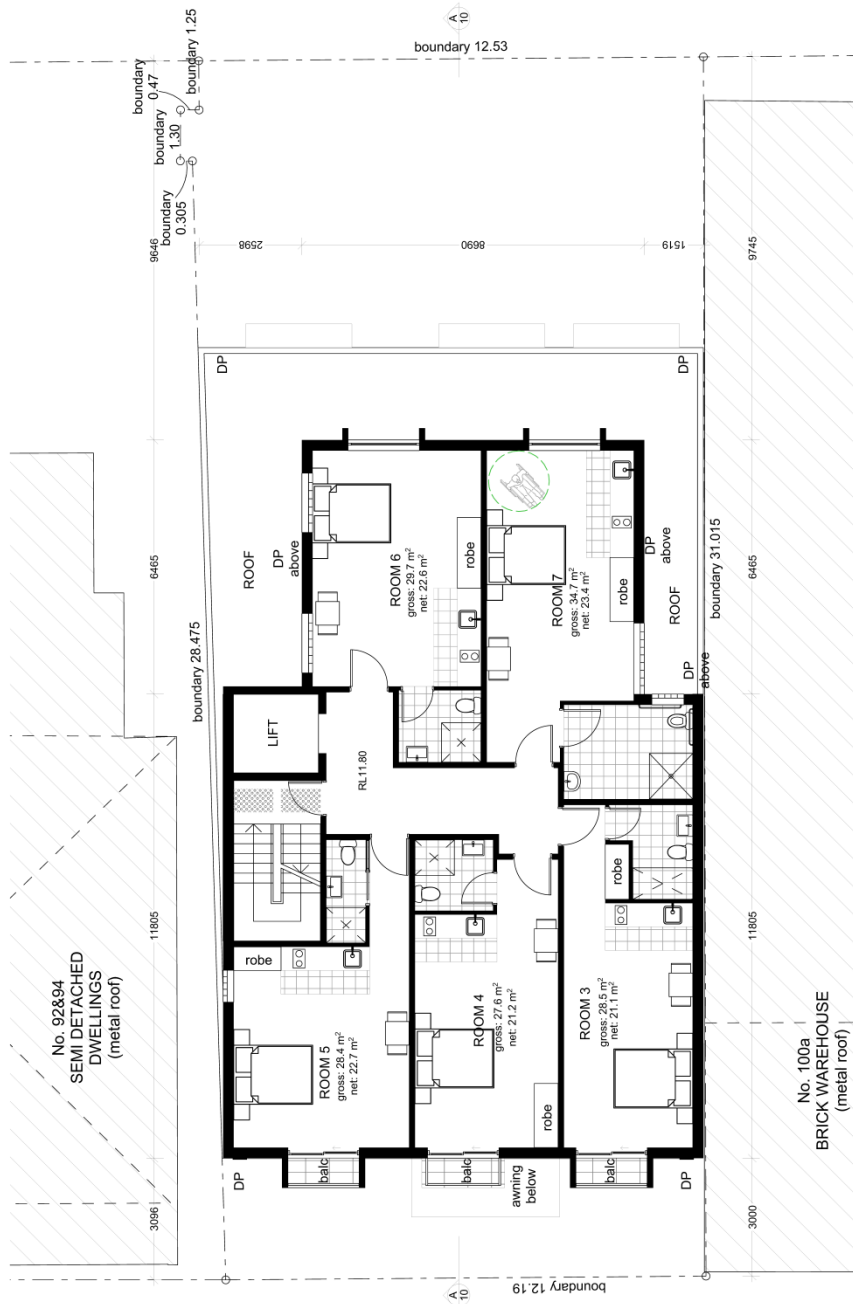
DATE: 22.11.2018
 23.05.2019

DESCRIPTION: DA Issue to Council
 Revised DA Issue to Council

SHEET TITLE: GROUND FLOOR PLAN

SCALE: 1:100 @ A3
 OVER: DA

SHEET SIZE: DRAWING: A3 DA03 b
 REVISION:



FIRST FLOOR PLAN
SCALE: 1:100

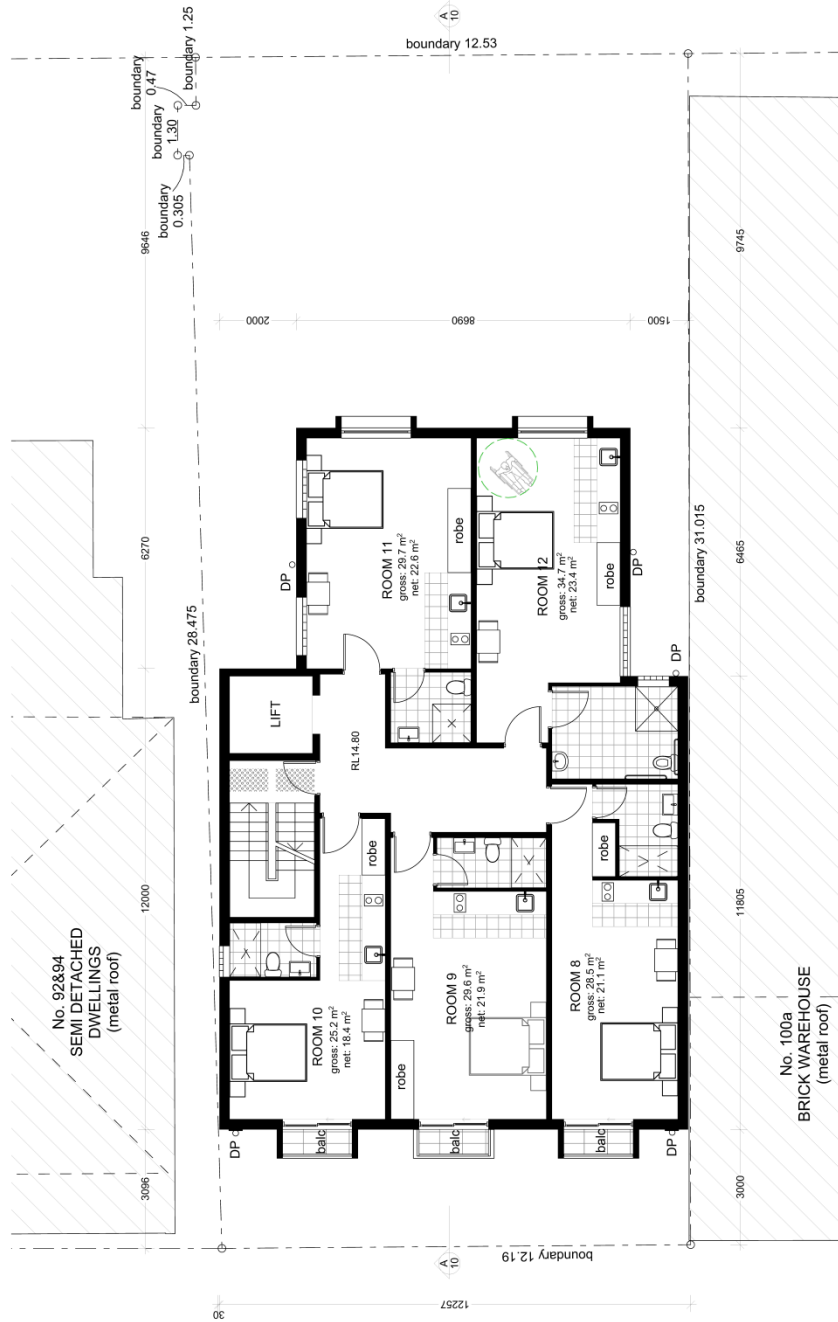
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ISSUE A 22.11.2018 DA Issue to Council
ISSUE B 23.05.2019 Revised DA Issue to Council

PROJECT: Proposed Boarding House Development
CLIENT: 95-88 May Street, St Peters
DRAWN: BA
SHEET SIZE: DWA04 b
REVISION: A3 DA04 b

SHEET TITLE: FIRST FLOOR PLAN



SECOND FLOOR PLAN
SCALE: 1:100

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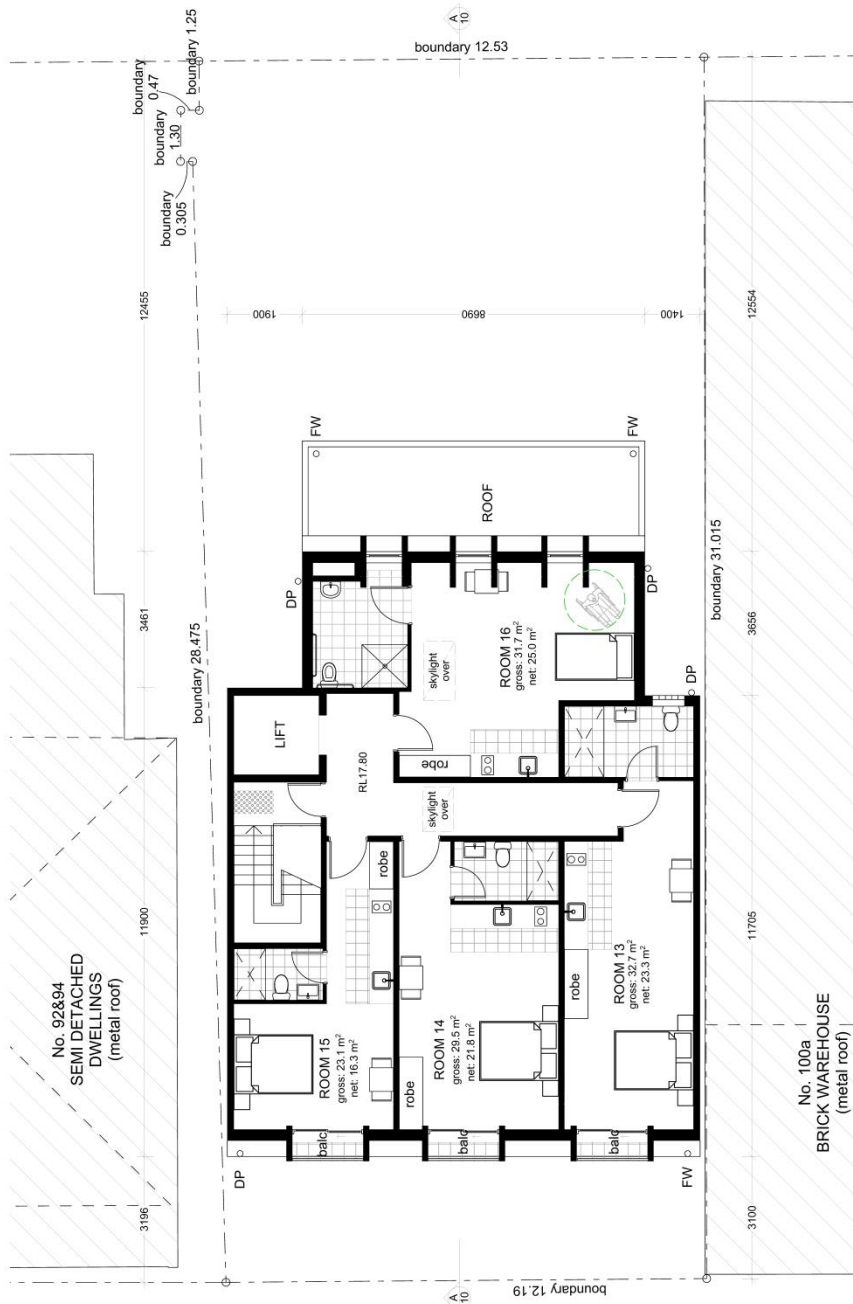
PROJECT: Proposed Boarding House Development
 96-98 Mylly Street, St Peters
Kent Cooves
 96-98 Mylly Street, St Peters

ISSUE: A 22.11.2018 DA Issue to Council
 B 23.05.2019 Revised DA Issue to Council

DESCRIPTION: Revised DA Issue to Council

SCALE: 1:100 @ A3
DRAWN: BA

REVISION: A3 DA05 b



THIRD FLOOR PLAN
SCALE: 1:100

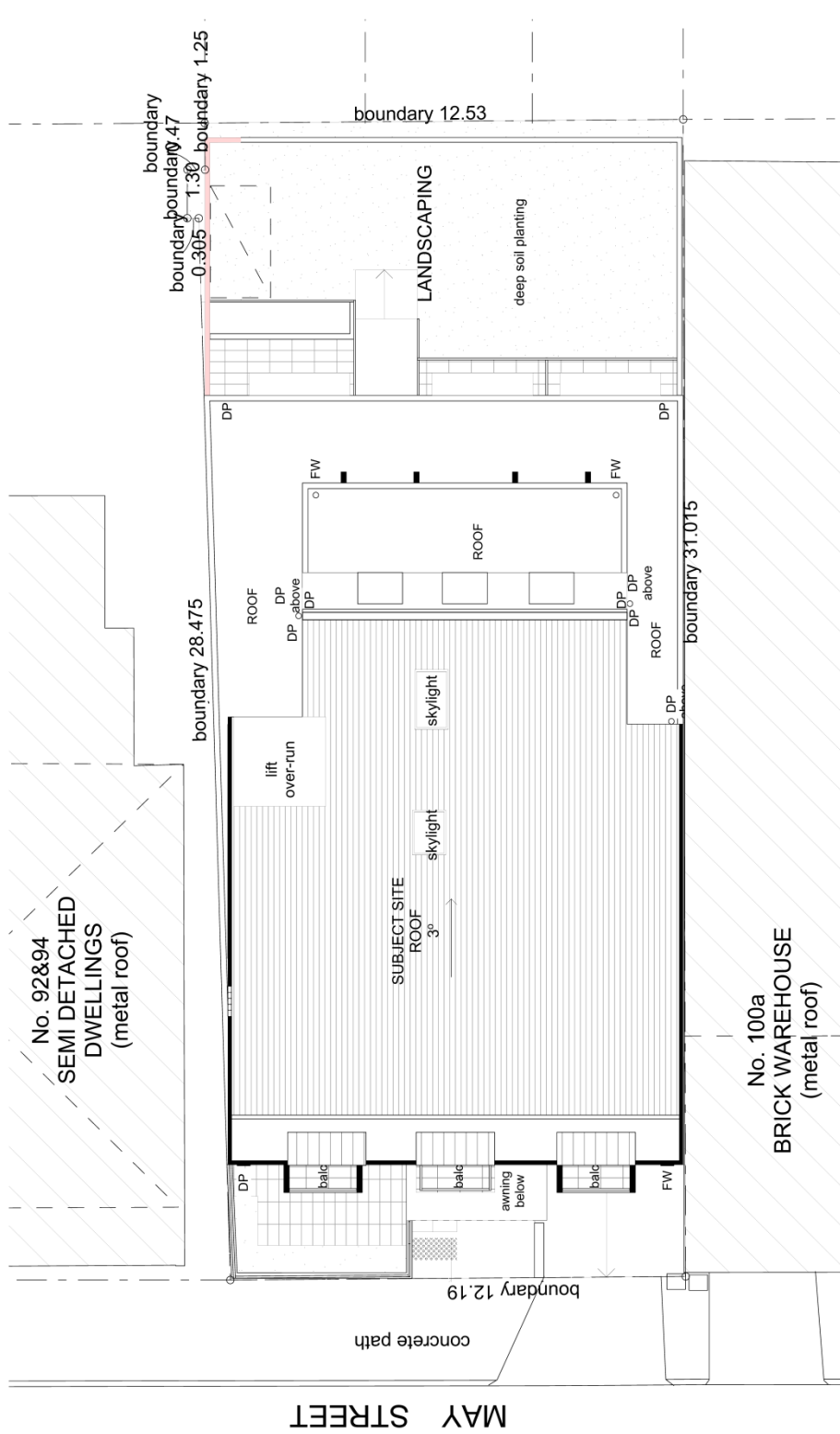
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ISSUE DATE DESCRIPTION
 A 22.11.2018 DA Issue to Council
 B 23.05.2019 Revised DA Issue to Council

PROJECT: Proposed Boarding House Development
 CLIENT: 95-98 May Street, St Peters
 DRAWN: BA
 SHEET SIZE: DWA NO: A3
 DRAWING NO: DA06 b

REVISION: A3 DA06 b



PROJECT: Proposed Boarding House Development
 CLIENT: Kent Geaves
 96-98 May Street, St Peters
 96-98 May Street, St Peters

DESCRIPTION: DA Issue to Council
 Revised DA Issue to Council

DATE: 22.11.2019
 23.05.2019

ISSUE: A
 B

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SCALE: 1:100 @ A3
 DRAWN: BA
 CHECKED: BA
 SHEET SIZE: DWG/A3
 RETURN: A3 DA07 b



NORTH ELEVATION (MAY STREET)
SCALE:1:100

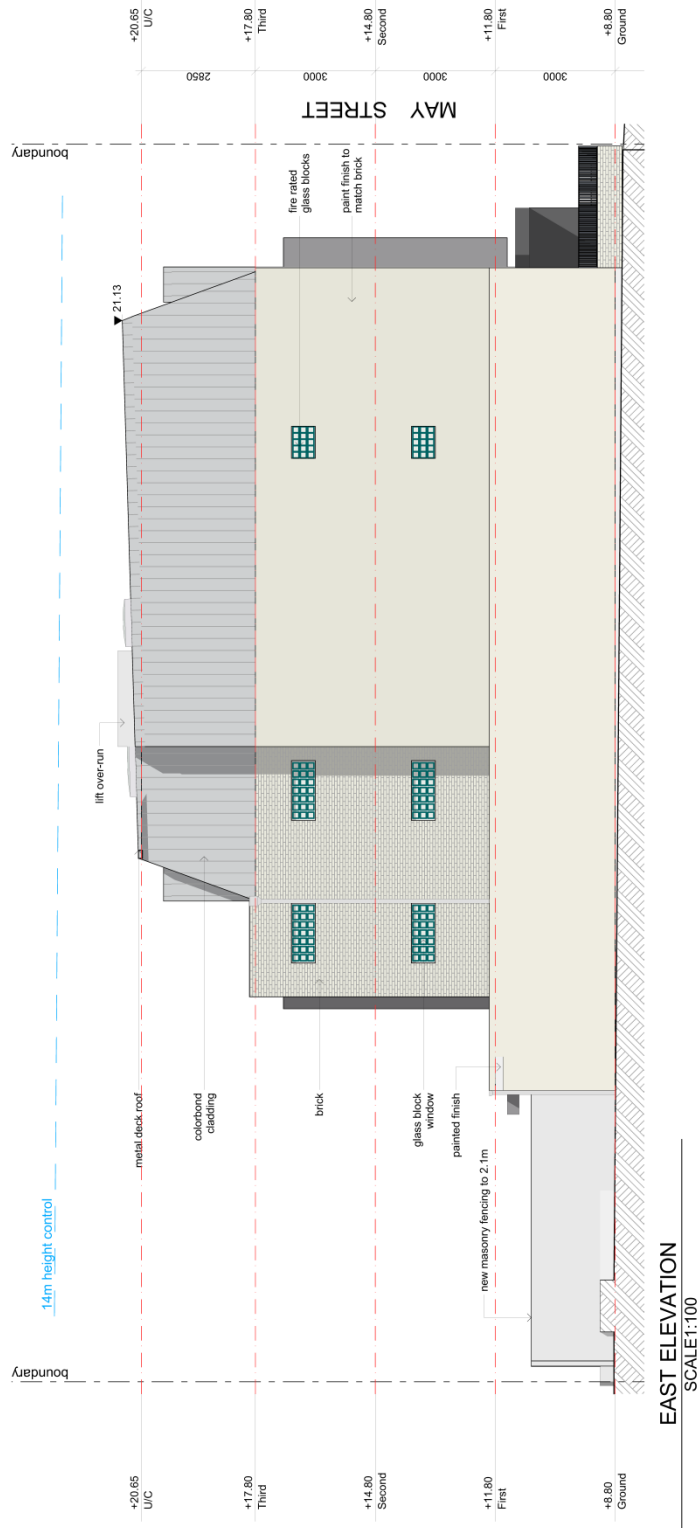
SOUTH ELEVATION
SCALE:1:100


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ISSUE	DATE	DESCRIPTION
A	22.11.2018	DA Issue to Council
B	23.05.2019	Revised DA Issue to Council

PROJECT: Proposed Boarding House Development
 CLIENT: 96-98 May Street, St Peters
 DRAWN: BA
 SHEET SIZE: DWG NO: A3
 SCALE: 1:100 @ A3
 REVISION: A3 DA08 b



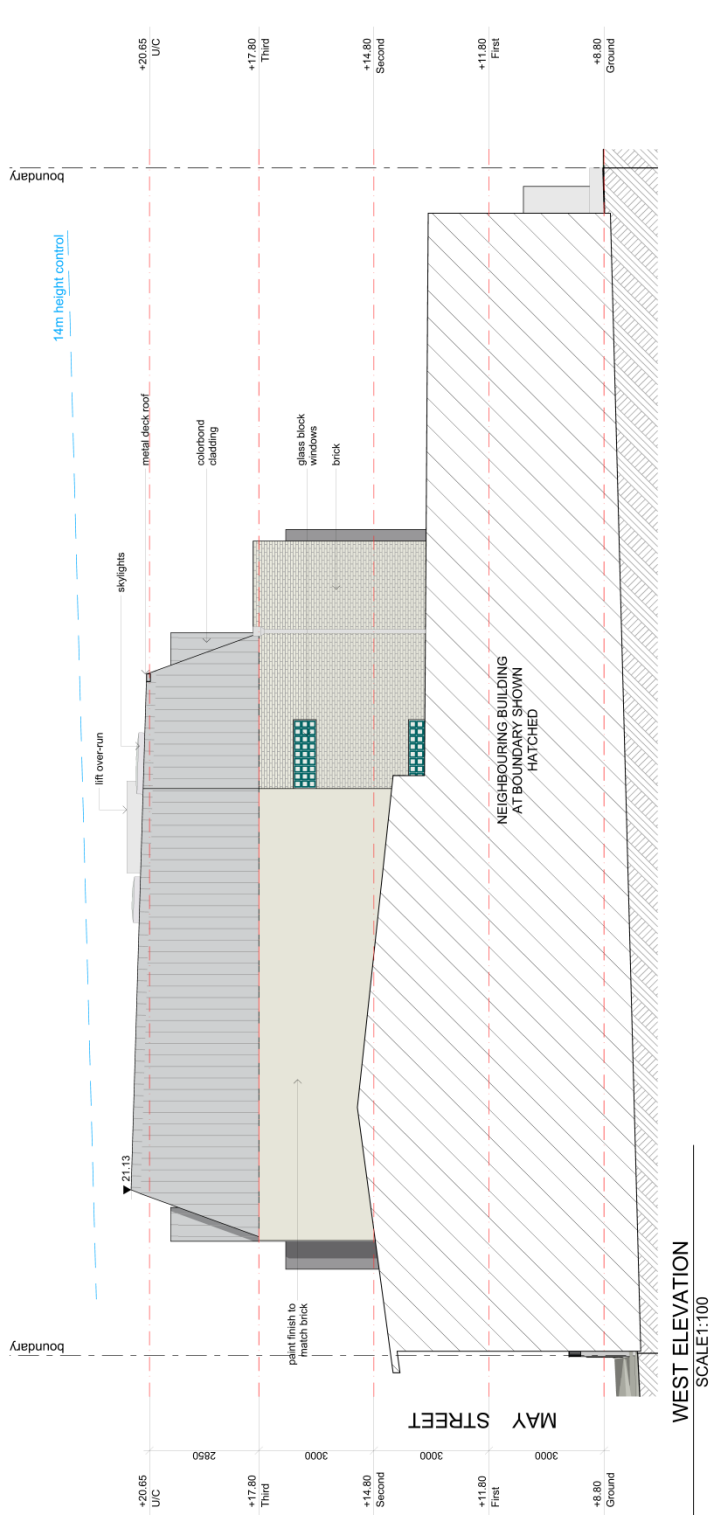
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REVISION	DATE	DESCRIPTION
A	22.11.2018	DA Issue to Council
B	23.05.2019	Revised DA Issue to Council

PROJECT: Proposed Boarding House Development
 CLIENT: 96-98 May Street, St Paters
 Kent Geeves
 96-98 May Street, St Paters

SHEET TITLE: EAST ELEVATION
 SCALE: 1:100 @ A3
 DRAWING: BA
 SHEET NO: A3 DA09 b

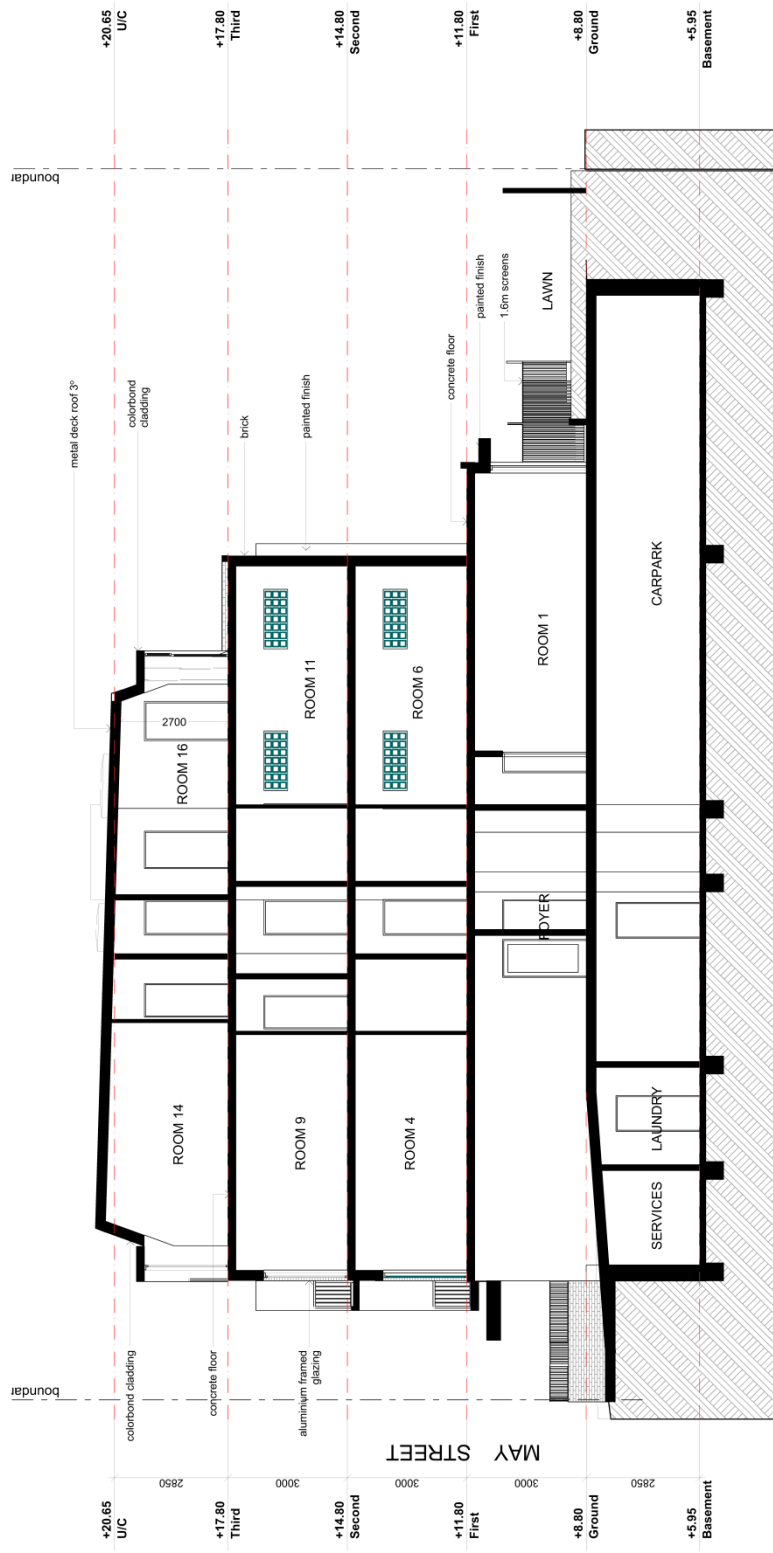


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A	22.11.2018	DA Issue to Council
B	23.05.2019	Revised DA Issue to Council

PROJECT: Proposed Boarding House Development
 CLIENT: 95-98 May Street, St Peters
 DRAWN: EJA
 SCALE: 1:100 @ A3
 SHEET TITLE: WEST ELEVATION
 SHEET SIZE: DWG A3
 REVISION: A3 DA10 b



SECTION
SCALE: 1:100

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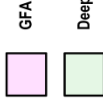
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ISSUE	DATE	DESCRIPTION
A	22.11.2018	DA Issue to Council
B	23.05.2019	Revised DA Issue to Council

PROJECT: Proposed Boarding House Development
 DEVELOPER: 99-08 May Street, St Peters
 CLIENT: Kent Geeves
 99-08 May Street, St Peters

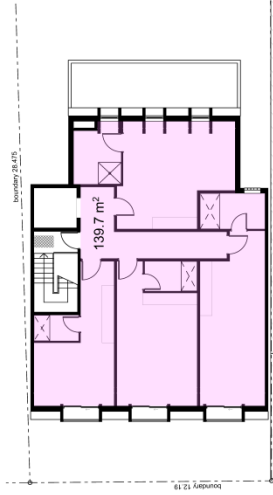
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 DRAWN: BA
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 REVISION:

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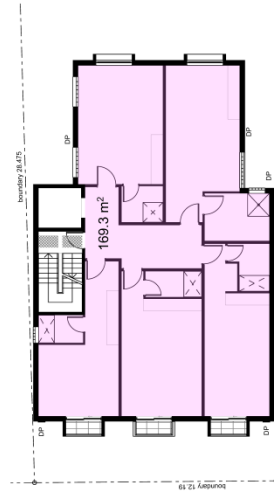


CALCULATIONS	
Site Area	392m ²
Allowable FSR	1.2 : 1
Bonus FSR	0.5
	= 1.7 : 1
	= 666.4m ²
Ground:	155.5m ²
First:	169.3m ²
Second:	169.3m ²
Third:	139.7m ²
TOTAL	633.8m²
	= 1.62 : 1

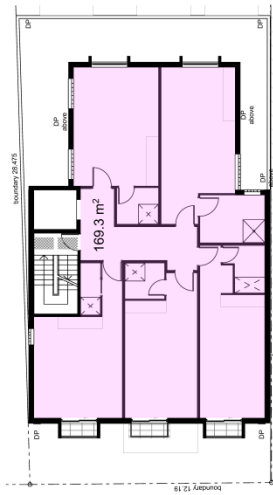
Deep Soil
Proposed 72.3m²



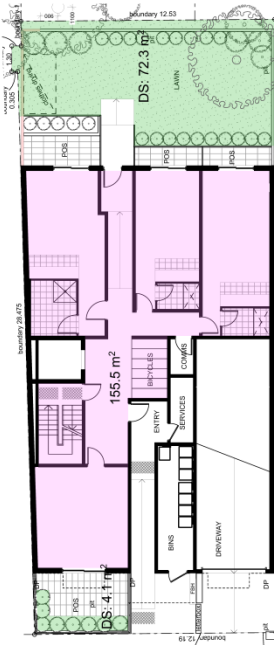
GFA THIRD
SCALE 1:200



GFA SECOND
SCALE 1:200



GFA FIRST
SCALE 1:200



GFA GROUND
SCALE 1:200

PROJECT: Proposed Boarding House Development
 DEVELOPER: Kent Geeves
 96-98 Willy Street, St Peters

SHEET TITLE: AREA CALCULATIONS

SCALE: 1:200 @ A3
 ORIENT: BA

SHEET SIZE: DIN A3
 DRAWING NO: A3 DA12 b

REVISION

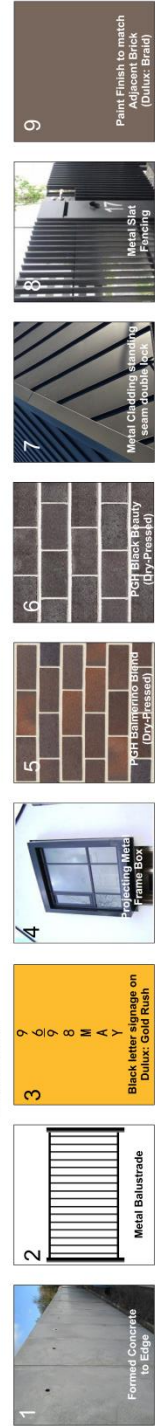
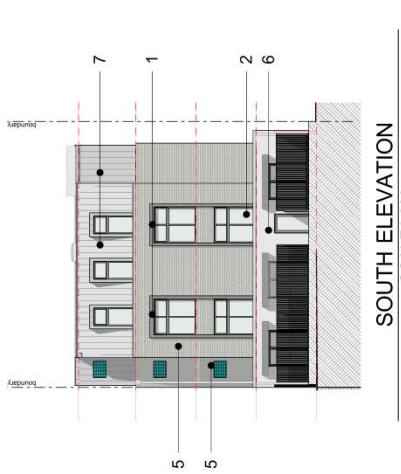
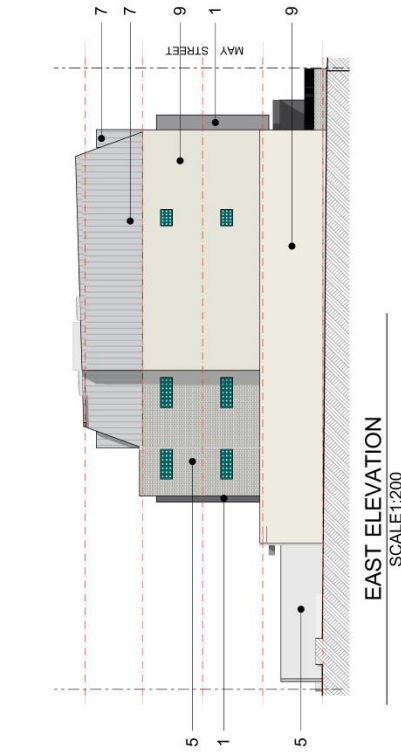
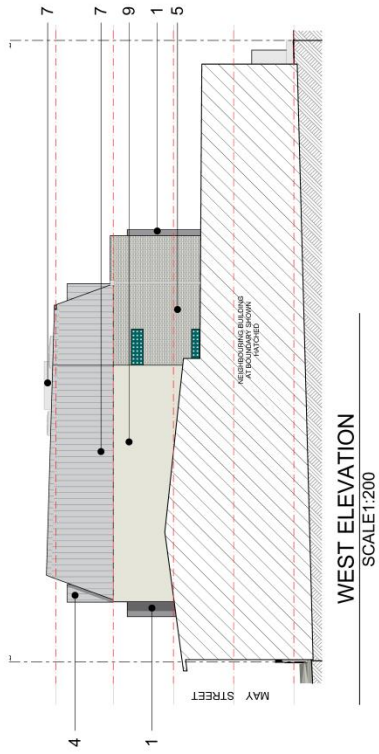
DATE: 22.11.2018
 DESCRIPTION: DA Issue to Council
 Revised DA Issue to Council

DATE: 20.05.2019
 DESCRIPTION: Revised DA Issue to Council



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PROJECT: Proposed Boarding House Development
CLIENT: Kent Cevees
96-98 May Street, St Peters
96-98 May Street, St Peters

ISSUE: A 22.11.2018 DA Issue to Council
B 23.05.2019 Revised DA Issue to Council

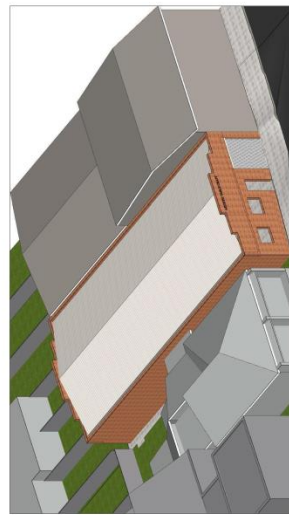
DESCRIPTION: DA Issue to Council
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DATE: 22.11.2018
23.05.2019

SHEET TITLE: EXTERNAL FINISHES

SCALE: 1:200 @ A3
DRAWN: BA
CHECKED: CH/AS
DATE: 08/05/2019

REVISION: A3 DA13 b



EXISTING - 11am



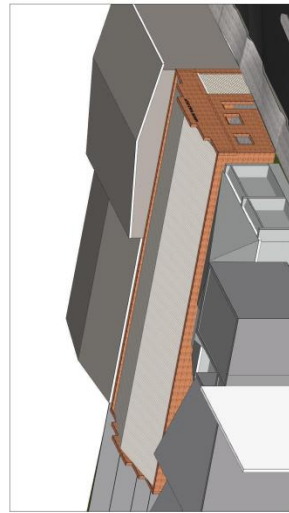
PROPOSED - 11am



EXISTING - 10am



PROPOSED - 10am



EXISTING - 9am



PROPOSED - 9am

PROJECT: Proposed Boarding House Development
 99-99 May Street, St Peters
 CLIENT: Kent Geaves
 99-99 May Street, St Peters

DATE: 22.11.2018
 DESCRIPTION: DA Issue to Council

SHEET TITLE: SUN-EYE VIEW DIAGRAMS 9am-11am
 WINTER SOLSTICE

SCALE: @ A3
 DRAWN: BA
 SHEET SIZE: DWG NO
 REVISION: A3 DA16 a

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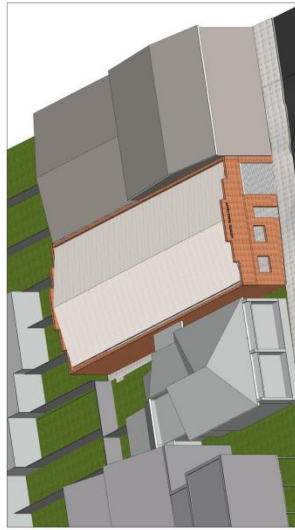
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EXISTING - 1pm



PROPOSED - 1pm



EXISTING - 12noon



PROPOSED - 12noon

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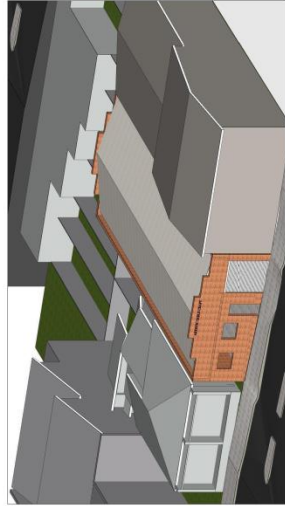
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 8/11/17
 Suite 101, 8/11/17, St. Marks NSW 2017
 ph: (02) 8003 4074, mob: (0419) 670 109, fax: (02) 8003 8674
 email: office@archispectrum.com.au A.B.N. 40 896 097 144

PROJECT: Proposed Boarding House Development
 98-98 May Street, St Peters
 CLIENT: Kent Geoves
 98-98 May Street, St Peters

ISSUE: A
 DATE: 22.11.2018
 DESCRIPTION: DA Issue to Council

SHEET TITLE: SUN-EYE VIEW DIAGRAMS 12noon-1pm WINTER SOLSTICE

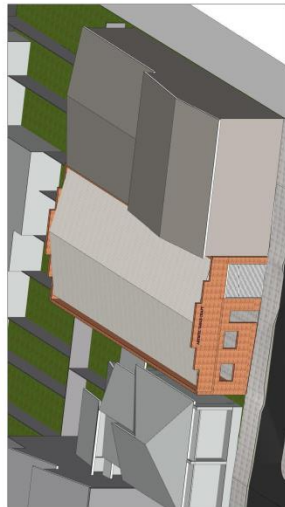
SCALE: 1:100
 DRAWN: DA
 SHEET SIZE: A3
 DRAWING NO: A3 DA17 a
 REVISION:



EXISTING - 3pm



PROPOSED - 3pm



EXISTING - 2pm



PROPOSED - 2pm


ARCHITECTURAL SPECTRUM
 ARCHITECTS
 ph: (02) 8600 4074 mob: (04) 910 070 fax: (02) 8600 9674
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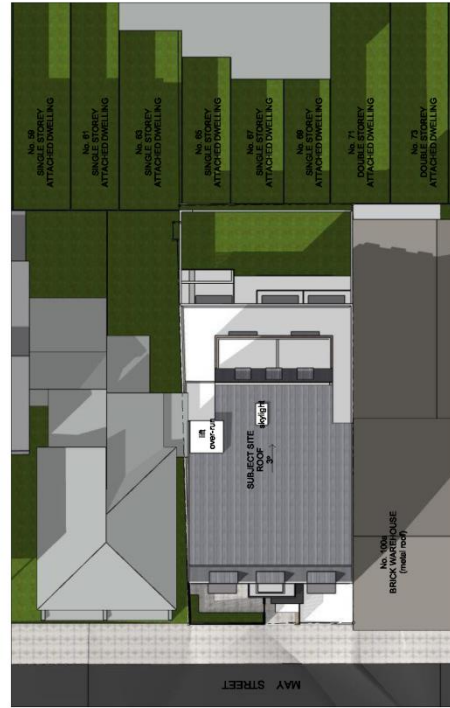
ISSUE	DATE	DESCRIPTION
A	22.11.2018	DA Issue to Council

PROJECT: Proposed Boarding House Development
 96-98 May Street, St Peters
 CLIENT: Kent Geaves
 96-98 May Street, St Peters

SHEET TITLE: SUN-EYE VIEW DIAGRAMS 2pm-3pm
 WINTER SOLSTICE
 SCALE: @ A3
 DRAWN: SA
 SHEET SIZE: A3
 DIVISION: DA18 a
 REVISION:



EXISTING - 10 am



PROPOSED - 10 am



EXISTING - 9 am



PROPOSED - 9 am

PROJECT: Proposed Boarding House Development
 96-98 May Street, St Peters
 CLIENT: Kent Geaves
 96-98 May Street, St Peters

SHADE TITLE: SHADOW DIAGRAMS 9am-10am
 WINTER SOLSTICE

SCALE: 1:300 @ A3
 DRAWN: BA
 CHECKED: BA
 SHEET NO: A3 DA19 a

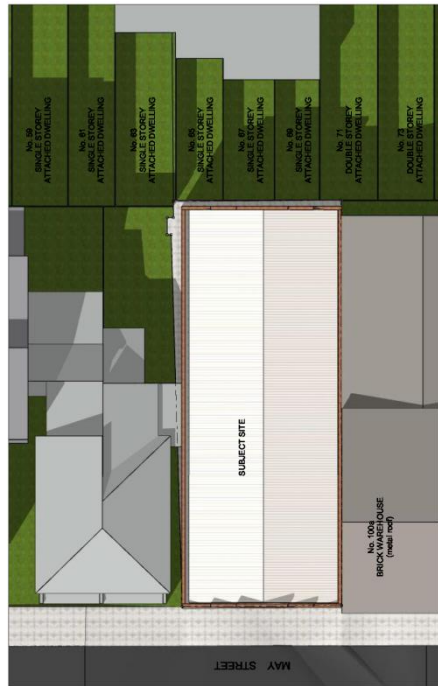
ISSUE: A
 DATE: 22.11.2018
 DESCRIPTION: DA Issue to Council

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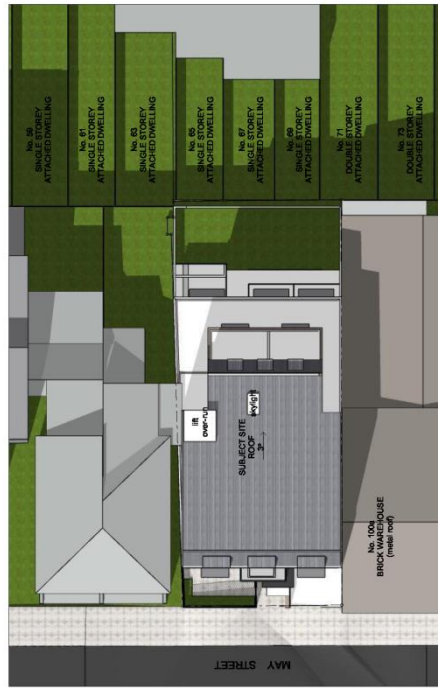
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 Ph: (02) 8003 8074 Fax: (02) 8003 8074
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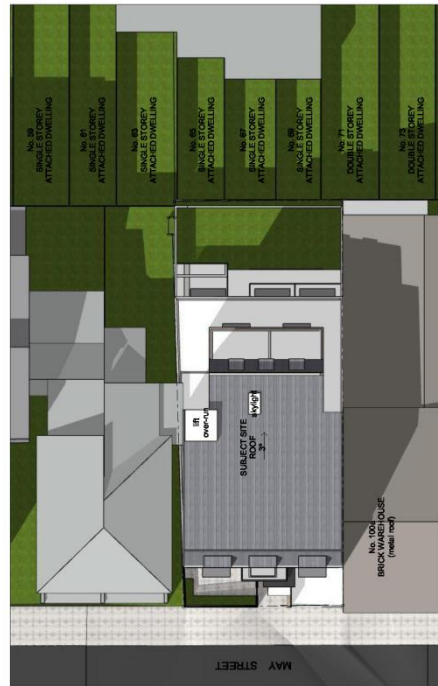
EXISTING - 12 noon



EXISTING - 11 am



PROPOSED - 12 noon



PROPOSED - 11 am

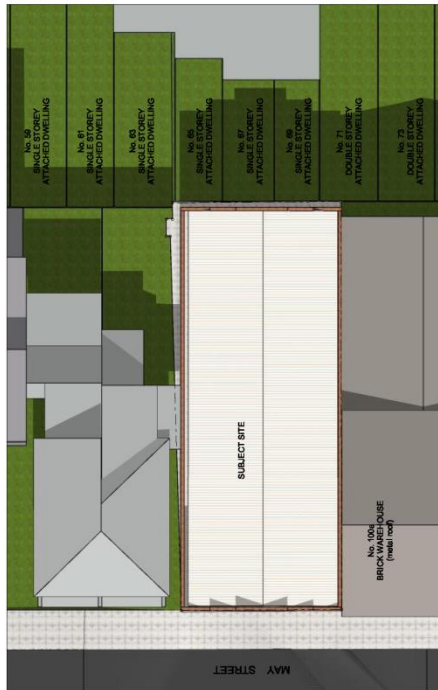
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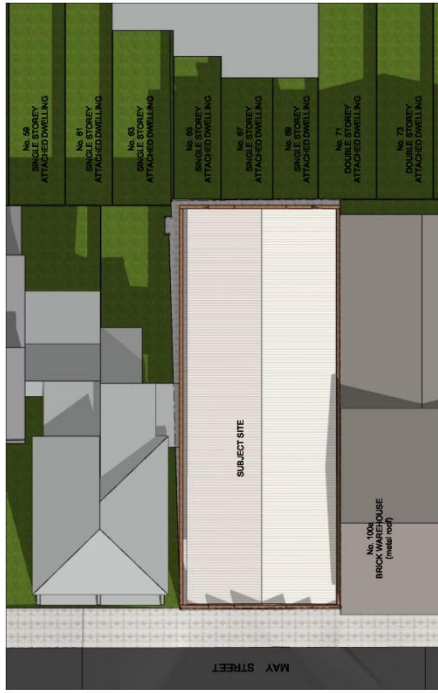
ISSUE: A DATE: 22.11.2018 DESCRIPTION: DA Issue to Council

PROJECT: Proposed Boarding House Development
 98-99 May Street, St Peters
 CLIENT: Kent Geaves
 98-99 May Street, St Peters

SHEET TITLE: SHADOW DIAGRAMS 11am-12noon
 WINTER SOLSTICE
 SCALE: 1:200 @ A3
 DRAWN: BA
 SHEET SIZE: DWG NO: A3 DA20 a
 REVISION:



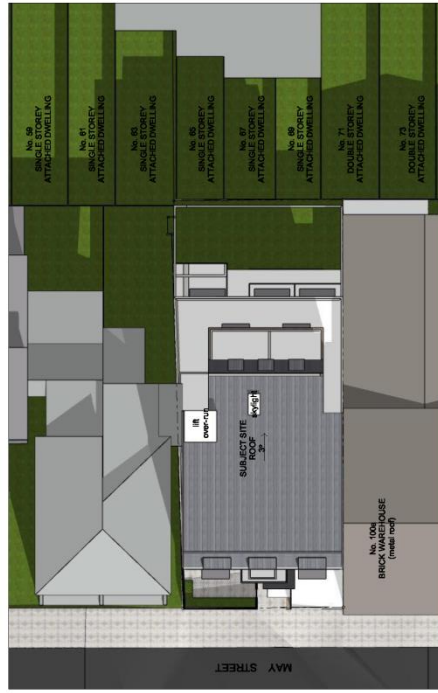
EXISTING - 1 pm



EXISTING - 2 pm



PROPOSED - 1 pm



PROPOSED - 2 pm

ARCHITECTURE SP=TRUM
 PHOTO
 8/1000 4074 mob: 04151875108 fax: (02) 8003 9974
 Suite C5, 8 Jane St, Waverley NSW 2017
 email: info@architecturum.com.au A.B.N. 60 998 007 144 BEFORE CONTINUING FURTHER WORK.

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ISSUE: A DATE: 22.11.2018 DESCRIPTION: DA Issue to Council

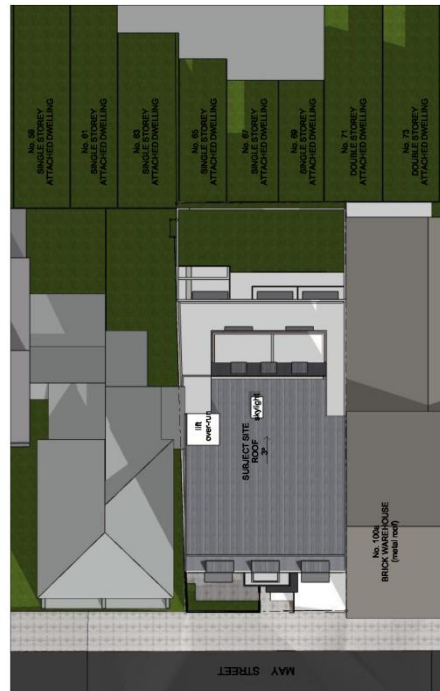
PROJECT: Proposed Boarding House Development
 CLARK: 98-98 May Street, St Peters
 CLIENT: Kent Cavayas
 98-98 May Street, St Peters

SHEET TITLE: SHADOW DIAGRAMS 1pm-2pm WINTER SOLSTICE
 SCALE: 1:300 @ A3
 SHEET SIZE: DMS A3
 REGION: DOWN, SA

A3 DA21 a



EXISTING - 3 pm



PROPOSED - 3 pm



 0000
 ARCHITECTURE SPECTRUM
 10/100 May Street, St Patricks NSW 1570
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ISSUE	DATE	DESCRIPTION
A	22.11.2018	DA Issue to Council

PROJECT: Proposed Boarding House Development
 96-98 May Street, St Patricks
 CLIENT: Kent Geaves
 96-98 May Street, St Patricks

SHEET TITLE: SHADOW DIAGRAMS 3pm WINTER SOLSTICE
 SCALE: 1:300 @ A3
 SHEET SIZE: DWG NO. A3 DA22 a
 REVISION:

Attachment C – Plan of Management

Statement of Environmental Effects

96–98 May Street, St Peters

**Plan of Management
for the operation of a
Boarding House
at
96–98 May Street, St Peters**

December 2018

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1. PURPOSE OF PLAN

This Plan of Management forms part of the development consent for the proposed Boarding House at 96-98 May Street, St Peters.

The primary purpose of this Plan of Management is to ensure the boarding house maintains a high level of amenity for neighbouring properties and for all residents. To achieve these outcomes the following matters are included:

- General site management
- Amenity of occupants
- Amenity of adjoining neighbours
- House rules
- Fire safety of the premises including emergency management and evacuation
- Occupational Health and Safety
- Car Parking, Care Share and Delivery access
- Internal and external cleanliness and appearance, including communal areas and individual units
- Complaints register

The primary responsibility for enforcing the requirements of this Plan of Management and the associated development consent is the Boarding House Manager (the Manager). The Manager is responsible for the operation of the boarding house.

The Manager must ensure that all residents and staff are made familiar with, understand and abide by this Plan of Management.

2. STAFFING ARRANGEMENTS

Staffing arrangements are as follows:

Off site Manager: xxxx

Landline: xxx

24 hour contact by mobile phone xxx or email xxxx

The Manager shall be contactable 24 hours per day, 7 days per week.

All residents, and the Council, must be notified immediately of any change of Manager or any temporary arrangements during periods of absence of the permanent Manager.

These contact details are to be displayed in a prominent location near the front entry so that they are clearly visible to members of the public at all times.

Statement of Environmental Effects

96–98 May Street, St Peters

These contact details must be kept up to date, inclusive of any temporary arrangements and temporary contact details.

The Manager will be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the conditions of both the Plan of Management and the Development Consent for the boarding house.

3. OCCUPANCY AGREEMENT

All residents must receive and sign an Occupancy Agreement, which complies with the Occupancy Principles set out in the NSW Boarding Houses Act 2012 or whichever legislative provisions apply at the time of commencing residency. The Occupancy Agreement is to be for a minimum term of 3 months. Copies of the signed Occupancy Agreements must be kept by the Manager.

At no time is any room to be advertised as or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.

Upon signing an Occupancy Agreement each tenant is to be provided with a printed copy of the following publications:

- (a) Guide to NSW Services for International Students (NSW Community Relations Commission)
- (b) Crime Stoppers Fact Sheets (NSW Police) in English, Chinese and Korean languages.
- (c) The Boarders & Lodgers Legal Information Kit (Redfern Legal Centre)
- (d) Fact Sheet 14 – Boarders and Lodgers (Tenants Union of NSW)
- (e) A copy of the Plan of Management

A copy of the Occupancy Agreement will be held by the boarding house operator to verify that the material has been issued.

The publications and factsheets will be updated every 12 months and where not available similar information will be provided.

4. HOUSE RULES

House Rules for residents (resident and guest behaviour, activities, noise, visitor policy, use of alcohol and drugs and any other relevant rules) are attached to this Plan of Management and will be displayed on the public notice board and within each individual room.

5. OCCUPANCY RATES FOR EACH BEDROOM

The occupancy rates for each room, room furnishings, communal areas and facilities and access and facilities for people with a disability are illustrated in the attached plans (see attached floor plan).

The maximum capacity of each room is to be strictly observed; comprising of 3 single boarding rooms and 14 double boarding rooms. The maximum number of residents shall be 31.

6. REGISTER OF OCCUPANTS

An up to date accommodation register is to be kept by the Manager at all times and provided to Council's officers upon request. The register must include the following:

- Residents' details, including names and contact number(s)
- Length of stay.

7. PARKING

Parking spaces are provided for bicycle, motorcycle and car parking as follows:

- 6 bicycle spaces
- 4 motorbike spaces
- 4 car spaces
- 1 disabled car space
- 1 shared space to be used in conjunction with the disabled space and, by prior arrangement only, as a loading zone

These spaces are available for use only by the residents and any person authorised by the manager.

The rules for the use of the parking spaces are set out below.

Six bicycle spaces

1. These spaces are provided at the ground floor level.
2. None of the spaces are allocated to any individual room.
3. Bicycles stored in this area must be locked.
4. Care must be taken when parking bicycles and leaving the space so that other bicycles are not damaged.
5. Use of these spaces is limited to one bicycle per resident.

Four motorbike spaces

1. These spaces are provided at the basement level.
2. None of the spaces are allocated to any individual room.
3. Motorbikes stored in this area must be locked.
4. Care must be taken when parking motorbikes and leaving the space so that other motorbikes are not damaged.
5. Use of these spaces is limited to one motorcycle per resident.

Four car spaces

1. These spaces are provided at the basement level.
2. Subject to these rules, the 4 the car spaces are to be allocated by the manager for use by 4 residents.
3. None of the spaces are allocated to any individual room on a permanent basis.
4. Use of these spaces is limited to one vehicle per resident.

One Disabled Space and Shared Zone

1. These spaces are provided at the basement level.

Statement of Environmental Effects

96-98 May Street, St Peters

2. The disabled space may only be used by residents with a current authorised disabled permit. The space may not be allocated to any individual room on a permanent basis.
3. Subject to (4) below the Shared Zone adjacent to the disabled space must be kept clear at all times when the disabled space is in use or anticipated to be in use. Vehicular access to it is prevented by a lockable bollard. This zone is required for safe access to a vehicle by a person in a wheelchair.
4. The only exception to the use of the Shared Zone is for the pre-arranged use as a loading zone for the purpose of an organised loading or unloading of light furniture for an estimated time of 30 min,
5. Tenant must give 48 hours notice to the site manager for this use.
6. The site manager must notify and liaise with accessible uses of the disabled space regarding possible loading times,
7. The bollard to the shared zone it to be key locked and removed by only the manager for the purpose of the pre-arranged load or unload.
8. One person must stay within sight of the shared zone in case and unexpected accessible vehicle needs to use the space. Loading Vehicle may need to be shifted to accommodate the accessible person as priority.
9. A sign is to be erected adjacent to the shared spot: **To use the shared zone as a loading zone call site manager 48 hours prior.**
10. Loading / Unloading may only be carried out in a ute or van with a maximum height of 2100mm.

8. AMENITY OF TENANTS

All rooms are un-furnished unless furniture is requested by tenants as part of their rental agreements. All rooms include built-in wardrobes. The basement layout will allow for small vans with a maximum height of 2100mm to access and unload for delivery of furniture.

All rooms include kitchens, including cook tops, bar fridge, Microwaves, kettles, toasters etc. may be requested by tenants as part of their rental agreements. All rooms include a private bathroom.

Washing machines and dryers are provided on every floor.

Each room will be supplied with a sign on the back of the door containing the Manager's details and contact number and emergency contact numbers for essential services such as fire, ambulance, police and utilities such as gas and electricity.

Some outdoor furniture is provided for common use.

A payphone is available. This can be used for free emergency phone calls.

9. AMENITY OF NEIGHBOURHOOD

All residents, visitors and the Manager shall consider the amenity of the neighbours and shall take all reasonable measures to ensure their conduct does not impact adversely on the surrounding area.

A noise curfew applies to both indoor and outdoor areas, being no loud noise or other activities after 9:00pm and before 8:00am.

The use of the outdoor communal areas are restricted to between 8:00am and 9pm, 7 days a week.

Smoking is not permitted within the building at any time.

The Manager reserves the right to terminate the lodging of any guests and vacate his/her room for violation of the House Rules.

Any complaints from neighbours shall be formally noted in a complaints register, which shall be held by the Manager and made publically available upon request. All complaints shall be investigated fully by the Manager and rectified as reasonably necessary. This may include the termination of the lodging of any resident and

vacation of his/her room for violation of the House Rules leading to a verified neighbour complaint.

10. VISITOR POLICY

Residents may entertain visitors in their room. Visitors must obey the House Rules and leave the premises by 10pm.

Any resident inviting visitors to the premises must accept full responsibility for them and their behaviour. In the event of any serious misconduct by the visitor of a resident, the resident may also be asked to leave the premises and be asked to pay for damages if required.

Visitors are not permitted in the common room or to use common facilities.

The entertainment of visitors is to be limited to the resident's room.

11. WASTE MANAGEMENT

Details regarding waste minimisation, recycling and collection arrangements, including the servicing of sharps and sanitary napkin receptacles are included in the waste management plan and on a sign in the waste room. These include the following:

- General waste and recycle bins are provided in the garbage room.
- Separate bins are provided in the communal bathroom for sanitary napkin disposal.
- Residents are required to clean their rooms and to put sorted waste into the common rubbish and recycling bins (room service can be arranged by request at cost).
- Details of Council Bulky items free pick up days

The manager will provide assistance with accessing waste facilities, as required. On vacating, tenants must make the appropriate arrangements, either directly with Council or via the manager, for the collection of any bulky waste items.

12. CLEANING OF PREMISES

All common areas will be regularly cleaned with a minimum of three professional cleaning services on a minimum of a weekly basis. Pest and vermin control is undertaken every 12 months.

13. SECURITY

CCTV and perimeter sensor lights are installed within and outside of the building to ensure appropriate surveillance and security.

CCTV cameras are installed to monitor front entrance, common room and communal open space areas.

Sensor lights are installed outside the building to light up the front entrance and communal open space areas with sensor of daylight and motion.

All doors are security locked. All residents to have their own keys to their individual units.

Keys for security entrance doors are to be made available to essential services such as fire brigade in case of emergency.

A landline is available in the common room for emergency phone calls.

14. ACCESSIBILITY

An intercom is installed at the front entrance to the site with a sign that contains the contact details of the site manager in order to enable disabled access and loading and unloading.

15. FIRE SAFETY

The Manager is to be responsible for the maintenance and fire safety of the building

A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the entry foyer area.

A floor plan must be permanently fixed to the inside of the door of each residential room to indicate the available emergency egress routes from each room.

Residents must familiarise themselves with the fire safety and evacuation procedures located in the reception area and back of room doors, location of fire blankets and fire extinguishers.

16. EMERGENCY EVACUATION PROCEDURES

Statement of Environmental Effects

96–98 May Street, St Peters

An Emergency Management and Evacuation Plan to include events including flooding is to be prepared for the building and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate and is to be attached to this Plan of Management. Staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.

A floor plan must be permanently fixed to the inside of the door of each residential room to indicate the available emergency egress routes from each room.

Evacuation shall take place to an assembly point.

A landline is available for emergency phone calls.

In an emergency dial 000.

17. INTERNAL SIGNAGE

The following internal signage will be provided on site in a prominent communal area:

- Name and contact number of Manager
- Emergency contacts for essential services
- House Rules
- Copy of the annual fire safety statement and current fire safety schedule

Floor plans will be provided to the inside of each door to indicate the available emergency egress routes from the respective bedroom.

A floor plan must be permanently fixed to the inside of the door of each residential room to indicate the available emergency egress routes from each room.

18. HANDLING OF COMPLAINTS

A Complaints Register will be maintained by the Manager, which includes the following information:

- Complaint date and time
- Name, address and contact details of person making the complaint
- Nature of complaint
- Action undertaken by premises to resolve the complaint
- Follow up and outcome.

The Manager is to maintain a complaints register of both public (external) and occupant (internal) complaints.

Statement of Environmental Effects

96–98 May Street, St Peters

The register will contain forms to be completed by the Manager, occupants and/or complainants. The form is to record the name, addresses, phone number and date of any person making a complaint and the details of the complaint. Only complaints where all the above information is given are to be recorded in the register.

The Manager (or, where appropriate, the owner) will respond to a complaint whether written or oral within 24 hours by telephone and provide the reference number of the complaint.

The Manager will respond within 7 days to a complaint in writing. Should more than 7 days be required to respond to the complaint, the Manager will advise the complainant of why additional time is required to address the issue and provide an approximate time frame to enable a response.

The complainant may request a meeting with the Manager to discuss the issue. The Manager will keep minutes of any such meeting and attach these minutes to the Complaint Register.

Incident Reports can be lodged by any person relating to an incident, crime, or nuisance associated with the premises. An Incident Report form will be made available by the Manager upon request. Incident Reports will be lodged with the Manager and actioned in accordance with the procedure outlined above.

19. STAFF TRAINING

Details of training and induction procedures to ensure that staff are aware of the provisions and requirements of the Plan of Management and emergency procedures are to be maintained.

20. REVIEW OF PLAN OF MANAGEMENT

The Plan of Management will be reviewed on an annual basis and completed prior to 30 June of each year.

The Manager is responsible for overseeing each annual review and amending the Plan of Management as necessary.

The Plan of Management (including House Rules) may be varied from time to time by the Council, on the application of the owner/Manager, without the need for formal modification of the development consent.

Once modified, the Manager is to provide an updated copy of the Plan of Management to all occupants.

Date –

Attached: House Rules
Floor Plans

HOUSE RULES

1. Alcohol - Alcohol is prohibited from being consumed in the public areas fronting the boarding house.
2. Smoking - Smoking is not permitted inside any part of the boarding house.
3. Guests - Residents must make sure their guests are aware of, and follow, the House Rules. No guests are allowed into the boarding house before 7:00am and after 10:00pm.
4. Security - The front door of the premises is to be locked at all times. No one is to be let into the premises who has no legitimate reason to be there.
5. Outdoor communal area - The use of the outdoor communal area is restricted to between 8:00am and 9:00pm, 7 days a week.
6. Indoor communal area - The indoor communal areas will be available for use of occupants at all times between 6:00am and 10:00pm, 7 days a week.
7. Maintenance of rooms - Residents must maintain their rooms:
 - a. in a clean manner
 - b. in a way which does not interfere with the reasonable comfort of other residents
 - c. in a way which does not create a fire or health hazard.
8. Residents must not intentionally or recklessly damage or destroy any part of their rooms or a facility of the boarding house.